



AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE [2026/1335]

THE COURT OF JUSTICE,

Having regard to the Treaty on the Functioning of the European Union, and in particular the sixth paragraph of Article 253 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 63 thereof,

Whereas, in view of questions raised concerning the situations in which Member States are entitled to use their official language in procedures before the Court, it is necessary to clarify the scope of the derogation provided for in Article 38(4) of the Rules of Procedure and to specify that the possibility, for Member States, of using their official language applies to all cases in which they take part and to all requests, applications or actions brought before the Court, including appeals brought under Articles 56 or 57 of the Protocol on the Statute of the Court of Justice of the European Union,

Whereas, moreover, certain procedural requirements laid down in the Rules of Procedure should be streamlined or removed, either because they have become redundant as a result of recent technological developments or because of the workload they entail and their impact on the length of proceedings,

Whereas, to that end, the obligation to draw up minutes should be limited to hearings of oral argument, and a distinction should be drawn between the procedural requirements for the reopening of the oral part of the procedure and the less onerous procedural requirements applicable to the opening of the oral part,

Whereas it is also appropriate to draw on the Court's case-law on confidentiality and to relieve the Court of the obligation to make an order where, in the context of an appeal, the same confidential treatment as that approved by the General Court at first instance is sought by a party to the proceedings vis-à-vis another party,

Whereas account should also be taken of the experience gained by the Court following the death of a Judge or the simultaneous departure of several Judges, and provision should be made for the President of the formation of the Court to certify that a Judge who is no longer in a position to sign the original of the judgment or of the Opinion of the Court did take part in the deliberations of that formation,

Whereas, finally, it is appropriate to facilitate the management of cases which are subject to the mechanism whereby the Court determines whether an appeal should be allowed to proceed and to ensure a more balanced distribution of the workload between all the Judges by changing the date to be taken into account for the purpose of establishing the composition of the Chamber determining whether appeals may proceed, this being established by reference to the date on which a Judge is designated as Judge-Rapporteur, and not by reference to the date on which the request that the appeal be allowed to proceed is made,

With the approval of the Council given on 11 May 2026,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of 25 September 2012 ⁽¹⁾ are hereby amended as follows:

- 1) Article 38(4) is replaced by the following:

‘4. Notwithstanding the foregoing provisions, a Member State shall be entitled to use its official language when taking part in preliminary ruling proceedings, when intervening in a case or procedure before the Court or when submitting a request or an application to the Court or bringing an action or an appeal before it. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.’.

- 2) Article 38(5) is replaced by the following:

‘5. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall be entitled to use one of the languages mentioned in Article 36, other than the language of the case, when taking part in preliminary ruling proceedings, when intervening in a case or procedure before the Court or when submitting a request or an application to the Court or bringing an appeal before it. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.’.

- 3) Article 83 is replaced by the following:

‘Article 83

Opening or reopening of the oral part of the procedure

The Court may at any time, after hearing the Advocate General, decide to open the oral part of the procedure or order the reopening of that part, in particular if it considers that it lacks sufficient information or where a party has, after the close of that part of the procedure, submitted a new fact which is of such a nature as to be a decisive factor for the decision of the Court, or where the case must be decided on the basis of an argument which has not been debated between the parties or the interested persons referred to in Article 23 of the Statute.’.

- 4) Article 84 is replaced by the following:

‘Article 84

Minutes of hearings of oral argument

1. The Registrar shall draw up minutes of every hearing of oral argument. The minutes shall be signed by the President and by the Registrar. They shall constitute an official record.

2. The parties and interested persons referred to in Article 23 of the Statute may inspect the minutes at the Registry and obtain copies.’.

- 5) Article 88 is replaced by the following:

‘Article 88

Delivery and service of the judgment

1. The judgment shall be delivered in open court.

2. The original of the judgment shall be signed by the President, by the Judges who took part in the deliberations and by the Registrar. Where the original can no longer be signed by a Judge who took part in the deliberations, either due to his state of health or death, or due to his resignation or the expiry of his term of office, the President shall certify that that Judge took part in the deliberations.

⁽¹⁾ OJ L 265, 29.9.2012, p. 1, with corrigenda (OJ L, 2024/90475, 5.8.2024, and OJ L, 2024/90553, 6.9.2024), as amended on 18 June 2013 (OJ L 173, 26.6.2013, p. 65), on 19 July 2016 (OJ L 217, 12.8.2016, p. 69), on 9 April 2019 (OJ L 111, 25.4.2019, p. 73), on 26 November 2019 (OJ L 316, 6.12.2019, p. 103) and on 2 July 2024 (OJ L, 2024/2094, 12.8.2024).

3. The signed original of the judgment shall be sealed and deposited at the Registry. Certified copies of the judgment shall be served on the parties and, where applicable, the referring court or tribunal, the interested persons referred to in Article 23 of the Statute and the General Court.’.

6) Article 170b(2) is replaced by the following:

‘2. The decision on that request shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by a Chamber specially established for that purpose, presided over by the Vice-President of the Court and including also the Judge-Rapporteur and the President of the Chamber of three Judges to which the Judge-Rapporteur is attached at the time of his designation as Judge-Rapporteur.’.

7) The following paragraph is added to Article 190:

‘4. Where, in proceedings concerning an appeal against a decision of the General Court, a party applies for confidential treatment, vis-à-vis an intervener before the General Court, of material produced before the Court of Justice which has already been treated as confidential vis-à-vis that intervener in the proceedings at first instance, the same confidential treatment shall be maintained for the purposes of the proceedings before the Court of Justice.’.

8) Article 200 is replaced by the following:

‘Article 200

Delivery and service of the Opinion

1. The Opinion shall be delivered in open court.

2. The original of the Opinion shall be signed by the President, by the Judges who took part in the deliberations and by the Registrar. Where the original can no longer be signed by a Judge who took part in the deliberations, either due to his state of health or death, or due to his resignation or the expiry of his term of office, the President shall certify that that Judge took part in the deliberations.

3. The signed original of the Opinion shall be sealed and deposited at the Registry. Certified copies of the Opinion shall be served on all the Member States and on the institutions referred to in Article 196(1).’.

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages referred to in Article 36 of those Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the month following that of their publication.

Done at Luxembourg, 2 June 2026.

Registrar
A. CALOT ESCOBAR

President
K. LENAERTS