Court of Justice: review of decisions delivered by the Court of First Instance, Protocol on the Statute

2003/0820(CNS) - 11/02/2005 - Document attached to the procedure

The European Commission has delivered its opinion on the request to amend the Statute of the Court of Justice, presented by the Court of Justice in accordance with the second paragraph of Article 245 of the EC Treaty, to lay down the conditions and limits for review by the Court of Justice of decisions delivered by the Court of First Instance under Article 225(2) and (3) of the EC Treaty.

The Commission considers that the provisions relating to the review procedure should:

a) establish the suspensory nature of the request for review and of the decision to invoke the review procedure;

b) stipulate that the decisions of the Court of First Instance under Article 225(2) and (3) of the Treaty will be considered as final judgments:

- after the onemonth period referred to in the second paragraph of Article 62 of the Statute, provided that the First Advocate General has not proposed a review of the decision, and

- where the First Advocate General has proposed a review, at the end of the second onemonth period referred to in the second paragraph of Article 62 of the Statute, where the Court has decided not to open the review procedure;

c) establish an emergency procedure;

d) establish an appropriate time limit for the handing down of the judgment to be notified to the parties or to the national court.

The Commission considers that, in line with Declaration No 14 of the Treaty of Nice, it would be useful to establish an evaluation mechanism for the review procedure.