

Judge Vassilios Skouris,
President of the Court of
Justice
of the European Union,
Boulevard Konrad Adenauer,
L-2925 Luxembourg

Brussels, 27 May 2013

Re: Proposed amendment to the procedural rules of the General Court

Dear President Skouris,

I am writing concerning a matter that has been brought to the attention of the CCBE Presidency.

We understand that the General Court is proposing that it be granted a power in its proposed new procedural rules to have the possibility – under certain conditions and with certain specific arrangements – to order that it receives and takes into account certain confidential information or documents to which some parties to the proceedings will not have access. We also understand that the grant of such a power to the General Court is shortly to be considered by the Court of Justice.

We have not seen any draft but we write with regard to the principle. Whilst it might at first sight seem efficient to provide for such a power in a wholesale revision of the rules, we respectfully request first that the Court reflect on whether such a fundamental change is within the Statute and second, that in any event no such power be introduced without proper consultation of interested parties, including Bars and Law Societies.

We believe that creating such a power would be a sensitive issue and one which may not be regarded by all as a positive step in the development of the procedures in the General Court. Indeed such a power may give particular cause for concern if it were to be merely a framework power without specific safeguards.

Though the Treaty limits the formal requirements for procedural rules to the approval of the Council, it would be critical for the legitimacy of such a rule that both the decision on whether to introduce the rule and the form it might take command broad support from a thorough consultation of stakeholders and civil society. As we have previously suggested, the consultation could ideally take the form of a Rules Committee in which the Court canvasses the views of all stakeholders on proposed rule changes, including this one. But in any event we respectfully request that the form and content of any such proposed rule be the subject of as wide a consultation as possible.

Thank you for giving this matter your consideration, and we are of course at your disposal for any cooperation or consultation that you may consider useful.

Yours sincerely.

A handwritten signature in blue ink, appearing to read "E. Tsouroulis". The signature is fluid and cursive, with a large initial 'E' and a long, sweeping underline.

Evangelos Tsouroulis
President