

Statute of the Court of Justice: amendment of Protocol No 3

2018/0900(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 585 votes to 39, with 55 abstentions, a legislative resolution on the draft regulation of the European Parliament and of the Council amending Protocol 3 on the Statute of the Court of Justice of the European Union.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure.

The amendments made by the amending regulations to Protocol No. 3 provide for:

(1) a transfer to the Court of jurisdiction to adjudicate in actions for annulment lodged by Member States against Commission decisions relating to a failure properly to comply with a judgment delivered by the Court under Article 260(2) and (3) TFEU;

(2) establishing an initial admission mechanism for certain appeals before the Court of Justice only if they meet certain criteria: the examination of appeals against decisions of the Court of First Instance relating to a decision of a Board of Appeal independent of the European Union Office for Intellectual Property, the Community Plant Variety Office, the European Chemicals Agency or the European Aviation Safety Agency would be subject to its prior admission by the Court of Justice.

The prior admission procedure referred to in the first paragraph shall also apply to appeals brought against decisions of the General Court concerning a decision of an independent board of appeal, set up after the date of entry into force of this amending Regulation within any other office or agency of the Union, which has to be seised before an action can be brought before the General Court.

The appeal shall be allowed to proceed when it raises an issue of importance with respect to the unity, consistency or development of Union law. The decision as to whether the appeal should be allowed to proceed or not shall be reasoned, and it shall be published.