


# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">1997/0908(CNS)</a>	Procedure completed
Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge		
Subject 8.40.04 Court of Justice, Court of First Instance		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights		18/06/1997
		PSE <a href="#">MARTIN David</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>INST</b> Institutional Affairs		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2173</a>	26/04/1999

Key events			
28/02/1997	Legislative proposal published	<a href="#">06290/1997</a>	Summary
28/05/1997	Committee referral announced in Parliament		
22/07/1998	Vote in committee		Summary
22/07/1998	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0290/1998</a>	
07/10/1998	Debate in Parliament		
08/10/1998	Decision by Parliament	T4-0571/1998	Summary
26/04/1999	Act adopted by Council after consultation of Parliament		
26/04/1999	End of procedure in Parliament		
01/05/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0908(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Euratom Treaty A 140; ECSC Treaty C 032q; EC before Amsterdam E 168A
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/08839

### Documentation gateway

Legislative proposal	<a href="#">06290/1997</a>	28/02/1997	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0290/1998</a> <a href="#">OJ C 313 12.10.1998, p. 0007</a>	22/07/1998	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0571/1998 <a href="#">OJ C 328 26.10.1998, p. 0136-0167</a>	08/10/1998	EP	Summary

### Final act

[Decision 1999/291](#)  
[OJ L 114 01.05.1999, p. 0052](#) Summary

## Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge

**OBJECTIVE:** To enable the Court of First Instance to give decisions when constituted by a single judge. **SUBSTANCE:** Pursuant to Article 168a of the EC Treaty, the draft Decision aims to amend Decision 88/591/ECSC, EEC and EURATOM establishing the Court of First Instance, to enable the Court to give decisions when constituted by a single judge. The proposal is intended to enable the Court to deal with the litigation resulting from application of Regulation 40/94/EC of 20 December 1993 on the Community trade mark. This litigation is likely to assume substantial proportions and the proposal is therefore a matter of some urgency.. ?

## Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge

The Committee has endorsed the legislative proposal to allow the Court of First Instance (CFI) to give decisions when constituted by a single judge. The committee went against the recommendation of the rapporteur, David MARTIN (PES, UK), and adopted an amended version of his report by 8 votes to 2 with 2 abstentions. The report calls on the Court of Justice to submit a report to Parliament and Council assessing the implementation of the decision three years after its entry into force. Under the proposed system, the use of a single judge would be exceptional, limited, optional and not definitive. The prevailing rule for cases brought under EU law is based on a system of three or five judges from different national legal systems, the aim being to ensure that case-law is standardised. The use of a single judge is mainly envisaged for cases of limited importance where an established case-law already exists. These would include staff cases as well as proceedings for annulment in Community trademark cases and non-contractual liability cases. Following the vote, the chairman of the committee observed that his committee and the Commission continued to have reservations about the efficiency of referring cases to a single judge. He shared the view that, in the context of an enlarged Europe, the EU judicial system was in need of a far more thorough overhaul. The legislative proposal, together with draft amendments to the Rules of Procedure of the Court of First Instance, was submitted to the Council by the Court of Justice and not the Commission, pursuant to Article 168a of the EC Treaty.?

## Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge

In adopting the report by Mr David MARTIN (PSE, UK), the European Parliament delivered a favourable opinion on the legislative proposal to allow the Court of First Instance to give decisions when constituted by a single judge.?

## Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge

**PURPOSE:** to enable the Court of First Instance to give decisions in cases when constituted by a single judge. **COMMUNITY MEASURE:** Council Decision 1999/291/EC, ECSC, Euratom amending Decision 88/591/ECSC, EEC, Euratom establishing a Court of First Instance of the European Communities to enable it to give decisions in cases when constituted by a single judge. **CONTENT:** Following the application of the 1993 Council Regulation on the Community trade mark, in particular, the workload of the Court, which has already considerably increased since its creation, is expected to rise significantly as a result of litigation relating to intellectual property rights. Before contemplating any increase in the number of the Members of the Court of First Instance, it is considered necessary to exhaust all the possibilities of improving the working efficiency of the Court as composed at present. By conferring on a single judge jurisdiction to give decisions in certain cases, the

number of cases heard by the Court may be considerably increased. Furthermore, experience would appear to show that neither the legal nor factual difficulty of certain cases coming before the Court, nor their importance, nor any special circumstance justify those cases being heard by three judges. For these reasons, Article 2(4) of Decision 88/591 is amended by the addition of the words 'or be constituted by a single judge' shall be added at the end of the third sentence. ENTRY INTO FORCE: 16.05.1999.?