



# **PROCEDURAL LAW OF THE EUROPEAN UNION**

**Second Edition**

**By**

**KOEN LENAERTS**

*Professor of European Law, Katholieke Universiteit Leuven,  
Judge of the Court of Justice of the European Communities*

**DIRK ARTS**

*Advocaat, Member of the Brussels Bar*

**and**

**IGNACE MASELIS**

*Legal Secretary at the Court of First Instance of the  
European Communities*

**ROBERT BRAY, EDITOR**

*Principal Administrator in the Secretariat of the  
Committee on Legal Affairs of the European Parliament*

**LONDON  
SWEET & MAXWELL  
2006**

# TABLE OF CONTENTS

<i>Preface</i>	v
<i>Foreword to the First Edition</i>	vii
<i>List of Abbreviations</i>	xxv
<i>Abbreviated Forms for Treaties and Acts</i>	xxvii
<i>Textbooks Referred To Throughout</i>	xxx
<i>Numerical Table of European cases</i>	xxxiii
<i>European Court of Justice</i>	xxxiii
<i>European Court of First Instance</i>	lxxxvi
<i>European Court of Human Rights</i>	cx
<i>Alphabetical Table of European cases</i>	cx
<i>Table of national cases</i>	clxxiii
<i>Table of EU and EC Treaties, Protocols and Declarations</i>	clxxv
<i>Table of Texts relating to Procedure before the Court of Justice and the Court of First Instance</i>	clxxxiii
<i>Statute of the Court of Justice</i>	clxxxiv
<i>Rules of Procedure of the Court of Justice</i>	clxxxiv
<i>Rules of Procedure of the Court of First Instance</i>	clxxxvi
<i>Court of Justice Practice Directions</i>	clxxxviii
<i>Court of First Instance Practice Directions</i>	clxxxix
<i>Supplementary Rules of the Court of Justice</i>	clxxxix
<i>Table of European Union and Community Acts</i>	cxci
<i>Regulations</i>	cxci
<i>Directives</i>	cxcv
<i>Council Decisions and Decisions of Representatives of the Member States</i>	cxcvii
<i>Commission Decisions</i>	cxcviii
<i>European Central Bank Decisions</i>	cxci
<i>Rules of Procedure of Other European Institutions and Bodies</i>	cxci
<i>Table of Conventions and Agreements concluded by the EC or EU</i>	cci
<i>Table of national legislation</i>	cciii

## PART I

### THE JUDICIAL ORGANISATION OF THE EUROPEAN UNION

#### CHAPTER 1. THE EUROPEAN COURTS

I. NATIONAL COURTS	3
II. THE COURT OF JUSTICE	4
A. Composition	4

B. Internal organisation	6
C. Basic function	9
III. THE COURT OF FIRST INSTANCE	11
A. Composition	11
B. Internal organisation	13
C. Basic function	15
IV. JUDICIAL PANELS	17
A. The European Union Civil Service Tribunal	17
B. The Community Patent Court	19
V. ALLOCATION OF JURISDICTION BETWEEN THE COMMUNITY COURTS	22
A. The position before the Treaty of Nice	22
B. The Nice Treaty: a fundamental reallocation of jurisdiction in embryo	23
C. The present allocation of jurisdiction	25
D. The Constitution	31
<b>CHAPTER 2. COOPERATION BETWEEN NATIONAL COURTS AND THE COURT OF JUSTICE: THE REFERENCE FOR A PRELIMINARY RULING</b>	
I. THE INITIATIVE FOR REQUESTING A PRELIMINARY RULING	36
A. What is a "court or tribunal of a Member State"?	35
B. Type of proceedings in which a preliminary ruling may be requested	45
C. Time and content of a request for a preliminary ruling	47
D. Annulment of a request for a preliminary ruling	58
II. DETERMINATION OF THE RELEVANCE OF THE REQUEST FOR A PRELIMINARY RULING	60
A. Task of the national court	60
B. The limits set by Community law	63
1. <i>Obviously irrelevant questions</i>	63
2. <i>Spurious disputes</i>	68
III. THE DUTY TO REQUEST A PRELIMINARY RULING	70
A. What national courts and tribunals are involved?	70
B. Decisions against which there is no remedy under national law	72
C. Limits set to the duty to request a preliminary ruling	73
D. Enforcement of the obligation to request a preliminary ruling	77
E. Obligation to request a preliminary ruling <i>praeter legem</i>	79
IV. THE CONSTITUTION	81

<b>CHAPTER 3. THE PRINCIPLE OF THE FULL EFFECTIVENESS OF COMMUNITY LAW AND ITS IMPACT ON NATIONAL LAW RELATING TO PROCEDURE AND SANCTIONS</b>	
<b>I. THE NEED FOR JUDICIAL SUPERVISION</b>	85
<b>II. CONSTRAINTS: EQUIVALENCE AND EFFECTIVENESS</b>	92
A. <i>Locus standi</i> and interest in bringing proceedings	93
B. Limitation periods and rules of evidence	94
1. <i>Recovery of unlawful charges</i>	94
2. <i>Recovery of unlawful State aid</i>	100
3. <i>Claims for an advantage due under Community law</i>	100
C. Assessment of the legality of national provisions in the light of Community law	102
D. Raising pleas derived from Community law of the court's own motion	104
E. Effects of infringement of Community law	106
1. <i>Imposition of sanctions</i>	106
2. <i>Claims for damages for an infringement of Community law by Member States</i>	108
3. <i>Claims for damages for an infringement of Community law by individuals</i>	114
4. <i>Withdrawal of a decision of a national administrative body which has become final</i>	115
<b>III. LEGAL PROTECTION IN PROCEEDINGS FOR INTERIM RELIEF</b>	116

## PART II

## ENFORCEMENT OF COMMUNITY LAW

## CHAPTER 4. INTRODUCTION

## CHAPTER 5. ACTION FOR INFRINGEMENT OF COMMUNITY LAW BY A MEMBER STATE

<b>I. SUBJECT-MATTER</b>	128
A. General	128
B. Failure of a Member State to fulfil an obligation under the Treaty	130
1. <i>What rules are covered by "an obligation under this Treaty"?</i>	130
2. <i>What is meant by "failure to fulfil"?</i>	132
C. Relationship with special legal procedures to obtain a declaration that a Member State has failed to fulfil its obligations under Community law	137

1. Relationship between Arts 226 and 227 of the EC Treaty and Art. 88(2) of the EC Treaty	137
2. Relationship between Arts 226 and 227 of the EC Treaty and Art. 86(3) of the EC Treaty	140
3. Relationship between Arts 226 and 227 of the EC Treaty and special procedures relating to the improper use of derogating provisions	141
4. Relationship between Arts 226 and 227 of the EC Treaty and special procedures relating to public procurement contracts	142
II. IDENTITY OF THE PARTIES	143
A. The applicant	143
B. The defendant	148
III. SPECIAL CHARACTERISTICS	149
A. The pre-litigation stage of the procedure	149
1. Letter of formal notice	150
2. Reasoned opinion	152
B. The stage of the procedure held before the Court of Justice	155
1. Conditions of admissibility	155
a. The requirement for the pre-litigation stage of the procedure to be properly conducted	155
b. The requirement for the letter of formal notice and the reasoned opinion to accord with the application by which an action for failure to fulfil obligations is brought before the Court	156
c. Existence of a failure to fulfil obligations	159
d. Time-limits	161
2. Aspects of the treatment given to the substantive claim	162
a. Burden of proof	162
b. Substantive defence of the Member State	164
IV. CONSEQUENCES	167
A. Result of the action	167
B. Legal force of the judgment declaring that a Member State has failed to fulfil its obligations	168
C. Sanctions for failure to comply with the judgment	171
V. THE CONSTITUTION	172
 <b>CHAPTER 6. INTERPRETATION OF COMMUNITY LAW BY WAY OF PRELIMINARY RULING</b>	
I. SUBJECT-MATTER OF THE INTERPRETATION BY WAY OF PRELIMINARY RULING	174

II	A. The Treaties	175
	B. Acts of Community institutions	176
III	C. International agreements concluded by the Community and acts of bodies established by such agreements	182
IV	D. Provisions of Community law to which national law refers	184
V	CONTENT OF A PRELIMINARY RULING ON INTERPRETATION	187
VI	CONSEQUENCES OF A PRELIMINARY RULING ON INTERPRETATION	193
	A. As regards the national court deciding the case at issue in the main proceedings	193
	B. As regards national courts generally	194
	C. Temporal effects	196

## PART III

## PROTECTION AGAINST ACTS OF THE INSTITUTIONS

## CHAPTER 7. THE ACTION FOR ANNULMENT

I	SUBJECT-MATTER	203
	A. The term "act"	203
	1. <i>The requirement for there to be a contested act</i>	203
	2. <i>The requirement for a binding act</i>	206
	a. Content and not form determines whether the act is binding	207
	b. The act is intended to produce legal effects	211
	(1) Confirmatory acts	212
	(2) Resolutions	214
	(3) Internal instructions and guidelines	214
	(4) Preparatory acts and measures laying down a definitive position	215
	B. The concept of reviewable act: some fields of application	216
	(1) Enforcement of Arts 81 and 82 of the EC Treaty	216
	(2) Merger control	228
	(3) State aid cases	230
	(4) Anti-dumping cases	236
	(5) Access to documents pursuant to Regulation No 1049/2001	238
II	IDENTITY OF THE PARTIES	239
	A. Defendants: against which institutions can an action for annulment be brought?	239

1. <i>Institutions</i>	239
2. <i>Community bodies entrusted with the preparation or implementation of Community law</i>	240
3. <i>What acts may be imputed to an institution?</i>	241
B. Applicants: who can bring an action for annulment?	242
1. <i>The European Parliament, the Council, the Commission and the Member States</i>	242
2. <i>The Court of Auditors and the European Central Bank</i>	243
3. <i>Individual applicants</i>	244
a. Requirements as to admissibility relating to the person	244
b. Requirements as to admissibility based on the type of act	245
(1) The requirement that the contested act should be a decision	245
(2) The requirement that, if the contested act is not addressed to the applicant, it should be of direct and individual concern to him	250
(i) Direct concern	251
(ii) Individual concern	255
c. The concept of individual concern: some fields of application	264
(1) Enforcement of Arts 81 and 82 of the EC Treaty	264
(2) Merger control	266
(3) State aid cases	267
(4) Anti-dumping cases	276
(5) Access to documents pursuant to Regulation No 1049/2001	280
(6) Public contracts	280
d. The requirement that there should be an interest in the annulment of the contested measure	280
III. SPECIAL CHARACTERISTICS	287
A. Grounds for annulment	287
1. <i>Lack of competence</i>	290
a. Substantive competence	291
b. Territorial competence	292
c. Delegation of powers	292
2. <i>Infringement of essential procedural requirements</i>	295
a. Requirement to consult	296
b. Requirement to hear the addressee	297
c. Duty of confidentiality	299

	d. Internal procedural rules	300
	e. Requirement to provide a statement of reasons	301
	f. Publication and notification of the act	305
	3. <i>Infringement of the Treaty or of any rule relating to its application</i>	305
	4. <i>Misuse of powers</i>	308
B.	Conduct during the administrative procedure and admissibility of pleas in judicial proceedings	310
C.	Limitation periods	311
1.	<i>Publication</i>	312
2.	<i>Notification to the applicant</i>	313
3.	<i>Date on which the applicant had notice of the act</i>	315
D.	Examination <i>ex officio</i> of the conditions governing the admissibility of an action	317
IV.	CONSEQUENCES	318
A.	Result of an application for annulment	318
B.	Authority of the judgment	320
1.	<i>Declaration of nullity</i>	320
2.	<i>Dismissal of an application for annulment</i>	323
V.	THE CONSTITUTION	324
A.	Enlargement of the category of defendants against which an annulment action may be brought	324
B.	Inclusion of the Committee of the Regions in the category of "semi-privileged" applicants	324
C.	Improvement of judicial protection for individuals	325

## CHAPTER 8. THE ACTION FOR FAILURE TO ACT

I.	SUBJECT-MATTER	329
A.	General	329
B.	Subject-matter of an action for failure to act	329
C.	Relationship between the action for annulment and the action for failure to act	332
II.	IDENTITY OF THE PARTIES	333
A.	Defendants	333
B.	Applicants	334
III.	SPECIAL CHARACTERISTICS	335
A.	Pre-litigation procedure	335
B.	Procedure before the Court	339
IV.	CONSEQUENCES	340
V.	THE CONSTITUTION	341

## CHAPTER 9. THE OBJECTION OF ILLEGALITY

I.	SUBJECT-MATTER	342
----	----------------	-----

A. General	342
B. Acts against which an objection of illegality may be raised	343
II. IDENTITY OF THE PARTIES	343
III. SPECIAL CHARACTERISTICS	343
A. Requirements for admissibility	343
B. Actions in which an objection of illegality may be raised	350
C. Pleas in law	351
IV. CONSEQUENCES	352
V. THE CONSTITUTION	352
 <b>CHAPTER 10. DETERMINATION OF THE VALIDITY OF COMMUNITY ACTS BY REFERENCES FOR PRELIMINARY RULINGS</b>	
I. SUBJECT-MATTER OF PRELIMINARY RULING PROCEEDINGS RELATING TO THE VALIDITY OF A COMMUNITY ACT	352
II. SUBSTANCE OF THE REVIEW OF THE VALIDITY OF A COMMUNITY ACT IN PRELIMINARY RULING PROCEEDINGS	360
III. CONSEQUENCES OF THE REVIEW OF THE VALIDITY OF A COMMUNITY ACT IN PRELIMINARY RULING PROCEEDINGS	360
 <b>CHAPTER 11. THE ACTION FOR DAMAGES</b>	
I. SUBJECT-MATTER	360
A. General	360
B. Independent nature of the action for damages	370
II. IDENTITY OF THE PARTIES	370
A. Applicants	370
B. Defendants	370
1. <i>Damage caused by institutions</i>	370
2. <i>Damage caused by servants of institutions in the performance of their duties</i>	370
3. <i>Liability concurrent with that of Member States</i>	370
a. Pecuniary loss resulting from an infringement of Community law by a Member State	370
b. Pecuniary loss resulting from the unlawfulness of the Community measure implemented	380
c. Pecuniary loss resulting from unlawful joint action on the part of the Community and a Member State	380
III. SPECIAL CHARACTERISTICS	380

<b>A.</b>	<b>Requirements for liability</b>	<b>384</b>
1.	<i>The unlawful act</i>	384
a.	What test for unlawfulness?	384
b.	The discretion of the Community institution	388
c.	A superior rule of law intended to confer rights on individuals	390
d.	The requirement for a sufficiently serious breach	394
2.	<i>The loss or damage</i>	396
a.	Existence and extent of the damage	396
b.	Proof of damage	400
3.	<i>The causal connection</i>	402
<b>B.</b>	<b>Limitation period</b>	<b>403</b>
1.	<i>Commencement and duration</i>	403
2.	<i>Interruption of the limitation period</i>	405
<b>IV.</b>	<b>CONSEQUENCES</b>	<b>406</b>
A.	Judgment holding the Community liable	406
B.	Judgment dismissing the action for damages	406
<b>V.</b>	<b>THE CONSTITUTION</b>	<b>407</b>
 <b>CHAPTER 12. APPLICATION FOR AN OPINION ON THE COMPATIBILITY OF AN INTERNATIONAL AGREEMENT TO BE CONCLUDED BY THE COMMUNITY WITH THE PROVISIONS OF THE EC TREATY</b>		
<b>I.</b>	<b>SUBJECT-MATTER</b>	<b>408</b>
A.	General	408
B.	The expression "agreement envisaged"	409
<b>II.</b>	<b>IDENTITY OF THE APPLICANTS</b>	<b>410</b>
<b>III.</b>	<b>SPECIAL CHARACTERISTICS</b>	<b>411</b>
A.	Extent of the jurisdiction to give opinions	411
B.	Time-limit	412
C.	Procedure before the Court	414
<b>IV.</b>	<b>CONSEQUENCES</b>	<b>414</b>
<b>V.</b>	<b>CONSTITUTION</b>	<b>415</b>

## PART IV

## SPECIAL FORMS OF PROCEDURE

# **CHAPTER 13. PROCEEDINGS FOR INTERIM MEASURES BEFORE THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE**

<b>I.</b>	<b>SUBJECT-MATTER</b>	<b>419</b>
-----------	-----------------------	------------

A.	Types of measures	419
B.	The ancillary nature of proceedings for interim measures	421
C.	The provisional nature of interim measures	424
II.	IDENTITY OF THE PARTIES	426
A.	The applicant	426
B.	The defendant	427
III.	SPECIAL CHARACTERISTICS	427
A.	Competent Judge	427
B.	Procedure before the Court	428
C.	Other requirements for admissibility	428
	1. <i>Admissibility of the application in the main proceedings</i>	428
	2. <i>Time-limits</i>	431
	3. <i>Requirement for a separate application</i>	432
D.	Substantive requirements	433
	1. <i>Prima facie case</i>	434
	2. <i>Urgent nature of the application for interim measures</i>	436
	3. <i>Balance of interests</i>	440
IV.	CONSEQUENCES	442
 <b>CHAPTER 14. PROCEEDINGS FOR AUTHORISATION TO SERVE A GARNISHEE ORDER ON THE COMMUNITIES</b>		
I.	SUBJECT-MATTER	444
II.	IDENTITY OF THE PARTIES	444
III.	SPECIAL CHARACTERISTICS	445
 <b>CHAPTER 15. UNLIMITED JURISDICTION OF THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE IN RESPECT OF ACTIONS RELATING TO SANCTIONS</b>		
I.	GENERAL	447
II.	SCOPE OF REVIEW	449
III.	FORCE OF UNLIMITED JURISDICTION	450
 <b>CHAPTER 16. APPEALS</b>		
I.	SUBJECT-MATTER	452
A.	General	452
B.	Appeals are confined to points of law	452
C.	Against what decisions of the Court of First Instance will an appeal lie?	459
II.	IDENTITY OF THE PARTIES	460
III.	SPECIAL CHARACTERISTICS	462
IV.	CONSEQUENCES	466

**CHAPTER 17. THE REVIEW PROCEDURE****CHAPTER 18. PROCEEDINGS BROUGHT BY OFFICIALS AND OTHER SERVANTS OF THE COMMUNITIES (STAFF CASES)**

I.	SUBJECT-MATTER	474
A.	General	474
B.	Against what measures will an action lie?	475
1.	<i>What measures constitute acts having adverse effect?</i>	475
2.	<i>The requirement for an interest</i>	477
II.	IDENTITY OF THE PARTIES	477
A.	Applicants	477
B.	Defendants	479
III.	SPECIAL CHARACTERISTICS	479
A.	The requirement for a pre-litigation procedure	479
1.	<i>Course and time-limits</i>	479
2.	<i>Formal requirements</i>	481
3.	<i>Effects</i>	481
B.	Priority of an action brought under Art.236 of the EC Treaty	483
IV.	CONSEQUENCES	484
V.	THE CONSTITUTION	485

**CHAPTER 19. JURISDICTION OF THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE TO GIVE JUDGMENT PURSUANT TO AN ARBITRATION CLAUSE OR A SPECIAL AGREEMENT**

I.	ART.238 OF THE EC TREATY	486
A.	Subject-matter	486
1.	<i>General</i>	486
2.	<i>What contracts are concerned?</i>	487
3.	<i>Nature and extent of the Court's jurisdiction pursuant to an arbitration clause</i>	488
B.	Identity of the parties	489
C.	Special characteristics	490
1.	<i>Requirements relating to validity</i>	490
2.	<i>Applicable law</i>	490
3.	<i>Procedure before the Court</i>	491
D.	Consequences	491
E.	The Constitution	491
II.	ART.239 OF THE EC TREATY	491

**CHAPTER 20. JURISDICTION OF THE COMMUNITY COURT OVER  
DISPUTES RELATING TO INTELLECTUAL  
PROPERTY RIGHTS**

I. SUBJECT-MATTER	493
II. IDENTITY OF THE PARTIES	495
A. The defendant	495
B. The applicant	497
III. SPECIAL CHARACTERISTICS	498
A. Pleas in law	498
B. Time-limits	499
IV. CONSEQUENCES	500

**CHAPTER 21. JURISDICTION OF THE COURT OF JUSTICE UNDER  
CONVENTIONS CONCLUDED BY THE MEMBER  
STATES**

I. SUBJECT-MATTER	502
A. General	502
B. What conventions are involved?	503
II. SURVEY OF THE COURT'S POWERS	506
A. Jurisdiction to give preliminary rulings	506
B. Direct actions	510
III. PROCEDURE BEFORE THE COURT	511
IV. CONSEQUENCES	511

**CHAPTER 22. JURISDICTION OF THE COURT OF JUSTICE WITH  
REGARD TO THE AREA OF FREEDOM, SECURITY  
AND JUSTICE**

I. VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATED TO FREE MOVEMENT OF PERSONS	512
II. POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS	514
III. ENHANCED COOPERATION IN THE FIELD OF POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS	517
IV. THE CONSTITUTION	517

PART V

**PROCEDURE BEFORE THE COURT OF JUSTICE AND THE COURT  
OF FIRST INSTANCE**

**CHAPTER 23. INTRODUCTION**

<b>CHAPTER 24. PROCEDURE IN THE CASE OF DIRECT ACTIONS</b>	
<b>I. THE WRITTEN PROCEDURE</b>	523
A. The application	523
1. <i>Lodging an application</i>	523
2. <i>Content</i>	525
a. Name and address of the applicant	526
b. Designation of the party against whom the application is made	527
c. Subject-matter of the proceedings and summary of the pleas in law on which the application is based	528
d. Form of order sought by the applicant	533
e. Supporting evidence	534
f. Accompanying documents	535
3. <i>Consequences</i>	536
B. The defence	538
1. <i>Lodging the defence</i>	538
a. General	538
b. Judgments by default and applications to set them aside	539
2. <i>Content</i>	540
a. Name and address of the defendant	541
b. Arguments of fact and law relied on	541
c. Form of order sought by the defendant	542
d. Any evidence offered in support	542
e. Accompanying documents	542
3. <i>The objection of inadmissibility</i>	542
C. The reply and the rejoinder	544
D. Directions for preparing pleadings and other procedural documents	546
E. The expedited procedure	549
F. The preliminary report	550
<b>II. THE ORAL PROCEDURE</b>	551
A. Opening of the oral procedure	551
B. Course of the oral procedure	552
C. Reopening of the oral procedure	554
<b>III. MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY</b>	556
A. Burden of proof on the parties and role played by the Court in fact-finding	556
B. Measures of organisation of procedure	559
C. Measures of inquiry	560
1. <i>Personal appearance of the parties</i>	560
2. <i>Requests for information and production of documents</i>	561

3.	<i>Oral testimony and experts' reports</i>	562
4.	<i>Inspections of the place or thing in question</i>	563
D.	Preparatory measures	564
IV.	JOINDER OF CASES	564
V.	PRELIMINARY ISSUES	565
VI.	INTERVENTION	566
A.	Aim and manner of intervention	566
B.	Substantive requirements	569
C.	Formal requirements	573
VII.	THE CLOSURE OF PROCEEDINGS	577
A.	The judgment	577
1.	<i>Meaning of the term and how it comes about</i>	577
2.	<i>Content and formal requirements</i>	579
3.	<i>Legal force</i>	579
4.	<i>Costs</i>	581
a.	What costs are recoverable?	581
b.	Who has to pay the costs?	585
5.	<i>Legal aid</i>	587
6.	<i>Exceptional review procedures</i>	589
a.	Third-party proceedings	589
(1)	Subject-matter	589
(2)	Substantive requirements and time-limits	589
(3)	Formal requirements	591
(4)	Consequences	591
b.	Revision	592
(1)	Substantive requirements and time-limits	592
(2)	Formal requirements	594
7.	<i>Procedural measures after giving of judgment: the interpretation of judgments, rectification of clerical errors or of the omission to give a decision</i>	595
a.	The interpretation of judgments	595
(1)	Who can bring an application for interpretation?	595
(2)	Substantive and formal requirements	596
(3)	Procedure before the Court and judgment	597
b.	Rectification of clerical errors	597
c.	Rectification in the event of an omission to give a decision	598
B.	Discontinuance	598
C.	No need to proceed to judgment	599
VIII.	GENERAL REMARKS	599
A.	Use of languages	599

B.	Calculation of time-limits	602
C.	Representation of the parties	606
<b>CHAPTER 25. PROCEDURE IN THE CASE OF A REFERENCE FOR A PRELIMINARY RULING</b>		
<b>CHAPTER 26. PROCEDURE IN THE CASE OF AN APPEAL AGAINST A DECISION OF THE COURT OF FIRST INSTANCE</b>		
Appendix A	Articles 220 to 245 of the EC Treaty	623
Appendix B	Statute of the Court of Justice	630
Appendix C	Procedure before the Court of Justice	647
C.1	Rules of Procedure of the Court of Justice	647
C.2	Information note on references from national courts for a preliminary ruling	689
C.3	Practice Directions relating to direct actions and appeals	693
C.4	Notes for the guidance of Counsel	701
Appendix D	Procedure before the Court of First Instance	717
D.1	Rules of Procedure of the Court of First Instance	717
D.2	Court of First Instance Practice Directions to parties	759
D.3	Notes for the guidance of Counsel before the Court of First Instance for the oral procedure	765
Index		769