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COURT OF JUSTICE

AMENDMENT TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

of 3 April 2001

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:

Where the Council or the Commission is not a party to a case, the Court is required to send to it copies of the application and of the defence, in order to enable it to assess whether the inapplicability of one of its acts is being invoked. Provision should be made for copies of those documents likewise to be sent to the European Parliament in order to enable it, where it is not a party to a case, to assess whether the inapplicability of an act adopted jointly by the European Parliament and by the Council is being invoked,

With the unanimous approval of the Council given on 12 March 2001,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

Article 1

The following sentence shall be added to Article 16(7) of the Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991 ⁽¹⁾:

‘Copies of the application and of the defence shall likewise be sent to the European Parliament, to enable it to assess whether the inapplicability of an act adopted jointly by that institution and by the Council is being invoked under Article 241 of the EC Treaty.’

Article 2

This amendment to the Rules of Procedure, which is authentic in the languages mentioned in Article 29(1) of the said Rules, shall be published in the *Official Journal of the European Communities*.

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

Done at Luxembourg, 3 April 2001.

⁽¹⁾ OJ L 176, 4.7.1991, p. 1, 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) and 28 November 2000 (OJ L 322, 19.12.2000, p. 1).

AMENDMENTS TO THE INSTRUCTIONS TO THE REGISTRAR OF THE COURT OF FIRST INSTANCE**of 29 March 2001**

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

On a proposal from the President of the Court of First Instance,

Having regard to the Rules of Procedure adopted on 2 May 1991, as last amended on 6 December 2000, and in particular Article 23 thereof,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO THE INSTRUCTIONS TO THE REGISTRAR:

Article 1

1. (Does not concern the English language version).
2. (Does not concern the English language version).
3. In Article 3(3), the words 'in the margin' shall be replaced by the word 'therein'.

The following second subparagraph shall be added to Article 3(3):

'If the register is kept in electronic form, it shall be set up and maintained in such a way that no registration can be deleted therefrom and that following any amendment or rectification the original entry is preserved.'

The second sentence of the second subparagraph of Article 3(4) shall be replaced by the following:

'This note shall be in the language of the case. The note made on the original of the procedural document shall be signed by the Registrar.'

4. The second sentence of Article 5(2) shall be deleted.
5. In the first sentence of Article 6(1), after the words 'Rules of Procedure', there shall be inserted: ', with any practice directions adopted by the Court of First Instance'.

In the first subparagraph of Article 6(3), the words 'Article 10(3) of these Instructions, concerning the use of facsimile transmission' shall be replaced by the words 'Article 43(6) of the Rules of Procedure, as to the lodgment of documents by telefax or other technical means of communication'.

6. Article 9 shall be replaced by the following:

*'Article 9***Service**

1. Service shall be effected, in accordance with Article 100(1) of the Rules of Procedure, either by the dispatch by registered post, with a form for acknowledgment of receipt, of a certified copy of the original of the document to be served or by personal delivery of such copy to the addressee against a receipt. If need be, the certified copy shall be prepared by the Registrar.

The copy of the document shall be accompanied by a letter specifying the case number, the register number and a brief indication of the nature of the document. The signed original of that letter shall be kept on the case-file.

2. If the addressee concerned has an address for service in Luxembourg, documents shall be served on the person authorised to accept service.

Where, contrary to Article 44(2) of the Rules of Procedure, a party has failed to state an address for service in Luxembourg and has not agreed to the dispatch to him of notifications by telefax or other technical means of communication, service shall be effected by the posting in Luxembourg of a registered letter addressed to the lawyer or agent of the party concerned.

3. Where, in accordance with the second subparagraph of Article 44(2), a party has consented to the dispatch to him of notifications by telefax or other technical means of communication, service shall be effected, in accordance with Article 100(2) of the Rules of Procedure, by the means or one of the means so indicated.

However, judgments and orders of the Court of First Instance and documents which cannot, for technical reasons or on account of their nature or length, be transmitted by those means shall be served in accordance with paragraph 1 above. Where the addressee has not designated an address for service in Luxembourg, he shall be informed of such service by the transmission by telefax or other technical means of communication of a copy of the letter accompanying the document to be served and drawing his attention to the provisions of the second subparagraph of Article 100(2) of the Rules of Procedure.

4. The form for acknowledgment of receipt, the receipt, the proof of posting of the registered letter in Luxembourg or a document establishing the dispatch by telefax or other technical means of communication shall be kept in the case-file together with the copy of the letter addressed to the person upon whom service was to be effected.

5. If, owing to the length of a document, only one copy is annexed to a procedural document lodged by a party or if, for other reasons, copies of a document or an object lodged at the Registry cannot be forwarded to the parties, the Registrar shall inform the parties accordingly and indicate to them that the document or object in question is available to them at the Registry for inspection.'

7. Article 10(3) shall be deleted.

8. In Article 11(1), the words 'facsimile transmission' shall be replaced by the words 'telefax transmission or other technical means of communication'.

9. In Article 18(1), after the words 'a copy', there shall be inserted the words 'of the practice directions adopted by the Court and'.

In Article 18(3), after the words 'Rules of Procedure', there shall be inserted: ', pursuant to practice directions adopted by the Court'.

Article 2

These amendments to the Instructions to the Registrar, which are authentic in the languages referred to in Article 36(2) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities*.

They shall enter into force on the day following their publication.

Done at Luxembourg, 29 March 2001.

Registrar

H. JUNG

President

B. VESTERDORF
