

AMENDMENT OF THE RULES OF PROCEDURE OF THE GENERAL COURT

THE GENERAL COURT,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth paragraph of Article 254 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 the information or material that is confidential and relevant for the purpose of ruling on the dispute, which has been produced in accordance with Article 105 of the Rules of Procedure of the General Court and has not been returned during the proceedings, must be made available to the Court of Justice in order that it may fully exercise its powers as a court of appeal should the General Court's decision at the end of proceedings in which the specific regime of Article 105 has been applied be challenged,

Whereas, by contrast, that information or material must be returned to the main party that produced it if no appeal has been brought against the decision of the General Court within the time limit laid down by the Protocol on the Statute of the Court of Justice of the European Union,

Whereas it is in consequence appropriate to amend the Rules of Procedure of the General Court,

With the agreement of the Court of Justice,

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

HAS ADOPTED THE FOLLOWING AMENDMENT OF ITS RULES OF PROCEDURE:

Article 1

Paragraph 10 of Article 105 of the Rules of Procedure of the General Court ⁽¹⁾ is replaced by the following:

'10. The information or material referred to in paragraph 5, which has not been withdrawn pursuant to paragraph 7 by the main party that produced it, shall be returned to the party concerned as soon as the period referred to in the first paragraph of Article 56 of the Statute has expired, unless, within that period, an appeal has been brought against the decision of the General Court. Where such an appeal is brought, the abovementioned information or material shall be made available to the Court of Justice on the conditions laid down in the decision referred to in paragraph 11.'

Article 2

This amendment of the Rules of Procedure, authentic in the languages referred to in Article 44 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.

Done at Luxembourg, 13 July 2016.

Registrar
E. COULON

President
M. JAEGER

⁽¹⁾ OJ L 105, 23.4.2015, p. 1.