

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

2018/0900(COD) - 25/04/2019 - Final act

PURPOSE: to improve the functioning of the EU Court of Justice by introducing more effective rules for the handling of appeals before the Court of Justice.

LEGISLATIVE ACT: Regulation (EU, Euratom) 2019/629 of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice of the European Union.

CONTENT: this Regulation amending the Statute of the Court of Justice of the European Union aims to improve the functioning of the Court of Justice, which has seen a steady increase in the number of cases brought before it, in order to allow the Court to focus on those cases which require its full attention.

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) the establishment of an initial admission mechanism of appeals against decisions of certain EU agencies and offices, intended to enable the Court to rule on certain categories of appeals only if they meet certain criteria.

It is clear from the review undertaken by the Court of Justice and the General Court that many appeals are brought in cases which have already been considered twice, initially by an independent board of appeal, then by the General Court, and that many of those appeals are dismissed by the Court of Justice because they are patently unfounded or on the ground that they are manifestly inadmissible.

Under the new rules, an appeal brought against a decision of the General Court concerning a decision of an independent board of appeal of one of the following offices and agencies of the Union shall not proceed unless the Court of Justice first decides that it should be allowed to do so:

- the European Union Intellectual Property Office;
- the Community Plant Variety Office;
- the European Chemicals Agency;
- the European Union Aviation Safety Agency.

An appeal shall be allowed to proceed, wholly or in part, in accordance with the detailed rules set out in the Rules of Procedure, where it raises an issue that is significant with respect to the unity, consistency or development of Union law.

The procedure shall also apply to appeals brought against decisions of the General Court concerning a decision of an independent board of appeal, set up after 1 May 2019 within any other office or agency of the Union, which has to be seised before an action can be brought before the General Court.

ENTRY INTO FORCE: 25.4.2019.