



**COUNCIL OF
THE EUROPEAN UNION**

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COUR 2**

COVER NOTE

from : Mr V. SKOURIS, President of the Court of Justice
date of receipt : 4 February 2008
to : Mr Dimitrij Rupel, President of the Council of the European Union
Subject : Draft Council Decision amending the Rules of Procedure of the Court of Justice
to specify the **language rules** which are to apply to the **review procedure**

Mr President,

I refer to Article 64 of the Protocol on the Statute of the Court of Justice and to the procedure laid down in the second paragraph of Article 245 of the EC Treaty and the second paragraph of Article 160 of the EAEC Treaty, and am writing to request the Council to amend the Rules of Procedure of the Court of Justice in the manner laid down in the draft decision of the Council set out in the Annex to this letter.

The purpose of the amendment is to specify the language rules which are to apply to the review procedure.

The draft Council Decision is annexed in all the official languages.

For the sake of good order, I should indicate that I am sending to you at the same time, by separate letter, draft amendments to the Rules of Procedure of the Court of Justice for approval by the Council. Those amendments are intended to incorporate into the Rules of Procedure the provisions necessary to govern the conduct of the review procedure provided for in the second paragraph of Article 225 of the EC Treaty and the second paragraph of Article 140a of the EAEC Treaty, the principles governing which are set out in Articles 62 to 62b of the Protocol on the Statute of the Court of Justice.

(Complimentary close).

(s.) Vassilios SKOURIS

**DRAFT
DECISION OF THE COUNCIL**

Amending the Rules of Procedure of the Court of Justice of the European Communities as regards the rules governing the language arrangements applicable to the review procedure

Article 225(2) and (3) of the EC Treaty and Article 140a(2) and (3) of the EAEC Treaty provide for an exceptional review procedure by the Court of Justice of decisions of the Court of First Instance where the latter has given a ruling on actions brought against a decision of a judicial panel or has given a ruling on questions referred for a preliminary ruling in specific areas laid down by the Statute of the Court of Justice.

The conditions and limits applying to the review procedure are laid down by Articles 62 to 62b of the Statute of the Court of Justice.

The conduct of that procedure, and some of the relevant detailed rules, including in particular those governing the applicable language arrangements, must be specified in the Rules of Procedure.

Article 64 of the Statute provides that the rules governing the language arrangements applicable at the Court of Justice may be amended only in accordance with the procedure laid down by the Treaties for amending the Statute, that is to say, by decision of the Council, acting unanimously at the request of the Court of Justice and after consulting the European Parliament and the Commission.

The object of the proposed Council Decision is to insert a provision in the Rules of Procedure of the Court of Justice relating to the use of languages in the review procedure.

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Having regard to Article 64 of the Protocol on the Statute of the Court of Justice,

In accordance with the procedure laid down in the second paragraph of Article 245 of the Treaty establishing the European Community and the second paragraph of Article 160 of the Treaty establishing the European Atomic Energy Committee,

Having regard to the request of the Court of Justice of

Having regard to the opinion of the European Parliament of

Having regard to the opinion of the Commission of

Whereas the Rules of Procedure should specify certain detailed rules governing the review procedure laid down in Article 225(2) and (3) of the Treaty establishing the European Community and Article 140a(2) and (3) of the Treaty establishing the European Atomic Energy Committee, the principles governing which are set out in Articles 62 to 62b of the Protocol on the Statute of the Court of Justice, and, in particular, should lay down the detailed rules governing the language arrangements applicable to that procedure.

HAS DECIDED AS FOLLOWS

Article 1

The Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991 (OJ L 176, 4.7.1991, p. 7, with corrigendum in OJ L 383, 29.12.1992, p. 117), as amended on 21 February 1995 (OJ L 44, 28.2.1995, p. 61), 11 March 1997 (OJ L 103, 19.4.1997, p. 1, with corrigendum in OJ L 351, 23.12.1997, p. 72), 16 May 2000 (OJ L 122, 24.5.2000, p. 43), 28 November 2000 (OJ L 322, 19.12.2000, p. 1), 3 April 2001 (OJ L 119, 27.4.2001, p. 1), 17 September 2002 (OJ L 272, 10.10.2002, p. 24, with corrigendum in OJ L 281, 19.10.2002, p. 24), 8 April 2003 (OJ L 147, 14.6.2003, p. 17), 19 April 2004 (OJ L 132, 29.4.2004, p. 2), 20 April 2004 (OJ L 127, 29.4.2004, p. 107), 12 July 2005 (OJ L 203, 4.8.2005, p. 19), 18 October 2005 (OJ L 288, 29.10.2005, p. 51) and 18 December 2006 (OJ L 386, 29.12.2006, p. 44) are hereby amended as follows:

1. After Article 123, there shall be inserted in the Title headed “Title IVa: Review of Decisions of the Court of First Instance” an Article 123a, to be worded as follows:

“Article 123a

Without prejudice to the arrangements laid down in Article 29(2)(b) and (c) and the fourth and fifth subparagraphs of Article 29(3) of these Rules, where, in accordance with the second paragraph of Article 62 of the Statute, the Court decides to review a decision of the Court of First Instance, the language of the case shall be the language of the decision of the Court of First Instance which is subject to review.”

The proposed provision is similar to the provision set out in Article 110 of the Rules of Procedure, which relates to appeals against decisions of the Court of First Instance.

Article 2

This decision shall enter into force on the first day of the second month following its publication.

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