

## RULES OF PROCEDURE

### AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

THE COURT,

Having regard to the Treaty establishing the European Community, and in particular the sixth paragraph of Article 223 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the sixth paragraph of Article 139 thereof,

Whereas:

- (1) Article 225(2) and (3) of the EC Treaty and Article 140a(2) and (3) of the EAEC Treaty provide that there is to be a procedure for the review by the Court of Justice of the decisions of the Court of First Instance where that Court has ruled on an appeal brought against a decision of a judicial panel or has given a ruling on questions referred for a preliminary ruling in specific areas laid down by the Statute.
- (2) The conditions and limits applying to the review procedure have been laid down in Articles 62 to 62b of the Protocol on the Statute of the Court of Justice.
- (3) The Rules of Procedure should regulate the conduct of the review procedure and lay down certain detailed rules to govern it.

With the Council's approval given on 23 June 2008.

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

#### *Article 1*

The Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991 (OJ L 176, 4.7.1991, p. 7, with corrigendum in OJ L 383, 29.12.1992, p. 117), as amended on 21 February 1995 (OJ L 44, 28.2.1995, p. 61), 11 March 1997 (OJ L 103, 19.4.1997, p. 1, with corrigendum in OJ L 351, 23.12.1997, p. 72), 16 May 2000 (OJ L 122, 24.5.2000, p. 43), 28 November 2000 (OJ L 322, 19.12.2000, p. 1), 3 April 2001 (OJ L 119, 27.4.2001, p. 1), 17 September 2002 (OJ L 272, 10.10.2002, p. 24, with corrigendum in OJ

L 281, 19.10.2002, p. 24), 8 April 2003 (OJ L 147, 14.6.2003, p. 17), 19 April 2004 (OJ L 132, 29.4.2004, p. 2), 20 April 2004 (OJ L 127, 29.4.2004, p. 107), 12 July 2005 (OJ L 203, 4.8.2005, p. 19), 18 October 2005 (OJ L 288, 29.10.2005, p. 51), 18 December 2006 (OJ L 386, 29.12.2006, p. 44) and 15 January 2008 (OJ L 24, 29.1.2008, p. 39) are hereby amended as follows:

1. The following shall be inserted after Article 123:

TITLE IVA

#### **REVIEW OF DECISIONS OF THE COURT OF FIRST INSTANCE**

##### *Article 123b*

A special Chamber shall be set up for the purpose of deciding, in accordance with Article 123d, whether a decision of the Court of First Instance is to be reviewed in accordance with Article 62 of the Statute.

That Chamber shall be composed of the President of the Court and of four of the Presidents of the Chambers of five Judges designated according to the order of precedence laid down in Article 6 of these Rules.

##### *Article 123c*

As soon as the date for the delivery of a decision to be given under Article 225(2) or (3) of the EC Treaty or Article 140a(2) or (3) of the EAEC Treaty is fixed, the Registry of the Court of First Instance shall inform the Registry of the Court of Justice. The decision shall be communicated immediately upon its delivery.

##### *Article 123d*

The proposal of the First Advocate General to review a decision of the Court of First Instance shall be forwarded to the President of the Court of Justice and notice of that transmission shall be given to the Registrar at the same time. Where the decision of the Court of First Instance has been given under Article 225(3) of the EC Treaty or Article 140a(3) of the EAEC Treaty, the Registrar shall forthwith inform the Court of First Instance, the national court, the parties to the proceedings before the national court and the other interested parties referred to in the second paragraph of Article 62a of the Statute of the proposal to review.

As soon as the proposal to review has been received, the President shall designate the Judge-Rapporteur from among the Judges of the Chamber referred to in Article 123b.

That Chamber, acting on a report from the Judge-Rapporteur, shall decide whether the decision of the Court of First Instance is to be reviewed. The decision to review the decision of the Court of First Instance shall indicate the questions which are to be reviewed.

Where the decision of the Court of First Instance has been given under Article 225(2) of the EC Treaty or Article 140a(2) of the EAEC Treaty, the Court of First Instance, the parties to the proceedings before it and the other interested parties referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice to review the decision of the Court of First Instance.

Where the decision of the Court of First Instance has been given under Article 225(3) of the EC Treaty or Article 140a(3) of the EAEC Treaty, the Court of First Instance, the national court, the parties to the proceedings before the national court and the other interested parties referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice as to whether or not the decision of the Court of First Instance is to be reviewed. Notice of a decision to review the decision of the Court of First Instance shall be given in the *Official Journal of the European Union*.

#### Article 123e

The decision to review a decision of the Court of First Instance shall be notified to the parties and the other interested parties referred to in the second paragraph of Article 62a of the Statute. The notification to the Member States, and the States, other than the Member States, which are parties to the EEA Agreement, as well as the EFTA Surveillance Authority, shall be accompanied by a translation of the decision of the Court of Justice in accordance with the provisions of the first and second subparagraphs of Article 104(1) of these Rules. The decision of the Court of Justice shall also be communicated to the Court of First Instance and, in cases involving a decision given by that

Court under Article 225(3) of the EC Treaty or Article 140a(3) of the EAEC Treaty, to the national court concerned.

Within one month of the notification referred to in the preceding paragraph, the parties and other persons to whom the decision of the Court of Justice has been notified may lodge statements or written observations on the questions which are subject to review.

As soon as a decision to review a decision of the Court of First Instance has been taken, the First Advocate General shall assign the review to an Advocate General.

After designating the Judge-Rapporteur, the President shall fix the date on which the latter is to present a preliminary report to the general meeting of the Court. That report shall contain the recommendations of the Judge-Rapporteur as to whether any preparatory steps should be taken, as to the formation of the Court to which the review should be assigned and as to whether a hearing should take place, and also as to the manner in which the Advocate General should present his views. The Court shall decide, after hearing the Advocate General, what action to take upon the recommendations of the Judge-Rapporteur.

Where the decision of the Court of First Instance which is subject to review was given under Article 225(2) of the EC Treaty or Article 140a(2) of the EAEC Treaty, the Court of Justice shall make a decision as to costs.'

2. Article 123a shall become Article 123f and Article 123b shall become Article 123g.

#### Article 2

These amendments to the Rules of Procedure, which are authentic in the languages referred to in Article 29(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following their publication.

Done at Luxembourg, 8 July 2008.