

COURT OF FIRST INSTANCE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE FOLLOWING THE ENTRY INTO FORCE OF THE TREATY OF NICE

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular the fifth paragraph of Article 224,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular the fifth paragraph of Article 140,

Having regard to Article 63 of the Protocol on the Statute of the Court of Justice,

Having regard to the agreement of the Court of Justice,

Having regard to the approval of the Council given on 8 April 2003,

Whereas:

- (1) Following the entry into force of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts and of the new Protocol on the Statute of the Court of Justice, and the expiry of the Treaty establishing the European Coal and Steel Community, it is necessary to make certain formal adjustments to the provisions of the Rules of Procedure, to amend the provisions on the election of the Presidents of Chambers in accordance with the first paragraph of Article 50 of the Statute of the Court of Justice and to provide for the possibility of the Court of First Instance sitting as Grand Chamber, as laid down in the third paragraph of Article 50 of the Statute of the Court of Justice.
- (2) Account must be taken of the need to ensure consistency in the case law, given the increased number of Chambers following enlargement, and to confer on the judge hearing an application for interim measures the jurisdiction of the President of the Court of First Instance in interim proceedings when the President is absent or prevented from attending.
- (3) The election of Presidents of Chambers composed of five Judges for a period of three years should take place at the same time as the election of the President of the Court of First Instance and the partial renewal of the Members of the Court of First Instance pursuant to the second paragraph of Article 224 of the EC Treaty, and

for that purpose a transitional provision is required postponing the first election for a period of three years until the expiry of the first period of partial renewal,

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 (OJ L 136 of 30 May 1991, p. 1), amended on 15 September 1994 (OJ L 249 of 24 September 1994, p. 17), 17 February 1995 (OJ L 44 of 28 February 1995, p. 64), 6 July 1995 (OJ L 172 of 22 July 1995, p. 3), 12 March 1997 (OJ L 103 of 19 April 1997, p. 6, with corrigendum OJ L 351 of 23 December 1997, p. 72), 17 May 1999 (OJ L 135 of 29 May 1999, p. 92) and 6 December 2000 (OJ L 322 of 19 December 2000, p. 4) are amended as follows:

1. The first paragraph of Article 1 shall be replaced by the following text:
'In these Rules:
 - "EC Treaty" means the Treaty establishing the European Community,
 - "EAEC Treaty" means the Treaty establishing the European Atomic Energy Community (Euratom),
 - "Statute of the Court of Justice" means the Protocol on the Statute of the Court of Justice,
 - "EEA Agreement" means the Agreement on the European Economic Area.'
2. The references to the Protocols on the Statute of the Court of Justice shall be adjusted as follows:
 - (a) in Article 7(19), the words 'Article 32(d) of the ECSC Treaty' shall be deleted;
 - (b) in Article 14(2)(1)(b), the words 'to the second paragraph of Article 33, Article 35 and the first and second paragraphs of Article 40 of the ECSC Treaty' and in Article 14(2)(1)(c) the words 'Article 42 of the ECSC Treaty' shall be deleted;
 - (c) in Article 24(7), the words 'the third paragraph of Article 36 of the ECSC Treaty' shall be deleted;

- (d) in Article 42, the words 'Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice' and in Article 115(3), the words 'Article 17 of the EC Statute, the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice';
- (e) in Article 44(1), the words 'Article 19 of the EC Statute, Article 22 of the ECSC Statute and Article 19 of the EAEC Statute' shall be replaced by the words 'Article 21 of the Statute of the Court of Justice' and in Article 44(4) the words 'the second paragraph of Article 19 of the EC Statute, the second paragraph of Article 22 of the ECSC Statute and the second paragraph of Article 19 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 21 of the Statute of the Court of Justice';
- (f) in Article 44(5)(a), the words 'Article 42 of the ECSC Treaty' shall be deleted;
- (g) in Article 65, the words 'Articles 21 and 22 of the EC Statute, Articles 24 and 25 of the ECSC Statute and Articles 22 and 23 of the EAEC Statute' shall be replaced by the words 'Articles 24 and 25 of the Statute of the Court of Justice';
- (h) in Article 69(4), the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted;
- (i) in Articles 77 and 80, the words 'the third paragraph of Article 47 of the EC Statute, the third paragraph of Article 47 of the ECSC Statute and the third paragraph of Article 48 of the EAEC Statute' shall be replaced by the words 'the third paragraph of Article 54 of the Statute of the Court of Justice';
- (j) in Article 83, the words 'the second paragraph of Article 53 of the EC Statute, the second paragraph of the ECSC Statute and the second paragraph of Article 54 of the EAEC Statute' shall be replaced by the words 'Article 60 of the Statute of the Court of Justice';
- (k) in the second paragraph of Article 98, the words 'Articles 33 and 35 of the ECSC Treaty' shall be deleted;
- (l) in Article 101(1), the word 'ECSC' shall be deleted and the word 'Statutes' shall be replaced by the word 'Statute';
- (m) in Article 104(1), the words 'the second paragraph of Article 39 of the ECSC Treaty' and the words 'the third paragraph of Article 39 of the ECSC Treaty' shall be deleted;
- (n) in Article 110, the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted;
- (o) in Article 112, the words 'the second paragraph of Article 47 of the EC Statute, the second paragraph of Article 47 of the ECSC Statute and the second paragraph of Article 48 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 54 of the Statute of the Court of Justice';
- (p) in Article 115(2)(f), the words 'the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the EAEC Statute' shall be replaced by the words 'second or third paragraph of Article 40 of the Statute of the Court of Justice' and, in Article 115(3), the words 'Article 17 of the EC Statute, the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice';
- (q) in Article 125, the words 'the third paragraph of Article 41 of the EC Statute, the third paragraph of Article 38 of the ECSC Statute and the third paragraph of Article 42 of the EAEC Statute' shall be replaced by the words 'in the third paragraph of Article 44 of the Statute of the Court of Justice'.
3. The words '*Official Journal of the European Communities*' shall be replaced by the words '*Official Journal of the European Union*' in Articles 10(2), 12, second paragraph, 24(6), 32(1), second subparagraph, 101(2), second subparagraph, 102(1), 123(1), third subparagraph, and 137.
4. To Article 8 there shall be added the following new second and third paragraphs:
- 'The President of the Court of First Instance shall preside over the Grand Chamber.
- If the President of the Court of First Instance is assigned to a Chamber of three or of five Judges, he shall preside over that Chamber.'
5. The text of Article 10(1) shall be replaced by the following text:
- 'The Court of First Instance shall set up Chambers of three and of five Judges and a Grand Chamber of 11 Judges and shall decide which Judges shall be assigned to them.'
- In Article 10(2) the words 'The composition of the Chambers' shall be replaced by the words 'The decision taken in accordance with this article'.
6. In the first subparagraph of Article 11(1), after the words 'by Chambers composed' there shall be inserted the words 'of three or of five Judges'. In the second subparagraph of Article 11(1), after the words 'plenary session' there shall be inserted the words 'or by the Grand Chamber'.
7. In Article 14(1), after the words 'to the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
8. The text of Article 15 shall be replaced by the following text:
- '1. The Judges shall elect from amongst themselves, pursuant to the provisions of Article 7(3), the Presidents of the Chambers composed of three and of five Judges.
2. The Presidents of Chambers of five Judges shall be elected for a term of three years. Their term of office shall be renewable once.
- The election of the Presidents of Chambers of five Judges shall take place immediately after the election of the President of the Court of First Instance as provided for in Article 7(1).

3. The Presidents of Chambers of three Judges shall be elected for a defined term.
4. If the office of the President of a Chamber falls vacant before the normal date of expiry thereof, a successor shall be elected as President of the Chamber for the remainder of the term.
5. The result of those elections shall be published in the *Official Journal of the European Union*.
9. In Article 32(2), after the words 'the quorum' the words 'of nine Judges' shall be deleted.
- In Article 32(3), after the words 'in any Chamber' there shall be added the words 'composed of three or of five Judges'. The new following second subparagraph shall be added to Article 32(3):
- 'The quorum of the Grand Chamber shall be nine Judges. If that quorum has not been attained, the President of the Court of First Instance shall designate another Judge to complete the Chamber.'
10. In the first subparagraph of Article 51(1), after the words 'the Chamber hearing the case' there shall be inserted the words 'or the President of the Court of First Instance' and after the words 'referred to the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
- In the second subparagraph of Article 51(1), the words 'maintained before or referred to a Chamber composed of' shall be replaced by the words 'decided by a Chamber composed of at least'.
11. In the first subparagraph of Article 52(2), after the words 'the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
12. The three paragraphs of Article 106 shall be replaced by the following single paragraph:
'A Judge, designated for the purpose in the decision adopted by the Court of First Instance in accordance with Article 10, shall replace the President of the Court of First Instance in deciding an application in the event that the President is absent or prevented from dealing with it.'
13. In Article 118(2), after the words 'sitting in plenary session' there shall be inserted the words 'or by the Grand Chamber' and the words 'that Court as so constituted' at the end of the sentence shall be replaced by the words 'to that Court or that Chamber as the case may be'.
14. In Articles 124, 127(1) and 129(2), after the words 'Court of First Instance sitting in plenary session' there shall be inserted the words 'or the Grand Chamber of the Court of First Instance'.

Article 2

The first election of Presidents of the Chambers composed of five Judges for three years pursuant to Article 15(2) of the Rules of Procedure shall take place on the expiry of the present period of partial renewal of the Members of the Court of First Instance as provided for in the second paragraph of Article 224 of the EC Treaty, after 31 August 2004.

Article 3

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

Done at Luxembourg, 21 May 2003.

The Registrar
H. JUNG

The President
B. VESTERDORF