

Official Journal

of the European Communities

ISSN 0378-6978

L 322

Volume 43

19 December 2000

English edition

Legislation

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

COURT OF JUSTICE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

of 28 November 2000

THE COURT,

Having regard to the Treaty establishing the European Community, and in particular the third paragraph of Article 245 thereof,

Having regard to the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community, and in particular Article 55 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the third paragraph of Article 160 thereof,

Whereas:

- (1) In certain particularly urgent cases, the Court should be able to give its ruling with the minimum of delay, and provision should be made for an expedited procedure in such cases.
- (2) In order to reduce the length of proceedings in direct actions, the time-limit for intervention should be shortened.
- (3) In order to adapt communications between the Court and the parties and other persons concerned to modern communication technology, rules should be laid down regarding the use of, in particular, telefaxes for the transmission of documents and consequential amendments should be made to the provisions concerning extensions, on account of distance, of prescribed time-limits.
- (4) It is necessary, in the light of experience, to clarify the wording of the provision relating to the lodging of a reply and a rejoinder in appeal proceedings,

With the unanimous approval of the Council given on 16 November 2000,

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 adopted on 19 June 1991⁽¹⁾, as amended on 21 February 1995⁽²⁾, 11 March 1997⁽³⁾ and 16 May 2000⁽⁴⁾, shall be amended as follows:

- 1) The following paragraph shall be added to Article 37:

'6. Without prejudice to the provisions of paragraphs 1 to 5, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by telefax or other technical means of communication available to the Court shall be deemed to be the date of lodgment for the purposes of compliance with the time-limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by the annexes and copies referred to in the second subparagraph of paragraph 1 above, is lodged at the Registry no later than ten days thereafter.'

- 2) The following subparagraph shall be inserted in Article 38(2) as the second subparagraph:

'In addition to, or instead of, specifying an address for service as referred to in the first subparagraph, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.'

and the present second subparagraph shall become the third subparagraph.

In the third subparagraph, the words 'with these requirements' shall be replaced by the words 'with the requirements referred to in the first and second subparagraphs', and '(1)' shall be inserted immediately after 'Article 79'.

⁽¹⁾ OJ L 176, 4.7.1991, p. 7, with corrigendum (OJ L 383, 29.12.1992, p. 117).

⁽²⁾ OJ L 44, 28.2.1995, p. 61.

⁽³⁾ OJ L 103, 19.4.1997, p. 1, with corrigendum (OJ L 351, 23.12.1997, p. 72).

⁽⁴⁾ OJ L 122, 24.5.2000, p. 43.

3) Article 44 shall be replaced by the following:

'Article 44

1. The President shall fix a date on which the Judge-Rapporteur is to present his preliminary report to the Court, either

- (a) after the rejoinder has been lodged, or
- (b) where no reply or no rejoinder has been lodged within the time-limit fixed in accordance with Article 41(2), or
- (c) where the party concerned has waived his right to lodge a reply or rejoinder, or
- (d) where the expedited procedure referred to in Article 62a is to be applied, when the President fixes a date for the hearing.

2. The preliminary report shall contain recommendations as to whether a preparatory inquiry or any other preparatory step should be undertaken and whether the case should be referred to a Chamber. It shall also contain the Judge-Rapporteur's recommendation, if any, as to the possible omission of the oral part of the procedure as provided for in Article 44a.

The Court shall decide, after hearing the Advocate General, what action to take upon the recommendations of the Judge-Rapporteur.

3. Where the Court orders a preparatory inquiry and does not undertake it itself, it shall assign the inquiry to the Chamber.

Where the Court decides to open the oral procedure without an inquiry, the President shall fix the opening date.'

4) The following shall be inserted after Article 62:

*'CHAPTER 3a***EXPEDITED PROCEDURES***Article 62a*

1. On application by the applicant or the defendant, the President may exceptionally decide, on the basis of a recommendation by the Judge-Rapporteur and after hearing the other party and the Advocate General, that a case is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules, where the particular urgency of the case requires the Court to give its ruling with the minimum of delay.

An application for a case to be decided under an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defence, as the case may be.

2. Under the expedited procedure, the originating application and the defence may be supplemented by a reply and a rejoinder only if the President considers this to be necessary.

An intervener may lodge a statement in intervention only if the President considers this to be necessary.

3. Once the defence has been lodged or, if the decision to adjudicate under an expedited procedure is not made until after that pleading has been lodged, once that decision has been taken, the President shall fix a date for the hearing, which shall be communicated forthwith to the parties. He may postpone the date of the hearing where the organisation of measures of inquiry or of other preparatory measures so requires.

Without prejudice to Article 42, the parties may supplement their arguments and offer further evidence in the course of the oral procedure. They must, however, give reasons for the delay in offering such further evidence.

4. The Court shall give its ruling after hearing the Advocate General.'

5. The present wording of Article 79 shall become Article 79(1) and the following paragraph shall be added:

'2. Where, in accordance with the second subparagraph of Article 38(2), the addressee has agreed that service is to be effected on him by telefax or other technical means of communication, any procedural document other than a judgment or order of the Court may be served by the transmission of a copy of the document by such means.

Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in paragraph 1 of this article. The addressee shall be so advised by telefax or other technical means of communication. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place where the Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being advised by telefax or other technical means of communication, that the document to be served has not reached him.'

6) Article 81(2) shall be replaced by the following:

'2. The prescribed time-limits shall be extended on account of distance by a single period of ten days.'

7) Article 93 shall be amended as follows:

(a) in the first subparagraph of paragraph 1, the words 'three months' shall be replaced by the words 'six weeks';

(b) the following paragraph shall be added:

'7. Consideration may be given to an application to intervene which is made after the expiry of the period prescribed in paragraph 1 but before the decision to open the oral procedure provided for in Article 44(3). In that event, if the President allows the intervention, the intervener may, on the basis of the Report for the Hearing communicated to him, submit his observations during the oral procedure, if that procedure takes place.'

8) The second subparagraph of Article 115(2) shall be replaced by the following:

'Article 37 and Article 38(2) and (3) of these Rules shall apply.'

9) Article 117 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. The appeal and the response may be supplemented by a reply and a rejoinder where the President, on application made by the appellant

within seven days of service of the response, considers such further pleading necessary and expressly allows the submission of a reply in order to enable the appellant to put forward his point of view or in order to provide a basis for the decision on the appeal. The President shall prescribe the date by which the reply is to be submitted and, upon service of that pleading, the date by which the rejoinder is to be submitted.'

(b) paragraph 3 shall be repealed.

10) Article 121 shall be replaced by the following:

'Article 121

The report referred to in Article 44(2) shall be presented to the Court after the pleadings provided for in Article 115(1) and, where appropriate, Article 117(1) and (2) have been lodged. Where no such pleadings are lodged, the same procedure shall apply after the expiry of the period prescribed for lodging them.'

Article 2

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

Done at Luxembourg, 28 November 2000.

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 225(4) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 32d(4) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 140a(4) thereof,

Having regard to the agreement of the Court of Justice,

Having regard to the unanimous approval of the Council given on 16 November 2000,

Whereas:

- (1) Following the entry into force of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, references to the EC Treaty must reflect the renumbering of the Articles of that Treaty effected by Article 12 of the Treaty of Amsterdam.
- (2) The wording of Article 5 of the Rules of Procedure must be adapted following the increase in the number of Members of the Court of First Instance brought about by the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.
- (3) In order to expedite proceedings before the Court of First Instance, it is necessary to provide the possibility for the Court to decide certain cases under an expedited procedure and to decide that there will be no reply or rejoinder. It is appropriate to adjust the time-limit and modalities for intervention by third parties.
- (4) It is necessary to regulate the transmission of documents by telefax. Provisions concerning the extension of time-limits on account of distance should take account of the current state of communications technology.
- (5) In order to resolve certain problems which may arise under the new procedure concerning disputes regarding public access to administrative documents, it is

necessary to provide for the Court of First Instance to be able to exclude the communication to the parties of documents the production of which must be ordered.

- (6) The adoption of practice directions to the parties regarding the written stage and the oral stage of the procedure should improve the course taken by proceedings,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991⁽¹⁾, as amended on 15 September 1994⁽²⁾, 17 February 1995⁽³⁾, 12 March 1997⁽⁴⁾ and 17 May 1999⁽⁵⁾, shall be amended as follows:

- 1) The references to the EC Treaty in the articles of the Rules of Procedure of the Court shall be amended as follows:
 - (a) in Article 7, '168a' becomes '225';
 - (b) in Article 24(7), '184' becomes '241';
 - (c) in Article 44(5a), '181' becomes '238';
 - (d) in Articles 69(4) and 110, '187 and 192' becomes '244 and 256';
 - (e) in Article 98, '173 and 175' becomes '230 and 232';
 - (f) in Article 104(1), '185' becomes '242' and '186' becomes '243'.
- 2) In the third paragraph of Article 5, the words 'seven Judges' shall be replaced by the words 'a majority of the Judges'.

⁽¹⁾ OJ L 136, 30.5.1991, p. 1.

⁽²⁾ OJ L 249, 24.9.1994, p. 17.

⁽³⁾ OJ L 44, 28.2.1995, p. 64.

⁽⁴⁾ OJ L 103, 19.4.1997, p. 6, with corrigendum (OJ L 351, 23.12.1997, p. 72).

⁽⁵⁾ OJ L 135, 29.5.1999, p. 92.

3) The following paragraph shall be added to Article 43:

'6. Without prejudice to the provisions of paragraphs 1 to 5, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by telefax or other technical means of communication available to the Court of First Instance shall be deemed to be the date of lodgment for the purposes of compliance with the time-limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by the annexes and copies referred to in the second subparagraph of paragraph 1, is lodged at the Registry no later than ten days thereafter.'

4) The following subparagraph shall be inserted in Article 44(2) as the second subparagraph:

'In addition to or instead of specifying an address for service as referred to in the first subparagraph, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.'

and the present second subparagraph shall become the third subparagraph.

In the third subparagraph, the words 'with these requirements' shall be replaced by the words 'with the requirements referred to in the first and second subparagraphs', and the words 'the first paragraph of' shall be inserted before the words 'Article 100'.

5) In Article 47(1), the following words shall be added after the word 'defendant':

'unless the Court of First Instance, after hearing the Advocate General, decides that a second exchange of pleadings is unnecessary because the documents before it are sufficiently comprehensive to enable the parties to elaborate their pleas and arguments in the course of the oral procedure. However, the Court of First Instance may authorise the parties to supplement the documents if the applicant presents a reasoned request to that effect within two weeks from the notification of that decision.'

6) Article 52 shall be replaced by the following:

'Article 52

1. Without prejudice to Article 49, the President shall,

- (a) after the rejoinder has been lodged, or
- (b) where no reply or no rejoinder has been lodged within the time-limit fixed in accordance with Article 47(2), or

(c) where the party concerned has waived his right to lodge a reply or rejoinder, or

(d) where the Court of First Instance has decided that there is no need, in accordance with Article 47(1), to supplement the application and the defence by a reply and a rejoinder, or

(e) where the Court of First Instance has decided that it is appropriate to adjudicate under an expedited procedure in accordance with Article 76a(1),

fix a date on which the Judge-Rapporteur is to present his preliminary report to the Court of First Instance.

2. The preliminary report shall contain recommendations as to whether measures of organisation of procedure or measures of inquiry should be undertaken and whether the case should be referred to the Court of First Instance sitting in plenary session or to a Chamber composed of a different number of Judges.

The Court of First Instance shall decide, after hearing the Advocate General, what action to take upon the recommendations of the Judge-Rapporteur.'

7) The following paragraph shall be added to Article 67:

'3. Subject to the provisions of Article 116(2) and (6), the Court of First Instance shall take into consideration only those documents which have been made available to the lawyers and agents of the parties and on which they have been given an opportunity of expressing their views.

Where it is necessary for the Court of First Instance to verify the confidentiality, in respect of one or more parties, of a document that may be relevant in order to rule in a case, that document shall not be communicated to the parties at the stage of such verification.'

Where a document to which access has been denied by a Community institution has been produced before the Court of First Instance in proceedings relating to the legality of that denial, that document shall not be communicated to the other parties.'

8) The following Chapter shall be inserted after Article 76:

'CHAPTER 3a

EXPEDITED PROCEDURES

Article 76a

1. The Court of First Instance may, on application by the applicant or the defendant, after hearing the other parties and the Advocate General, decide, having regard to the particular urgency and the circumstances of the case, to adjudicate under an expedited procedure.

An application for a case to be decided under an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defence.

By way of derogation from Article 55, cases on which the Court of First Instance has decided to adjudicate under an expedited procedure shall be given priority.

2. Under the expedited procedure, the pleadings referred to in Articles 47(1) and 116(4) and (5) may be lodged only if the Court of First Instance, by way of measures of organisation of procedure adopted in accordance with Article 64, so allows.

3. Without prejudice to Article 48, the parties may supplement their arguments and offer further evidence in the course of the oral procedure. They must, however, give reasons for the delay in offering such further evidence.'

- 9) The text of Article 100 shall become paragraph 1 and the following paragraph shall be added:

'2. Where, in accordance with the second subparagraph of Article 44(2), the addressee has agreed that service is to be effected on him by telefax or other technical means of communication, any procedural document other than a judgment or order of the Court of First Instance may be served by the transmission of a copy of the document by such means.

Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in paragraph 1. The addressee shall be so advised by telefax or other technical means of communication. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place where the Court of First Instance has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being advised by telefax or other technical means of communication, that the document to be served has not reached him.'

- 10) Article 102(2) shall be replaced by the following:

'2. The prescribed time-limits shall be extended on account of distance by a single period of ten days.'

- 11) Article 115(1) shall be replaced by the following:

'1. An application to intervene must be made either within six weeks of the publication of the notice referred to in Article 24(6) or, subject to Article 116(6), before the decision to open the oral procedure as provided for in Article 53.'

- 12) Article 116 is hereby amended as follows:

(a) In paragraph (2) the words 'If the President allows the intervention ...' shall be replaced by the words 'If an intervention for which application has been made within the period of six weeks prescribed in Article 115(1) is allowed ...'.

(b) In the first subparagraph of paragraph (4) the words 'In the cases referred to in paragraph 2 above' shall be inserted before the words 'The President'.

(c) The following paragraph shall be added:

'6. Where the application to intervene is made after the expiry of the period of six weeks prescribed in Article 115(1), the intervener may, on the basis of the Report for the Hearing communicated to him, submit his observations during the oral procedure.'

- 13) The following Article shall be inserted after Article 136:

'Article 136a

The Court of First Instance may issue practice directions relating, in particular, to the preparations for and conduct of hearings before it and to the lodging of written pleadings or observations.'

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 35(1), shall be published in the *Official Journal of the European Communities*. They shall enter into force on the first day of the second month following their publication.

Done at Luxembourg, 6 December 2000.

The Registrar
H. JUNG

The President
B. VESTERDORF