



**Brussels, 10 December 2014
(OR. en)**

16651/14

**JUR 931
COUR 56
INST 609**

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)
Subject: **Draft Rules of Procedure of the General Court of the European Union**

1. Pursuant to Article 254, fifth paragraph TUE, *"the General Court shall establish its Rules of Procedure in agreement with the Court of Justice. Those Rules shall require approval of the Council."*
2. With reference to the aforementioned provision, the President of the General Court of the European Union submitted, by letter dated 14 March 2014, draft new Rules of Procedure of the General Court for the approval of the Council (document 7795/14). The Working Party on Court of Justice proceeded to a detailed examination of the draft in its meetings on 14 April, 12 May, 6 June, 18 July, 15 September and 10 October 2014.
3. By letter dated 10 November 2014, the General Court submitted a revised draft (document 15628/14), taking largely into account the observations made during the first round of examination. The revised draft was discussed by the Working Party on Court of Justice at its meeting on 21 November 2014.
4. Taking into account further comments made during that meeting, the General Court submitted on 4 December 2014 another revised draft (document 16522/14). In his accompanying letter, the President of the General Court stated that the amendments thus transmitted are without prejudice to any subsequent changes the General Court may find necessary to propose with respect to Title I on the organisation of the Court, in the event that the reform under which the number of Judges would be doubled and which is currently being examined is adopted.

5. The draft Rules of Procedure in the version of 4 December 2014 were discussed by the Working Party on Court of Justice on 8 December 2014, at which large consensus was reached on the text, albeit with the UK still having concerns on Article 105 and a parliamentary scrutiny reserve, and DE not having completed its internal procedures yet.
6. In parallel, upon invitation by the Working Party on Court of Justice, the Council Security Committee examined the draft Security Rules applicable to information or material produced in accordance with Article 105(1) and (2) of the draft Rules Procedure which the General Court is to determine by decision under Article 105(11) of the draft Rules of Procedure. The General Court's Security Rules are not subject to approval by the Council, but nevertheless the General Court considered it appropriate to seek expert advice on its draft Security Rules, the first version of which was submitted on 9 July 2014.
7. Following a number of detailed written comments by delegations and discussions at the meeting of the Security Committee on 23 and 24 September 2014, the Security Committee gave on 7 October 2014 its opinion on the draft Security Rules of the General Court (document 14024/14).
8. Taking into account the observations made in this opinion, the General Court submitted on 26 November 2014 a revised draft of its Security Rules, which were presented at the meeting of the Working Party on Court of Justice on 1st December 2014 and examined by the Council Security Committee at its meeting on 4 December 2014. On 5 December 2014, the Security Committee gave a generally positive opinion on the revised draft (document 16597/14) and appreciated that many of the issues highlighted in its previous opinion had been addressed. In the meeting of the Working Party on Court of Justice on 8 December 2014, the Registrar of the General Court provided assurance that the points to which the Committee still draws attention will be taken into account in the final version of the General Court's Security Rules and that it will continue to seek technical advice from the relevant experts as regards the implementation of the security rules. It should be noted in this context that pursuant to Article 227(3) of the draft Rules of Procedure the provisions of Article 105 shall apply only from the entry into force of the Decision of the General Court concerning the security rules applicable to information and material produced in accordance with Article 105(1) or (2) of the Rules of Procedure.
9. In the light of the foregoing, the Committee of Permanent Representatives is invited to confirm the agreement reached in the Working Party on Court of Justice on the text of the draft Rules of Procedure as set out in document 16724/14 JUR 943 COUR 57 INST 617, with a view to its submission, after legal-linguistic revision, to the Council for approval as an A-item at one of its next meetings.