

RULES OF PROCEDURE

AMENDMENT OF THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

THE COURT OF JUSTICE,

Having regard to the Treaty on the Functioning of the European Union, and in particular the sixth paragraph of Article 253 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 63 thereof,

Whereas following the entry into force of the Rules of Procedure of the General Court on 1 July 2015, it is appropriate to insert into the Rules of Procedure of the Court of Justice a provision enabling the Court of Justice to deal appropriately, in appeals brought before it, with information or material which has been produced by a main party before the General Court in accordance with Article 105(1) or (2) of the Rules of Procedure of the General Court and which, owing to its confidential nature, has not been communicated to the other main party,

With the approval of the Council given on 6 July 2016,

HAS ADOPTED THE FOLLOWING AMENDMENT OF ITS RULES OF PROCEDURE:

Article 1

The following article is inserted in Title V, Chapter 8, of the Rules of Procedure of the Court of Justice of 25 September 2012 ⁽¹⁾:

'Article 190a

Treatment of information or material produced before the General Court in accordance with Article 105 of its Rules of Procedure

1. Where an appeal is brought against a decision of the General Court adopted in proceedings in which information or material has been produced by a main party in accordance with Article 105 of the Rules of Procedure of the General Court and has not been communicated to the other main party, the Registry of the General Court shall make that information or material available to the Court of Justice, on the conditions laid down in the decision referred to in paragraph 11 of that Article.
2. The information or material referred to in paragraph 1 shall not be communicated to the parties to the proceedings before the Court of Justice.
3. The Court of Justice shall ensure that the confidential matters contained in the information or material referred to in paragraph 1 are not disclosed in the decision which closes the proceedings or in any Opinion of the Advocate General.
4. The information or material referred to in paragraph 1 shall be returned to the party that produced it before the General Court as soon as the decision closing the proceedings before the Court of Justice has been served, save where the case is referred back to the General Court. In the latter case, the information or material concerned shall again be made available to the General Court, on the conditions laid down in the decision referred to in paragraph 5.
5. The Court of Justice shall adopt, by decision, the security rules for protecting the information or material referred to in paragraph 1. That decision shall be published in the *Official Journal of the European Union*.

⁽¹⁾ Rules of Procedure of the Court of Justice (OJ L 265, 29.9.2012, p. 1), as amended on 18 June 2013 (OJ L 173, 26.6.2013, p. 65).

Article 2

1. This amendment of the Rules of Procedure, authentic in the languages referred to in Article 36 of those Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the day of its publication.
2. The provisions of Article 190a shall apply only from the entry into force of the decision referred to in Article 190a(5).

Done at Luxembourg, 19 July 2016.
