ORDER OF THE COURT
27 April 1995

(Application for revision – Procedure – Admissibility)

In Case E-6/94 Rev

Reinhard Helmers, residing in Lund (Sweden), not represented by a lawyer and with no address for service in Geneva,

applicant for revision,

v

the EFTA Surveillance Authority,

and

the Kingdom of Sweden

defendants,

APPLICATION for revision of the order of the EFTA Court of the 25 November 1994 in Case E-6/94 Helmers v the EFTA Surveillance Authority and the Kingdom of Sweden,

THE COURT

composed of: Bjørn Haug, President, Kurt Herndl and Gustav Bygglin (Rapporteur), Judges,

Registrar: Sverre Faafeng, Assistant Registrar,

makes the following

ORDER

1 By Order of 25 November 1994 in Case E-6/94 Helmers v the EFTA Surveillance Authority and the Kingdom of Sweden, the Court dismissed as inadmissible the application of Mr Reinhard Helmers for an order requiring the EFTA Surveillance Authority to take a decision concerning an alleged infringement by the Government of Sweden of the EEA Agreement. The grounds for this decision were that the application did not comply with the requirements set out in the Rules of Procedure of the Court, primarily the requirement concerning representation by a lawyer, and that the applicant had not availed himself of the opportunity to put the application in order.

2 By application lodged at the Court Registry on 6 December 1994, Mr Reinhard Helmers, without being represented by a lawyer, applied, pursuant to Article 40 of the Statute of the EFTA Court, for revision of the Order of the Court of 25 November 1994 in Case E-6/94. The applicant submitted that the Court had not answered the question posed during the earlier proceedings as to who could be considered a lawyer entitled to practise before a court in Sweden. For this reason he had been unable to be represented and thus had been denied access to justice. On these grounds the applicant claimed that the Court should review the Order, give an answer to the question he had put to the Court and pronounce itself on his complaint.

3 After receiving the application for revision the Registrar of the Court by letter of 13 December 1994 informed the applicant of the content of Article 17, second paragraph, of the Statute of the EFTA Court and of Articles 32(1), 33 and 93 of the Rules of Procedure of the EFTA Court and instructed him, *inter alia*, to be represented by a lawyer. The applicant was requested to put his application in order by 12 January 1995 at the latest.

4 In a letter dated 9 January 1995, received at the Registry on 12 January 1995, the applicant repeated his claim on the interpretation of the wording of Article 17, second paragraph, of the Statute, especially in relation to the wording used in the Swedish version of the Statute, but did not comply with the instruction to put his application in order.

5 After the expiry of the time-limit mentioned above the applicant sent the Court two further letters with annexes which did not address in any way the issue of his representation before the Court nor any of the other points mentioned in the Registrar's letter of 13 December 1994.

6 The Court recalls that the applicant, in the Order of which revision is sought, was informed about the provisions concerning representation in proceedings before the EFTA Court as follows:

> "According to the provisions of Article 17, second paragraph, of the Statute of the EFTA Court and Article 32(1) of the Rules of Procedure an individual must be represented before the Court by a lawyer. This lawyer must be entitled to practise before a court in a Contracting Party to the EEA Agreement. The lawyer must sign the original of every pleading. The Court has no power to grant a derogation from these provisions. The fact that a party may present his case in person in national courts of some of the Contracting EFTA States does not affect the prescribed requirement that a party bringing a case before the EFTA Court must be represented by a lawyer. The applicant was informed of the content of the provisions and given time to comply with these formal legal requirements."

7 Thus, the Court notes that the applicant was adequately informed about the requirement as to representation before the Court during the proceedings in the earlier case. It was also made clear that lack of compliance with the requirements would result in the application being declared inadmissible.

8 Furthermore, in the letter dated 13 December 1994, Mr. Helmers was again informed of the fact that the same provisions were also applicable to applications for revision and was given time to comply with the requirements. Despite this the applicant has not appointed a representative and has not availed himself of the opportunity to put his application in order.

9 It is not for the Court to give a general interpretation of the expression "lawyer entitled to practise before a court of a Contracting Party to the EEA Agreement" (*in casu* Sweden) at the request of a private party made during proceedings before the Court.

10 The Court must *ex officio* ascertain that every private party has a representative within the meaning of Article 17, second paragraph, of the Statute of the EFTA Court and the Rules of Procedure and that every representative appearing before the Court fulfils the requirements laid down therein. As the applicant has not appointed any representative, the latter question does not arise in this case nor did it arise in the earlier case.

11 The Court adds that the applicant himself does not fulfil the requirement of being a lawyer entitled to practise before a court in a Contracting Party to the EEA Agreement and consequently it is not necessary for the Court to consider whether a party who is himself a lawyer authorised to practise before a Court may represent himself before the EFTA Court.

12 The application must therefore, in accordance with the rules in Article 93(1) in conjunction with Article 33(6) and Article 88(1) of the Rules of Procedure of the EFTA Court, be declared inadmissible. Under these circumstances the Court need not express itself on other formal aspects of the application.

13 Because the application for revision is formally and manifestly inadmissible the Court does not need to consider whether the application for revision might be admissible on the grounds put forward.

On these grounds

THE COURT

hereby orders:

The application for revision is dismissed as inadmissible.

Bjørn Haug Kurt Herndl Gustav Bygglin

Delivered in Geneva, 27 April 1995

Sverre Faafeng
Assistant Registrar

Bjørn Haug
President