



**2018/0900(COD)**

8.11.2018

# **AMENDMENTS**

## **3 - 7**

**Draft report**  
**Tiemo Wölken**  
(PE628.708v01-00)

Draft regulation of the European Parliament and of the Council on amending  
Protocol No 3 on the Statute of the Court of Justice of the European Union

Draft regulation  
(02360/2018 – C8-0132/2018 – 2018/0900(COD))



**Amendment 3**  
**Kostas Chrysogonos**

**Draft regulation**  
**Recital 4**

*Draft by the Court of Justice*

(4) It is, moreover, 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 administrative authority, 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. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency or development of Union law.

*Amendment*

(4) It is, moreover, 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 administrative authority, 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. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency, *proper implementation* or development of Union law *and its core principles and values*.

Or. en

**Amendment 4**  
**Emil Radev**

**Draft regulation**  
**Recital 4**

(4) It is, moreover, 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 administrative authority, 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. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency or development of Union law.

(4) It is, moreover, 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 administrative authority, **such as the European Union Intellectual Property Office, the Community Plant Variety Office, the European Chemicals Agency, the European Aviation Safety Agency**, then by the General Court. **Many** of those appeals **relating to cases in which an independent administrative authority has already been seized prior to the action before the General Court** are dismissed by the Court of Justice because they are patently unfounded, or on the ground that they are manifestly inadmissible. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency or development of Union law.

Or. en

**Amendment 5**  
**Kostas Chrysogonos**

**Draft regulation**

**Article 1 – paragraph 1 – point 2**

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 58a – paragraph 1

*Draft by the Court of Justice*

An appeal brought against a decision of the General Court concerning a decision of a board of appeal of the European Union Intellectual Property Office, *the Community Plant Variety Office, the European Chemicals Agency or* the European Aviation Safety Agency shall not proceed unless the Court of Justice first decides that it should be allowed to do so.

*Amendment*

An appeal brought against a decision of the General Court concerning a decision of a board of appeal of the European Union Intellectual Property Office *and* the European Aviation Safety Agency shall not proceed unless the Court of Justice first decides that it should be allowed to do so.

Or. en

**Amendment 6**  
**Kostas Chrysogonos**

**Draft regulation**

**Article 1 – paragraph 1 – point 2**

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 58a – paragraph 2

*Draft by the Court of Justice*

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

*Amendment*

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

Or. en

**Amendment 7**  
**Kostas Chrysogonos**

**Draft regulation**

**Article 1 – paragraph 1 – point 2**

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 58a – paragraph 3

*Draft by the Court of Justice*

The decision as to whether the appeal should be allowed to proceed shall be reasoned and published.

*Amendment*

The decision as to whether the appeal should be allowed to proceed ***or not proceed*** shall be ***sufficiently*** reasoned and published.

Or. en