

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0508/2008

16.12.2008

REPORT

on the draft Council decision amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal
(13301/2008 – C6-0348/2008 – 2008/0806(CNS))

Committee on Legal Affairs

Rapporteur: Costas Botopoulos

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	4
EXPLANATORY STATEMENT	5
PROCEDURE.....	6

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal (13301/2008 – C6-0348/2008 – 2008/0806(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Council draft (13301/2008),
 - having regard to Article 245(2) of the EC Treaty and Article 160(2) of the Euratom Treaty, pursuant to which the Council consulted Parliament (C6-0348/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0508/2008),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the text submitted for consultation substantially;
 4. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

The provisions of the Rules of Procedure of the Court of First Instance relating to appeals were adopted on 12 October 2005. They entered into force on 1 January 2006.

The applicable provisions, contained in Title 5 of the Rules of Procedure, are largely identical to those contained in Title IV of the Rules of Procedure of the Court of Justice. However, the Rules of Procedure of the Court of First Instance lack any provision as to the language of the case required to be used in appeal proceedings (against decisions of the Civil Service Tribunal). There is, in fact, no equivalent to Article 110 of the Rules of Procedure of the Court of Justice.

According to Article 64 of the Statute of the Court of Justice, the rules governing the language arrangements applicable at the Court of Justice may be amended only in accordance with the procedure for amending the Statute laid down by the EC and EAEC Treaties, that is by decision of the Council, acting unanimously after consulting the European Parliament and the Commission.

The purpose of the proposed Council Decision is to add a provision to the Rules of Procedure of the Court of First Instance relating to the language of the case to be used in appeal proceedings. The proposal consists of adding an article similar to Article 110 of the Rules of Procedure of the Court of Justice. That provision will stipulate that the language of the case should be the language of the decision of the European Civil Service Tribunal against which the appeal has been brought.

The Commission has been consulted and has given a favourable opinion on the proposed text.

The rapporteur considers that the amendment is necessary but of a merely technical nature. He therefore recommends that Parliament approve it as rapidly as possible in accordance with the wish expressed by the Council.

PROCEDURE

Title	The language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal
References	13301/2008 – C6-0348/2008 – 2008/0806(CNS)
Date of consulting Parliament	7.10.2008
Committee responsible Date announced in plenary	JURI 21.10.2008
Rapporteur(s) Date appointed	Costas Botopoulos 3.11.2008
Date adopted	15.12.2008
Result of final vote	+: 13 –: 0 0: 0
Members present for the final vote	Bert Doorn, Monica Frassoni, Giuseppe Gargani, Othmar Karas, Klaus-Heiner Lehne, Manuel Medina Ortega, Francesco Enrico Speroni, Diana Wallis
Substitute(s) present for the final vote	Costas Botopoulos, Jean-Paul Gauzès, Eva Lichtenberger, Georgios Papastamkos, Ieke van den Burg