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NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 5076/24 REV1

Subject: Amendment to Protocol No 3 on the Statute of the Court of Justice of the
European Union
- letter from the President of the Court of Justice of the European Union

Delegations will find attached a letter dated 11 January 2024 from Mr. Koen Lenaerts, President of the Court of Justice of the European Union, to Mr. Willem van de Voorde, President of the Committee of Permanent Representatives.



COURT OF JUSTICE
OF THE
EUROPEAN UNION

The President

PUBLIC

Luxembourg, 11 January 2024

H.E. Willem van de Voorde
President
Committee of Permanent Representatives
Rue de la Loi, 175
1048 Brussels

Dear President,

I thank you for your letter of 10 January 2024 in which you requested information relating to the content of the draft amendments to the Rules of Procedure of the Court of Justice and of the General Court, which will be submitted to the Council pursuant to Articles 253 and 254 TFEU following the adoption of the amendment of the Statute of the Court of Justice of the European Union ('the Statute'), seeking, in particular, to transfer jurisdiction to the General Court to give preliminary rulings in certain specific areas. Your letter specifically concerns the planned amendment to Article 23 of the Statute, pursuant to which the statements of case or written observations submitted by an interested person referred to in that article will be published on the Court's website within reasonable time after the closing of a case, unless that person raises objections to the publication of its own submissions.

It is clear from the provisional agreement reached by the negotiators of the European Parliament and of the Council during the quadrilogue meeting of 7 December 2023 that an interested person referred to in Article 23 of the Statute is not required to provide reasons for its request that its statement of case or written observations not be published on the Court's website. It will thus be possible for any interested person having participated in the written part of preliminary ruling proceedings to object to the publication of the statement of case or observations it submitted in a case, whatever the reason, including reasons related to the conduct of the main proceedings.

Moreover, given that statements of case and observations will not be published as soon as their author objects to such publication, the Court of Justice or the General Court will not adopt any decision which would constitute a reviewable act.

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Even if these points are already clear from the amendments to the Statute that arose out of the quadrilogue meeting of 7 December 2023, I can confirm that they will be reflected in the draft amendments to the Rules of Procedure of the Court of Justice and of the General Court that will be submitted to the Council shortly.

Yours sincerely,



Koen LENAERTS

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