Amendment of Article 46 of the Statute of the Court of Justice

1994/0924(CNS) - 10/10/1994 - Legislative proposal

On 10.10.1994 the Court of Justice of the European Community submitted to the Council a draft text amending Article 46 of the Statute (EC) of the Court of Justice. Under the provision of Article 168 A(2) of the Treaty, the adjustments which need to be made to the Statute, as regards its application to procedures before the Court of First Instance, actually presuppose a request from the Court, which has a monopoly on initiatives in this respect and is dependent on a decision from the Council giving a unanimous ruling on this request, after consultation of the Commission and Parliament. On 18.11.1994 the Council decided to consult Parliament on this request for an amendment, which seeks to adapt the Rules of Procedure of the Court of First Instance to the specific features which have to be taken into account in accordance with Council Regulation (EC) No 40/94 of 20.12.1993, on the Community trade mark. This amendment was necessary in order to allow for the particular aspects of the proceedings relating to intellectual property rights, which differ from the proceedings which the Court is normally called upon to hear, in that these cases concern the conflicting interests of two private parties. The amendment therefore aims to ensure that the Rules of Procedure provide the possibility for the third parties concerned to participate in the proceedings with a view to defending their interests, independent of the procedural action of the Office for Trade Marks.