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I

(Acts whose publication is obligatory)

COURT OF JUSTICE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

THE COURT,

Having regard to the Treaty on European Union, signed in Maastricht on 7 February 1992,

Having regard to the third paragraph of Article 188 of the Treaty establishing the European Community,

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

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

Having regard to Article 157 (5) of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded,

Whereas, in the light of experience, certain amendments should be made to the Rules of Procedure,

Whereas, following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, certain adjustments to the Rules of Procedure are necessary,

With the unanimous consent of the Council, given on 17 February 1997,

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 (OJ No L 176 of 4 July 1991, p. 1, and Corrigendum in OJ No L 383 of 29 December 1992, p. 117) as amended on

21 February 1995 (OJ No L 44 of 28 February 1995, p. 61), are hereby amended as follows:

1. In Article 26 paragraphs (2) and (3) shall be replaced by the following:

‘2. If, after the Court has been convened, it is found that the quorum referred to in Article 15 of the EC Statute, Article 18 of the ECSC Statute and Article 15 of the Euratom Statute has not been attained, the President shall adjourn the sitting until there is a quorum.

3. If, in any Chamber, the quorum referred to in Article 15 of the EC Statute, Article 18 of the ECSC Statute and Article 15 of the Euratom Statute has not been attained, the President of that Chamber shall so inform the President of the Court, who shall designate another Judge to complete the Chamber.’

2. Article 29 (1) shall be replaced by the following:

‘1. The language of a case shall be Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish or Swedish.’

3. Article 29 (2) shall be replaced by the following:

‘2. The language of the case shall be chosen by the applicant, except that:

(a) where the defendant is a Member State or a natural or legal person having the nationality of a Member State, the language of the case shall

be the official language of that State; where that State has more than one official language, the applicant may choose between them;

- (b) at the joint request of the parties, the use of another of the languages mentioned in paragraph 1 for all or part of the proceedings may be authorized;
- (c) at the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraphs (a) and (b).

In cases to which Article 103 of these Rules applies, the language of the case shall be the language of the national court or tribunal which refers the matter to the Court. At the duly substantiated request of one of the parties to the main proceedings, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 may be authorized for the oral procedure.

Requests as above may be decided on by the President; the latter may and, where he wishes to accede to a request without the agreement of all the parties, must refer the request to the Court.'

- 4. The following sentence shall be added to Article 43: 'The President may refer these matters to the Court.'
- 5. In the first subparagraph of Article 69 (5), in the first sentence, after the words 'in the other party's', the words 'observations on the discontinuance' shall be inserted.

In the English version of these Rules the third subparagraph of Article 69 (5) shall be replaced by the following: 'If costs are not applied for, the parties shall bear their own costs.'

- 6. Article 81 (1) shall be replaced by the following:

'1. Where the period of time allowed for initiating proceedings against a measure adopted by an institution runs from the publication of that measure, that period shall be calculated, for the purposes of Article 80 (1) (a), from the end of the 14th day after publication thereof in the *Official Journal of the European Communities*.'

- 7. Article 92 (2) shall be replaced by the following:

'2. The Court may at any time of its own motion consider whether there exists any absolute bar to proceeding with a case or declare, after hearing the parties, that the action has become devoid of purpose and that there is no need to adjudicate on it; it shall give its decision in accordance with Article 91 (3) and (4) of these Rules.'

- 8. In the second subparagraph of Article 94 (1) the second sentence shall be replaced by the following: 'The Court may decide to open the oral procedure on the application.'
- 9. In Article 107 (1) the first subparagraph shall be replaced by the following:

'A request by the Council for an opinion pursuant to Article 228 of the EC Treaty shall be served on the Commission and on the European Parliament. Such a request by the Commission shall be served on the Council, on the European Parliament and on the Member States. Such a request by a Member State shall be served on the Council, on the European Parliament and on the Member States. Such a request by a Member State shall be served on the Council, on the Commission, on the European Parliament and the other Member States.'

- 10. Article 108 (3) shall be replaced by the following:

'3. The opinion, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be served on the Council, the Commission, the European Parliament and the Member States.'

- 11. Article 123 shall be replaced by the following:

'Article 123

An application to intervene made to the Court in appeal proceedings shall be lodged before the expiry of a period of one month running from the publication referred to in Article 16 (6).'

Article 2

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

Adopted at Luxembourg on 11 March 1997.

DECISION OF THE COURT OF JUSTICE
amending Annex II to the Rules of Procedure

(extensions of time limits on account of distance)

THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES.

Having regard to Article 81 (2) of the Rules of Procedure,

Whereas, by reason of the accession to the European Communities of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, it is necessary to provide for the extension of time limits on account of distance as regards parties habitually resident in the new Member States;

Whereas Annex II to the Rules of Procedure, as adopted on 19 June 1991, must therefore be amended,

DECIDES:

Article 1

The third indent of Article 1 of Annex II to the Rules of Procedure shall be replaced by the following:

- for the European territory of the Kingdom of Denmark, for the Kingdom of Spain, for Ireland, for the Hellenic Republic, for the Italian Republic, for the Republic of Austria, for the Portuguese Republic (with the exception of the Azores and Madeira), for the Republic of Finland, for the Kingdom of Sweden and for the United Kingdom: 10 days.'

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

It shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

Done at Luxembourg on 11 March 1997.

**AMENDMENTS TO THE SUPPLEMENTARY RULES OF THE COURT OF JUSTICE OF
THE EUROPEAN COMMUNITIES**

THE COURT,

Having regard to Article 125 of the Rules of Procedure,

Having regard to Article 157 (5) of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded,

With the unanimous approval of the Council, given on 17 February 1997,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS SUPPLEMENTARY RULES:

Article 1

The Supplementary Rules, adopted on 4 December 1974 (OJ No L 350 of 28 December 1974, p. 29) and last amended on 8 May 1987 (OJ No L 165 of 24 June 1987, p. 4), are hereby amended as follows:

1. In Article 6 the word 'Article 110' shall be replaced by the words 'Article 124'.
2. Annex I (list referred to in the first paragraph of Article 2) shall be replaced by the following:

Belgium

The Minister for Justice

Denmark

The Minister for Justice

Germany

The Federal Minister for Justice

Greece

The Minister for Justice

Spain

The Minister for Justice

France

The Minister for Justice

Ireland

The Minister for Justice

Italy

The Minister for Justice

Luxembourg

The Minister for Justice

Netherlands

The Minister for Justice

Austria

The Federal Minister for Justice

Portugal

The Minister for Justice

Finland

The Ministry of Justice

Sweden

The Ministry of Justice

United Kingdom

The Secretary of State.'

3. Annex II (list referred to in the second paragraph of Article 4) shall be replaced by the following:

Belgium

The Minister for Justice

Denmark

The Minister for Justice

Germany

Bundesrechtsanwaltskammer

Greece

The Minister for Justice

Spain

The Minister for Justice

France

The Minister for Justice

Ireland

The Minister for Justice

Italy

The Minister for Justice

Luxembourg

The Minister for Justice

Netherlands

Algemene Raad van de Nederlandse Orde van Advocaten

Austria

The Federal Minister for Justice

Portugal

The Minister for Justice

Finland

The Ministry of Justice

Sweden

Sveriges Advokatsamfund

United Kingdom

The Law Society, London (for applicants resident in England or Wales)

The Law Society of Scotland, Edinburgh (for applicants resident in Scotland)

The Incorporated Law Society of Northern Ireland, Belfast (for applicants resident in Northern Ireland.)

4. Annex III (list referred to in Article 6) shall be replaced by the following:

Belgium

The Minister for Justice

Denmark

The Minister for Justice

Germany

The Federal Minister for Justice

Greece

The Minister for Justice

Spain

The Minister for Justice

France

The Minister for Justice

Ireland

The Attorney General

Italy

The Minister for Justice

Luxembourg

The Minister for Justice

Netherlands

The Minister for Justices

Austria

The Federal Minister for Justice

Portugal

The Minister for Justice

Finland

The Ministry of Justice

Sweden

Riksaklagaren

United Kingdom

Her Majesty's Attorney-General (for witnesses or experts resident in England or Wales)

Her Majesty's Advocate (for witnesses or experts resident in Scotland)

Her Majesty's Attorney-General (for witnesses or experts resident in Northern Ireland.)

Article 2

The amendments to the Supplementary Rules, which are authentic in the languages mentioned in Article 29 (1) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities* and shall enter into force on the date of their publication.

Adopted at Luxembourg on 11 March 1997.

COURT OF FIRST INSTANCE

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 on European Union, signed at Maastricht on 7 February 1992,

Having regard to Article 168a of the Treaty establishing the European Community,

Having regard to Article 32d of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 140a of the Treaty establishing the European Atomic Energy Community,

Having regard to Article 157 (5) of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded,

Having regard to the Protocol on the Statute of the Court of Justice of the European Communities, signed in Brussels on 17 April 1957,

Having regard to the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community, signed in Paris on 18 April 1951,

Having regard to the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community, signed in Brussels on 17 April 1957,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 establishing a Court of First Instance of the European Communities (OJ No L 319 of 25 November 1988, p. 1 and Corrigendum in OJ No L 241 of 17 August 1989, p. 4), as amended by Decisions 93/350/Euratom, ECSC, EEC (OJ No L 144 of 16 June 1993, p. 21) and 94/149/ECSC, EC (OJ No L 66 of 10 March 1994, p. 29), and to the Act of Accession of Austria, Finland and Sweden,

Having regard to the agreement of the Court of Justice,

Having regard to the unanimous approval of the Council given on 17 February 1997,

Whereas it is necessary, in the light of experience, to make certain amendments to the provisions of the Rules of Procedure of the Court of First Instance;

Whereas, following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, certain adaptations of the Rules of Procedure of the Court of First Instance are necessary,

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 adopted on 2 May 1991 (OJ No L 136 of 30 May 1991, p. 1, and Corrigendum in OJ No L 317 of 19 November 1991, p. 34), as amended on 15 September 1994 (OJ No L 249 of 24 September 1994, p. 17) and 17 February 1995 (OJ No L 44 of 28 February 1995, p. 64) and 6 July 1995 (OJ No L 172 of 22 July 1995, p. 3), shall be amended as follows:

1. In Article 32 (1) the following new second subparagraph shall be inserted:

‘Where, following the designation of an Advocate-General pursuant to Article 17, there is an even number of Judges in the Court of First Instance sitting in plenary session, the President of the Court shall designate, before the hearing and in accordance with a rota established in advance by the Court of First Instance and published in the *Official Journal of the European Communities*, the Judge who will not take part in the judgment of the case.’

2. In Article 32 (21) the word ‘seven’ shall be replaced by the word ‘nine’.
3. Article 35 (1) shall be replaced by the following:

‘1. The language of a case shall be Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish or Swedish.’

4. In Article 35 paragraph 2 shall be replaced by the following:

‘2. The language of the case shall be chosen by the applicant, except that:

- (a) at the joint request of the parties, the use of another of the languages mentioned in paragraph 1 for all or part of the proceedings may be authorized;
- (b) at the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraph (a).

Requests as above may be decided on by the President; the latter may and, where he proposes to accede to a request without the agreement of all the parties, must refer the request to the Court of First Instance.'

5. The following sentence shall be added to Article 50: 'The President may refer those matters to the Court of First Instance'.

6. Article 78 shall be replaced by the following:

'Article 78

The decision to stay the proceedings shall be made by order of the President after hearing the parties and the Advocate-General; the President may refer the matter to the Court of First Instance. A decision ordering that the proceedings be resumed shall be adopted in accordance with the same procedure. The orders referred to in this Article shall be served on the parties.'

7. There shall be inserted in the first subparagraph of Article 87 (5), at the end of the first sentence, instead of the words 'in the other party's pleadings', the words 'in the observations of the other party on the discontinuance'.

In the English version of Article 87 (5) the third subparagraph shall be replaced by the following: 'If costs are not applied for, the parties shall bear their own costs'.

In the Irish version of Article 87 (5) the third subparagraph shall be replaced by the following: 'Mura n-iarrfar costais, íocfaidh na páirtithe a gcostais féin'.

8. The third and fourth subparagraphs of Article 94 (2) shall be replaced by the following:

'The President shall, after considering the written observations of the opposite party, decide whether legal aid should be granted in full or in part, or whether it should be refused. He shall consider whether there is manifestly no cause of action. He may refer the matter to the Court of First Instance.

The Decision shall be taken by way of an order without giving reasons, and no appeal shall lie therefrom.'

9. The following paragraph shall be added to Article 95:

'4. An order granting legal aid may specify an amount to be paid to the lawyer appointed to act for the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed.'

10. In Article 97 (2) the words 'the Court of First Instance' shall be replaced by the words 'the President, who may refer the matter to the Court of
- First Instance,; the words 'the President' shall be replaced by the word 'he'.

11. Article 102 (1) shall be replaced by the following:

'1. Where the period of time allowed for commencing proceedings against a measure adopted by an institution runs from the publication of that measure, that period shall be calculated, for the purposes of Article 101 (1), from the end of the 14th day after publication thereof in the *Official Journal of the European Communities*.'

12. In Article 111, after the words 'manifestly inadmissible', the words 'or manifestly lacking any foundation in law' shall be inserted.

13. Article 113 shall be replaced by the following:

'Article 113

The Court of First Instance may at any time, of its own motion, consider whether there exists any absolute bar to proceeding with an action or declare, after hearing the parties, that the action has become devoid of purpose and that there is no need to adjudicate on it; it shall give its decision in accordance with Article 114 (3) and (4).'

14. In the second subparagraph of Article 122 (1) the second sentence shall be replaced by the sentence 'the Court of First Instance may decide to open the oral procedure on the application'.

Article 2

These amendments, 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.

Adopted at Luxembourg on 12 March 1997.

Registrar
H. JUNG

President
A. SAGGIO