COURT OF JUSTICE

Court of First Instance of the European Communities

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES TO ENABLE IT TO GIVE DECISIONS IN CASES WHEN CONSTITUTED BY A SINGLE JUDGE

of 17 May 1999

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to Article 225 of the Treaty establishing the European Community,

Having regard to Article 32d of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 140a of the Treaty establishing the European Atomic Energy Community,

Having regard to the Protocol on the Statute of the Court of Justice of the European Community,

Having regard to the Protocol on the Statute of the Court of Justice of the European Coal any Steel Community,

Having regard to the Statute on the Court of Justice of the European Atomic Energy Community,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 establishing a Court of First Instance of the European Communities [1] to the Act of Accession of Austria, Finland and Sweden and to Council Decision 1999/EC, ECSC, Euratom of 26 April 1999 [2],

Having regard to the agreement of the Court of Justice,

Having regard to the unanimous approval of the Council given on 26 April 1999,

Whereas Article 2(4) of Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988, as amended by Council Decision 1999/291/EC, ECSC, Euratom of 26 April 1999, provides that in certain cases governed by the Rules of Procedure the Court of First Instance may be constituted by a single Judge;

Whereas it is necessary use of this possibility and to determine in the Rules of Procedure of the Court of First Instance the circumstances in which a single Judge may be called upon to give a decision in a case and the detailed rules in accordance with which a case may be heard by a single Judge,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE

Article 1

The Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 [3] amended on 15 September 1994 [4], 17 February 1995 [5], 6 July 1995 [6], and 12 March 1997 [7] are hereby amended as follows:

[1] OJ L 319, 25.11.1988, p. 1. Decision as amended by Council Decisions 93/350 Euratom, ECSC, EEC, (OJ L 144, 16.6.1993, p. 21) and 94/149/ECSC, EC (OJ L 66, 10.3.1994, p. 29).
[2] OJ L 114, 1.5.1999, p. 52.

[3] OJ L 136, 30.5.1991, p. 1.
[4] OJ L 249, 24.9.1994, p. 17.
[5] OJ L 44, 28.2.1995, p. 64.
[6] OJ L 172, 22.7.1995, p. 3.
[7] OJ L 103, 19.4.1997, p. 6, corrigenda in OJ L 351, 23.12.1997, p. 72.

1) Article 11 shall be amended as follows:

(a) in paragraph (1) the following subparagraph shall be added:

'Cases may be heard by a single Judge where they are delegated to him under the conditions specified in Articles 14 and 51 or assigned to him pursuant to Article 124, Article 127(1) or Article 129(2).';

(b) in paragraph (2) the following sentence shall be added:

'In cases delegated or assigned to a single Judge the term "Court of First Instance" used in these Rules shall also designate that Judge.';

2) Article 14 shall be amended as follows:

(a) the first paragraph shall become paragraph (1) and the second paragraph shall be deleted;

(b) the following paragraphs shall be added:'

2. (1) The following cases, assigned to a Chamber composed of three Judges, may be heard and determined by the Judge-Rapporteur sitting as a single Judge where, having regard to the lack of difficulty of the questions of law or fact raised, to the limited importance of the case and to the absence of other special circumstances, they are suitable for being so heard and determined and have been delegated under the conditions laid down in Article 51:

(a) cases brought pursuant to Article 179 of the EC Treaty or Article 152 of the EAEC Treaty;

(b) cases brought pursuant to the fourth paragraph of Article 173, the third paragraph of Article 175 and Article 178 of the EC Treaty, to the second paragraph of Article 33, Article 35 and the first and second paragraphs of Article 40 of the ECSC Treaty and to the fourth paragraph of Article 146, the third paragraph of Article 148 and Article 151 of the EAEC Treaty that raise only questions already clarified by established case-[hyphen]law or that form part of a series of cases in which the same relief is sought and of which one has already been finally decided;

(c) cases brought pursuant to Article 181 of the EC Treaty, Article 42 of the ECSC Treaty and Article 153 of the EAEC Treaty.

(2) Delegation to a single Judge shall not be possible:

(a) in cases which raise issues as to the legality of an act of general application;

(b) in cases concerning the implementation of the rules:

— on competition and on control of concentrations,

— relating to aid granted by States,

— relating to measures to protect trade,

— relating to the common organisation of the agricultural markets, with the exception of cases that form part of a series of cases in which the same relief is sought and where one of those cases has already been finally decided;

(c) in the cases referred to in Article 130(1).

(3) The single Judge shall refer the case back to the Chamber if he finds that the conditions justifying delegation of the case are no longer satisfied.

3. The decisions to refer or to delegate a case which are provided for in paragraphs (1) and (2) shall be taken under the conditions laid down in Article 51.';

3) in Article 16 the following subparagraph shall be added:

'In cases assigned or delegated to a single Judge the powers of the President, with the exception of those referred to in Articles 105 and 106, shall be exercised by that Judge.';

4) in Article 32 the following paragraph shall be added:

5. 'If the single Judge to whom the case has been delegated or assigned is absent or prevented from attending, the President of the Court of First Instance shall designate another Judge to replace that Judge.';

5) Article 51 shall be replaced by the following:

'*Article 51*

1. In the cases specified in Article 14(1), and at any stage in the proceedings, the Chamber hearing the case may, either on its own initiative or at the request of one of the parties, propose to the Court of First Instance sitting in plenary session that the case be referred to the Court of First Instance sitting in plenary session or to a Chamber composed of a different number of Judges. The Court of First Instance sitting in plenary session shall, after hearing the parties and the Advocate General, decide whether or not to refer a case.

The case shall be maintained before or referred to a Chamber composed of five Judges where a Member State or an institution of the European Communities which is a party to the proceedings so requests.

2. The decision to delegate a case to a single Judge in the situations set out in Article 14(2) shall be taken, after the parties have been heard, unanimously by the Chamber composed of three Judges before which the case is pending.

Where a Member State or an institution of the European Communities which is a party to the proceedings objects to the case being heard by a single Judge the case shall be maintained before or referred to the Chamber to which the Judge-[hyphen]-Rapporteur belongs.';

6) Article 118 shall be amended as follows:

   (a) the following paragraph shall be inserted:

   '2a. Where the Court of Justice sets aside a judgement delivered or an order made by a single Judge, the President of the Court of First Instance shall assign the case to a Chamber composed of three Judges of which that Judge is not a member.';

   (b) in paragraph (3) the words 'paragraphs (1) and (2) of this Article, Articles 13(2), 14' shall be replaced by the words 'paragraphs (1), (2) and (2a) of this Article, Articles 13(2), 14(1)';

7) in Article 124 the following sentence shall be added:

   'If the judgment has been delivered by a single Judge, the application initiating third-[hyphen]-party proceedings shall be assigned to that Judge.';

8) in Article 127(1) the following sentence shall be added:

   'If the judgment has been delivered by a single Judge, the application for revision shall be assigned to that Judge.';

9) in Article 129(2) the following sentence shall be added:

   'If the judgment has been delivered by a single Judge, the application for interpretation shall be assigned to that Judge.'.

Article 2

These Amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 35(1), shall be published in the *Official Journal of the European Communities*. They shall enter into force on the first day of the second month following the date of their publication.

Done at Luxembourg, 17 May 1999.

Registrar	*President*
H. JUNG	B.VESTERDORF