PROCEDURE OF THE EUROPEAN COURT OF JUSTICE

INCLUDING

GENERAL COURT

CIVIL SERVICE TRIBUNAL

LEGISLATIVE MATERIALS AND GUIDELINES

2012

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A. – TREATY ON THE EUROPEAN UNION

Article 13

1. The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.

The Union's institutions shall be:

– the European Parliament,

– the European Council,

– the Council,

– the European Commission (hereinafter referred to as 'the Commission'),

– the Court of Justice of the European Union,

– the European Central Bank,

– the Court of Auditors.

2. Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation.

3. The provisions relating to the European Central Bank and the Court of Auditors and detailed provisions on the other institutions are set out in the Treaty on the Functioning of the European Union.

4. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

Article 19

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The General Court shall include at least one judge per Member State.

The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be chosen from persons whose independence is beyond doubt and who satisfy the

conditions set out in Articles 253 and 254 of the Treaty on the Functioning of the European Union. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall, in accordance with the Treaties:

(a) rule on actions brought by a Member State, an institution or a natural or legal person;

(b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;

(c) rule in other cases provided for in the Treaties.

B. – TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

Article 108
(ex Article 88 TEC)

1. The Commission shall, in cooperation with Member States, keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the internal market.

2. If, after giving notice to the parties concerned to submit their comments, the Commission finds that aid granted by a State or through State resources is not compatible with the internal market having regard to Article 107, or that such aid is being misused, it shall decide that the State concerned shall abolish or alter such aid within a period of time to be determined by the Commission.

If the State concerned does not comply with this decision within the prescribed time, the Commission or any other interested State may, in derogation from the provisions of Articles 258 and 259, refer the matter to the Court of Justice of the European Union direct.

On application by a Member State, the Council may, acting unanimously, decide that aid which that State is granting or intends to grant shall be considered to be compatible with the internal market, in derogation from the provisions of Article 107 or from the regulations provided for in Article 109, if such a decision is justified by exceptional circumstances. If, as regards the aid in question, the Commission has already initiated the procedure provided for in the first subparagraph of this paragraph, the fact that the State concerned has made its application to the Council shall have the effect of suspending that procedure until the Council has made its attitude known.

If, however, the Council has not made its attitude known within three months of the said application being made, the Commission shall give its decision on the case.

3. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to Article 107, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

4. The Commission may adopt regulations relating to the categories of State aid that the Council has, pursuant to Article 109, determined may be exempted from the procedure provided for by paragraph 3 of this Article.

Article 218
(ex Article 300 TEC)

1. Without prejudice to the specific provisions laid down in Article 207, agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure.

2. The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them.

3. The Commission, or the High Representative of the Union for Foreign Affairs and Security Policy where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a decision authorising the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or the head of the Union's negotiating team.

4. The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted.

5. The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.

6. The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement.

Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

(a) after obtaining the consent of the European Parliament in the following cases:

(i) association agreements;

(ii) agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;

(iii) agreements establishing a specific institutional framework by organising cooperation procedures;

(iv) agreements with important budgetary implications for the Union;

(v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required.

The European Parliament and the Council may, in an urgent situation, agree upon a time-limit for consent.

(b) after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.

7. When concluding an agreement, the Council may, by way of derogation from paragraphs 5, 6 and 9, authorise the negotiator to approve on the Union's behalf modifications to the agreement where it provides for them to be adopted by a simplified procedure or by a body set up by the agreement. The Council may attach specific conditions to such authorisation.

8. The Council shall act by a qualified majority throughout the procedure.

However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act as well as for association agreements and the agreements referred to in Article 212 with the States which are candidates for accession. The

Council shall also act unanimously for the agreement on accession of the Union to the European Convention for the protection of Human Rights and Fundamental Freedoms; the decision concluding this agreement shall enter into force after it has been approved by the Member States in accordance with their respective constitutional requirements.

9. The Council, on a proposal from the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt a decision suspending application of an agreement and establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.

10. The European Parliament shall be immediately and fully informed at all stages of the procedure.

11. A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties. Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

Article 251
(ex Article 221 TEC)

The Court of Justice shall sit in chambers or in a Grand Chamber, in accordance with the rules laid down for that purpose in the Statute of the Court of Justice of the European Union.

When provided for in the Statute, the Court of Justice may also sit as a full Court.

Article 252
(ex Article 222 TEC)

The Court of Justice shall be assisted by eight Advocates-General. Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his involvement.

Article 253
(ex Article 223 TEC)

The Judges and Advocates-General of the Court of Justice shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence; they shall be appointed by common accord of the governments of the Member States for a term of six years, after consultation of the panel provided for in Article 255.

Every three years there shall be a partial replacement of the Judges and Advocates-General, in accordance with the conditions laid down in the Statute of the Court of Justice of the European Union.

The Judges shall elect the President of the Court of Justice from among their number for a term of three years. He may be re-elected.

Retiring Judges and Advocates-General may be reappointed.

The Court of Justice shall appoint its Registrar and lay down the rules governing his service.

The Court of Justice shall establish its Rules of Procedure. Those Rules shall require the approval of the Council.

Article 254
(ex Article 224 TEC)

The number of Judges of the General Court shall be determined by the Statute of the Court of Justice of the European Union. The Statute may provide for the General Court to be assisted by Advocates-General.

The members of the General Court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office. They shall be appointed by common accord of the governments of the Member States for a term of six years, after consultation of the panel provided for in Article 255. The membership shall be partially renewed every three years. Retiring members shall be eligible for reappointment.

The Judges shall elect the President of the General Court from among their number for a term of three years. He may be re-elected.

The General Court shall appoint its Registrar and lay down the rules governing his service.

The General Court shall establish its Rules of Procedure in agreement with the Court of Justice. Those Rules shall require the approval of the Council.

Unless the Statute of the Court of Justice of the European Union provides otherwise, the provisions of the Treaties relating to the Court of Justice shall apply to the General Court.

Article 255

A panel shall be set up in order to give an opinion on candidates' suitability to perform the duties of Judge and Advocate-General of the Court of Justice and the General Court before the governments of the Member States make the appointments referred to in Articles 253 and 254.

The panel shall comprise seven persons chosen from among former members of the Court of Justice and the General Court, members of national supreme courts and lawyers of recognised competence, one of whom shall be proposed by the European Parliament. The Council shall adopt a decision establishing the panel's operating rules and a decision appointing its members. It shall act on the initiative of the President of the Court of Justice.

Article 256
(ex Article 225 TEC)

1. The General Court shall have jurisdiction to hear and determine at first instance actions or proceedings referred to in Articles 263, 265, 268, 270 and 272, with the exception of those

assigned to a specialised court set up under Article 257 and those reserved in the Statute for the Court of Justice. The Statute may provide for the General Court to have jurisdiction for other classes of action or proceeding.

Decisions given by the General Court under this paragraph may be subject to a right of appeal to the Court of Justice on points of law only, under the conditions and within the limits laid down by the Statute.

2. The General Court shall have jurisdiction to hear and determine actions or proceedings brought against decisions of the specialised courts.

Decisions given by the General Court under this paragraph may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

3. The General Court shall have jurisdiction to hear and determine questions referred for a preliminary ruling under Article 267, in specific areas laid down by the Statute.

Where the General Court considers that the case requires a decision of principle likely to affect the unity or consistency of Union law, it may refer the case to the Court of Justice for a ruling.

Decisions given by the General Court on questions referred for a preliminary ruling may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

Article 257
(ex Article 225A TEC)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish specialised courts attached to the General Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. The European Parliament and the Council shall act by means of regulations either on a proposal from the Commission after consultation of the Court of Justice or at the request of the Court of Justice after consultation of the Commission.

The regulation establishing a specialised court shall lay down the rules on the organisation of the court and the extent of the jurisdiction conferred upon it.

Decisions given by specialised courts may be subject to a right of appeal on points of law only or, when provided for in the regulation establishing the specialised court, a right of appeal also on matters of fact, before the General Court.

The members of the specialised courts shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office. They shall be appointed by the Council, acting unanimously.

The specialised courts shall establish their Rules of Procedure in agreement with the Court of Justice. Those Rules shall require the approval of the Council.

Unless the regulation establishing the specialised court provides otherwise, the provisions of the Treaties relating to the Court of Justice of the European Union and the provisions of the Statute of the Court of Justice of the European Union shall apply to the specialised courts. Title I of the Statute and Article 64 thereof shall in any case apply to the specialised courts.

Article 258
(ex Article 226 TEC)

If the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union.

Article 259
(ex Article 227 TEC)

A Member State which considers that another Member State has failed to fulfil an obligation under the Treaties may bring the matter before the Court of Justice of the European Union.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under the Treaties, it shall bring the matter before the Commission.

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing.

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court.

Article 260
(ex Article 228 TEC)

1. If the Court of Justice of the European Union finds that a Member State has failed to fulfil an obligation under the Treaties, the State shall be required to take the necessary measures to comply with the judgment of the Court.

2. If the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment of the Court, it may bring the case before the Court after giving that State the opportunity to submit its observations. It shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it.

This procedure shall be without prejudice to Article 259.

3. When the Commission brings a case before the Court pursuant to Article 258 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure, it may, when it deems appropriate, specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that there is an infringement it may impose a lump sum or penalty payment on the Member State concerned not exceeding the amount specified by the Commission. The payment obligation shall take effect on the date set by the Court in its judgment.

Article 261
(ex Article 229 TEC)

Regulations adopted jointly by the European Parliament and the Council, and by the Council, pursuant to the provisions of the Treaties, may give the Court of Justice of the European Union unlimited jurisdiction with regard to the penalties provided for in such regulations.

Article 262
(ex Article 229 A TEC)

Without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, may adopt provisions to confer jurisdiction, to the extent that it shall determine, on the Court of Justice of the European Union in disputes relating to the application of acts adopted on the basis of the Treaties which create European intellectual property rights. These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements.

Article 263
(ex Article 230 TEC)

The Court of Justice of the European Union shall review the legality of legislative acts, of acts of the Council, of the Commission and of the European Central Bank, other than recommendations and opinions, and of acts of the European Parliament and of the European Council intended to produce legal effects vis-à-vis third parties. It shall also review the legality of acts of bodies, offices or agencies of the Union intended to produce legal effects vis-à-vis third parties.

It shall for this purpose have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.

The Court shall have jurisdiction under the same conditions in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.

Any natural or legal person may, under the conditions laid down in the first and second paragraphs, institute proceedings against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures.

Acts setting up bodies, offices and agencies of the Union may lay down specific conditions and arrangements concerning actions brought by natural or legal persons against acts of these bodies, offices or agencies intended to produce legal effects in relation to them.

The proceedings provided for in this Article shall be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

Article 264
(ex Article 231 TEC)

If the action is well founded, the Court of Justice of the European Union shall declare the act concerned to be void.

However, the Court shall, if it considers this necessary, state which of the effects of the act which it has declared void shall be considered as definitive.

Article 265
(ex Article 232 TEC)

Should the European Parliament, the European Council, the Council, the Commission or the European Central Bank, in infringement of the Treaties, fail to act, the Member States and the other institutions of the Union may bring an action before the Court of Justice of the European Union to have the infringement established. This Article shall apply, under the same conditions, to bodies, offices and agencies of the Union which fail to act.

The action shall be admissible only if the institution, body, office or agency concerned has first been called upon to act. If, within two months of being so called upon, the institution, body, office or agency concerned has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the preceding paragraphs, complain to the Court that an institution, body, office or agency of the Union has failed to address to that person any act other than a recommendation or an opinion.

Article 266
(ex Article 233 TEC)

The institution whose act has been declared void or whose failure to act has been declared contrary to the Treaties shall be required to take the necessary measures to comply with the judgment of the Court of Justice of the European Union.

This obligation shall not affect any obligation which may result from the application of the second paragraph of Article 340.

Article 267
(ex Article 234 TEC)

The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning:

(a) the interpretation of the Treaties;

b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union;

Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.

Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court.

If such a question is raised in a case pending before a court or tribunal of a Member State with regard to a person in custody, the Court of Justice of the European Union shall act with the minimum of delay.

Article 268
(ex Article 235 TEC)

The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for damage provided for in the second and third paragraphs of Article 340.

Article 269

The Court of Justice shall have jurisdiction to decide on the legality of an act adopted by the European Council or by the Council pursuant to Article 7 of the Treaty on European Union solely at the request of the Member State concerned by a determination of the European Council or of the Council and in respect solely of the procedural stipulations contained in that Article.

Such a request must be made within one month from the date of such determination. The Court shall rule within one month from the date of the request.

Article 270
(ex Article 236 TEC)

The Court of Justice of the European Union shall have jurisdiction in any dispute between the Union and its servants within the limits and under the conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union.

Article 271
(ex Article 237 TEC)

The Court of Justice of the European Union shall, within the limits hereinafter laid down, have jurisdiction in disputes concerning:

(a) the fulfilment by Member States of obligations under the Statute of the European Investment Bank. In this connection, the Board of Directors of the Bank shall enjoy the powers conferred upon the Commission by Article 258;

(b) measures adopted by the Board of Governors of the European Investment Bank. In this connection, any Member State, the Commission or the Board of Directors of the Bank may institute proceedings under the conditions laid down in Article 263;

(c) measures adopted by the Board of Directors of the European Investment Bank. Proceedings against such measures may be instituted only by Member States or by the Commission, under the conditions laid down in Article 263, and solely on the grounds of non-compliance with the procedure provided for in Article 19(2), (5), (6) and (7) of the Statute of the Bank;

(d) the fulfilment by national central banks of obligations under the Treaties and the Statute of the ESCB and of the ECB. In this connection the powers of the Governing Council of the European Central Bank in respect of national central banks shall be the same as those conferred upon the Commission in respect of Member States by Article 258. If the Court finds that a national central bank has failed to fulfil an obligation under the Treaties, that bank shall be required to take the necessary measures to comply with the judgment of the Court.

Article 272
(ex Article 238 TEC)

The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the Union, whether that contract be governed by public or private law.

Article 273
(ex Article 239 TEC)

The Court of Justice shall have jurisdiction in any dispute between Member States which relates to the subject matter of the Treaties if the dispute is submitted to it under a special agreement between the parties.

Article 274
(ex Article 240 TEC)

Save where jurisdiction is conferred on the Court of Justice of the European Union by the Treaties, disputes to which the Union is a party shall not on that ground be excluded from the jurisdiction of the courts or tribunals of the Member States.

Article 275

The Court of Justice of the European Union shall not have jurisdiction with respect to the provisions relating to the common foreign and security policy nor with respect to acts adopted on the basis of those provisions.

However, the Court shall have jurisdiction to monitor compliance with Article 40 of the Treaty on European Union and to rule on proceedings, brought in accordance with the conditions laid down in the fourth paragraph of Article 263 of this Treaty, reviewing the legality of decisions providing for restrictive measures against natural or legal persons adopted by the Council on the basis of Chapter 2 of Title V of the Treaty on European Union.

Article 276

In exercising its powers regarding the provisions of Chapters 4 and 5 of Title V of Part Three relating to the area of freedom, security and justice, the Court of Justice of the European Union shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Article 277
(ex Article 241 TEC)

Notwithstanding the expiry of the period laid down in Article 263, sixth paragraph, any party may, in proceedings in which an act of general application adopted by an institution, body, office or agency of the Union is at issue, plead the grounds specified in Article 263, second paragraph, in order to invoke before the Court of Justice of the European Union the inapplicability of that act.

Article 278
(ex Article 242 TEC)

Actions brought before the Court of Justice of the European Union shall not have suspensory effect. The Court may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

Article 279
(ex Article 243 TEC)

The Court of Justice of the European Union may in any cases before it prescribe any necessary interim measures.

Article 280
(ex Article 244 TEC)

The judgments of the Court of Justice of the European Union shall be enforceable under the conditions laid down in Article 299.

Article 281
(ex Article 245 TEC)

The Statute of the Court of Justice of the European Union shall be laid down in a separate Protocol.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may amend the provisions of the Statute, with the exception of Title I and Article 64. The European Parliament and the Council shall act either at the request of the Court of Justice and after consultation of the Commission, or on a proposal from the Commission and after consultation of the Court of Justice.

Article 299
(ex Article 256 TEC)

Acts of the Council, the Commission or the European Central Bank which impose a pecuniary obligation on persons other than States, shall be enforceable.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the government of each Member State shall designate for this purpose and shall make known to the Commission and to the Court of Justice of the European Union.

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent authority. Enforcement may be suspended only by a decision of the Court. However, the courts of the country concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

Article 340
(ex Article 288 TEC)

The contractual liability of the Union shall be governed by the law applicable to the contract in question.

In the case of non-contractual liability, the Union shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

Notwithstanding the second paragraph, the European Central Bank shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its servants in the performance of their duties.

The personal liability of its servants towards the Union shall be governed by the provisions laid down in their Staff Regulations or in the Conditions of Employment applicable to them.

C. – TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY

Article 12

Member States, persons or undertakings shall have the right, on application to the Commission, to obtain non-exclusive licences under patents, provisionally protected patent rights, utility models or patent applications owned by the Community, where they are able to make effective use of the inventions covered thereby.

Under the same conditions, the Commission shall grant sublicences under patents, provisionally protected patent rights, utility models or patent applications, where the Community holds contractual licences conferring power to do so.

The Commission shall grant such licences or sublicences on terms to be agreed with the licensees and shall furnish all the information required for their use. These terms shall relate in particular to suitable remuneration and, where appropriate, to the right of the licensee to grant sublicences to third parties and to the obligation to treat the information as a trade secret.

Failing agreement on the terms referred to in the third paragraph, the licensees may bring the matter before the Court of Justice of the European Union so that appropriate terms may be fixed.

Article 18

An Arbitration Committee is hereby established for the purposes provided for in this Section. The Council shall appoint the members and lay down the Rules of Procedure of this Committee, acting on a proposal from the Court of Justice of the European Union.

An appeal, having suspensory effect, may be brought by the parties before the Court of Justice of the European Union against a decision of the Arbitration Committee within one month of notification thereof. The Court of Justice of the European Union shall confine its examination to the formal validity of the decision and to the interpretation of the provisions of this Treaty by the Arbitration Committee.

The final decisions of the Arbitration Committee shall have the force of res judicata between the parties concerned. They shall be enforceable as provided in Article 164.

Article 21

If the proprietor does not propose that the matter be referred to the Arbitration Committee, the Commission may call upon the Member State concerned or its appropriate authorities to grant the licence or cause it to be granted.

If, having heard the proprietor's case, the Member State, or its appropriate authorities, considers that the conditions of Article 17 have not been complied with, it shall notify the Commission of its refusal to grant the licence or to cause it to be granted.

If it refuses to grant the licence or to cause it to be granted, or if, within four months of the date of the request, no information is forthcoming with regard to the granting of the licence, the Commission shall have two months in which to bring the matter before the Court of Justice of the European Union.

The proprietor must be heard in the proceedings before the Court of Justice of the European Union.

If the judgment of the Court of Justice of the European Union establishes that the conditions of Article 17 have been complied with, the Member State concerned, or its appropriate authorities, shall take such measures as enforcement of that judgment may require.

Article 81

The Commission may send inspectors into the territories of Member States. Before sending an inspector on his first assignment in the territory of a Member State, the Commission shall consult the State concerned; such consultation shall suffice to cover all future assignments of this inspector.

On presentation of a document establishing their authority, inspectors shall at all times have access to all places and data and to all persons who, by reason of their occupation, deal with materials, equipment or installations subject to the safeguards provided for in this Chapter, to the extent necessary in order to apply such safeguards to ores, source materials and special fissile materials and to ensure compliance with the provisions of Article 77. Should the State concerned so request, inspectors appointed by the Commission shall be accompanied by representatives of the authorities of that State; however, the inspectors shall not thereby be delayed or otherwise impeded in the performance of their duties.

If the carrying out of an inspection is opposed, the Commission shall apply to the President of the Court of Justice of the European Union for an order to ensure that the inspection be carried out compulsorily. The President of the Court of Justice of the European Union shall give a decision within three days.

If there is danger in delay, the Commission may itself issue a written order, in the form of a decision, to proceed with the inspection. This order shall be submitted without delay to the President of the Court of Justice of the European Union for subsequent approval.

After the order or decision has been issued, the authorities of the State concerned shall ensure that the inspectors have access to the places specified in the order or decision.

Article 82

Inspectors shall be recruited by the Commission.

They shall be responsible for obtaining and verifying the records referred to in Article 79. They shall report any infringement to the Commission.

The Commission may issue a directive calling upon the Member State concerned to take, by a time limit set by the Commission, all measures necessary to bring such infringement to an end; it shall inform the Council thereof.

If the Member State does not comply with the Commission directive by the time limit set, the Commission or any Member State concerned may, in derogation from Articles 226 and 227 of the Treaty on the Functioning of the European Union, refer the matter to the Court of Justice of the European Union direct.

Article 83

1. In the event of an infringement on the part of persons or undertakings of the obligations imposed on them by this Chapter, the Commission may impose sanctions on such persons or undertakings.

These sanctions shall be in order of severity:

(a) a warning;

(b) the withdrawal of special benefits such as financial or technical assistance;

(c) the placing of the undertaking for a period not exceeding four months under the administration of a person or board appointed by common accord of the Commission and the State having jurisdiction over the undertaking;

(d) total or partial withdrawal of source materials or special fissile materials.

2. Decisions taken by the Commission in implementation of paragraph 1 and requiring the surrender of materials shall be enforceable. They may be enforced in the territories of Member States in accordance with Article 164.

By way of derogation from Article 157, appeals brought before the Court of Justice of the European Union against decisions of the Commission which impose any of the sanctions provided for in paragraph 1 shall have suspensory effect. The Court of Justice of the European Union may, however, on application by the Commission or by any Member State concerned, order that the decision be enforced forthwith.

There shall be an appropriate legal procedure to ensure the protection of interests that have been prejudiced.

3. The Commission may make any recommendations to Member States concerning laws or regulations which are designed to ensure compliance in their territories with the obligations arising under this Chapter.

4. Member States shall ensure that sanctions are enforced and, where necessary, that the infringements are remedied by those committing them.

Article 103

Member States shall communicate to the Commission draft agreements or contracts with a third State, an international organisation or a national of a third State to the extent that such agreements or contracts concern matters within the purview of this Treaty.

If a draft agreement or contract contains clauses which impede the application of this Treaty, the Commission shall, within one month of receipt of such communication, make its comments known to the State concerned.

The State shall not conclude the proposed agreement or contract until it has satisfied the objections of the Commission or complied with a ruling by the Court of Justice of the European

Union, adjudicating urgently upon an application from the State, on the compatibility of the proposed clauses with the provisions of this Treaty. An application may be made to the Court of Justice of the European Union at any time after the State has received the comments of the Commission.

Article 104

No person or undertaking concluding or renewing an agreement or contract with a third State, an international organisation the date of their accession, may invoke that agreement or contract in order to evade the obligations imposed by this Treaty.

Each Member State shall take such measures as it considers necessary in order to communicate to the Commission, at the request of the latter, all information relating to agreements or contracts concluded after the dates referred to in the first paragraph, within the scope of this Treaty, by a person or undertaking with a third State, an international organisation or a national of a third State. The Commission may require such communication only for the purpose of verifying that such agreements or contracts do not contain clauses impeding the implementation of this Treaty.

On application by the Commission, the Court of Justice of the European Union shall give a ruling on the compatibility of such agreements or contracts with the provisions of this Treaty.

Article 105

The provisions of this Treaty shall not be invoked so as to prevent the implementation of agreements or contracts concluded before 1 January 1958 or, for acceding States, before the date of their accession, by a Member State, a person or an undertaking with a third State, an international organisation or a national of a third State where such agreements or contracts have been communicated to the Commission not later than 30 days after the aforesaid dates.

Agreements or contracts concluded between 25 March 1957 and 1 January 1958 or, for acceding States, between the signature of the instrument of accession and the date of their accession, by a person or an undertaking with a third State, an international organisation or a national of a third State shall not, however, be invoked as grounds for failure to implement this Treaty if, in the opinion of the Court of Justice of the European Union, ruling on an application from the Commission, one of the decisive reasons on the part of either of the parties in concluding the agreement or contract was an intention to evade the provisions of this Treaty.

Article 106a

1. Article 7, Articles 9 to 9F, Article 48(2) to (5), and Articles 49 and 49A of the Treaty on European Union, Article 16A, Articles 190 to 201b, Articles 204 to 211a, Article 213, Articles 215 to 236, Articles 238, 239 and 240, Articles 241 to 245, Articles 246 to 262, Articles 268 to 277, Articles 279 to 280 and Articles 283, 290 and 292 of the Treaty on the Functioning of the European Union, and the Protocol on Transitional Provisions, shall apply to this Treaty.

2. Within the framework of this Treaty, the references to the Union, to the ‘Treaty on European Union’, to the ‘Treaty on the Functioning of the European Union’ or to the ‘Treaties’ in the provisions referred to in paragraph 1 and those in the protocols annexed both to those Treaties and to this Treaty shall be taken, respectively, as references to the European Atomic Energy Community and to this Treaty.

3. The provisions of the Treaty on European Union and of the Treaty on the Functioning of the European Union shall not derogate from the provisions of this Treaty.

Article 144

The Court of Justice of the European Union shall have unlimited jurisdiction in:

(a) proceedings instituted under Article 12 to have the appropriate terms fixed for the granting by the Commission of licences or sub licences;

(b) proceedings instituted by persons or undertakings against sanctions imposed on them by the Commission under Article 83.

Article 145

If the Commission considers that a person or undertaking has committed an infringement of this Treaty to which the provisions of Article 83 do not apply, it shall call upon the Member State having jurisdiction over that person or undertaking to cause sanctions to be imposed in respect of the infringement in accordance with its national law.

If the State concerned does not comply with such a request within the period laid down by the Commission, the latter may bring an action before the Court of Justice of the European Union to have the infringement of which the person or undertaking is accused established.

Article 157

Save as otherwise provided in this Treaty, actions brought before the Court of Justice of the European Union shall not have suspensory effect. The Court of Justice of the European Union may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

Article 188

The contractual liability of the Community shall be governed by the law applicable to the contract in question.

In the case of non-contractual liability, the Community shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

The personal liability of its servants towards the Community shall be governed by the provisions laid down in the Staff Regulations or in the Conditions of Employment applicable to them.

STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the Court of Justice of the European Union provided for in Article 281 of the Treaty on the Functioning of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

Article 1

The Court of Justice of the European Union shall be constituted and shall function in accordance with the provisions of the Treaties, of the Treaty establishing the European Atomic Energy Community (EAEC Treaty) and of this Statute.

TITLE I

JUDGES AND ADVOCATES-GENERAL

Article 2

Before taking up his duties each Judge shall, before the Court of Justice sitting in open court, take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 3

The Judges shall be immune from legal proceedings. After they have ceased to hold office, they shall continue to enjoy immunity in respect of acts performed by them in their official capacity, including words spoken or written.

The Court of Justice, sitting as a full Court, may waive the immunity. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Where immunity has been waived and criminal proceedings are instituted against a Judge, he shall be tried, in any of the Member States, only by the court competent to judge the members of the highest national judiciary.

Articles 11 to 14 and Article 17 of the Protocol on the privileges and immunities of the European Union shall apply to the Judges, Advocates-General, Registrar and Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the preceding paragraphs.

Article 4

The Judges may not hold any political or administrative office.

They may not engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Council, acting by a simple majority.

When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Any doubt on this point shall be settled by decision of the Court of Justice. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Article 5

Apart from normal replacement, or death, the duties of a Judge shall end when he resigns.

Where a Judge resigns, his letter of resignation shall be addressed to the President of the Court of Justice for transmission to the President of the Council. Upon this notification a vacancy shall arise on the bench.

Save where Article 6 applies, a Judge shall continue to hold office until his successor takes up his duties.

Article 6

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

The Registrar of the Court shall communicate the decision of the Court to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

Article 7

A Judge who is to replace a member of the Court whose term of office has not expired shall be appointed for the remainder of his predecessor's term.

Article 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

TITLE II

ORGANISATION OF THE COURT OF JUSTICE

Article 9

When, every three years, the Judges are partially replaced, 14 and 13 Judges shall be replaced alternately.

When, every three years, the Advocates-General are partially replaced, four Advocates-General shall be replaced on each occasion.

Article 10

The Registrar shall take an oath before the Court of Justice to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court of Justice.

Article 11

The Court of Justice shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court of Justice.

Article 12

Officials and other servants shall be attached to the Court of Justice to enable it to function. They shall be responsible to the Registrar under the authority of the President.

Article 13

At the request of the Court of Justice, the European Parliament and the Council may, acting in accordance with the ordinary legislative procedure, provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. The Assistant Rapporteurs may be required, under conditions laid down in the Rules of Procedure, to participate in preparatory inquiries in cases pending before the Court and to cooperate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by the Council, acting by a simple majority. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 14

The Judges, the Advocates-General and the Registrar shall be required to reside at the place where the Court of Justice has its seat.

Article 15

The Court of Justice shall remain permanently in session. The duration of the judicial vacations shall be determined by the Court with due regard to the needs of its business.

Article 16

The Court of Justice shall form chambers consisting of three and five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The Grand Chamber shall consist of 13 Judges. It shall be presided over by the President of the Court. The Presidents of the chambers of five Judges and other Judges appointed in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.

The Court shall sit in a Grand Chamber when a Member State or an institution of the Union that is party to the proceedings so requests.

The Court shall sit as a full Court where cases are brought before it pursuant to Article 228(2), Article 245(2), Article 247 or Article 286(6) of the Treaty on the Functioning of the European Union.

Moreover, where it considers that a case before it is of exceptional importance, the Court may decide, after hearing the Advocate-General, to refer the case to the full Court.

Article 17

Decisions of the Court of Justice shall be valid only when an uneven number of its members is sitting in the deliberations.

Decisions of the chambers consisting of either three or five Judges shall be valid only if they are taken by three Judges.

Decisions of the Grand Chamber shall be valid only if nine Judges are sitting.

Decisions of the full Court shall be valid only if 15 Judges are sitting.

In the event of one of the Judges of a chamber being prevented from attending, a Judge of another chamber may be called upon to sit in accordance with conditions laid down in the Rules of Procedure.

Article 18

No Judge or Advocate-General may take part in the disposal of any case in which he has previously taken part as agent or adviser or has acted for one of the parties, or in which he has been called upon to pronounce as a member of a court or tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any Judge or Advocate-General considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If, for some special reason, the President considers that any Judge or Advocate-General should not sit or make submissions in a particular case, he shall notify him accordingly.

Any difficulty arising as to the application of this Article shall be settled by decision of the Court of Justice.

A party may not apply for a change in the composition of the Court or of one of its chambers on the grounds of either the nationality of a Judge or the absence from the Court or from the chamber of a Judge of the nationality of that party.

TITLE III

PROCEDURE BEFORE THE COURT OF JUSTICE

Article 19

The Member States and the institutions of the Union shall be represented before the Court of Justice by an agent appointed for each case; the agent may be assisted by an adviser or by a lawyer.

The States, other than the Member States, which are parties to the Agreement on the European Economic Area and also the EFTA Surveillance Authority referred to in that Agreement shall be represented in same manner.

Other parties must be represented by a lawyer.

Only a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area may represent or assist a party before the Court.

Such agents, advisers and lawyers shall, when they appear before the Court, enjoy the rights and immunities necessary to the independent exercise of their duties, under conditions laid down in the Rules of Procedure.

As regards such advisers and lawyers who appear before it, the Court shall have the powers normally accorded to courts of law, under conditions laid down in the Rules of Procedure.

University teachers being nationals of a Member State whose law accords them a right of audience shall have the same rights before the Court as are accorded by this Article to lawyers.

Article 20

The procedure before the Court of Justice shall consist of two parts: written and oral.

The written procedure shall consist of the communication to the parties and to the institutions of the Union whose decisions are in dispute, of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

Communications shall be made by the Registrar in the order and within the time laid down in the Rules of Procedure.

The oral procedure shall consist of the reading of the report presented by a Judge acting as Rapporteur, the hearing by the Court of agents, advisers and lawyers and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

Where it considers that the case raises no new point of law, the Court may decide, after hearing the Advocate-General, that the case shall be determined without a submission from the Advocate-General.

Article 21

A case shall be brought before the Court of Justice by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party or names of the parties against whom the application is made, the subject-matter of the dispute, the form of order sought and a brief statement of the pleas in law on which the application is based.

The application shall be accompanied, where appropriate, by the measure the annulment of which is sought or, in the circumstances referred to in Article 265 of the Treaty on the Functioning of the European Union, by documentary evidence of the date on which an institution was, in accordance with those Articles, requested to act. If the documents are not submitted with the application, the Registrar shall ask the party concerned to produce them within a reasonable period, but in that event the rights of the party shall not lapse even if such documents are produced after the time limit for bringing proceedings.

Article 22

A case governed by Article 18 of the EAEC Treaty shall be brought before the Court of Justice by an appeal addressed to the Registrar. The appeal shall contain the name and permanent address of the applicant and the description of the signatory, a reference to the decision against which the appeal is brought, the names of the respondents, the subject-matter of the dispute, the submissions and a brief statement of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee which is contested.

If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the matter may be re-opened, where appropriate, on the initiative of one of the parties in the case, before the Arbitration Committee. The latter shall conform to any decisions on points of law given by the Court.

Article 23

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court of Justice shall be notified to the Court by the court or tribunal concerned. The decision shall then be notified by the Registrar of the Court to the parties, to the Member States and to the Commission, and to the institution, body, office or agency of the Union which adopted the act the validity or interpretation of which is in dispute.

Within two months of this notification, the parties, the Member States, the Commission and, where appropriate, the institution, body, office or agency which adopted the act the validity or interpretation of which is in dispute, shall be entitled to submit statements of case or written observations to the Court.

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the national court or tribunal shall, moreover, be notified by the Registrar of the Court to the States, other than the Member States, which are parties to the Agreement on the European Economic Area and also to the EFTA Surveillance Authority referred to in that Agreement which may, within two months of notification, where one of the fields of application of that agreement is concerned, submit statements of case or written observations to the Court.

Where an agreement relating to a specific subject matter, concluded by the Council and one or more non-member States, provides that those States are to be entitled to submit statements of case or written observations where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling a question falling within the scope of the agreement, the decision of the national court or tribunal containing that question shall also be notified to the non-member States concerned. Within two months from such notification, those States may lodge at the Court statements of case or written observations.

Article 23a (*)

The Rules of Procedure may provide for an expedited or accelerated procedure and, for references for a preliminary ruling relating to the area of freedom, security and justice, an urgent procedure.

Those procedures may provide, in respect of the submission of statements of case or written observations, for a shorter period than that provided for by Article 23, and, in derogation from the fourth paragraph of Article 20, for the case to be determined without a submission from the Advocate General.

In addition, the urgent procedure may provide for restriction of the parties and other interested persons mentioned in Article 23, authorised to submit statements of case or written observations and, in cases of extreme urgency, for the written stage of the procedure to be omitted.

Article 24

The Court of Justice may require the parties to produce all documents and to supply all information which the Court considers desirable. Formal note shall be taken of any refusal.

The Court may also require the Member States and institutions, bodies, offices and agencies not being parties to the case to supply all information which the Court considers necessary for the proceedings.

Article 25

The Court of Justice may at any time entrust any individual, body, authority, committee or other organisation it chooses with the task of giving an expert opinion.

Article 26

Witnesses may be heard under conditions laid down in the Rules of Procedure.

(*) Article inserted by Decision 2008/79/EC, Euratom (OJ L 24, 29.1.2008, p. 42).

Article 27

With respect to defaulting witnesses the Court of Justice shall have the powers generally granted to courts and tribunals and may impose pecuniary penalties under conditions laid down in the Rules of Procedure.

Article 28

Witnesses and experts may be heard on oath taken in the form laid down in the Rules of Procedure or in the manner laid down by the law of the country of the witness or expert.

Article 29

The Court of Justice may order that a witness or expert be heard by the judicial authority of his place of permanent residence.

The order shall be sent for implementation to the competent judicial authority under conditions laid down in the Rules of Procedure. The documents drawn up in compliance with the letters rogatory shall be returned to the Court under the same conditions.

The Court shall defray the expenses, without prejudice to the right to charge them, where appropriate, to the parties.

Article 30

A Member State shall treat any violation of an oath by a witness or expert in the same manner as if the offence had been committed before one of its courts with jurisdiction in civil proceedings. At the instance of the Court of Justice, the Member State concerned shall prosecute the offender before its competent court.

Article 31

The hearing in court shall be public, unless the Court of Justice, of its own motion or on application by the parties, decides otherwise for serious reasons.

Article 32

During the hearings the Court of Justice may examine the experts, the witnesses and the parties themselves. The latter, however, may address the Court of Justice only through their representatives.

Article 33

Minutes shall be made of each hearing and signed by the President and the Registrar.

Article 34

The case list shall be established by the President.

Article 35

The deliberations of the Court of Justice shall be and shall remain secret.

Article 36

Judgments shall state the reasons on which they are based. They shall contain the names of the Judges who took part in the deliberations.

Article 37

Judgments shall be signed by the President and the Registrar. They shall be read in open court.

Article 38

The Court of Justice shall adjudicate upon costs.

Article 39

The President of the Court of Justice may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Statute and which shall be laid down in the Rules of Procedure, adjudicate upon applications to suspend execution, as provided for in Article 278 of the Treaty on the Functioning of the European Union and Article 157 of the EAEC Treaty, or to prescribe interim measures pursuant to Article 279 of the Treaty on the Functioning of the European Union, or to suspend enforcement in accordance with the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or the third paragraph of Article 164 of the EAEC Treaty.

Should the President be prevented from attending, his place shall be taken by another Judge under conditions laid down in the Rules of Procedure.

The ruling of the President or of the Judge replacing him shall be provisional and shall in no way prejudice the decision of the Court on the substance of the case.

Article 40

Member States and institutions of the Union may intervene in cases before the Court of Justice.

The same right shall be open to the bodies, offices and agencies of the Union and to any other person which can establish an interest in the result of a case submitted to the Court. Natural or legal persons shall not intervene in cases between Member States, between institutions of the Union or between Member States and institutions of the Union.

Without prejudice to the second paragraph, the States, other than the Member States, which are parties to the Agreement on the European Economic Area, and also the EFTA Surveillance Authority referred to in that Agreement, may intervene in cases before the Court where one of the fields of application of that Agreement is concerned.

An application to intervene shall be limited to supporting the form of order sought by one of the parties.

Article 41

Where the defending party, after having been duly summoned, fails to file written submissions in defence, judgment shall be given against that party by default. An objection may be lodged against the judgment within one month of it being notified. The objection shall not have the effect of staying enforcement of the judgment by default unless the Court of Justice decides otherwise.

Article 42

Member States, institutions, bodies, offices and agencies of the Union and any other natural or legal persons may, in cases and under conditions to be determined by the Rules of Procedure, institute third-party proceedings to contest a judgment rendered without their being heard, where the judgment is prejudicial to their rights.

Article 43

If the meaning or scope of a judgment is in doubt, the Court of Justice shall construe it on application by any party or any institution of the Union establishing an interest therein.

Article 44

An application for revision of a judgment may be made to the Court of Justice only on discovery of a fact which is of such a nature as to be a decisive factor, and which, when the judgment was given, was unknown to the Court and to the party claiming the revision.

The revision shall be opened by a judgment of the Court expressly recording the existence of a new fact, recognising that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

No application for revision may be made after the lapse of 10 years from the date of the judgment.

Article 45

Periods of grace based on considerations of distance shall be determined by the Rules of Procedure.

No right shall be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or of *force majeure*.

Article 46

Proceedings against the Union in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. The period of limitation shall be interrupted if proceedings are instituted before the Court of Justice or if prior to such proceedings an application is made by the aggrieved party to the relevant institution of the Union. In the latter event the proceedings must be instituted within the period of two months provided for in Article 263 of the Treaty on the Functioning of the European Union; the provisions of the second paragraph of Article 265 of the Treaty on the Functioning of the European Union shall apply where appropriate.

This Article shall also apply to proceedings against the European Central Bank regarding non-contractual liability.

TITLE IV

GENERAL COURT

Article 47

The first paragraph of Article 9, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.

The fourth paragraph of Article 3 and Articles 10, 11 and 14 shall apply to the Registrar of the General Court *mutatis mutandis*.

Article 48

The General Court shall consist of 27 Judges.

Article 49

The Members of the General Court may be called upon to perform the task of an Advocate-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on certain cases brought before the General Court in order to assist the General Court in the performance of its task.

The criteria for selecting such cases, as well as the procedures for designating the Advocates-General, shall be laid down in the Rules of Procedure of the General Court.

A Member called upon to perform the task of Advocate-General in a case may not take part in the judgment of the case.

Article 50

The General Court shall sit in chambers of three or five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The composition of the chambers and the assignment of cases to them shall be governed by the Rules of Procedure. In certain cases governed by the Rules of Procedure, the General Court may sit as a full court or be constituted by a single Judge.

The Rules of Procedure may also provide that the General Court may sit in a Grand Chamber in cases and under the conditions specified therein.

Article 51

By way of derogation from the rule laid down in Article 256(1) of the Treaty on the Functioning of the European Union, jurisdiction shall be reserved to the Court of Justice in the actions referred

to in Articles 263 and 265 of the Treaty on the Functioning of the European Union when they are brought by a Member State against:

(a) an act of or failure to act by the European Parliament or the Council, or by those institutions acting jointly, except for:

– decisions taken by the Council under the third subparagraph of Article 108(2) of the Treaty on the Functioning of the European Union;

– acts of the Council adopted pursuant to a Council regulation concerning measures to protect trade within the meaning of Article 207 of the Treaty on the Functioning of the European Union;

– acts of the Council by which the Council exercises implementing powers in accordance with the second paragraph of Article 291 of the Treaty on the Functioning of the European Union;

(b) against an act of or failure to act by the Commission under the first paragraph of Article 331 of the Treaty on the Functioning of the European Union.

Jurisdiction shall also be reserved to the Court of Justice in the actions referred to in the same Articles when they are brought by an institution of the Union against an act of or failure to act by the European Parliament, the Council, both those institutions acting jointly, or the Commission, or brought by an institution of the Union against an act of or failure to act by the European Central Bank.

Article 52

The President of the Court of Justice and the President of the General Court shall determine, by common accord, the conditions under which officials and other servants attached to the Court of Justice shall render their services to the General Court to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the General Court under the authority of the President of the General Court.

Article 53

The procedure before the General Court shall be governed by Title III.

Such further and more detailed provisions as may be necessary shall be laid down in its Rules of Procedure. The Rules of Procedure may derogate from the fourth paragraph of Article 40 and from Article 41 in order to take account of the specific features of litigation in the field of intellectual property.

Notwithstanding the fourth paragraph of Article 20, the Advocate-General may make his reasoned submissions in writing.

Article 54

Where an application or other procedural document addressed to the General Court is lodged by mistake with the Registrar of the Court of Justice, it shall be transmitted immediately by that Registrar to the Registrar of the General Court; likewise, where an application or other

procedural document addressed to the Court of Justice is lodged by mistake with the Registrar of the General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice.

Where the General Court finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice has jurisdiction, it shall refer that action to the Court of Justice; likewise, where the Court of Justice finds that an action falls within the jurisdiction of the General Court, it shall refer that action to the General Court, whereupon that Court may not decline jurisdiction.

Where the Court of Justice and the General Court are seised of cases in which the same relief is sought, the same issue of interpretation is raised or the validity of the same act is called in question, the General Court may, after hearing the parties, stay the proceedings before it until such time as the Court of Justice has delivered judgment or, where the action is one brought pursuant to Article 263 of the Treaty on the Functioning of the European Union, may decline jurisdiction so as to allow the Court of Justice to rule on such actions. In the same circumstances, the Court of Justice may also decide to stay the proceedings before it; in that event, the proceedings before the General Court shall continue.

Where a Member State and an institution of the Union are challenging the same act, the General Court shall decline jurisdiction so that the Court of Justice may rule on those applications.

Article 55

Final decisions of the General Court, decisions disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility, shall be notified by the Registrar of the General Court to all parties as well as all Member States and the institutions of the Union even if they did not intervene in the case before the General Court.

Article 56

An appeal may be brought before the Court of Justice, within two months of the notification of the decision appealed against, against final decisions of the General Court and decisions of that Court disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the General Court directly affects them.

With the exception of cases relating to disputes between the Union and its servants, an appeal may also be brought by Member States and institutions of the Union which did not intervene in the proceedings before the General Court. Such Member States and institutions shall be in the same position as Member States or institutions which intervened at first instance.

Article 57

Any person whose application to intervene has been dismissed by the General Court may appeal to the Court of Justice within two weeks from the notification of the decision dismissing the application.

The parties to the proceedings may appeal to the Court of Justice against any decision of the General Court made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months from their notification.

The appeal referred to in the first two paragraphs of this Article shall be heard and determined under the procedure referred to in Article 39.

Article 58

An appeal to the Court of Justice shall be limited to points of law. It shall lie on the grounds of lack of competence of the General Court, a breach of procedure before it which adversely affects the interests of the appellant as well as the infringement of Union law by the General Court.

No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 59

Where an appeal is brought against a decision of the General Court, the procedure before the Court of Justice shall consist of a written part and an oral part. In accordance with conditions laid down in the Rules of Procedure, the Court of Justice, having heard the Advocate-General and the parties, may dispense with the oral procedure.

Article 60

Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal shall not have suspensory effect.

By way of derogation from Article 280 of the Treaty on the Functioning of the European Union, decisions of the General Court declaring a regulation to be void shall take effect only as from the date of expiry of the period referred to in the first paragraph of Article 56 of this Statute or, if an appeal shall have been brought within that period, as from the date of dismissal of the appeal, without prejudice, however, to the right of a party to apply to the Court of Justice, pursuant to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, for the suspension of the effects of the regulation which has been declared void or for the prescription of any other interim measure.

Article 61

If the appeal is well founded, the Court of Justice shall quash the decision of the General Court. It may itself give final judgment in the matter, where the state of the proceedings so permits, or refer the case back to the General Court for judgment.

Where a case is referred back to the General Court, that Court shall be bound by the decision of the Court of Justice on points of law.

When an appeal brought by a Member State or an institution of the Union, which did not intervene in the proceedings before the General Court, is well founded, the Court of Justice may,

if it considers this necessary, state which of the effects of the decision of the General Court which has been quashed shall be considered as definitive in respect of the parties to the litigation.

Article 62

In the cases provided for in Article 256(2) and (3) of the Treaty on the Functioning of the European Union, where the First Advocate-General considers that there is a serious risk of the unity or consistency of Union law being affected, he may propose that the Court of Justice review the decision of the General Court.

The proposal must be made within one month of delivery of the decision by the General Court. Within one month of receiving the proposal made by the First Advocate-General, the Court of Justice shall decide whether or not the decision should be reviewed.

Article 62a

The Court of Justice shall give a ruling on the questions which are subject to review by means of an urgent procedure on the basis of the file forwarded to it by the General Court.

Those referred to in Article 23 of this Statute and, in the cases provided for in Article 256(2) of the EC Treaty, the parties to the proceedings before the General Court shall be entitled to lodge statements or written observations with the Court of Justice relating to questions which are subject to review within a period prescribed for that purpose.

The Court of Justice may decide to open the oral procedure before giving a ruling.

Article 62b

In the cases provided for in Article 256(2) of the Treaty on the Functioning of the European Union, without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union, proposals for review and decisions to open the review procedure shall not have suspensory effect. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, it shall refer the case back to the General Court which shall be bound by the points of law decided by the Court of Justice; the Court of Justice may state which of the effects of the decision of the General Court are to be considered as definitive in respect of the parties to the litigation. If, however, having regard to the result of the review, the outcome of the proceedings flows from the findings of fact on which the decision of the General Court was based, the Court of Justice shall give final judgment.

In the cases provided for in Article 256(3) of the Treaty on the Functioning of the European Union, in the absence of proposals for review or decisions to open the review procedure, the answer(s) given by the General Court to the questions submitted to it shall take effect upon expiry of the periods prescribed for that purpose in the second paragraph of Article 62. Should a review procedure be opened, the answer(s) subject to review shall take effect following that procedure, unless the Court of Justice decides otherwise. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, the answer given by the Court of Justice to the questions subject to review shall be substituted for that given by the General Court.

TITLE IV*a*

JUDICIAL PANELS

Article 62c

The provisions relating to the jurisdiction, composition, organisation and procedure of the judicial panels established under Article 257 of the Treaty on the Functioning of the European Union are set out in an Annex to this Statute.

TITLE V

FINAL PROVISIONS

Article 63

The Rules of Procedure of the Court of Justice and of the General Court shall contain any provisions necessary for applying and, where required, supplementing this Statute.

Article 64

The rules governing the language arrangements applicable at the Court of Justice of the European Union shall be laid down by a regulation of the Council acting unanimously. This regulation shall be adopted either at the request of the Court of Justice and after consultation of the Commission and the European Parliament, or on a proposal from the Commission and after consultation of the Court of Justice and of the European Parliament.

Until those rules have been adopted, the provisions of the Rules of Procedure of the Court of Justice and of the Rules of Procedure of the General Court governing language arrangements shall continue to apply. By way of derogation from Articles 253 and 254 of the Treaty on the Functioning of the European Union, those provisions may only be amended or repealed with the unanimous consent of the Council.

ANNEX I

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Article 1

The European Union Civil Service Tribunal (hereafter ‘the Civil Service Tribunal’) shall exercise at first instance jurisdiction in disputes between the Union and its servants referred to in Article 270 of the Treaty on the Functioning of the European Union, including disputes between all bodies or agencies and their servants in respect of which jurisdiction is conferred on the Court of Justice of the European Union.

Article 2

The Civil Service Tribunal shall consist of seven judges. Should the Court of Justice so request, the Council, acting by a qualified majority, may increase the number of judges.

The judges shall be appointed for a period of six years. Retiring judges may be reappointed.

Any vacancy shall be filled by the appointment of a new judge for a period of six years.

Article 3

1. The judges shall be appointed by the Council, acting in accordance with the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union, after consulting the committee provided for by this Article. When appointing judges, the Council shall ensure a balanced composition of the Civil Service Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented.

2. Any person who is a Union citizen and fulfils the conditions laid down in the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union may submit an application. The Council, acting on a recommendation from the Court of Justice, shall determine the conditions and the arrangements governing the submission and processing of such applications.

3. A committee shall be set up comprising seven persons chosen from among former members of the Court of Justice and the General Court and lawyers of recognised competence. The committee's membership and operating rules shall be determined by the Council, acting on a recommendation by the President of the Court of Justice.

4. The committee shall give an opinion on candidates' suitability to perform the duties of judge at the Civil Service Tribunal. The committee shall append to its opinion a list of candidates having the most suitable high-level experience. Such list shall contain the names of at least twice as many candidates as there are judges to be appointed by the Council.

Article 4

1. The judges shall elect the President of the Civil Service Tribunal from among their number for a term of three years. He may be re-elected.

2. The Civil Service Tribunal shall sit in chambers of three judges. It may, in certain cases determined by its rules of procedure, sit in full court or in a chamber of five judges or of a single judge.

3. The President of the Civil Service Tribunal shall preside over the full court and the chamber of five judges. The Presidents of the chambers of three judges shall be designated as provided in paragraph 1. If the President of the Civil Service Tribunal is assigned to a chamber of three judges, he shall preside over that chamber.

4. The jurisdiction of and quorum for the full court as well as the composition of the chambers and the assignment of cases to them shall be governed by the rules of procedure.

Article 5

Articles 2 to 6, 14, 15, the first, second and fifth paragraphs of Article 17, and Article 18 of the Statute of the Court of Justice of the European Union shall apply to the Civil Service Tribunal and its members.

The oath referred to in Article 2 of the Statute shall be taken before the Court of Justice, and the decisions referred to in Articles 3, 4 and 6 thereof shall be adopted by the Court of Justice after consulting the Civil Service Tribunal.

Article 6

1. The Civil Service Tribunal shall be supported by the departments of the Court of Justice and of the General Court. The President of the Court of Justice or, in appropriate cases, the President of the General Court, shall determine by common accord with the President of the Civil Service Tribunal the conditions under which officials and other servants attached to the Court of Justice or the General Court shall render their services to the Civil Service Tribunal to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the Civil Service Tribunal under the authority of the President of that Tribunal.

2. The Civil Service Tribunal shall appoint its Registrar and lay down the rules governing his service. The fourth paragraph of Article 3 and Articles 10, 11 and 14 of the Statute of the Court of Justice of the European Union shall apply to the Registrar of the Tribunal.

Article 7

1. The procedure before the Civil Service Tribunal shall be governed by Title III of the Statute of the Court of Justice of the European Union, with the exception of Articles 22 and 23. Such further and more detailed provisions as may be necessary shall be laid down in the rules of procedure.

2. The provisions concerning the General Court's language arrangements shall apply to the Civil Service Tribunal.

3. The written stage of the procedure shall comprise the presentation of the application and of the statement of defence, unless the Civil Service Tribunal decides that a second exchange of written pleadings is necessary. Where there is such second exchange, the Civil Service Tribunal may, with the agreement of the parties, decide to proceed to judgment without an oral procedure.

4. At all stages of the procedure, including the time when the application is filed, the Civil Service Tribunal may examine the possibilities of an amicable settlement of the dispute and may try to facilitate such settlement.

5. The Civil Service Tribunal shall rule on the costs of a case. Subject to the specific provisions of the Rules of Procedure, the unsuccessful party shall be ordered to pay the costs should the court so decide.

Article 8

1. Where an application or other procedural document addressed to the Civil Service Tribunal is lodged by mistake with the Registrar of the Court of Justice or General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Civil Service Tribunal. Likewise, where an application or other procedural document addressed to the Court of Justice or to the General Court is lodged by mistake with the Registrar of the Civil Service Tribunal, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice or General Court.

2. Where the Civil Service Tribunal finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice or the General Court has jurisdiction, it shall refer that action to the Court of Justice or to the General Court. Likewise, where the Court of Justice or the General Court finds that an action falls within the jurisdiction of the Civil Service Tribunal, the Court seised shall refer that action to the Civil Service Tribunal, whereupon that Tribunal may not decline jurisdiction.

3. Where the Civil Service Tribunal and the General Court are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called in question, the Civil Service Tribunal, after hearing the parties, may stay the proceedings until the judgment of the General Court has been delivered.

Where the Civil Service Tribunal and the General Court are seised of cases in which the same relief is sought, the Civil Service Tribunal shall decline jurisdiction so that the General Court may act on those cases.

Article 9

An appeal may be brought before the General Court, within two months of notification of the decision appealed against, against final decisions of the Civil Service Tribunal and decisions of that Tribunal disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of jurisdiction or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the Civil Service Tribunal directly affects them.

Article 10

1. Any person whose application to intervene has been dismissed by the Civil Service Tribunal may appeal to the General Court within two weeks of notification of the decision dismissing the application.

2. The parties to the proceedings may appeal to the General Court against any decision of the Civil Service Tribunal made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months of its notification.

3. The President of the General Court may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Annex and which shall be laid down in the rules of procedure of the General Court, adjudicate upon appeals brought in accordance with paragraphs 1 and 2.

Article 11

1. An appeal to the General Court shall be limited to points of law. It shall lie on the grounds of lack of jurisdiction of the Civil Service Tribunal, a breach of procedure before it which adversely affects the interests of the appellant, as well as the infringement of Union law by the Tribunal.

2. No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 12

1. Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal before the General Court shall not have suspensory effect.

2. Where an appeal is brought against a decision of the Civil Service Tribunal, the procedure before the General Court shall consist of a written part and an oral part. In accordance with conditions laid down in the rules of procedure, the General Court, having heard the parties, may dispense with the oral procedure.

Article 13

1. If the appeal is well founded, the General Court shall quash the decision of the Civil Service Tribunal and itself give judgment in the matter. It shall refer the case back to the Civil Service Tribunal for judgment where the state of the proceedings does not permit a decision by the Court.

2. Where a case is referred back to the Civil Service Tribunal, the Tribunal shall be bound by the decision of the General Court on points of law.

PROTOCOL (No 2)

ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

Article 8

The Court of Justice of the European Union shall have jurisdiction in actions on grounds of infringement of the principle of subsidiarity by a legislative act, brought in accordance with the rules laid down in Article 263 of the Treaty on the Functioning of the European Union by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber thereof.

In accordance with the rules laid down in the said Article, the Committee of the Regions may also bring such actions against legislative acts for the adoption of which the Treaty on the Functioning of the European Union provides that it be consulted.

PROTOCOL (No 7)
ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION

Article 1

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

PROTOCOL (No 36)

ON TRANSITIONAL PROVISIONS

TITLE VII

TRANSITIONAL PROVISIONS CONCERNING ACTS ADOPTED ON THE BASIS OF TITLES V AND VI OF THE TREATY ON EUROPEAN UNION PRIOR TO THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Article 10

1. As a transitional measure, and with respect to acts of the Union in the field of police cooperation and judicial cooperation in criminal matters which have been adopted before the entry into force of the Treaty of Lisbon, the powers of the institutions shall be the following at the date of entry into force of that Treaty: the powers of the Commission under Article 258 of the Treaty on the Functioning of the European Union shall not be applicable and the powers of the Court of Justice of the European Union under Title VI of the Treaty on European Union, in the version in force before the entry into force of the Treaty of Lisbon, shall remain the same, including where they have been accepted under Article 35(2) of the said Treaty on European Union.

2. The amendment of an act referred to in paragraph 1 shall entail the applicability of the powers of the institutions referred to in that paragraph as set out in the Treaties with respect to the amended act for those Member States to which that amended act shall apply.

3. In any case, the transitional measure mentioned in paragraph 1 shall cease to have effect five years after the date of entry into force of the Treaty of Lisbon.

4. At the latest six months before the expiry of the transitional period referred to in paragraph 3, the United Kingdom may notify to the Council that it does not accept, with respect to the acts referred to in paragraph 1, the powers of the institutions referred to in paragraph 1 as set out in the Treaties. In case the United Kingdom has made that notification, all acts referred to in paragraph 1 shall cease to apply to it as from the date of expiry of the transitional period referred to in paragraph 3. This subparagraph shall not apply with respect to the amended acts which are applicable to the United Kingdom as referred to in paragraph 2.

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the necessary consequential and transitional arrangements. The United Kingdom shall not participate in the adoption of this decision. A qualified majority of the Council shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

The Council, acting by a qualified majority on a proposal from the Commission, may also adopt a decision determining that the United Kingdom shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in those acts.

[*Article 35* (text prior to the entry into force of the Treaty of Lisbon): 1. The Court of Justice of the European Communities shall have jurisdiction, subject to the conditions laid down in this Article, to give preliminary rulings on the validity and interpretation of framework decisions and

decisions, on the interpretation of conventions established under this Title and on the validity and interpretation of the measures implementing them.

2. By a declaration made at the time of signature of the Treaty of Amsterdam or at any time thereafter, any Member State shall be able to accept the jurisdiction of the Court of Justice to give preliminary rulings as specified in paragraph 1.

3. A Member State making a declaration pursuant to paragraph 2 shall specify that either:

(a) any court or tribunal of that State against whose decisions there is no judicial remedy under national law may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment, or

(b) any court or tribunal of that State may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment.

4. Any Member State, whether or not it has made a declaration pursuant to paragraph 2, shall be entitled to submit statements of case or written observations to the Court in cases which arise under paragraph 1.

5. The Court of Justice shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

6. The Court of Justice shall have jurisdiction to review the legality of framework decisions and decisions in actions brought by a Member State or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers. The proceedings provided for in this paragraph shall be instituted within two months of the publication of the measure.

7. The Court of Justice shall have jurisdiction to rule on any dispute between Member States regarding the interpretation or the application of acts adopted under Article 34(2) whenever such dispute cannot be settled by the Council within six months of its being referred to the Council by one of its members. The Court shall also have jurisdiction to rule on any dispute between Member States and the Commission regarding the interpretation or the application of conventions established under Article 34(2)(d).]

Jurisdiction of the Court of Justice to give preliminary rulings on police and judicial cooperation in criminal matters

Member State	Declaration under Article 35(2) EU	Option chosen (point (a) or point (b) of Article 35(3) EU)	Reservation pursuant to Declaration No 10 annexed to the Amsterdam Final Act (Declaration on Article 35 EU (formerly Article K.7))	Information published in OJ [1]	Provisions of national law adopted further to the reservation pursuant to Declaration No 10
Germany	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	Gesetz betreffend die Anrufung des Gerichtshofs der Europäischen Gemeinschaften im Wege des Vorabentscheidungsverfahrens auf dem Gebiet der polizeilichen Zusammenarbeit und der justitiellen Zusammenarbeit in Strafsachen nach Art. 35 des EU-Vertrages (EuGH-Gesetz) vom 6. 8. 1998 BGBl. 1998 I, p.2035
Austria	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	Bundesgesetz über die Einholung von Vorabentscheidungen des Gerichtshofs der Europäischen Gemeinschaften auf dem Gebiet der polizeilichen Zusammenarbeit und der justitiellen Zusammenarbeit in Strafsachen BGBl. I N°89/1999
Belgium	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	*
Bulgaria	*				
Cyprus	*				
Denmark	no	–	–	–	–
Spain	yes	point (a)	yes	1999 L 114, p. 56 1999 C 120, p. 24	Ley Orgánica 9/1998, de 16 de diciembre BOE 17 de diciembre 1998, núm. 301/1998 [pág. 42266]
Estonia	*				
Finland	yes	point (b)	no	1999 L 114, p. 56 1999 C 120, p. 24	–
France	yes	point (b)	yes	2005 L 327, p. 19	Décret n° 2000-668 du 10 juillet

*. No official information available

[1] A summary report on the declarations concerning acceptance was published, in identical terms, in OJ 2008 L 70, p. 23, and OJ 2008 C 69, p. 1.

				2005 C 318, p. 1	2000 Journal Officiel de la République française du 19.07.00, p. 11073
Greece	yes	point (b)	no	no 1999 L 114, p. 5 1999 C 120, p. 24	–
Hungary	yes	point (b) [2]	no	2005 L 327, p. 19 2005 C 318, p. 1 2008 L 70, p. 23 2008 C 69, p. 1	–
Ireland	no	–	–	–	–
Italy	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	**
Latvia	yes	point (b)	no	2008 L 70, p. 23 2008 C 69, p. 1	*
Lithuania	yes	point (b)	no	2008 L 70, p. 23 2008 C 69, p. 1	–
Luxembourg	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	*
Malta	*				
Netherlands	yes	point (b)	yes	1999 L 114, p. 56 1999 C 120, p. 24	*
Poland	*				
Portugal	yes	point (b)	no	1999 L 114, p. 56 1999 C 120, p. 24	–
Czech Republic	yes	point (b)	yes	2003 L 236, p. 980	§ 109 odst. 1 písm. d) OSŘ ve znění zákona č. 555/2004 Sb. Parlamentu České republiky, kterým se mění zákon č. 99/1963 Sb., občanský soudní řád, ve znění pozdějších předpisů, zákon č. 150/2002 Sb., soudní řád správní, ve znění pozdějších předpisů, zákon č. 549/1991 Sb., o soudních poplatcích, ve znění pozdějších předpisů, a zákon č. 85/1996 Sb., o advokacii, ve znění pozdějších předpisů
Romania	*				
United Kingdom	no	–	–	–	–

[2] According to the information published in OJ 2008 L 70, p. 23, and OJ 2008 C 69, p. 1, the Republic of Hungary has withdrawn its previous declaration (see OJ 2005 L 327, p. 19, and 2005 C 318, p. 1) that it accepted the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(a) of the Treaty on European Union and has declared that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(b) of the Treaty on European Union. This is consistent with Decision (Kormányhatározat) 2088/2003 (V.15) of the Hungarian Government, according to which the Republic of Hungary accepts the jurisdiction of the Court of Justice in accordance with the arrangements laid down in Article 35(3)(b) EU.

Slovakia	*				
Slovenia	yes	point (b)	yes	2008 L 70, p. 23 2008 C 69, p. 1	*
Sweden	yes	point (b)	no	1999 L 114, p. 56 1999 C 120, p. 24	

CONSOLIDATED VERSION

OF THE

STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

This text contains the consolidated version of Protocol (No 3) on the Statute of the Court of Justice of the European Union, annexed to the Treaties, as amended by Regulation (EU, Euratom) No 741/2012 of the European Parliament and of the Council of 11 August 2012 (OJ L 228, 23.8.2012, p. 1).

PROTOCOL (No 3)

ON THE STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION [1]

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the Court of Justice of the European Union provided for in Article 281 of the Treaty on the Functioning of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

Article 1

The Court of Justice of the European Union shall be constituted and shall function in accordance with the provisions of the Treaties, of the Treaty establishing the European Atomic Energy Community (EAEC Treaty) and of this Statute.

TITLE I
JUDGES AND ADVOCATES-GENERAL

Article 2

Before taking up his duties each Judge shall, before the Court of Justice sitting in open court, take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 3

The Judges shall be immune from legal proceedings. After they have ceased to hold office, they shall continue to enjoy immunity in respect of acts performed by them in their official capacity, including words spoken or written.

The Court of Justice, sitting as a full Court, may waive the immunity. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Where immunity has been waived and criminal proceedings are instituted against a Judge, he shall be tried, in any of the Member States, only by the court competent to judge the members of the highest national judiciary.

Articles 11 to 14 and Article 17 of the Protocol on the privileges and immunities of the European Union shall apply to the Judges, Advocates-General, Registrar and Assistant Rapporteurs of the Court of Justice of the European Union, without

[1] As amended by Regulation (EU, Euratom) No 741/2012 of the European Parliament and of the Council of 11 August 2012 (OJ L 228 of 23.8.2012, p. 1).

prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the preceding paragraphs.

Article 4

The Judges may not hold any political or administrative office.

They may not engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Council, acting by a simple majority.

When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Any doubt on this point shall be settled by decision of the Court of Justice. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Article 5

Apart from normal replacement, or death, the duties of a Judge shall end when he resigns.

Where a Judge resigns, his letter of resignation shall be addressed to the President of the Court of Justice for transmission to the President of the Council. Upon this notification a vacancy shall arise on the bench.

Save where Article 6 applies, a Judge shall continue to hold office until his successor takes up his duties.

Article 6

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

The Registrar of the Court shall communicate the decision of the Court to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

Article 7

A Judge who is to replace a member of the Court whose term of office has not expired shall be appointed for the remainder of his predecessor’s term.

Article 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

TITLE II

ORGANISATION OF THE COURT OF JUSTICE

Article 9

When, every three years, the Judges are partially replaced, 14 and 13 Judges shall be replaced alternately.

When, every three years, the Advocates-General are partially replaced, four Advocates-General shall be replaced on each occasion.

Article 9a

The Judges shall elect the President and the Vice-President of the Court of Justice from among their number for a term of three years. They may be re-elected.

The Vice-President shall assist the President in accordance with the conditions laid down in the Rules of Procedure. He shall take the President's place when the latter is prevented from attending or when the office of President is vacant.

Article 10

The Registrar shall take an oath before the Court of Justice to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court of Justice.

Article 11

The Court of Justice shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court of Justice.

Article 12

Officials and other servants shall be attached to the Court of Justice to enable it to function. They shall be responsible to the Registrar under the authority of the President.

Article 13

At the request of the Court of Justice, the European Parliament and the Council may, acting in accordance with the ordinary legislative procedure, provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. The Assistant Rapporteurs may be required, under conditions laid down in the Rules of Procedure, to participate in preparatory inquiries in cases pending before the Court and to cooperate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by the Council, acting by a simple majority. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 14

The Judges, the Advocates-General and the Registrar shall be required to reside at the place where the Court of Justice has its seat.

Article 15

The Court of Justice shall remain permanently in session. The duration of the judicial vacations shall be determined by the Court with due regard to the needs of its business.

Article 16

The Court of Justice shall form chambers consisting of three and five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The Grand Chamber shall consist of 15 Judges. It shall be presided over by the President of the Court. The Vice-President of the Court and, in accordance with the conditions laid down in the Rules of Procedure, three of the Presidents of the chambers of five Judges and other Judges shall also form part of the Grand Chamber.

The Court shall sit in a Grand Chamber when a Member State or an institution of the Union that is party to the proceedings so requests.

The Court shall sit as a full Court where cases are brought before it pursuant to Article 228(2), Article 245(2), Article 247 or Article 286(6) of the Treaty on the Functioning of the European Union.

Moreover, where it considers that a case before it is of exceptional importance, the Court may decide, after hearing the Advocate-General, to refer the case to the full Court.

Article 17

Decisions of the Court of Justice shall be valid only when an uneven number of its members is sitting in the deliberations.

Decisions of the chambers consisting of either three or five Judges shall be valid only if they are taken by three Judges.

Decisions of the Grand Chamber shall be valid only if 11 Judges are sitting.

Decisions of the full Court shall be valid only if 17 Judges are sitting.

In the event of one of the Judges of a chamber being prevented from attending, a Judge of another chamber may be called upon to sit in accordance with conditions laid down in the Rules of Procedure.

Article 18

No Judge or Advocate-General may take part in the disposal of any case in which he has previously taken part as agent or adviser or has acted for one of the parties, or in which he has been called upon to pronounce as a member of a court or tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any Judge or Advocate-General considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If, for some special reason, the President considers that any Judge or Advocate-General should not sit or make submissions in a particular case, he shall notify him accordingly.

Any difficulty arising as to the application of this Article shall be settled by decision of the Court of Justice.

A party may not apply for a change in the composition of the Court or of one of its chambers on the grounds of either the nationality of a Judge or the absence from the Court or from the chamber of a Judge of the nationality of that party.

TITLE III

PROCEDURE BEFORE THE COURT OF JUSTICE

Article 19

The Member States and the institutions of the Union shall be represented before the Court of Justice by an agent appointed for each case; the agent may be assisted by an adviser or by a lawyer.

The States, other than the Member States, which are parties to the Agreement on the European Economic Area and also the EFTA Surveillance Authority referred to in that Agreement shall be represented in same manner.

Other parties must be represented by a lawyer.

Only a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area may represent or assist a party before the Court.

Such agents, advisers and lawyers shall, when they appear before the Court, enjoy the rights and immunities necessary to the independent exercise of their duties, under conditions laid down in the Rules of Procedure.

As regards such advisers and lawyers who appear before it, the Court shall have the powers normally accorded to courts of law, under conditions laid down in the Rules of Procedure.

University teachers being nationals of a Member State whose law accords them a right of audience shall have the same rights before the Court as are accorded by this Article to lawyers.

Article 20

The procedure before the Court of Justice shall consist of two parts: written and oral.

The written procedure shall consist of the communication to the parties and to the institutions of the Union whose decisions are in dispute, of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

Communications shall be made by the Registrar in the order and within the time laid down in the Rules of Procedure.

The oral procedure shall consist of the hearing by the Court of agents, advisers and lawyers and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

Where it considers that the case raises no new point of law, the Court may decide, after hearing the Advocate-General, that the case shall be determined without a submission from the Advocate-General.

Article 21

A case shall be brought before the Court of Justice by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party or names of the parties against whom the application is made, the subject-matter of the dispute, the form of order sought and a brief statement of the pleas in law on which the application is based.

The application shall be accompanied, where appropriate, by the measure the annulment of which is sought or, in the circumstances referred to in Article 265 of the Treaty on the Functioning of the European Union, by documentary evidence of the date on which an institution was, in accordance with those Articles, requested to act. If the documents are not submitted with the application, the Registrar shall ask the party concerned to produce them within a reasonable period, but in that event the rights of the party shall not lapse even if such documents are produced after the time limit for bringing proceedings.

Article 22

A case governed by Article 18 of the EAEC Treaty shall be brought before the Court of Justice by an appeal addressed to the Registrar. The appeal shall contain the name and permanent address of the applicant and the description of the signatory, a reference to the decision against which the appeal is brought, the names of the respondents, the subject-matter of the dispute, the submissions and a brief statement of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee which is contested.

If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the matter may be re-opened, where appropriate, on the initiative of one of the parties in the case, before the Arbitration Committee. The latter shall conform to any decisions on points of law given by the Court.

Article 23

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court of Justice shall be notified to the Court by the court or tribunal concerned. The decision shall then be notified by the Registrar of the Court to the parties, to the Member States and to the Commission, and to the institution, body, office or agency of the Union which adopted the act the validity or interpretation of which is in dispute.

Within two months of this notification, the parties, the Member States, the Commission and, where appropriate, the institution, body, office or agency which adopted the act the validity or interpretation of which is in dispute, shall be entitled to submit statements of case or written observations to the Court.

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the national court or tribunal shall, moreover, be notified by the Registrar of the Court to the States, other than the Member States, which are parties to the Agreement on the European Economic Area and also to the EFTA Surveillance Authority referred to in that Agreement which may, within two months of notification, where one of the fields of application of that Agreement is concerned, submit statements of case or written observations to the Court.

Where an agreement relating to a specific subject matter, concluded by the Council and one or more non-member States, provides that those States are to be entitled to submit statements of case or written observations where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling a question falling within the scope of the agreement, the decision of the national court or tribunal containing that question shall also be notified to the non-member States concerned. Within two months from such notification, those States may lodge at the Court statements of case or written observations.

Article 23a

The Rules of Procedure may provide for an expedited or accelerated procedure and, for references for a preliminary ruling relating to the area of freedom, security and justice, an urgent procedure.

Those procedures may provide, in respect of the submission of statements of case or written observations, for a shorter period than that provided for by Article 23, and, in derogation from the fourth paragraph of Article 20, for the case to be determined without a submission from the Advocate General.

In addition, the urgent procedure may provide for restriction of the parties and other interested persons mentioned in Article 23, authorised to submit statements of case or

written observations and, in cases of extreme urgency, for the written stage of the procedure to be omitted.

Article 24

The Court of Justice may require the parties to produce all documents and to supply all information which the Court considers desirable. Formal note shall be taken of any refusal.

The Court may also require the Member States and institutions, bodies, offices and agencies not being parties to the case to supply all information which the Court considers necessary for the proceedings.

Article 25

The Court of Justice may at any time entrust any individual, body, authority, committee or other organisation it chooses with the task of giving an expert opinion.

Article 26

Witnesses may be heard under conditions laid down in the Rules of Procedure.

Article 27

With respect to defaulting witnesses the Court of Justice shall have the powers generally granted to courts and tribunals and may impose pecuniary penalties under conditions laid down in the Rules of Procedure.

Article 28

Witnesses and experts may be heard on oath taken in the form laid down in the Rules of Procedure or in the manner laid down by the law of the country of the witness or expert.

Article 29

The Court of Justice may order that a witness or expert be heard by the judicial authority of his place of permanent residence.

The order shall be sent for implementation to the competent judicial authority under conditions laid down in the Rules of Procedure. The documents drawn up in compliance with the letters rogatory shall be returned to the Court under the same conditions.

The Court shall defray the expenses, without prejudice to the right to charge them, where appropriate, to the parties.

Article 30

A Member State shall treat any violation of an oath by a witness or expert in the same manner as if the offence had been committed before one of its courts with jurisdiction

in civil proceedings. At the instance of the Court of Justice, the Member State concerned shall prosecute the offender before its competent court.

Article 31

The hearing in court shall be public, unless the Court of Justice, of its own motion or on application by the parties, decides otherwise for serious reasons.

Article 32

During the hearings the Court of Justice may examine the experts, the witnesses and the parties themselves. The latter, however, may address the Court of Justice only through their representatives.

Article 33

Minutes shall be made of each hearing and signed by the President and the Registrar.

Article 34

The case list shall be established by the President.

Article 35

The deliberations of the Court of Justice shall be and shall remain secret.

Article 36

Judgments shall state the reasons on which they are based. They shall contain the names of the Judges who took part in the deliberations.

Article 37

Judgments shall be signed by the President and the Registrar. They shall be read in open court.

Article 38

The Court of Justice shall adjudicate upon costs.

Article 39

The President of the Court of Justice may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Statute and which shall be laid down in the Rules of Procedure, adjudicate upon applications to suspend execution, as provided for in Article 278 of the Treaty on the Functioning of the European Union and Article 157 of the EAEC Treaty, or to prescribe interim measures pursuant to Article 279 of the Treaty on the Functioning of the European Union, or to suspend enforcement in accordance with the fourth paragraph of Article

299 of the Treaty on the Functioning of the European Union or the third paragraph of Article 164 of the EAEC Treaty.

The powers referred to in the first paragraph may, under the conditions laid down in the Rules of Procedure, be exercised by the Vice-President of the Court of Justice.

Should the President and the Vice-President be prevented from attending, another Judge shall take their place under the conditions laid down in the Rules of Procedure.

The ruling of the President or of the Judge replacing him shall be provisional and shall in no way prejudice the decision of the Court on the substance of the case.

Article 40

Member States and institutions of the Union may intervene in cases before the Court of Justice.

The same right shall be open to the bodies, offices and agencies of the Union and to any other person which can establish an interest in the result of a case submitted to the Court. Natural or legal persons shall not intervene in cases between Member States, between institutions of the Union or between Member States and institutions of the Union.

Without prejudice to the second paragraph, the States, other than the Member States, which are parties to the Agreement on the European Economic Area, and also the EFTA Surveillance Authority referred to in that Agreement, may intervene in cases before the Court where one of the fields of application of that Agreement is concerned.

An application to intervene shall be limited to supporting the form of order sought by one of the parties.

Article 41

Where the defending party, after having been duly summoned, fails to file written submissions in defence, judgment shall be given against that party by default. An objection may be lodged against the judgment within one month of it being notified. The objection shall not have the effect of staying enforcement of the judgment by default unless the Court of Justice decides otherwise.

Article 42

Member States, institutions, bodies, offices and agencies of the Union and any other natural or legal persons may, in cases and under conditions to be determined by the Rules of Procedure, institute third-party proceedings to contest a judgment rendered without their being heard, where the judgment is prejudicial to their rights.

Article 43

If the meaning or scope of a judgment is in doubt, the Court of Justice shall construe it on application by any party or any institution of the Union establishing an interest therein.

Article 44

An application for revision of a judgment may be made to the Court of Justice only on discovery of a fact which is of such a nature as to be a decisive factor, and which, when the judgment was given, was unknown to the Court and to the party claiming the revision.

The revision shall be opened by a judgment of the Court expressly recording the existence of a new fact, recognising that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

No application for revision may be made after the lapse of 10 years from the date of the judgment.

Article 45

Periods of grace based on considerations of distance shall be determined by the Rules of Procedure.

No right shall be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or of *force majeure*.

Article 46

Proceedings against the Union in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. The period of limitation shall be interrupted if proceedings are instituted before the Court of Justice or if prior to such proceedings an application is made by the aggrieved party to the relevant institution of the Union. In the latter event the proceedings must be instituted within the period of two months provided for in Article 263 of the Treaty on the Functioning of the European Union; the provisions of the second paragraph of Article 265 of the Treaty on the Functioning of the European Union shall apply where appropriate.

This Article shall also apply to proceedings against the European Central Bank regarding non-contractual liability.

TITLE IV

GENERAL COURT

Article 47

The first paragraph of Article 9, Article 9a, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.

The fourth paragraph of Article 3 and Articles 10, 11 and 14 shall apply to the Registrar of the General Court *mutatis mutandis*.

Article 48

The General Court shall consist of 27 Judges.

Article 49

The Members of the General Court may be called upon to perform the task of an Advocate-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on certain cases brought before the General Court in order to assist the General Court in the performance of its task.

The criteria for selecting such cases, as well as the procedures for designating the Advocates-General, shall be laid down in the Rules of Procedure of the General Court.

A Member called upon to perform the task of Advocate-General in a case may not take part in the judgment of the case.

Article 50

The General Court shall sit in chambers of three or five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The composition of the chambers and the assignment of cases to them shall be governed by the Rules of Procedure. In certain cases governed by the Rules of Procedure, the General Court may sit as a full court or be constituted by a single Judge.

The Rules of Procedure may also provide that the General Court may sit in a Grand Chamber in cases and under the conditions specified therein.

Article 51

By way of derogation from the rule laid down in Article 256(1) of the Treaty on the Functioning of the European Union, jurisdiction shall be reserved to the Court of Justice in the actions referred to in Articles 263 and 265 of the Treaty on the Functioning of the European Union when they are brought by a Member State against:

(a) an act of or failure to act by the European Parliament or the Council, or by those institutions acting jointly, except for:

— decisions taken by the Council under the third subparagraph of Article 108(2) of the Treaty on the Functioning of the European Union;

— acts of the Council adopted pursuant to a Council regulation concerning measures to protect trade within the meaning of Article 207 of the Treaty on the Functioning of the European Union;

— acts of the Council by which the Council exercises implementing powers in accordance with the second paragraph of Article 291 of the Treaty on the Functioning of the European Union;

(b) against an act of or failure to act by the Commission under the first paragraph of Article 331 of the Treaty on the Functioning of the European Union.

Jurisdiction shall also be reserved to the Court of Justice in the actions referred to in the same Articles when they are brought by an institution of the Union against an act of or failure to act by the European Parliament, the Council, both those institutions acting jointly, or the Commission, or brought by an institution of the Union against an act of or failure to act by the European Central Bank.

Article 52

The President of the Court of Justice and the President of the General Court shall determine, by common accord, the conditions under which officials and other servants attached to the Court of Justice shall render their services to the General Court to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the General Court under the authority of the President of the General Court.

Article 53

The procedure before the General Court shall be governed by Title III.

Such further and more detailed provisions as may be necessary shall be laid down in its Rules of Procedure. The Rules of Procedure may derogate from the fourth paragraph of Article 40 and from Article 41 in order to take account of the specific features of litigation in the field of intellectual property.

Notwithstanding the fourth paragraph of Article 20, the Advocate-General may make his reasoned submissions in writing.

Article 54

Where an application or other procedural document addressed to the General Court is lodged by mistake with the Registrar of the Court of Justice, it shall be transmitted immediately by that Registrar to the Registrar of the General Court; likewise, where an application or other procedural document addressed to the Court of Justice is lodged by mistake with the Registrar of the General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice.

Where the General Court finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice has jurisdiction, it shall refer that action to the Court of Justice; likewise, where the Court of Justice finds that an action falls within the jurisdiction of the General Court, it shall refer that action to the General Court, whereupon that Court may not decline jurisdiction.

Where the Court of Justice and the General Court are seised of cases in which the same relief is sought, the same issue of interpretation is raised or the validity of the same act is called in question, the General Court may, after hearing the parties, stay the proceedings before it until such time as the Court of Justice has delivered judgment or, where the action is one brought pursuant to Article 263 of the Treaty on the Functioning of the European Union, may decline jurisdiction so as to allow the Court of Justice to rule on such actions. In the same circumstances, the Court of

Justice may also decide to stay the proceedings before it; in that event, the proceedings before the General Court shall continue.

Where a Member State and an institution of the Union are challenging the same act, the General Court shall decline jurisdiction so that the Court of Justice may rule on those applications.

Article 55

Final decisions of the General Court, decisions disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility, shall be notified by the Registrar of the General Court to all parties as well as all Member States and the institutions of the Union even if they did not intervene in the case before the General Court.

Article 56

An appeal may be brought before the Court of Justice, within two months of the notification of the decision appealed against, against final decisions of the General Court and decisions of that Court disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the General Court directly affects them.

With the exception of cases relating to disputes between the Union and its servants, an appeal may also be brought by Member States and institutions of the Union which did not intervene in the proceedings before the General Court. Such Member States and institutions shall be in the same position as Member States or institutions which intervened at first instance.

Article 57

Any person whose application to intervene has been dismissed by the General Court may appeal to the Court of Justice within two weeks from the notification of the decision dismissing the application.

The parties to the proceedings may appeal to the Court of Justice against any decision of the General Court made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months from their notification.

The appeal referred to in the first two paragraphs of this Article shall be heard and determined under the procedure referred to in Article 39.

Article 58

An appeal to the Court of Justice shall be limited to points of law. It shall lie on the grounds of lack of competence of the General Court, a breach of procedure before it which adversely affects the interests of the appellant as well as the infringement of Union law by the General Court.

No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 59

Where an appeal is brought against a decision of the General Court, the procedure before the Court of Justice shall consist of a written part and an oral part. In accordance with conditions laid down in the Rules of Procedure, the Court of Justice, having heard the Advocate-General and the parties, may dispense with the oral procedure.

Article 60

Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal shall not have suspensory effect.

By way of derogation from Article 280 of the Treaty on the Functioning of the European Union, decisions of the General Court declaring a regulation to be void shall take effect only as from the date of expiry of the period referred to in the first paragraph of Article 56 of this Statute or, if an appeal shall have been brought within that period, as from the date of dismissal of the appeal, without prejudice, however, to the right of a party to apply to the Court of Justice, pursuant to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, for the suspension of the effects of the regulation which has been declared void or for the prescription of any other interim measure.

Article 61

If the appeal is well founded, the Court of Justice shall quash the decision of the General Court. It may itself give final judgment in the matter, where the state of the proceedings so permits, or refer the case back to the General Court for judgment.

Where a case is referred back to the General Court, that Court shall be bound by the decision of the Court of Justice on points of law.

When an appeal brought by a Member State or an institution of the Union, which did not intervene in the proceedings before the General Court, is well founded, the Court of Justice may, if it considers this necessary, state which of the effects of the decision of the General Court which has been quashed shall be considered as definitive in respect of the parties to the litigation.

Article 62

In the cases provided for in Article 256(2) and (3) of the Treaty on the Functioning of the European Union, where the First Advocate-General considers that there is a

serious risk of the unity or consistency of Union law being affected, he may propose that the Court of Justice review the decision of the General Court.

The proposal must be made within one month of delivery of the decision by the General Court. Within one month of receiving the proposal made by the First Advocate-General, the Court of Justice shall decide whether or not the decision should be reviewed.

Article 62a

The Court of Justice shall give a ruling on the questions which are subject to review by means of an urgent procedure on the basis of the file forwarded to it by the General Court.

Those referred to in Article 23 of this Statute and, in the cases provided for in Article 256(2) of the EC Treaty, the parties to the proceedings before the General Court shall be entitled to lodge statements or written observations with the Court of Justice relating to questions which are subject to review within a period prescribed for that purpose.

The Court of Justice may decide to open the oral procedure before giving a ruling.

Article 62b

In the cases provided for in Article 256(2) of the Treaty on the Functioning of the European Union, without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union, proposals for review and decisions to open the review procedure shall not have suspensory effect. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, it shall refer the case back to the General Court which shall be bound by the points of law decided by the Court of Justice; the Court of Justice may state which of the effects of the decision of the General Court are to be considered as definitive in respect of the parties to the litigation. If, however, having regard to the result of the review, the outcome of the proceedings flows from the findings of fact on which the decision of the General Court was based, the Court of Justice shall give final judgment.

In the cases provided for in Article 256(3) of the Treaty on the Functioning of the European Union, in the absence of proposals for review or decisions to open the review procedure, the answer(s) given by the General Court to the questions submitted to it shall take effect upon expiry of the periods prescribed for that purpose in the second paragraph of Article 62. Should a review procedure be opened, the answer(s) subject to review shall take effect following that procedure, unless the Court of Justice decides otherwise. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, the answer given by the Court of Justice to the questions subject to review shall be substituted for that given by the General Court.

TITLE IVa

SPECIALISED COURTS

Article 62c

The provisions relating to the jurisdiction, composition, organisation and procedure of the specialised courts established under Article 257 of the Treaty on the Functioning of the European Union are set out in an Annex to this Statute.

The European Parliament and the Council, acting in accordance with Article 257 of the Treaty on the Functioning of the European Union, may attach temporary Judges to the specialised courts in order to cover the absence of Judges who, while not suffering from disablement deemed to be total, are prevented from participating in the disposal of cases for a lengthy period of time. In that event, the European Parliament and the Council shall lay down the conditions under which the temporary Judges shall be appointed, their rights and duties, the detailed rules governing the performance of their duties and the circumstances in which they shall cease to perform those duties.

TITLE V

FINAL PROVISIONS

Article 63

The Rules of Procedure of the Court of Justice and of the General Court shall contain any provisions necessary for applying and, where required, supplementing this Statute.

Article 64

The rules governing the language arrangements applicable at the Court of Justice of the European Union shall be laid down by a regulation of the Council acting unanimously. This regulation shall be adopted either at the request of the Court of Justice and after consultation of the Commission and the European Parliament, or on a proposal from the Commission and after consultation of the Court of Justice and of the European Parliament.

Until those rules have been adopted, the provisions of the Rules of Procedure of the Court of Justice and of the Rules of Procedure of the General Court governing language arrangements shall continue to apply. By way of derogation from Articles 253 and 254 of the Treaty on the Functioning of the European Union, those provisions may only be amended or repealed with the unanimous consent of the Council.

ANNEX I

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Article 1

The European Union Civil Service Tribunal (hereafter 'the Civil Service Tribunal') shall exercise at first instance jurisdiction in disputes between the Union and its servants referred to in Article 270 of the Treaty on the Functioning of the European Union, including disputes between all bodies or agencies and their servants in respect of which jurisdiction is conferred on the Court of Justice of the European Union.

Article 2

1. The Civil Service Tribunal shall consist of seven judges. Should the Court of Justice so request, the Council, acting by a qualified majority, may increase the number of judges.

The judges shall be appointed for a period of six years. Retiring judges may be reappointed.

Any vacancy shall be filled by the appointment of a new judge for a period of six years.

2. Temporary Judges shall be appointed, in addition to the Judges referred to in the first subparagraph of paragraph 1, in order to cover the absence of Judges who, while not suffering from disablement deemed to be total, are prevented from participating in the disposal of cases for a lengthy period of time.

Article 3

1. The judges shall be appointed by the Council, acting in accordance with the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union, after consulting the committee provided for by this Article. When appointing judges, the Council shall ensure a balanced composition of the Civil Service Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented.

2. Any person who is a Union citizen and fulfils the conditions laid down in the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union may submit an application. The Council, acting on a recommendation from the Court of Justice, shall determine the conditions and the arrangements governing the submission and processing of such applications.

3. A committee shall be set up comprising seven persons chosen from among former members of the Court of Justice and the General Court and lawyers of recognised competence. The committee's membership and operating rules shall be determined by the Council, acting on a recommendation by the President of the Court of Justice.

4. The committee shall give an opinion on candidates' suitability to perform the duties of judge at the Civil Service Tribunal. The committee shall append to its opinion a list of candidates having the most suitable high-level experience. Such list shall contain the names of at least twice as many candidates as there are judges to be appointed by the Council.

Article 4

1. The judges shall elect the President of the Civil Service Tribunal from among their number for a term of three years. He may be re-elected.

2. The Civil Service Tribunal shall sit in chambers of three judges. It may, in certain cases determined by its rules of procedure, sit in full court or in a chamber of five judges or of a single judge.

3. The President of the Civil Service Tribunal shall preside over the full court and the chamber of five judges. The Presidents of the chambers of three judges shall be designated as provided in paragraph 1. If the President of the Civil Service Tribunal is assigned to a chamber of three judges, he shall preside over that chamber.

4. The jurisdiction of and quorum for the full court as well as the composition of the chambers and the assignment of cases to them shall be governed by the rules of procedure.

Article 5

Articles 2 to 6, 14, 15, the first, second and fifth paragraphs of Article 17, and Article 18 of the Statute of the Court of Justice of the European Union shall apply to the Civil Service Tribunal and its members.

The oath referred to in Article 2 of the Statute shall be taken before the Court of Justice, and the decisions referred to in Articles 3, 4 and 6 thereof shall be adopted by the Court of Justice after consulting the Civil Service Tribunal.

Article 6

1. The Civil Service Tribunal shall be supported by the departments of the Court of Justice and of the General Court. The President of the Court of Justice or, in appropriate cases, the President of the General Court, shall determine by common accord with the President of the Civil Service Tribunal the conditions under which officials and other servants attached to the Court of Justice or the General Court shall render their services to the Civil Service Tribunal to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the Civil Service Tribunal under the authority of the President of that Tribunal.

2. The Civil Service Tribunal shall appoint its Registrar and lay down the rules governing his service. The fourth paragraph of Article 3 and Articles 10, 11 and 14 of the Statute of the Court of Justice of the European Union shall apply to the Registrar of the Tribunal.

Article 7

1. The procedure before the Civil Service Tribunal shall be governed by Title III of the Statute of the Court of Justice of the European Union, with the exception of Articles 22 and 23. Such further and more detailed provisions as may be necessary shall be laid down in the rules of procedure.

2. The provisions concerning the General Court's language arrangements shall apply to the Civil Service Tribunal.

3. The written stage of the procedure shall comprise the presentation of the application and of the statement of defence, unless the Civil Service Tribunal decides that a second exchange of written pleadings is necessary. Where there is such second exchange, the Civil Service Tribunal may, with the agreement of the parties, decide to proceed to judgment without an oral procedure.

4. At all stages of the procedure, including the time when the application is filed, the Civil Service Tribunal may examine the possibilities of an amicable settlement of the dispute and may try to facilitate such settlement.

5. The Civil Service Tribunal shall rule on the costs of a case. Subject to the specific provisions of the Rules of Procedure, the unsuccessful party shall be ordered to pay the costs should the court so decide.

Article 8

1. Where an application or other procedural document addressed to the Civil Service Tribunal is lodged by mistake with the Registrar of the Court of Justice or General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Civil Service Tribunal. Likewise, where an application or other procedural document addressed to the Court of Justice or to the General Court is lodged by mistake with the Registrar of the Civil Service Tribunal, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice or General Court.

2. Where the Civil Service Tribunal finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice or the General Court has jurisdiction, it shall refer that action to the Court of Justice or to the General Court. Likewise, where the Court of Justice or the General Court finds that an action falls within the jurisdiction of the Civil Service Tribunal, the Court seised shall refer that action to the Civil Service Tribunal, whereupon that Tribunal may not decline jurisdiction.

3. Where the Civil Service Tribunal and the General Court are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called in question, the Civil Service Tribunal, after hearing the parties, may stay the proceedings until the judgment of the General Court has been delivered.

Where the Civil Service Tribunal and the General Court are seised of cases in which the same relief is sought, the Civil Service Tribunal shall decline jurisdiction so that the General Court may act on those cases.

Article 9

An appeal may be brought before the General Court, within two months of notification of the decision appealed against, against final decisions of the Civil Service Tribunal and decisions of that Tribunal disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of jurisdiction or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and

the institutions of the Union may bring such an appeal only where the decision of the Civil Service Tribunal directly affects them.

Article 10

1. Any person whose application to intervene has been dismissed by the Civil Service Tribunal may appeal to the General Court within two weeks of notification of the decision dismissing the application.

2. The parties to the proceedings may appeal to the General Court against any decision of the Civil Service Tribunal made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months of its notification.

3. The President of the General Court may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Annex and which shall be laid down in the rules of procedure of the General Court, adjudicate upon appeals brought in accordance with paragraphs 1 and 2.

Article 11

1. An appeal to the General Court shall be limited to points of law. It shall lie on the grounds of lack of jurisdiction of the Civil Service Tribunal, a breach of procedure before it which adversely affects the interests of the appellant, as well as the infringement of Union law by the Tribunal.

2. No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 12

1. Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal before the General Court shall not have suspensory effect.

2. Where an appeal is brought against a decision of the Civil Service Tribunal, the procedure before the General Court shall consist of a written part and an oral part. In accordance with conditions laid down in the rules of procedure, the General Court, having heard the parties, may dispense with the oral procedure.

Article 13

1. If the appeal is well founded, the General Court shall quash the decision of the Civil Service Tribunal and itself give judgment in the matter. It shall refer the case back to the Civil Service Tribunal for judgment where the state of the proceedings does not permit a decision by the Court.

2. Where a case is referred back to the Civil Service Tribunal, the Tribunal shall be bound by the decision of the General Court on points of law.

I

(Legislative acts)

REGULATIONS

REGULATION (EU, EURATOM) No 741/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 August 2012

amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and second paragraphs of Article 257 and the second paragraph of Article 281 thereof,

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

Having regard to the request of the Court of Justice,

Having regard to the opinion of the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure [1],

Whereas:

(1) In order to increase the participation of all the Judges in the decisions of the Grand Chamber of the Court of Justice, there should be an increase in the number of Judges who may participate in the Grand Chamber, and the automatic participation of all of the Presidents of the chambers of five Judges should cease.

(2) Corresponding adjustments should be made to the quorum of the Grand Chamber and of the full Court.

(3) The increasing responsibilities of the President of the Court of Justice and of the President of the General Court require the establishment in each of those Courts of an office of Vice-President in order to assist the President in carrying out those responsibilities.

(4) As a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court has been steadily increasing.

(5) The number of cases brought before the General Court exceeds the number of cases disposed of each year, resulting in a significant increase in the number of cases pending before that Court and an increase in the duration of proceedings.

(6) There is a continuing need to tackle delays arising from the heavy workload of the General Court, and it is, therefore, appropriate to work towards putting in place appropriate measures by the time of the partial renewal of the membership of that Court in 2013.

(7) With a view to the partial renewal of the Court of Justice on 7 October 2012 and in accordance with the letter of the President of the Court of Justice of the European Union of 8 May 2012, as a first step, only amendments to the Statute concerning the organisation of the Court of Justice and the General Court should be adopted. Examination of the part of the request on the membership of the General Court submitted by the Court of Justice should be reserved for a later stage.

(8) In view of the urgent need to find a solution that guarantees its proper functioning, the amendments concerning the Civil Service Tribunal should be adopted together with the amendments concerning the Court of Justice.

(9) In order to enable the specialised courts to continue to function satisfactorily in the absence of a Judge who, while not suffering from disablement deemed to be total, is prevented from participating in the disposal of cases for a lengthy period of time, provision should be made for the possibility of attaching temporary Judges to those courts.

[1] Position of the European Parliament of 5 July 2012 (not yet published in the Official Journal) and decision of the Council of 24 July 2012.

(10) Protocol No 3 on the Statute of the Court of Justice of the European Union and Annex I thereto should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Protocol No 3 on the Statute of the Court of Justice of the European Union is hereby amended as follows:

(1) the following Article is inserted:

'*Article 9a*

The Judges shall elect the President and the Vice-President of the Court of Justice from among their number for a term of three years. They may be re-elected.

The Vice-President shall assist the President in accordance with the conditions laid down in the Rules of Procedure. He shall take the President's place when the latter is prevented from attending or when the office of President is vacant.';

(2) in Article 16, the second paragraph is replaced by the following:

'The Grand Chamber shall consist of 15 Judges. It shall be presided over by the President of the Court. The Vice-President of the Court and, in accordance with the conditions laid down in the Rules of Procedure, three of the Presidents of the chambers of five Judges and other Judges shall also form part of the Grand Chamber.';

(3) in Article 17, the third and fourth paragraphs are replaced by the following:

'Decisions of the Grand Chamber shall be valid only if 11 Judges are sitting.

Decisions of the full Court shall be valid only if 17 Judges are sitting.';

(4) in Article 20, the fourth paragraph is replaced by the following:

'The oral procedure shall consist of the hearing by the Court of agents, advisers and lawyers and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.';

(5) in Article 39, the second paragraph is replaced by the following two paragraphs:

'The powers referred to in the first paragraph may, under the conditions laid down in the Rules of Procedure, be exercised by the Vice-President of the Court of Justice.

Should the President and the Vice-President be prevented from attending, another Judge shall take their place under the conditions laid down in the Rules of Procedure.';

(6) in Article 47, the first paragraph is replaced by the following:

'The first paragraph of Article 9, Article 9a, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.';

(7) in Article 62c, the following paragraph is added:

'The European Parliament and the Council, acting in accordance with Article 257 of the Treaty on the Functioning of the European Union, may attach temporary Judges to the specialised courts in order to cover the absence of Judges who, while not suffering from disablement deemed to be total, are prevented from participating in the disposal of cases for a lengthy period of time. In that event, the European Parliament and the Council shall lay down the conditions under which the temporary Judges shall be appointed, their rights and duties, the detailed rules governing the performance of their duties and the circumstances in which they shall cease to perform those duties.'.

Article 2

In Article 2 of Annex I to Protocol No 3 on the Statute of the Court of Justice of the European Union, the existing text becomes paragraph 1 and the following paragraph is added:

'2. Temporary Judges shall be appointed, in addition to the Judges referred to in the first subparagraph of paragraph 1, in order to cover the absence of Judges who, while not suffering from disablement deemed to be total, are prevented from participating in the disposal of cases for a lengthy period of time.'.

Article 3

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

Points 1, 2, 3, 5 and 6 of Article 1 shall apply from the first occasion when the Judges are partially replaced, as provided for in the first paragraph of Article 9 of Protocol No 3 on the Statute of the Court of Justice of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 August 2012.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
A. D. MAVROYIANNIS

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LUXEMBOURG

E-CURIA: CONDITIONS OF USE

applicable to parties' representatives

1. e-Curia is an information technology application which allows procedural documents to be lodged and served electronically. It also allows such documents to be consulted on-line.

2. Users are asked to read the following information carefully and to indicate their acceptance of the undertakings set out at the end of this document.

3. Every e-Curia page contains precise information on the steps to be followed and an on-line Help facility which is accessible via the (?) icon.

ACCESS TO E-CURIA

4. Access to e-Curia is free of charge.

5. e-Curia is common to the three constituent courts of the Court of Justice of the European Union. An access account opened by the Registry of one of those courts is equally valid as regards the Registries of the other two courts.

6. Without prejudice to compliance with the provisions of Article 19 of the Protocol on the Statute of the Court of Justice of the European Union and those relating to the admissibility of actions, agents and lawyers authorised to practise before a court of a Member State or of another State party to the Agreement on the European Economic Area may apply for an account to be opened giving them access to all the functionalities of e-Curia. Once such an account has been opened, they may use e-Curia in every case in which they have been appointed as a representative.

7. The application form for the opening of an account, which is available on the website of the Court of Justice via the e-Curia login page, must be completed, printed, dated and signed, and then sent by post to the Registry of one of the three courts, accompanied by the necessary supporting documents. The transmission of those documents does not relieve representatives of the

obligation to lodge in each case the supporting documents required by the procedural rules applicable to the proceedings concerned.

8. Once the application has been validated by the Registry of the Court/Tribunal concerned, two separate e-mails will be sent to the user. The first informs the user of his user identification and the second, of his personal password. The user must change that password when he first logs on to e-Curia and, thereafter, at least once every six months.

9. In addition, representatives may also apply for an account to be opened for every assistant designated by name. This account allows the assistant to receive documents served, to consult procedural documents lodged or served by means of e-Curia and to prepare the lodgment of a document, which lodgment, once prepared, must be validated by the representative. The representative is responsible for the use of this account and is required regularly to update the list of his assistants and, in particular, in the event of a change in professional responsibilities or termination of activity to cancel any account that he assigned to his assistant(s).

10. An access account which remains unused for a period of three years will be deactivated automatically. In that event, a fresh application for the opening of an account will be required.

E-CURIA FUNCTIONALITIES

Lodging of procedural documents

11. e-Curia allows representatives to lodge procedural documents (together with any annexes) electronically, without the need for such lodging to be confirmed by post. As a rule, the lodging of a procedural document by means of e-Curia means that the representative will lodge subsequent documents in the same case in the same way. However, the lodging of a procedural document by means of e-Curia in a case does not preclude a document from being lodged subsequently in the same case by any other means of transmission provided for by the procedural rules applicable, if so required by the nature of the document concerned.

12. An assistant holding an access account may also prepare the lodgment of a document on behalf of a representative. In that case, the representative will be required to enter his password personally in order to validate lodgment.

13. Procedural documents lodged by means of e-Curia must be transmitted in PDF format (image and text).

14. Documents transmitted to the Courts of the European Union are checked to ensure that transmission is secure. If such checks reveal an anomaly, lodgment will be refused.

15. In the event of any malfunction during the transmission of a procedural document, the user is invited to inform the Registry of the Court/Tribunal concerned immediately. To avoid any delay in lodging the procedural document concerned, the document will, if necessary, have to be lodged by

one of the other means of transmission provided for, following the procedural rules applicable.

16. Confirmation of lodgment stating, inter alia, the date and time of lodgment will be sent to the user. The point in time taken into account for the lodging of a procedural document is that of the representative's validation of lodgment of that document. The relevant time is that in the Grand Duchy of Luxembourg. That time is displayed on all e-Curia pages.

17. Since the length of time involved in the operations of preparing lodgment of documents and uploading files can vary, users are advised not to wait until the very last minute before expiry of a time-limit before starting to prepare the lodgment of a document.

18. Confirmation of lodgment is without prejudice to the procedural admissibility of the documents transmitted.

19. The transmission of procedural documents is automatically encrypted. Every procedural document lodged is given a digital signature unique to that document, in accordance with a standard hashing procedure (SHA-512). That digital signature appears in the confirmation of lodging which users are advised to retain in electronic format for the duration of the case. It is possible at any time to check that a procedural document has not been altered or amended; any change to that document will result in the allocation of a new digital signature.

Service of procedural documents

20. e-Curia allows the constituent courts of the Court of Justice of the European Union to serve procedural documents electronically.

21. Where a representative has lodged a document in a case by means of e-Curia, any documents to be served in connection with that case will, as a rule, be sent to him by means of e-Curia. Irrespective of the representative's chosen method of lodgment, service of documents will also be effected by means of e-Curia where, in accordance with the requirements of the Rules of Procedure applicable, the representative has expressly agreed to accept service of documents by electronic means for the purpose of a particular case.

22. The user is notified by e-mail when a procedural document awaiting service is available in e-Curia. The same notice appears as soon as the user logs on to e-Curia.

23. Where a party is represented by more than one representative holding an access account, an e-mail confirming that a procedural document is awaiting service is sent to each representative and, if applicable, to any assistants designated by them. The same notice will appear when logging on to e-Curia.

24. The user is advised to consult and print as soon as possible the procedural document of which he is the intended recipient. The date and time of service is the point in time at which the user requests access to the procedural document. The relevant time is that in the Grand Duchy of Luxembourg. Where a party is represented by more than one agent or lawyer, the point in time taken into

account in the reckoning of time-limits is that when the first request for access was made.

25. A procedural document is, however, deemed to have been served on the expiry of the seventh day following the day on which an e-mail was sent to the user notifying him of the availability of the document in e-Curia. Users are advised to log on to e-Curia at least once a week.

26. The date of actual or presumed service of a procedural document is stated in e-Curia. In the event of presumed service, a further e-mail is sent to the user to notify him of the date of service.

27. If any difficulties arise in relation to access to a procedural document, users are invited to inform the Registry of the Court or Tribunal concerned immediately.

Consultation of procedural documents

28. e-Curia also allows the user to consult the documents which he has lodged or which have been served on him by means of e-Curia in respect of all the cases in which he is involved.

29. The procedural documents in a case may be consulted until the expiry of a period of three months from the date of the decision closing that case in the Court/Tribunal concerned.

*****

UNDERTAKINGS TO BE GIVEN BY THE REPRESENTATIVE

You are requested to indicate your acceptance of the following undertakings, breach of which may result in deactivation of your access account:

I have taken note of how e-Curia operates, as described above, and I expressly undertake:

- Not to inform third parties of my user identification and password; any process carried out using that user identification and password will be deemed to have been carried out by me;

- To give notice immediately of any change of my e-mail address, the termination of my professional activity or a change in my responsibilities;

- To accept service by means of e-Curia of procedural documents relating to a case if I have lodged a procedural document by means of e-Curia in that case;

- To log on regularly to e-Curia and to consult the procedural documents awaiting service of which I am the intended recipient; I accept that, in the event of my failure to consult any such document, it will be deemed to have been served on me on the expiry of the seventh day following the day on which an e-mail was sent to notify me of the availability of that document in e-Curia;

- To update regularly the list of any assistants I may have and, in particular, in the event of a change in professional responsibilities or termination of activity to cancel any accounts that I have assigned to them.

Done at Luxembourg, on 11 October 2011.

A. CALOT ESCOBAR E. COULON W. HAKENBERG

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obligation to lodge in each case the supporting documents required by the procedural rules applicable to the proceedings concerned.

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one of the other means of transmission provided for, following the procedural rules applicable.

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25. A procedural document is, however, deemed to have been served on the expiry of the seventh day following the day on which an e-mail was sent to the user notifying him of the availability of the document in e-Curia. Users are advised to log on to e-Curia at least once a week.

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27. If any difficulties arise in relation to access to a procedural document, users are invited to inform the Registry of the Court or Tribunal concerned immediately.

Consultation of procedural documents

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29. The procedural documents in a case may be consulted until the expiry of a period of three months from the date of the decision closing that case in the Court/Tribunal concerned.

UNDERTAKING TO BE GIVEN BY THE ASSISTANT

You are requested to indicate your acceptance of the following undertaking, breach of which may result in deactivation of your access account:

I have taken note of how e-Curia operates, as described above, and I expressly undertake:

- Not to inform third parties of my user identification and password; any process carried out using that user identification and password will be deemed to have been carried out by me.

Done at Luxembourg, on 11 October 2011.

A. CALOT ESCOBAR E. COULON W. HAKENBERG

Procedure

Texts governing procedure

Extracts of Treaties

Statute of the Court of Justice of the European Union

Rules of Procedure of the Court of Justice (25-9-2012)

Supplementary Rules (21-2-2006)

Decision of the Court of Justice of 23 October 2012 concerning the judicial functions of the Vice-President of the Court

Decision of the Court of Justice of 13 September 2011 on the lodging and service of procedural documents by means of e-Curia

e-Curia: Conditions of use applicable to parties' representatives (11-10-2011)

e-Curia: Conditions of use applicable to assistants (11-10-2011)

Instructions to the Registrar of the Court of Justice (3-10-1986)

Practice directions relating to direct actions and appeals

Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings

Notes for the guidance of Counsel

Notices in the Official Journal of the European Union

At present there is no information under this heading

Other useful information

Advice to counsel appearing before the Court

Report on the use of the urgent preliminary ruling procedure by the Court of Justice

Draft amendments to the Statute of the Court of Justice of the European Union and to Annex I thereto

Table of correspondence

II

(Non-legislative acts)

RULES OF PROCEDURE

RULES OF PROCEDURE OF THE COURT OF JUSTICE

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RULES OF PROCEDURE OF THE COURT OF JUSTICE

THE COURT OF JUSTICE

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

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 and the second paragraph of Article 64 thereof,

Whereas:

(1) Despite having been amended on several occasions over the years, the Rules of Procedure of the Court of Justice have remained fundamentally unchanged in structure since their original adoption on 4 March 1953. The Rules of Procedure of 19 June 1991, which are currently in force, still reflect the initial preponderance of direct actions, whereas in fact the majority of such actions now fall within the jurisdiction of the General Court, and references for a preliminary ruling from the courts and tribunals of the Member States represent, quantitatively, the primary category of cases brought before the Court. That fact should be taken into account and the structure and content of the Rules of Procedure of the Court adapted, in consequence, to changes in its caseload.

(2) While references for a preliminary ruling should be given their proper place in the Rules of Procedure, it is also appropriate to draw a clearer distinction between the rules that apply to all types of action and those that are specific to each type, to be contained in separate titles. In the interests of clarification, procedural provisions common to all cases brought before the Court should, therefore, all be contained in an initial title.

(3) In the light of experience gained in the course of implementing the various procedures, it is also necessary to supplement or to clarify, for the benefit of litigants as well as of national courts and tribunals, the rules that apply to each procedure. The rules in question concern, in particular, the concepts of party to the main proceedings, intervener and party to the proceedings before the General Court, or, in preliminary rulings, the rules governing the bringing of matters before the Court and the content of the order for reference. With regard to appeals against decisions of the General Court, a clearer distinction must also be drawn between appeals and cross-appeals in consequence of the service of an appeal on the cross-appellant.

(4) Conversely, the excessive complexity of certain procedures, such as the review procedure, has come to light on their implementation. Accordingly, they should be simplified by providing, inter alia, for a Chamber of five Judges to be designated for a period of one year to be responsible for ruling both on the First Advocate General's proposal to review and on the questions to be reviewed.

(5) Similarly, the procedural arrangements for dealing with requests for Opinions should be eased by aligning them with those that apply to other cases and by providing, in consequence, for a single Advocate General to be involved in dealing with the request for an Opinion. In the interests of making the Rules easier to understand, all the particular procedures currently to be found in a number of separate titles and chapters of the Rules of Procedure should also be brought together in a single title.

(6) In order to maintain the Court's capacity, in the face of an ever-increasing caseload, to dispose within a reasonable period of time of the cases brought before it, it is also necessary to continue the efforts made to reduce the duration of proceedings before the Court, in particular by extending the opportunities for the Court to rule by reasoned order, simplifying the rules relating to the intervention of the States and institutions referred to in the first and third paragraphs of Article 40 of the Statute and providing for the Court to be able to rule without a hearing if it considers that it has sufficient information on the basis of all the written observations lodged in a case.

(7) In the interests of making the Rules applied by the Court easier to understand, lastly, certain rules which are outdated or not applied should be deleted, every paragraph of the present Rules numbered, each article given a specific heading summarising its content and the terminology harmonised.

With the Council's approval given on 24 September 2012.

HAS ADOPTED THESE RULES OF PROCEDURE:

INTRODUCTORY PROVISIONS

Article 1

Definitions

1. In these Rules:

(a) provisions of the Treaty on European Union are referred to by the number of the article concerned followed by 'TEU',

(b) provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU',

(c) provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article concerned followed by 'TEAEC',

(d) 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union,

(e) 'EEA Agreement' means the Agreement on the European Economic Area, [1]

(f) 'Council Regulation No 1' means Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community. [2]

2. For the purposes of these Rules:

(a) 'institutions' means the institutions of the European Union referred to in Article 13(1) TEU and bodies, offices and agencies established by the Treaties, or by an act adopted in implementation thereof, which may be parties before the Court,

(b) 'EFTA Surveillance Authority' means the surveillance authority referred to in the EEA Agreement,

(c) 'interested persons referred to in Article 23 of the Statute' means all the parties, States, institutions, bodies, offices and agencies authorised, pursuant to that Article, to submit statements of case or observations in the context of a reference for a preliminary ruling.

Article 2

Purport of these Rules

These Rules implement and supplement, so far as necessary, the relevant provisions of the EU, FEU and EAEC Treaties, and the Statute.

TITLE I

ORGANISATION OF THE COURT

Chapter 1

JUDGES AND ADVOCATES GENERAL

Article 3

Commencement of the term of office of Judges and Advocates General

The term of office of a Judge or Advocate General shall begin on the date fixed for that purpose in the instrument of appointment. In the absence of any provisions in that instrument regarding the date of commencement of the term of office, that term shall begin on the date of publication of the instrument in the *Official Journal of the European Union*.

Article 4

Taking of the oath

Before taking up his duties, a Judge or Advocate General shall, at the first public sitting of the Court which he attends after his appointment, take the following oath provided for in Article 2 of the Statute:

'I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court.'

Article 5

Solemn undertaking

Immediately after taking the oath, a Judge or Advocate General shall sign a declaration by which he gives the solemn undertaking provided for in the third paragraph of Article 4 of the Statute.

Article 6

Depriving a Judge or Advocate General of his office

1. Where the Court is called upon, pursuant to Article 6 of the Statute, to decide whether a Judge or Advocate General no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President shall invite the Judge or Advocate General concerned to make representations.

2. The Court shall give a decision in the absence of the Registrar.

Article 7

Order of seniority

1. The seniority of Judges and Advocates General shall be calculated without distinction according to the date on which they took up their duties.

2. Where there is equal seniority on that basis, the order of seniority shall be determined by age.

3. Judges and Advocates General whose terms of office are renewed shall retain their former seniority.

Chapter 2

PRESIDENCY OF THE COURT, CONSTITUTION OF THE CHAMBERS AND DESIGNATION OF THE FIRST ADVOCATE GENERAL

Article 8

Election of the President and of the Vice-President of the Court

1. The Judges shall, immediately after the partial replacement provided for in the second paragraph of Article 253 TFEU, elect one of their number as President of the Court for a term of three years.

2. If the office of the President falls vacant before the normal date of expiry of the term thereof, the Court shall elect a successor for the remainder of the term.

3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges of the Court shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

[1] OJ L 1, 3.1.1994, p. 27.
[2] OJ, English Special Edition 1952-1958 (I), p. 59.

4. The Judges shall then elect one of their number as Vice-President of the Court for a term of three years, in accordance with the procedures laid down in the preceding paragraph. Paragraph 2 shall apply if the office of the Vice-President of the Court falls vacant before the normal date of expiry of the term thereof.

5. The names of the President and Vice-President elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 9

Responsibilities of the President of the Court

1. The President shall represent the Court.

2. The President shall direct the judicial business of the Court. He shall preside at general meetings of the Members of the Court and at hearings before and deliberations of the full Court and the Grand Chamber.

3. The President shall ensure the proper functioning of the services of the Court.

Article 10

Responsibilities of the Vice-President of the Court

1. The Vice-President shall assist the President of the Court in the performance of his duties and shall take the President's place when the latter is prevented from acting.

2. He shall take the President's place, at his request, in performing the duties referred to in Article 9(1) and (3) of these Rules.

3. The Court shall, by decision, specify the conditions under which the Vice-President shall take the place of the President of the Court in the performance of his judicial duties. That decision shall be published in the *Official Journal of the European Union*.

Article 11

Constitution of Chambers

1. The Court shall set up Chambers of five and three Judges in accordance with Article 16 of the Statute and shall decide which Judges shall be attached to them.

2. The Court shall designate the Chambers of five Judges which, for a period of one year, shall be responsible for cases of the kind referred to in Article 107 and Articles 193 and 194.

3. In respect of cases assigned to a formation of the Court in accordance with Article 60, the word 'Court' in these Rules shall mean that formation.

4. In respect of cases assigned to a Chamber of five or three Judges, the powers of the President of the Court shall be exercised by the President of the Chamber.

5. The composition of the Chambers and the designation of the Chambers responsible for cases of the kind referred to in Article 107 and Articles 193 and 194 shall be published in the *Official Journal of the European Union*.

Article 12

Election of Presidents of Chambers

1. The Judges shall, immediately after the election of the President and Vice-President of the Court, elect the Presidents of the Chambers of five Judges for a term of three years.

2. The Judges shall then elect the Presidents of the Chambers of three Judges for a term of one year.

3. The provisions of Article 8(2) and (3) shall apply.

4. The names of the Presidents of Chambers elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 13

Where the President and Vice-President of the Court are prevented from acting

When the President and the Vice-President of the Court are prevented from acting, the functions of President shall be exercised by one of the Presidents of the Chambers of five Judges or, failing that, by one of the Presidents of the Chambers of three Judges or, failing that, by one of the other Judges, according to the order of seniority laid down in Article 7.

Article 14

Designation of the First Advocate General

1. The Court shall, after hearing the Advocates General, designate a First Advocate General for a period of one year.

2. If the office of the First Advocate General falls vacant before the normal date of expiry of the term thereof, the Court shall designate a successor for the remainder of the term.

3. The name of the First Advocate General designated in accordance with this Article shall be published in the *Official Journal of the European Union*.

Chapter 3

ASSIGNMENT OF CASES TO JUDGE-RAPPORTEURS AND ADVOCATES GENERAL

Article 15

Designation of the Judge-Rapporteur

1. As soon as possible after the document initiating proceedings has been lodged, the President of the Court shall designate a Judge to act as Rapporteur in the case.

2. For cases of the kind referred to in Article 107 and Articles 193 and 194, the Judge-Rapporteur shall be selected from among the Judges of the Chamber designated in accordance with Article 11(2), on a proposal from the President of that Chamber. If, pursuant to Article 109, the Chamber decides that the reference is not to be dealt with under the urgent procedure, the President of the Court may reassign the case to a Judge-Rapporteur attached to another Chamber.

3. The President of the Court shall take the necessary steps if a Judge-Rapporteur is prevented from acting.

Article 16

Designation of the Advocate General

1. The First Advocate General shall assign each case to an Advocate General.

2. The First Advocate General shall take the necessary steps if an Advocate General is prevented from acting.

Chapter 4

ASSISTANT RAPPORTEURS

Article 17

Assistant Rapporteurs

1. Where the Court is of the opinion that the consideration of and preparatory inquiries in cases before it so require, it shall, pursuant to Article 13 of the Statute, propose the appointment of Assistant Rapporteurs.

2. Assistant Rapporteurs shall in particular:

(a) assist the President of the Court in interim proceedings and

(b) assist the Judge-Rapporteurs in their work.

3. In the performance of their duties the Assistant Rapporteurs shall be responsible to the President of the Court, the President of a Chamber or a Judge-Rapporteur, as the case may be.

4. Before taking up his duties, an Assistant Rapporteur shall take before the Court the oath set out in Article 4 of these Rules.

Chapter 5

REGISTRY

Article 18

Appointment of the Registrar

1. The Court shall appoint the Registrar.

2. When the post of Registrar is vacant, an advertisement shall be published in the *Official Journal of the European Union*. Interested persons shall be invited to submit their applications within a time-limit of not less than three weeks, accompanied by full details of their nationality, university degrees, knowledge of languages, present and past occupations, and experience, if any, in judicial and international fields.

3. The vote, in which the Judges and the Advocates General shall take part, shall take place in accordance with the procedure laid down in Article 8(3) of these Rules.

4. The Registrar shall be appointed for a term of six years. He may be reappointed. The Court may decide to renew the term of office of the incumbent Registrar without availing itself of the procedure laid down in paragraph 2 of this Article.

5. The Registrar shall take the oath set out in Article 4 and sign the declaration provided for in Article 5.

6. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his office. The Court shall take its decision after giving the Registrar an opportunity to make representations.

7. If the office of Registrar falls vacant before the normal date of expiry of the term thereof, the Court shall appoint a new Registrar for a term of six years.

8. The name of the Registrar elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 19

Deputy Registrar

The Court may, in accordance with the procedure laid down in respect of the Registrar, appoint a Deputy Registrar to assist the Registrar and to take his place if he is prevented from acting.

Article 20

Responsibilities of the Registrar

1. The Registrar shall be responsible, under the authority of the President of the Court, for the acceptance, transmission and custody of all documents and for effecting service as provided for by these Rules.

2. The Registrar shall assist the Members of the Court in all their official functions.

3. The Registrar shall have custody of the seals and shall be responsible for the records. He shall be in charge of the publications of the Court and, in particular, the European Court Reports.

4. The Registrar shall direct the services of the Court under the authority of the President of the Court. He shall be responsible for the management of the staff and the administration, and for the preparation and implementation of the budget.

Article 21

Keeping of the register

1. There shall be kept in the Registry, under the responsibility of the Registrar, a register in which all procedural documents and supporting items and documents lodged shall be entered in the order in which they are submitted.

2. When a document has been registered, the Registrar shall make a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.

3. Entries in the register and the notes provided for in the preceding paragraph shall be authentic.

4. A notice shall be published in the *Official Journal of the European Union* indicating the date of registration of an application initiating proceedings, the names of the parties, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments or, as the case may be, the date of lodging of a request for a preliminary ruling, the identity of the referring court or tribunal and the parties to the main proceedings, and the questions referred to the Court.

Article 22

Consultation of the register and of judgments and orders

1. Anyone may consult the register at the Registry and may obtain copies or extracts on payment of a charge on a scale fixed by the Court on a proposal from the Registrar.

2. The parties to a case may, on payment of the appropriate charge, obtain certified copies of procedural documents.

3. Anyone may, on payment of the appropriate charge, also obtain certified copies of judgments and orders.

Chapter 6

THE WORKING OF THE COURT

Article 23

Location of the sittings of the Court

The Court may choose to hold one or more specific sittings in a place other than that in which it has its seat.

Article 24

Calendar of the Court's judicial business

1. The judicial year shall begin on 7 October of each calendar year and end on 6 October of the following year.

2. The judicial vacations shall be determined by the Court.

3. In a case of urgency, the President may convene the Judges and the Advocates General during the judicial vacations.

4. The Court shall observe the official holidays of the place in which it has its seat.

5. The Court may, in proper circumstances, grant leave of absence to any Judge or Advocate General.

6. The dates of the judicial vacations and the list of official holidays shall be published annually in the *Official Journal of the European Union*.

Article 25

General meeting

Decisions concerning administrative issues or the action to be taken upon the proposals contained in the preliminary report referred to in Article 59 of these Rules shall be taken by the Court at the general meeting in which all the Judges and Advocates General shall take part and have a vote. The Registrar shall be present, unless the Court decides to the contrary.

Article 26

Drawing-up of minutes

Where the Court sits without the Registrar being present it shall, if necessary, instruct the most junior Judge for the purposes of Article 7 of these Rules to draw up minutes, which shall be signed by that Judge and by the President.

Chapter 7

FORMATIONS OF THE COURT

Section 1. Composition of the formations of the Court

Article 27

Composition of the Grand Chamber

1. The Grand Chamber shall, for each case, be composed of the President and the Vice-President of the Court, three Presidents of Chambers of five Judges, the Judge-Rapporteur and the number of Judges necessary to reach 15. The last-mentioned Judges and the three Presidents of Chambers of five Judges shall be designated from the lists referred to in paragraphs 3 and 4 of this Article, following the order laid down therein. The starting-point on each of those lists, in every case assigned to the Grand Chamber, shall be the name of the Judge immediately following the last Judge designated from the list concerned for the preceding case assigned to that formation of the Court.

2. After the election of the President and the Vice-President of the Court, and then of the Presidents of the Chambers of five Judges, a list of the Presidents of Chambers of five Judges and a list of the other Judges shall be drawn up for the purposes of determining the composition of the Grand Chamber.

3. The list of the Presidents of Chambers of five Judges shall be drawn up according to the order laid down in Article 7 of these Rules.

4. The list of the other Judges shall be drawn up according to the order laid down in Article 7 of these Rules, alternating with the reverse order: the first Judge on that list shall be the first according to the order laid down in that Article, the second Judge shall be the last according to that order, the third Judge shall be the second according to that order, the fourth Judge the penultimate according to that order, and so on.

5. The lists referred to in paragraphs 3 and 4 shall be published in the *Official Journal of the European Union*.

6. In cases which are assigned to the Grand Chamber between the beginning of a calendar year in which there is a partial replacement of Judges and the moment when that replacement has taken place, two substitute Judges may be designated to complete the formation of the Court for so long as the attainment of the quorum referred to in the third paragraph of Article 17 of the Statute is in doubt. Those substitute Judges shall be the two Judges appearing on the list referred to in paragraph 4 immediately after the last Judge designated for the composition of the Grand Chamber in the case.

7. The substitute Judges shall replace, in the order of the list referred to in paragraph 4, such Judges as are unable to take part in the determination of the case.

Article 28

Composition of the Chambers of five and of three Judges

1. The Chambers of five Judges and of three Judges shall, for each case, be composed of the President of the Chamber, the Judge-Rapporteur and the number of Judges required to attain the number of five and three Judges respectively. Those last-mentioned Judges shall be designated from the lists referred to in paragraphs 2 and 3, following the order laid down therein. The starting-point on those lists, in every case assigned to a Chamber, shall be the name of the Judge immediately following the last Judge designated from the list for the preceding case assigned to the Chamber concerned.

2. For the composition of the Chambers of five Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up in the same way as the list referred to in Article 27(4).

3. For the composition of the Chambers of three Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up according to the order laid down in Article 7.

4. The lists referred to in paragraphs 2 and 3 shall be published in the *Official Journal of the European Union*.

Article 29

Composition of Chambers where cases are related or referred back

1. Where the Court considers that a number of cases must be heard and determined together by one and the same formation of the Court, the composition of that formation shall be that fixed for the case in respect of which the preliminary report was examined first.

2. Where a Chamber to which a case has been assigned requests the Court, pursuant to Article 60(3) of these Rules, to assign the case to a formation composed of a greater number of Judges, that formation shall include the members of the Chamber which has referred the case back.

Article 30

Where a President of a Chamber is prevented from acting

1. When the President of a Chamber of five Judges is prevented from acting, the functions of President of the Chamber shall be exercised by a President of a Chamber of three Judges, where necessary according to the order laid down in Article 7 of these Rules, or, if that formation of the Court does not include a President of a Chamber of three Judges, by one of the other Judges according to the order laid down in Article 7.

2. When the President of a Chamber of three Judges is prevented from acting, the functions of President of the Chamber shall be exercised by a Judge of that formation of the Court according to the order laid down in Article 7.

Article 31

Where a member of the formation of the Court is prevented from acting

1. When a member of the Grand Chamber is prevented from acting, he shall be replaced by another Judge according to the order of the list referred to in Article 27(4).

2. When a member of a Chamber of five Judges is prevented from acting, he shall be replaced by another Judge of that Chamber, according to the order of the list referred to in Article 28(2). If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court who may designate another Judge to complete the Chamber.

3. When a member of a Chamber of three Judges is prevented from acting, he shall be replaced by another Judge of that Chamber, according to the order of the list referred to in Article 28(3). If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court who may designate another Judge to complete the Chamber.

Section 2. Deliberations

Article 32

Procedures concerning deliberations

1. The deliberations of the Court shall be and shall remain secret.

2. When a hearing has taken place, only those Judges who participated in that hearing and, where relevant, the Assistant Rapporteur responsible for the consideration of the case shall take part in the deliberations.

3. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

4. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Court.

Article 33

Number of Judges taking part in the deliberations

Where, by reason of a Judge being prevented from acting, there is an even number of Judges, the most junior Judge for the purposes of Article 7 of these Rules shall abstain from taking part in the deliberations unless he is the Judge-Rapporteur. In that case the Judge immediately senior to him shall abstain from taking part in the deliberations.

Article 34

Quorum of the Grand Chamber

1. If, for a case assigned to the Grand Chamber, it is not possible to attain the quorum referred to in the third paragraph of Article 17 of the Statute, the President of the Court shall designate one or more other Judges according to the order of the list referred to in Article 27(4) of these Rules.

2. If a hearing has taken place before that designation, the Court shall re-hear oral argument from the parties and the Opinion of the Advocate General.

Article 35

Quorum of the Chambers of five and of three Judges

1. If, for a case assigned to a Chamber of five or of three Judges, it is not possible to attain the quorum referred to in the second paragraph of Article 17 of the Statute, the President of the Court shall designate one or more other Judges according to the order of the list referred to in Article 28(2) or (3), respectively, of these Rules. If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court forthwith who shall designate another Judge to complete the Chamber.

2. Article 34(2) shall apply, *mutatis mutandis*, to the Chambers of five and of three Judges.

Chapter 8

LANGUAGES

Article 36

Language of a case

The language of a case shall be Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish or Swedish.

Article 37

Determination of the language of a case

1. In direct actions, the language of a case shall be chosen by the applicant, except that:

(a) where the defendant is a Member State, the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them;

(b) at the joint request of the parties, the use of another of the languages mentioned in Article 36 for all or part of the proceedings may be authorised;

(c) at the request of one of the parties, and after the opposite party and the Advocate General have been heard, the use of another of the languages mentioned in Article 36 may be authorised as the language of the case for all or part of the proceedings by way of derogation from subparagraphs (a) and (b); such a request may not be submitted by one of the institutions of the European Union.

2. Without prejudice to the provisions of paragraph 1(b) and (c), and of Article 38(4) and (5) of these Rules,

(a) in appeals against decisions of the General Court as referred to in Articles 56 and 57 of the Statute, the language of the case shall be the language of the decision of the General Court against which the appeal is brought;

(b) where, in accordance with the second paragraph of Article 62 of the Statute, the Court decides to review a decision of the General Court, the language of the case shall be the language of the decision of the General Court which is the subject of review;

(c) in the case of challenges concerning the costs to be recovered, applications to set aside judgments by default, third-party proceedings and applications for interpretation or revision of a judgment or for the Court to remedy a failure to adjudicate, the language of the case shall be the language of the decision to which those applications or challenges relate.

3. In preliminary ruling proceedings, the language of the case shall be the language of the referring court or tribunal. At the duly substantiated request of one of the parties to the main proceedings, and after the other party to the main proceedings and the Advocate General have been heard, the use of another of the languages mentioned in Article 36 may be authorised for the oral part of the procedure. Where granted, such authorisation shall apply in respect of all the interested persons referred to in Article 23 of the Statute.

4. Requests as above may be decided on by the President; the latter may, and where he wishes to accede to a request without the agreement of all the parties must, refer the request to the Court.

Article 38

Use of the language of the case

1. The language of the case shall in particular be used in the written and oral pleadings of the parties, including the items and documents produced or annexed to them, and also in the minutes and decisions of the Court.

2. Any item or document produced or annexed that is expressed in another language must be accompanied by a translation into the language of the case.

3. However, in the case of substantial items or lengthy documents, translations may be confined to extracts. At any time the Court may, of its own motion or at the request of one of the parties, call for a complete or fuller translation.

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 before the Court or when bringing a matter before the Court pursuant to Article 259 TFEU. 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.

5. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may be authorised to use one of the languages mentioned in Article 36, other than the language of the case, when they take part in preliminary ruling proceedings or intervene in a case before the Court. 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.

6. Non-Member States taking part in preliminary ruling proceedings pursuant to the fourth paragraph of Article 23 of the Statute may be authorised to use one of the languages mentioned in Article 36 other than the language of the case. 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.

7. Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in Article 36, the Court may authorise him to give his evidence in another language. The Registrar shall arrange for translation into the language of the case.

8. The President and the Vice-President of the Court and also the Presidents of Chambers in conducting oral proceedings, Judges and Advocates General in putting questions and Advocates General in delivering their Opinions may use one of the languages referred to in Article 36 other than the language of the case. The Registrar shall arrange for translation into the language of the case.

Article 39

Responsibility of the Registrar concerning language arrangements

The Registrar shall, at the request of any Judge, of the Advocate General or of a party, arrange for anything said or written in the course of the proceedings before the Court to be translated into the languages chosen from those referred to in Article 36.

Article 40

Languages of the publications of the Court

Publications of the Court shall be issued in the languages referred to in Article 1 of Council Regulation No 1.

Article 41

Authentic texts

The texts of documents drawn up in the language of the case or, where applicable, in another language authorised pursuant to Articles 37 or 38 of these Rules shall be authentic.

Article 42

Language service of the Court

The Court shall set up a language service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the European Union.

TITLE II

COMMON PROCEDURAL PROVISIONS

Chapter 1

RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS

Article 43

Privileges, immunities and facilities

1. Agents, advisers and lawyers who appear before the Court or before any judicial authority to which the Court has addressed letters rogatory shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. Agents, advisers and lawyers shall also enjoy the following privileges and facilities:

(a) any papers and documents relating to the proceedings shall be exempt from both search and seizure. In the event of a dispute, the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the Court for inspection in the presence of the Registrar and of the person concerned;

(b) agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

Article 44

Status of the parties' representatives

1. In order to qualify for the privileges, immunities and facilities specified in Article 43, persons entitled to them shall furnish proof of their status as follows:

(a) agents shall produce an official document issued by the party for whom they act, who shall immediately serve a copy thereof on the Registrar;

(b) lawyers shall produce a certificate that they are authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement, and, where the party which they represent is a legal person governed by private law, an authority to act issued by that person;

(c) advisers shall produce an authority to act issued by the party whom they are assisting.

2. The Registrar of the Court shall issue them with a certificate, as required. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the duration of the proceedings.

Article 45

Waiver of immunity

1. The privileges, immunities and facilities specified in Article 43 of these Rules are granted exclusively in the interests of the proper conduct of proceedings.

2. The Court may waive immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 46

Exclusion from the proceedings

1. If the Court considers that the conduct of an agent, adviser or lawyer before the Court is incompatible with the dignity of the Court or with the requirements of the proper administration of justice, or that such agent, adviser or lawyer is using his rights for purposes other than those for which they were granted, it shall inform the person concerned. If the Court informs the competent authorities to whom the person concerned is answerable, a copy of the letter sent to those authorities shall be forwarded to the person concerned.

2. On the same grounds, the Court may at any time, having heard the person concerned and the Advocate General, decide to exclude an agent, adviser or lawyer from the proceedings by reasoned order. That order shall have immediate effect.

3. Where an agent, adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another agent, adviser or lawyer.

4. Decisions taken under this Article may be rescinded.

Article 47

University teachers and parties to the main proceedings

1. The provisions of this Chapter shall apply to university teachers who have a right of audience before the Court in accordance with Article 19 of the Statute.

2. They shall also apply, in the context of references for a preliminary ruling, to the parties to the main proceedings where, in accordance with the national rules of procedure applicable, those parties are permitted to bring or defend court proceedings without being represented by a lawyer, and to persons authorised under those rules to represent them.

Chapter 2

SERVICE

Article 48

Methods of service

1. Where these Rules require that a document be served on a person, the Registrar shall ensure that service is effected at that person's address for service either by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt. The Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with Article 57(2) of these Rules.

2. Where the addressee has agreed that service is to be effected on him by telefax or any other technical means of communication, any procedural document, including a judgment or order of the Court, may be served by the transmission of a copy of the document by such means.

3. Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has not specified an address for service, at his address in accordance with the procedures laid down in paragraph 1 of this Article. The addressee shall be so informed by telefax or any other technical means of communication. Service shall then be deemed to have been effected on the addressee by registered post on the 10th day following the lodging of the registered letter at the post office of the place in which the Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being informed by telefax or any other technical means of communication, that the document to be served has not reached him.

4. The Court may, by decision, determine the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.

Chapter 3

TIME-LIMITS

Article 49

Calculation of time-limits

1. Any procedural time-limit prescribed by the Treaties, the Statute or these Rules shall be calculated as follows:

(a) where a time-limit expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the time-limit in question;

(b) a time-limit expressed in weeks, months or years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the time-limit is to be calculated occurred or took place. If, in a time-limit expressed in months or years, the day on which it should expire does not occur in the last month, the time-limit shall end with the expiry of the last day of that month;

(c) where a time-limit is expressed in months and days, it shall first be calculated in whole months, then in days;

(d) time-limits shall include Saturdays, Sundays and the official holidays referred to in Article 24(6) of these Rules;

(e) time-limits shall not be suspended during the judicial vacations.

2. If the time-limit would otherwise end on a Saturday, Sunday or an official holiday, it shall be extended until the end of the first subsequent working day.

Article 50

Proceedings against a measure adopted by an institution

Where the time-limit allowed for initiating proceedings against a measure adopted by an institution runs from the publication of that measure, that time-limit shall be calculated, for the purposes of Article 49(1)(a), from the end of the 14th day after publication of the measure in the *Official Journal of the European Union*.

Article 51

Extension on account of distance

The procedural time-limits shall be extended on account of distance by a single period of 10 days.

Article 52

Setting and extension of time-limits

1. Any time-limit prescribed by the Court pursuant to these Rules may be extended.

2. The President and the Presidents of Chambers may delegate to the Registrar power of signature for the purposes of setting certain time-limits which, pursuant to these Rules, it falls to them to prescribe, or of extending such time-limits.

Chapter 4

DIFFERENT PROCEDURES FOR DEALING WITH CASES

Article 53

Procedures for dealing with cases

1. Without prejudice to the special provisions laid down in the Statute or in these Rules, the procedure before the Court shall consist of a written part and an oral part.

2. Where it is clear that the Court has no jurisdiction to hear and determine a case or where a request or an application is manifestly inadmissible, the Court may, after hearing the Advocate General, at any time decide to give a decision by reasoned order without taking further steps in the proceedings.

3. The President may in special circumstances decide that a case be given priority over others.

4. A case may be dealt with under an expedited procedure in accordance with the conditions provided by these Rules.

5. A reference for a preliminary ruling may be dealt with under an urgent procedure in accordance with the conditions provided by these Rules.

Article 54

Joinder

1. Two or more cases of the same type concerning the same subject-matter may at any time be joined, on account of the connection between them, for the purposes of the written or oral part of the procedure or of the judgment which closes the proceedings.

2. A decision on whether cases should be joined shall be taken by the President after hearing the Judge-Rapporteur and the Advocate General, if the cases concerned have already been assigned, and, save in the case of references for a preliminary ruling, after also hearing the parties. The President may refer the decision on this matter to the Court.

3. Joined cases may be disjoined, in accordance with the provisions of paragraph 2.

Article 55

Stay of proceedings

1. The proceedings may be stayed:

(a) in the circumstances specified in the third paragraph of Article 54 of the Statute, by order of the Court, made after hearing the Advocate General;

(b) in all other cases, by decision of the President adopted after hearing the Judge-Rapporteur and the Advocate General and, save in the case of references for a preliminary ruling, the parties.

2. The proceedings may be resumed by order or decision, following the same procedure.

3. The orders or decisions referred to in paragraphs 1 and 2 shall be served on the parties or interested persons referred to in Article 23 of the Statute.

4. The stay of proceedings shall take effect on the date indicated in the order or decision of stay or, in the absence of such indication, on the date of that order or decision.

5. While proceedings are stayed time shall cease to run for the parties or interested persons referred to in Article 23 of the Statute for the purposes of procedural time-limits.

6. Where the order or decision of stay does not fix the length of stay, it shall end on the date indicated in the order or decision of resumption or, in the absence of such indication, on the date of the order or decision of resumption.

7. From the date of resumption of proceedings following a stay, the suspended procedural time-limits shall be replaced by new time-limits and time shall begin to run from the date of that resumption.

Article 56

Deferment of the determination of a case

After hearing the Judge-Rapporteur, the Advocate General and the parties, the President may in special circumstances, either of his own motion or at the request of one of the parties, defer a case to be dealt with at a later date.

Chapter 5

WRITTEN PART OF THE PROCEDURE

Article 57

Lodging of procedural documents

1. The original of every procedural document must bear the handwritten signature of the party's agent or lawyer or, in the case of observations submitted in the context of preliminary ruling proceedings, that of the party to the main proceedings or his representative, if the national rules of procedure applicable to those main proceedings so permit.

2. The original, accompanied by all annexes referred to therein, shall be submitted together with five copies for the Court and, in the case of proceedings other than preliminary ruling proceedings, a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.

3. The institutions shall in addition produce, within time-limits laid down by the Court, translations of any procedural document into the other languages provided for by Article 1 of Council Regulation No 1. The preceding paragraph of this Article shall apply.

4. To every procedural document there shall be annexed a file containing the items and documents relied on in support of it, together with a schedule listing them.

5. Where in view of the length of an item or document only extracts from it are annexed to the procedural document, the whole item or document or a full copy of it shall be lodged at the Registry.

6. All procedural documents shall bear a date. In the calculation of procedural time-limits, only the date and time of lodgment of the original at the Registry shall be taken into account.

7. Without prejudice to the provisions of paragraphs 1 to 6, the date on and time at which a copy of the signed original of a procedural document, including the schedule of items and documents referred to in paragraph 4, is received at the Registry by telefax or any other technical means of communication available to the Court shall be deemed to be the date and time of lodgment for the purposes of compliance with the procedural time-limits, provided that the signed original of the procedural document, accompanied by the annexes and copies referred to in paragraph 2, is lodged at the Registry no later than 10 days thereafter.

8. Without prejudice to paragraphs 3 to 6, the Court may, by decision, determine the criteria for a procedural document sent to the Registry by electronic means to be deemed to be the original of that document. That decision shall be published in the *Official Journal of the European Union*.

Article 58

Length of procedural documents

Without prejudice to any special provisions laid down in these Rules, the Court may, by decision, set the maximum length of written pleadings or observations lodged before it. That decision shall be published in the *Official Journal of the European Union*.

Chapter 6

THE PRELIMINARY REPORT AND ASSIGNMENT OF CASES TO FORMATIONS OF THE COURT

Article 59

Preliminary report

1. When the written part of the procedure is closed, the President shall fix a date on which the Judge-Rapporteur is to present a preliminary report to the general meeting of the Court.

2. The preliminary report shall contain proposals as to whether particular measures of organisation of procedure, measures of inquiry or, if appropriate, requests to the referring court or tribunal for clarification should be undertaken, and as to the formation to which the case should be

assigned. It shall also contain the Judge-Rapporteur's proposals, if any, as to whether to dispense with a hearing and as to whether to dispense with an Opinion of the Advocate General pursuant to the fifth paragraph of Article 20 of the Statute.

3. The Court shall decide, after hearing the Advocate General, what action to take on the proposals of the Judge-Rapporteur.

Article 60

Assignment of cases to formations of the Court

1. The Court shall assign to the Chambers of five and of three Judges any case brought before it in so far as the difficulty or importance of the case or particular circumstances are not such as to require that it should be assigned to the Grand Chamber, unless a Member State or an institution of the European Union participating in the proceedings has requested that the case be assigned to the Grand Chamber, pursuant to the third paragraph of Article 16 of the Statute.

2. The Court shall sit as a full Court where cases are brought before it pursuant to the provisions referred to in the fourth paragraph of Article 16 of the Statute. It may assign a case to the full Court where, in accordance with the fifth paragraph of Article 16 of the Statute, it considers that the case is of exceptional importance.

3. The formation to which a case has been assigned may, at any stage of the proceedings, request the Court to assign the case to a formation composed of a greater number of Judges.

4. Where the oral part of the procedure is opened without an inquiry, the President of the formation determining the case shall fix the opening date.

Chapter 7

MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY

Section 1. Measures of organisation of procedure

Article 61

Measures of organisation prescribed by the Court

1. In addition to the measures which may be prescribed in accordance with Article 24 of the Statute, the Court may invite the parties or the interested persons referred to in Article 23 of the Statute to answer certain questions in writing, within the time-limit laid down by the Court, or at the hearing. The written replies shall be communicated to the other parties or the interested persons referred to in Article 23 of the Statute.

2. Where a hearing is organised, the Court shall, in so far as possible, invite the participants in that hearing to concentrate in their oral pleadings on one or more specified issues.

Article 62

Measures of organisation prescribed by the Judge-Rapporteur or the Advocate General

1. The Judge-Rapporteur or the Advocate General may request the parties or the interested persons referred to in Article 23 of the Statute to submit within a specified time-limit all such information relating to the facts, and all such documents or other particulars, as they may consider relevant. The replies and documents provided shall be communicated to the other parties or the interested persons referred to in Article 23 of the Statute.

2. The Judge-Rapporteur or the Advocate General may also send to the parties or the interested persons referred to in Article 23 of the Statute questions to be answered at the hearing.

Section 2. Measures of inquiry

Article 63

Decision on measures of inquiry

1. The Court shall decide in its general meeting whether a measure of inquiry is necessary.

2. Where the case has already been assigned to a formation of the Court, the decision shall be taken by that formation.

Article 64

Determination of measures of inquiry

1. The Court, after hearing the Advocate General, shall prescribe the measures of inquiry that it considers appropriate by means of an order setting out the facts to be proved.

2. Without prejudice to Articles 24 and 25 of the Statute, the following measures of inquiry may be adopted:

(a) the personal appearance of the parties;

(b) a request for information and production of documents;

(c) oral testimony;

(d) the commissioning of an expert's report;

(e) an inspection of the place or thing in question.

3. Evidence may be submitted in rebuttal and previous evidence may be amplified.

Article 65

Participation in measures of inquiry

1. Where the formation of the Court does not undertake the inquiry itself, it shall entrust the task of so doing to the Judge-Rapporteur.

2. The Advocate General shall take part in the measures of inquiry.

3. The parties shall be entitled to attend the measures of inquiry.

Article 66

Oral testimony

1. The Court may, either of its own motion or at the request of one of the parties, and after hearing the Advocate General, order that certain facts be proved by witnesses.

2. A request by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.

3. The Court shall rule by reasoned order on the request referred to in the preceding paragraph. If the request is granted, the order shall set out the facts to be established and state which witnesses are to be heard in respect of each of those facts.

4. Witnesses shall be summoned by the Court, where appropriate after lodgment of the security provided for in Article 73(1) of these Rules.

Article 67

Examination of witnesses

1. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in these Rules.

2. The witness shall give his evidence to the Court, the parties having been given notice to attend. After the witness has given his evidence the President may, at the request of one of the parties or of his own motion, put questions to him.

3. The other Judges and the Advocate General may do likewise.

4. Subject to the control of the President, questions may be put to witnesses by the representatives of the parties.

Article 68

Witnesses' oath

1. After giving his evidence, the witness shall take the following oath:

'I swear that I have spoken the truth, the whole truth and nothing but the truth.'

2. The Court may, after hearing the parties, exempt a witness from taking the oath.

Article 69

Pecuniary penalties

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If, without good reason, a witness who has been duly summoned fails to appear before the Court, the Court may impose upon him a pecuniary penalty not exceeding EUR 5 000 and may order that a further summons be served on the witness at his own expense.

3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath.

Article 70

Expert's report

1. The Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time-limit within which he is to submit his report.

2. After the expert has submitted his report and that report has been served on the parties, the Court may order that the expert be examined, the parties having been given notice to attend. At the request of one of the parties or of his own motion, the President may put questions to the expert.

3. The other Judges and the Advocate General may do likewise.

4. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

Article 71

Expert's oath

1. After making his report, the expert shall take the following oath:

'I swear that I have conscientiously and impartially carried out my task.'

2. The Court may, after hearing the parties, exempt the expert from taking the oath.

Article 72

Objection to a witness or expert

1. If one of the parties objects to a witness or an expert on the ground that he is not a competent or proper person to act as a witness or expert or for any other reason, or if a witness or expert refuses to give evidence or to take the oath, the matter shall be resolved by the Court.

2. An objection to a witness or an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 73

Witnesses' and experts' costs

1. Where the Court orders the examination of witnesses or an expert's report, it may request the parties or one of them to lodge security for the witnesses' costs or the costs of the expert's report.

2. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The cashier of the Court may make an advance payment towards these expenses.

3. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services. The cashier of the Court shall pay witnesses and experts these sums after they have carried out their respective duties or tasks.

Article 74

Minutes of inquiry hearings

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

2. In the case of the examination of witnesses or experts, the minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the witness or expert, and by the Registrar. Before the minutes are thus signed, the witness or expert must be given an opportunity to check the content of the minutes and to sign them.

3. The minutes shall be served on the parties.

Article 75

Opening of the oral part of the procedure after the inquiry

1. Unless the Court decides to prescribe a time-limit within which the parties may submit written observations, the President shall fix the date for the opening of the oral part of the procedure after the measures of inquiry have been completed.

2. Where a time-limit has been prescribed for the submission of written observations, the President shall fix the date for the opening of the oral part of the procedure after that time-limit has expired.

Chapter 8

ORAL PART OF THE PROCEDURE

Article 76

Hearing

1. Any reasoned requests for a hearing shall be submitted within three weeks after service on the parties or the interested persons referred to in Article 23 of the Statute of notification of the close of the written part of the procedure. That time-limit may be extended by the President.

2. On a proposal from the Judge-Rapporteur and after hearing the Advocate General, the Court may decide not to hold a hearing if it considers, on reading the written pleadings or observations lodged during the written part of the procedure, that it has sufficient information to give a ruling.

3. The preceding paragraph shall not apply where a request for a hearing, stating reasons, has been submitted by an interested person referred to in Article 23 of the Statute who did not participate in the written part of the procedure.

Article 77

Joint hearing

If the similarities between two or more cases of the same type so permit, the Court may decide to organise a joint hearing of those cases.

Article 78

Conduct of oral proceedings

Oral proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

Article 79

Cases heard in camera

1. For serious reasons related, in particular, to the security of the Member States or to the protection of minors, the Court may decide to hear a case *in camera*.

2. The oral proceedings in cases heard *in camera* shall not be published.

Article 80

Questions

The members of the formation of the Court and the Advocate General may in the course of the hearing put questions to the agents, advisers or lawyers of the parties and, in the circumstances referred to in Article 47(2) of these Rules, to the parties to the main proceedings or to their representatives.

Article 81

Close of the hearing

After the parties or the interested persons referred to in Article 23 of the Statute have presented oral argument, the President shall declare the hearing closed.

Article 82

Delivery of the Opinion of the Advocate General

1. Where a hearing takes place, the Opinion of the Advocate General shall be delivered after the close of that hearing.

2. The President shall declare the oral part of the procedure closed after the Advocate General has delivered his Opinion.

Article 83

Opening or reopening of the oral part of the procedure

The Court may at any time, after hearing the Advocate General, order the opening or reopening of the oral part of the procedure, 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.

Article 84

Minutes of hearings

1. The Registrar shall draw up minutes of every hearing. 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.

Article 85

Recording of the hearing

The President may, on a duly substantiated request, authorise a party or an interested person referred to in Article 23 of the Statute who has participated in the written or oral part of the proceedings to listen, on the Court's premises, to the soundtrack of the hearing in the language used by the speaker during that hearing.

Chapter 9

JUDGMENTS AND ORDERS

Article 86

Date of delivery of a judgment

The parties or interested persons referred to in Article 23 of the Statute shall be informed of the date of delivery of a judgment.

Article 87

Content of a judgment

A judgment shall contain:

(a) a statement that it is the judgment of the Court,

(b) an indication as to the formation of the Court,

(c) the date of delivery,

(d) the names of the President and of the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur,

(e) the name of the Advocate General,

(f) the name of the Registrar,

(g) a description of the parties or of the interested persons referred to in Article 23 of the Statute who participated in the proceedings,

(h) the names of their representatives,

(i) in the case of direct actions and appeals, a statement of the forms of order sought by the parties,

(j) where applicable, the date of the hearing,

(k) a statement that the Advocate General has been heard and, where applicable, the date of his Opinion,

(l) a summary of the facts,

(m) the grounds for the decision,

(n) the operative part of the judgment, including, where appropriate, the decision as to costs.

Article 88

Delivery and service of the judgment

1. The judgment shall be delivered in open court.

2. The original of the judgment, signed by the President, by the Judges who took part in the deliberations and by the Registrar, 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.

Article 89

Content of an order

1. An order shall contain:

(a) a statement that it is the order of the Court,

(b) an indication as to the formation of the Court,

(c) the date of its adoption,

(d) an indication as to the legal basis of the order,

(e) the names of the President and, where applicable, the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur,

(f) the name of the Advocate General,

(g) the name of the Registrar,

(h) a description of the parties or of the parties to the main proceedings,

(i) the names of their representatives,

(j) a statement that the Advocate General has been heard,

(k) the operative part of the order, including, where appropriate, the decision as to costs.

2. Where, in accordance with these Rules, an order must be reasoned, it shall in addition contain:

(a) in the case of direct actions and appeals, a statement of the forms of order sought by the parties,

(b) a summary of the facts,

(c) the grounds for the decision.

Article 90

Signature and service of the order

The original of the order, signed by the President and by the Registrar, shall be sealed and deposited at the Registry; certified copies of the order 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.

Article 91

Binding nature of judgments and orders

1. A judgment shall be binding from the date of its delivery.

2. An order shall be binding from the date of its service.

Article 92

Publication in the Official Journal of the European Union

A notice containing the date and the operative part of the judgment or order of the Court which closes the proceedings shall be published in the *Official Journal of the European Union*.

TITLE III

REFERENCES FOR A PRELIMINARY RULING

Chapter 1

GENERAL PROVISIONS

Article 93

Scope

The procedure shall be governed by the provisions of this Title:

(a) in the cases covered by Article 23 of the Statute,

(b) as regards references for interpretation which may be provided for by agreements to which the European Union or the Member States are parties.

Article 94

Content of the request for a preliminary ruling

In addition to the text of the questions referred to the Court for a preliminary ruling, the request for a preliminary ruling shall contain:

(a) a summary of the subject-matter of the dispute and the relevant findings of fact as determined by the referring court or tribunal, or, at least, an account of the facts on which the questions are based;

(b) the tenor of any national provisions applicable in the case and, where appropriate, the relevant national case-law;

(c) a statement of the reasons which prompted the referring court or tribunal to inquire about the interpretation or validity of certain provisions of European Union law, and the relationship between those provisions and the national legislation applicable to the main proceedings.

Article 95

Anonymity

1. Where anonymity has been granted by the referring court or tribunal, the Court shall respect that anonymity in the proceedings pending before it.

2. At the request of the referring court or tribunal, at the duly reasoned request of a party to the main proceedings or of its own motion, the Court may also, if it considers it necessary, render anonymous one or more persons or entities concerned by the case.

Article 96

Participation in preliminary ruling proceedings

1. Pursuant to Article 23 of the Statute, the following shall be authorised to submit observations to the Court:

(a) the parties to the main proceedings,

(b) the Member States,

(c) the European Commission,

(d) the institution which adopted the act the validity or interpretation of which is in dispute,

(e) the States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, where a question concerning one of the fields of application of that Agreement is referred to the Court for a preliminary ruling,

(f) non-Member States which are parties to an agreement relating to a specific subject-matter, concluded with the Council, where the agreement so provides and where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling a question falling within the scope of that agreement.

2. Non-participation in the written part of the procedure does not preclude participation in the oral part of the procedure.

Article 97

Parties to the main proceedings

1. The parties to the main proceedings are those who are determined as such by the referring court or tribunal in accordance with national rules of procedure.

2. Where the referring court or tribunal informs the Court that a new party has been admitted to the main proceedings, when the proceedings before the Court are already pending, that party must accept the case as he finds it at the time when the Court was so informed. That party shall receive a copy of every procedural document already served on the interested persons referred to in Article 23 of the Statute.

3. As regards the representation and attendance of the parties to the main proceedings, the Court shall take account of the rules of procedure in force before the court or tribunal which made the reference. In the event of any doubt as to whether a person may under national law represent a party to the main proceedings, the Court may obtain information from the referring court or tribunal on the rules of procedure applicable.

Article 98

Translation and service of the request for a preliminary ruling

1. The requests for a preliminary ruling referred to in this Title shall be served on the Member States in the original version, accompanied by a translation into the official language of the State to which they are being addressed. Where appropriate, on account of the length of the request, such translation shall be replaced by the translation into the official language of the State to which it is addressed of a summary of that request, which will serve as a basis for the position to be adopted by that State. The summary shall include the full text of the question or questions referred for a preliminary ruling. That summary shall contain, in particular, in so far as that information appears in the request for a preliminary ruling, the subject-matter of the main proceedings, the essential arguments of the parties to those proceedings, a succinct presentation of the reasons for the reference for a preliminary ruling and the case-law and the provisions of national law and European Union law relied on.

2. In the cases covered by the third paragraph of Article 23 of the Statute, the requests for a preliminary ruling shall be served on the States, other than the Member States, which are parties to the EEA Agreement and also on the EFTA Surveillance Authority in the original version, accompanied by a translation of the request, or where appropriate of a summary, into one of the languages referred to in Article 36, to be chosen by the addressee.

3. Where a non-Member State has the right to take part in preliminary ruling proceedings pursuant to the fourth paragraph of Article 23 of the Statute, the original version of the request for a preliminary ruling shall be served on it accompanied by a translation of the request, or where appropriate of a summary, into one of the languages referred to in Article 36, to be chosen by the non-Member State concerned.

Article 99

Reply by reasoned order

Where a question referred to the Court for a preliminary ruling is identical to a question on which the Court has already ruled, where the reply to such a question may be clearly deduced from existing case-law or where the answer to the question referred for a preliminary ruling admits of no reasonable doubt, the Court may at any time, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, decide to rule by reasoned order.

Article 100

Circumstances in which the Court remains seised

1. The Court shall remain seised of a request for a preliminary ruling for as long as it is not withdrawn by the court or tribunal which made that request to the Court. The withdrawal of a request may be taken into account until notice of the date of delivery of the judgment has been served on the interested persons referred to in Article 23 of the Statute.

2. However, the Court may at any time declare that the conditions of its jurisdiction are no longer fulfilled.

Article 101

Request for clarification

1. Without prejudice to the measures of organisation of procedure and measures of inquiry provided for in these Rules, the Court may, after hearing the Advocate General, request clarification from the referring court or tribunal within a time-limit prescribed by the Court.

2. The reply of the referring court or tribunal to that request shall be served on the interested persons referred to in Article 23 of the Statute.

Article 102

Costs of the preliminary ruling proceedings

It shall be for the referring court or tribunal to decide as to the costs of the preliminary ruling proceedings.

Article 103

Rectification of judgments and orders

1. Clerical mistakes, errors in calculation and obvious inaccuracies affecting judgments or orders may be rectified by the Court, of its own motion or at the request of an interested person referred to in Article 23 of the Statute made within two weeks after delivery of the judgment or service of the order.

2. The Court shall take its decision after hearing the Advocate General.

3. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Article 104

Interpretation of preliminary rulings

1. Article 158 of these Rules relating to the interpretation of judgments and orders shall not apply to decisions given in reply to a request for a preliminary ruling.

2. It shall be for the national courts or tribunals to assess whether they consider that sufficient guidance is given by a preliminary ruling, or whether it appears to them that a further reference to the Court is required.

Chapter 2

EXPEDITED PRELIMINARY RULING PROCEDURE

Article 105

Expedited procedure

1. At the request of the referring court or tribunal or, exceptionally, of his own motion, the President of the Court may, where the nature of the case requires that it be dealt with within a short time, after hearing the Judge-Rapporteur and the Advocate General, decide that a reference for a preliminary ruling is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules.

2. In that event, the President shall immediately fix the date for the hearing, which shall be communicated to the interested persons referred to in Article 23 of the Statute when the request for a preliminary ruling is served.

3. The interested persons referred to in the preceding paragraph may lodge statements of case or written observations within a time-limit prescribed by the President, which shall not be less than 15 days. The President may request those interested persons to restrict the matters addressed in their statement of case or written observations to the essential points of law raised by the request for a preliminary ruling.

4. The statements of case or written observations, if any, shall be communicated to all the interested persons referred to in Article 23 of the Statute prior to the hearing.

5. The Court shall rule after hearing the Advocate General.

Article 106

Transmission of procedural documents

1. The procedural documents referred to in the preceding Article shall be deemed to have been lodged on the transmission to the Registry, by telefax or any other technical means of communication available to the Court, of a copy of the signed original and the items and documents relied on in support of it, together with the schedule referred to in Article 57(4). The original of the document and the annexes referred to above shall be sent to the Registry immediately.

2. Where the preceding Article requires that a document be served on or communicated to a person, such service or communication may be effected by transmission of a copy of the document by telefax or any other technical means of communication available to the Court and the addressee.

Chapter 3

URGENT PRELIMINARY RULING PROCEDURE

Article 107

Scope of the urgent preliminary ruling procedure

1. A reference for a preliminary ruling which raises one or more questions in the areas covered by Title V of Part Three of the Treaty on the Functioning of the European Union may, at the request of the referring court or tribunal or, exceptionally, of the Court's own motion, be dealt with under an urgent procedure derogating from the provisions of these Rules.

2. The referring court or tribunal shall set out the matters of fact and law which establish the urgency and justify the application of that exceptional procedure and shall, in so far as possible, indicate the answer that it proposes to the questions referred.

3. If the referring court or tribunal has not submitted a request for the urgent procedure to be applied, the President of the Court may, if the application of that procedure appears, prima facie, to be required, ask the Chamber referred to in Article 108 to consider whether it is necessary to deal with the reference under that procedure.

Article 108

Decision as to urgency

1. The decision to deal with a reference for a preliminary ruling under the urgent procedure shall be taken by the designated Chamber, acting on a proposal from the Judge-Rapporteur and after hearing the Advocate General. The composition of that Chamber shall be determined in accordance with Article 28(2) on the day on which the case is assigned to the Judge-Rapporteur if the application of the urgent procedure is requested by the referring court or tribunal, or, if the application of that procedure is considered at the request of the President of the Court, on the day on which that request is made.

2. If the case is connected with a pending case assigned to a Judge-Rapporteur who is not a member of the designated Chamber, that Chamber may propose to the President of the Court that the case be assigned to that Judge-Rapporteur. Where the case is reassigned to that Judge-Rapporteur, the Chamber of five Judges which includes him shall carry out the duties of the designated Chamber in respect of that case. Article 29(1) shall apply.

Article 109

Written part of the urgent procedure

1. A request for a preliminary ruling shall, where the referring court or tribunal has requested the application of the urgent procedure or where the President has requested the designated Chamber to consider whether it is necessary to deal with the reference under that procedure, be served forthwith by the Registrar on the parties to the main proceedings, on the Member State from which the reference is made, on the European Commission and on the institution which adopted the act the validity or interpretation of which is in dispute.

2. The decision as to whether or not to deal with the reference for a preliminary ruling under the urgent procedure shall be served immediately on the referring court or tribunal and on the parties, Member State and institutions referred to in

the preceding paragraph. The decision to deal with the reference under the urgent procedure shall prescribe the time-limit within which those parties or entities may lodge statements of case or written observations. The decision may specify the matters of law to which such statements of case or written observations must relate and may specify the maximum length of those documents.

3. Where a request for a preliminary ruling refers to an administrative procedure or judicial proceedings conducted in a Member State other than that from which the reference is made, the Court may invite that first Member State to provide all relevant information in writing or at the hearing.

4. As soon as the service referred to in paragraph 1 above has been effected, the request for a preliminary ruling shall also be communicated to the interested persons referred to in Article 23 of the Statute, other than the persons served, and the decision whether or not to deal with the reference for a preliminary ruling under the urgent procedure shall be communicated to those interested persons as soon as the service referred to in paragraph 2 has been effected.

5. The interested persons referred to in Article 23 of the Statute shall be informed as soon as possible of the likely date of the hearing.

6. Where the reference is not to be dealt with under the urgent procedure, the proceedings shall continue in accordance with the provisions of Article 23 of the Statute and the applicable provisions of these Rules.

Article 110

Service and information following the close of the written part of the procedure

1. Where a reference for a preliminary ruling is to be dealt with under the urgent procedure, the request for a preliminary ruling and the statements of case or written observations which have been lodged shall be served on the interested persons referred to in Article 23 of the Statute other than the parties and entities referred to in Article 109(1). The request for a preliminary ruling shall be accompanied by a translation, where appropriate of a summary, in accordance with Article 98.

2. The statements of case or written observations which have been lodged shall also be served on the parties and other interested persons referred to in Article 109(1).

3. The date of the hearing shall be communicated to the interested persons referred to in Article 23 of the Statute at the same time as the documents referred to in the preceding paragraphs are served.

Article 111

Omission of the written part of the procedure

The designated Chamber may, in cases of extreme urgency, decide to omit the written part of the procedure referred to in Article 109(2).

Article 112

Decision on the substance

The designated Chamber shall rule after hearing the Advocate General.

Article 113

Formation of the Court

1. The designated Chamber may decide to sit in a formation of three Judges. In that event, it shall be composed of the President of the designated Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(2) on the date on which the composition of the designated Chamber is determined in accordance with Article 108(1).

2. The designated Chamber may also request the Court to assign the case to a formation composed of a greater number of Judges. The urgent procedure shall continue before the new formation of the Court, where necessary after the reopening of the oral part of the procedure.

Article 114

Transmission of procedural documents

Procedural documents shall be transmitted in accordance with Article 106.

Chapter 4

LEGAL AID

Article 115

Application for legal aid

1. A party to the main proceedings who is wholly or in part unable to meet the costs of the proceedings before the Court may at any time apply for legal aid.

2. The application shall be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation.

3. If the applicant has already obtained legal aid before the referring court or tribunal, he shall produce the decision of that court or tribunal and specify what is covered by the sums already granted.

Article 116

Decision on the application for legal aid

1. As soon as the application for legal aid has been lodged it shall be assigned by the President to the Judge-Rapporteur responsible for the case in the context of which the application has been made.

2. The decision to grant legal aid, in full or in part, or to refuse it shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by the Chamber of three Judges to which the Judge-Rapporteur is assigned. The formation of the Court shall, in that event, be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

3. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

4. The formation of the Court shall give its decision by way of order. Where the application for legal aid is refused in whole or in part, the order shall state the reasons for that refusal.

Article 117

Sums to be advanced as legal aid

Where legal aid is granted, the cashier of the Court shall be responsible, where applicable within the limits set by the formation of the Court, for costs involved in the assistance and representation of the applicant before the Court. At the request of the applicant or his representative, an advance on those costs may be paid.

Article 118

Withdrawal of legal aid

The formation of the Court which gave a decision on the application for legal aid may at any time, either of its own motion or on request, withdraw that legal aid if the circumstances which led to its being granted alter during the proceedings.

TITLE IV

DIRECT ACTIONS

Chapter 1

REPRESENTATION OF THE PARTIES

Article 119

Obligation to be represented

1. A party may be represented only by his agent or lawyer.

2. Agents and lawyers must lodge at the Registry an official document or an authority to act issued by the party whom they represent.

3. The lawyer acting for a party must also lodge at the Registry a certificate that he is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement.

4. If those documents are not lodged, the Registrar shall prescribe a reasonable time-limit within which the party concerned is to produce them. If the applicant fails to produce the required documents within the time-limit prescribed, the Court shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with that procedural requirement renders the application or written pleading formally inadmissible.

Chapter 2

WRITTEN PART OF THE PROCEDURE

Article 120

Content of the application

An application of the kind referred to in Article 21 of the Statute shall state:

(a) the name and address of the applicant;

(b) the name of the party against whom the application is made;

(c) the subject-matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law;

(d) the form of order sought by the applicant;

(e) where appropriate, any evidence produced or offered.

Article 121

Information relating to service

1. For the purpose of the proceedings, the application shall state an address for service. It shall indicate the name of the person who is authorised and has expressed willingness to accept service.

2. In addition to, or instead of, specifying an address for service as referred to in paragraph 1, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or any other technical means of communication.

3. If the application does not comply with the requirements referred to in paragraphs 1 or 2, all service on the party concerned for the purpose of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the agent or lawyer of that party. By way of derogation from Article 48, service shall then be deemed to be duly effected by the lodging of the registered letter at the post office of the place in which the Court has its seat.

Article 122

Annexes to the application

1. The application shall be accompanied, where appropriate, by the documents specified in the second paragraph of Article 21 of the Statute.

2. An application submitted under Article 273 TFEU shall be accompanied by a copy of the special agreement concluded between the Member States concerned.

3. If an application does not comply with the requirements set out in paragraphs 1 or 2 of this Article, the Registrar shall prescribe a reasonable time-limit within which the applicant is to produce the abovementioned documents. If the applicant fails to put the application in order, the Court shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with these conditions renders the application formally inadmissible.

Article 123

Service of the application

The application shall be served on the defendant. In cases where Article 119(4) or Article 122(3) applies, service shall be effected as soon as the application has been put in order or the Court has declared it admissible notwithstanding the failure to observe the requirements set out in those two Articles.

Article 124

Content of the defence

1. Within two months after service on him of the application, the defendant shall lodge a defence, stating:

(a) the name and address of the defendant;

(b) the pleas in law and arguments relied on;

(c) the form of order sought by the defendant;

(d) where appropriate, any evidence produced or offered.

2. Article 121 shall apply to the defence.

3. The time-limit laid down in paragraph 1 may exceptionally be extended by the President at the duly reasoned request of the defendant.

Article 125

Transmission of documents

Where the European Parliament, the Council or the European Commission is not a party to a case, the Court shall send to them copies of the application and of the defence, without the annexes thereto, to enable them to assess whether the inapplicability of one of their acts is being invoked under Article 277 TFEU.

Article 126

Reply and rejoinder

1. The application initiating proceedings and the defence may be supplemented by a reply from the applicant and by a rejoinder from the defendant.

2. The President shall prescribe the time-limits within which those procedural documents are to be produced. He may specify the matters to which the reply or the rejoinder should relate.

Chapter 3

PLEAS IN LAW AND EVIDENCE

Article 127

New pleas in law

1. No new plea in law may be introduced in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure.

2. Without prejudice to the decision to be taken on the admissibility of the plea in law, the President may, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, prescribe a time-limit within which the other party may respond to that plea.

Article 128

Evidence produced or offered

1. In reply or rejoinder a party may produce or offer further evidence in support of his arguments. The party must give reasons for the delay in submitting such evidence.

2. The parties may, exceptionally, produce or offer further evidence after the close of the written part of the procedure. They must give reasons for the delay in submitting such evidence. The President may, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, prescribe a time-limit within which the other party may comment on such evidence.

Chapter 4

INTERVENTION

Article 129

Object and effects of the intervention

1. The intervention shall be limited to supporting, in whole or in part, the form of order sought by one of the parties. It shall not confer the same procedural rights as those conferred on the parties and, in particular, shall not give rise to any right to request that a hearing be held.

2. The intervention shall be ancillary to the main proceedings. It shall become devoid of purpose if the case is removed from the register of the Court as a result of a party's discontinuance or withdrawal from the proceedings or of an agreement between the parties, or where the application is declared inadmissible.

3. The intervener must accept the case as he finds it at the time of his intervention.

4. Consideration may be given to an application to intervene which is made after the expiry of the time-limit prescribed in Article 130 but before the decision to open the oral part of the procedure provided for in Article 60(4). In that event, if the President allows the intervention, the intervener may submit his observations during the hearing, if it takes place.

Article 130

Application to intervene

1. An application to intervene must be submitted within six weeks of the publication of the notice referred to in Article 21(4).

2. The application to intervene shall contain:

(a) a description of the case;

(b) a description of the main parties;

(c) the name and address of the intervener;

(d) the form of order sought, in support of which the intervener is applying for leave to intervene;

(e) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 40 of the Statute.

3. The intervener shall be represented in accordance with Article 19 of the Statute.

4. Articles 119, 121 and 122 of these Rules shall apply.

Article 131

Decision on applications to intervene

1. The application to intervene shall be served on the parties in order to obtain any written or oral observations they may wish to make on that application.

2. Where the application is submitted pursuant to the first or third paragraph of Article 40 of the Statute, the intervention shall be allowed by decision of the President and the intervener shall receive a copy of every procedural document served on the parties, provided that those parties have not, within 10 days after the service referred to in paragraph 1 has been effected, put forward observations on the application to intervene or identified secret or confidential items or documents which, if communicated to the intervener, the parties claim would be prejudicial to them.

3. In any other case, the President shall decide on the application to intervene by order or shall refer the application to the Court.

4. If the application to intervene is granted, the intervener shall receive a copy of every procedural document served on the parties, save, where applicable, for the secret or confidential items or documents excluded from such communication pursuant to paragraph 3.

Article 132

Submission of statements

1. The intervener may submit a statement in intervention within one month after communication of the procedural documents referred to in the preceding Article. That time-limit may be extended by the President at the duly reasoned request of the intervener.

2. The statement in intervention shall contain:

(a) the form of order sought by the intervener in support, in whole or in part, of the form of order sought by one of the parties;

(b) the pleas in law and arguments relied on by the intervener;

(c) where appropriate, any evidence produced or offered.

3. After the statement in intervention has been lodged, the President shall, where necessary, prescribe a time-limit within which the parties may reply to that statement.

Chapter 5

EXPEDITED PROCEDURE

Article 133

Decision relating to the expedited procedure

1. At the request of the applicant or the defendant, the President of the Court may, where the nature of the case requires that it be dealt with within a short time, after hearing the other party, the Judge-Rapporteur and the Advocate General, decide that a case is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules.

2. The request for a case to be determined pursuant to an expedited procedure must be made by a separate document submitted at the same time as the application initiating proceedings or the defence, as the case may be, is lodged.

3. Exceptionally the President may also take such a decision of his own motion, after hearing the parties, the Judge-Rapporteur and the Advocate General.

Article 134

Written part of the procedure

1. Under the expedited procedure, the application initiating proceedings and the defence may be supplemented by a reply and a rejoinder only if the President, after hearing the Judge-Rapporteur and the Advocate General, considers this to be necessary.

2. An intervener may submit a statement in intervention only if the President, after hearing the Judge-Rapporteur and the Advocate General, considers this to be necessary.

Article 135

Oral part of the procedure

1. Once the defence has been submitted or, if the decision to determine the case pursuant to an expedited procedure is not made until after that pleading has been lodged, once that decision has been taken, the President shall fix a date for the hearing, which shall be communicated forthwith to the parties. He may postpone the date of the hearing where it is necessary to undertake measures of inquiry or where measures of organisation of procedure so require.

2. Without prejudice to Articles 127 and 128, a party may supplement his arguments and produce or offer evidence during the oral part of the procedure. The party must, however, give reasons for the delay in producing such further arguments or evidence.

Article 136

Decision on the substance

The Court shall give its ruling after hearing the Advocate General.

Chapter 6

COSTS

Article 137

Decision as to costs

A decision as to costs shall be given in the judgment or order which closes the proceedings.

Article 138

General rules as to allocation of costs

1. The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

2. Where there is more than one unsuccessful party the Court shall decide how the costs are to be shared.

3. Where each party succeeds on some and fails on other heads, the parties shall bear their own costs. However, if it appears justified in the circumstances of the case, the Court may order that one party, in addition to bearing its own costs, pay a proportion of the costs of the other party.

Article 139

Unreasonable or vexatious costs

The Court may order a party, even if successful, to pay costs which the Court considers that party to have unreasonably or vexatiously caused the opposite party to incur.

Article 140

Costs of interveners

1. The Member States and institutions which have intervened in the proceedings shall bear their own costs.

2. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall similarly bear their own costs if they have intervened in the proceedings.

3. The Court may order an intervener other than those referred to in the preceding paragraphs to bear his own costs.

Article 141

Costs in the event of discontinuance or withdrawal

1. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's observations on the discontinuance.

2. However, at the request of the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

3. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

4. If costs are not claimed, the parties shall bear their own costs.

Article 142

Costs where a case does not proceed to judgment

Where a case does not proceed to judgment the costs shall be in the discretion of the Court.

Article 143

Costs of proceedings

Proceedings before the Court shall be free of charge, except that:

(a) where a party has caused the Court to incur avoidable costs the Court may, after hearing the Advocate General, order that party to refund them;

(b) where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Registrar considers it excessive, be paid for by that party on the Registry's scale of charges referred to in Article 22.

Article 144

Recoverable costs

Without prejudice to the preceding Article, the following shall be regarded as recoverable costs:

(a) sums payable to witnesses and experts under Article 73 of these Rules;

(b) expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of agents, advisers or lawyers.

Article 145

Dispute concerning the costs to be recovered

1. If there is a dispute concerning the costs to be recovered, the Chamber of three Judges to which the Judge-Rapporteur who dealt with the case is assigned shall, on application by the party concerned and after hearing the opposite party and the Advocate General, make an order. In that event, the formation of the Court shall be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the dispute is brought before that Chamber by the Judge-Rapporteur.

2. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the dispute is brought before that Chamber by the Judge-Rapporteur.

3. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

Article 146

Procedure for payment

1. Sums due from the cashier of the Court and from its debtors shall be paid in euro.

2. Where costs to be recovered have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, the conversion shall be effected at the European Central Bank's official rates of exchange on the day of payment.

Chapter 7

AMICABLE SETTLEMENT, DISCONTINUANCE, CASES THAT DO NOT PROCEED TO JUDGMENT AND PRELIMINARY ISSUES

Article 147

Amicable settlement

1. If, before the Court has given its decision, the parties reach a settlement of their dispute and inform the Court of the abandonment of their claims, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 141, having regard to any proposals made by the parties on the matter.

2. This provision shall not apply to proceedings under Articles 263 TFEU and 265 TFEU.

Article 148

Discontinuance

If the applicant informs the Court in writing or at the hearing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 141.

Article 149

Cases that do not proceed to judgment

If the Court declares that the action has become devoid of purpose and that there is no longer any need to adjudicate on it, the Court may at any time of its own motion, on a proposal from the Judge-Rapporteur and after hearing the parties and the Advocate General, decide to rule by reasoned order. It shall give a decision as to costs.

Article 150

Absolute bar to proceeding with a case

On a proposal from the Judge-Rapporteur, the Court may at any time of its own motion, after hearing the parties and the Advocate General, decide to rule by reasoned order on whether there exists any absolute bar to proceeding with a case.

Article 151

Preliminary objections and issues

1. A party applying to the Court for a decision on a preliminary objection or issue not going to the substance of the case shall submit the application by a separate document.

2. The application must state the pleas of law and arguments relied on and the form of order sought by the applicant; any supporting items and documents must be annexed to it.

3. As soon as the application has been submitted, the President shall prescribe a time-limit within which the opposite party may submit in writing his pleas in law and the form of order which he seeks.

4. Unless the Court decides otherwise, the remainder of the proceedings on the application shall be oral.

5. The Court shall, after hearing the Advocate General, decide on the application as soon as possible or, where special circumstances so justify, reserve its decision until it rules on the substance of the case.

6. If the Court refuses the application or reserves its decision, the President shall prescribe new time-limits for the further steps in the proceedings.

Chapter 8

JUDGMENTS BY DEFAULT

Article 152

Judgments by default

1. If a defendant on whom an application initiating proceedings has been duly served fails to respond to the application in the proper form and within the time-limit prescribed, the applicant may apply to the Court for judgment by default.

2. The application for judgment by default shall be served on the defendant. The Court may decide to open the oral part of the procedure on the application.

3. Before giving judgment by default the Court shall, after hearing the Advocate General, consider whether the application initiating proceedings is admissible, whether the appropriate formalities have been complied with, and whether the applicant's claims appear well founded. The Court may adopt measures of organisation of procedure or order measures of inquiry.

4. A judgment by default shall be enforceable. The Court may, however, grant a stay of execution until the Court has given its decision on any application under Article 156 to set aside the judgment, or it may make execution subject to the provision of security of an amount and nature to be fixed in the light of the circumstances; this security shall be released if no such application is made or if the application fails.

Chapter 9

REQUESTS AND APPLICATIONS RELATING TO JUDGMENTS AND ORDERS

Article 153

Competent formation of the Court

1. With the exception of applications referred to in Article 159, the requests and applications referred to in this Chapter shall be assigned to the Judge-Rapporteur who was responsible for the case to which the request or application relates, and shall be assigned to the formation of the Court which gave a decision in that case.

2. If the Judge-Rapporteur is prevented from acting, the President of the Court shall assign the request or application referred to in this Chapter to a Judge who was a member of the formation of the Court which gave a decision in the case to which that request or application relates.

3. If the quorum referred to in Article 17 of the Statute can no longer be attained, the Court shall, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, assign the request or application to a new formation of the Court.

Article 154

Rectification

1. Without prejudice to the provisions relating to the interpretation of judgments and orders, clerical mistakes, errors in calculation and obvious inaccuracies may be rectified by the Court, of its own motion or at the request of a party made within two weeks after delivery of the judgment or service of the order.

2. Where the request for rectification concerns the operative part or one of the grounds constituting the necessary support for the operative part, the parties, whom the Registrar shall duly inform, may submit written observations within a time-limit prescribed by the President.

3. The Court shall take its decision after hearing the Advocate General.

4. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Article 155

Failure to adjudicate

1. If the Court has failed to adjudicate on a specific head of claim or on costs, any party wishing to rely on that may, within a month after service of the decision, apply to the Court to supplement its decision.

2. The application shall be served on the opposite party and the President shall prescribe a time-limit within which that party may submit written observations.

3. After these observations have been submitted, the Court shall, after hearing the Advocate General, decide both on the admissibility and on the substance of the application.

Article 156

Application to set aside

1. Application may be made pursuant to Article 41 of the Statute to set aside a judgment delivered by default.

2. The application to set aside the judgment must be made within one month from the date of service of the judgment and must be submitted in the form prescribed by Articles 120 to 122 of these Rules.

3. After the application has been served, the President shall prescribe a time-limit within which the other party may submit his written observations.

4. The proceedings shall be conducted in accordance with Articles 59 to 92 of these Rules.

5. The Court shall decide by way of a judgment which may not be set aside.

6. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Article 157

Third-party proceedings

1. Articles 120 to 122 of these Rules shall apply to an application initiating third-party proceedings made pursuant to Article 42 of the Statute. In addition such an application shall:

(a) specify the judgment or order contested;

(b) state how the contested decision is prejudicial to the rights of the third party;

(c) indicate the reasons for which the third party was unable to take part in the original case.

2. The application must be made against all the parties to the original case.

3. The application must be submitted within two months of publication of the decision in the *Official Journal of the European Union*.

4. The Court may, on application by the third party, order a stay of execution of the contested decision. The provisions of Chapter 10 of this Title shall apply.

5. The contested decision shall be varied on the points on which the submissions of the third party are upheld.

6. The original of the judgment in the third-party proceedings shall be annexed to the original of the contested decision. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested decision.

Article 158

Interpretation

1. In accordance with Article 43 of the Statute, if the meaning or scope of a judgment or order is in doubt, the Court shall construe it on application by any party or any institution of the European Union establishing an interest therein.

2. An application for interpretation must be made within two years after the date of delivery of the judgment or service of the order.

3. An application for interpretation shall be made in accordance with Articles 120 to 122 of these Rules. In addition it shall specify:

(a) the decision in question;

(b) the passages of which interpretation is sought.

4. The application must be made against all the parties to the case in which the decision of which interpretation is sought was given.

5. The Court shall give its decision after having given the parties an opportunity to submit their observations and after hearing the Advocate General.

6. The original of the interpreting decision shall be annexed to the original of the decision interpreted. A note of the interpreting decision shall be made in the margin of the original of the decision interpreted.

Article 159

Revision

1. In accordance with Article 44 of the Statute, an application for revision of a decision of the Court may be made only on discovery of a fact which is of such a nature as to be a decisive factor and which, when the judgment was delivered or the order served, was unknown to the Court and to the party claiming the revision.

2. Without prejudice to the time-limit of 10 years prescribed in the third paragraph of Article 44 of the Statute, an application for revision shall be made within three months of the date on which the facts on which the application is founded came to the applicant's knowledge.

3. Articles 120 to 122 of these Rules shall apply to an application for revision. In addition such an application shall:

(a) specify the judgment or order contested;

(b) indicate the points on which the decision is contested;

(c) set out the facts on which the application is founded;

(d) indicate the nature of the evidence to show that there are facts justifying revision, and that the time-limits laid down in paragraph 2 have been observed.

4. The application for revision must be made against all parties to the case in which the contested decision was given.

5. Without prejudice to its decision on the substance, the Court shall, after hearing the Advocate General, give in the form of an order its decision on the admissibility of the application, having regard to the written observations of the parties.

6. If the Court declares the application admissible, it shall proceed to consider the substance of the application and shall give its decision in the form of a judgment in accordance with these Rules.

7. The original of the revising judgment shall be annexed to the original of the decision revised. A note of the revising judgment shall be made in the margin of the original of the decision revised.

Chapter 10

SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 160

Application for suspension or for interim measures

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU or Article 157 TEAEC, shall be admissible only if the applicant has challenged that measure in an action before the Court.

2. An application for the adoption of one of the other interim measures referred to in Article 279 TFEU shall be admissible only if it is made by a party to a case before the Court and relates to that case.

3. An application of a kind referred to in the preceding paragraphs shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measure applied for.

4. The application shall be made by a separate document and in accordance with the provisions of Articles 120 to 122 of these Rules.

5. The application shall be served on the opposite party, and the President shall prescribe a short time-limit within which that party may submit written or oral observations.

6. The President may order a preparatory inquiry.

7. The President may grant the application even before the observations of the opposite party have been submitted. This decision may be varied or cancelled even without any application being made by any party.

Article 161

Decision on the application

1. The President shall either decide on the application himself or refer it immediately to the Court.

2. If the President is prevented from acting, Articles 10 and 13 of these Rules shall apply.

3. Where the application is referred to it, the Court shall give a decision immediately, after hearing the Advocate General.

Article 162

Order for suspension of operation or for interim measures

1. The decision on the application shall take the form of a reasoned order, from which no appeal shall lie. The order shall be served on the parties forthwith.

2. The execution of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when the judgment which closes the proceedings is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision of the Court on the substance of the case.

Article 163

Change in circumstances

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 164

New application

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 165

Applications pursuant to Articles 280 TFEU and 299 TFEU and Article 164 TEAEC

1. The provisions of this Chapter shall apply to applications to suspend the enforcement of a decision of the Court or of any measure adopted by the Council, the European Commission or the European Central Bank, submitted pursuant to Articles 280 TFEU and 299 TFEU or Article 164 TEAEC.

2. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Article 166

Application pursuant to Article 81 TEAEC

1. An application of a kind referred to in the third and fourth paragraphs of Article 81 TEAEC shall contain:

(a) the names and addresses of the persons or undertakings to be inspected;

(b) an indication of what is to be inspected and of the purpose of the inspection.

2. The President shall give his decision in the form of an order. Article 162 of these Rules shall apply.

3. If the President is prevented from acting, Articles 10 and 13 of these Rules shall apply.

TITLE V

APPEALS AGAINST DECISIONS OF THE GENERAL COURT

Chapter 1

FORM AND CONTENT OF THE APPEAL, AND FORM OF ORDER SOUGHT

Article 167

Lodging of the appeal

1. An appeal shall be brought by lodging an application at the Registry of the Court of Justice or of the General Court.

2. The Registry of the General Court shall forthwith transmit to the Registry of the Court of Justice the file in the case at first instance and, where necessary, the appeal.

Article 168

Content of the appeal

1. An appeal shall contain:

(a) the name and address of the appellant;

(b) a reference to the decision of the General Court appealed against;

(c) the names of the other parties to the relevant case before the General Court;

(d) the pleas in law and legal arguments relied on, and a summary of those pleas in law;

(e) the form of order sought by the appellant.

2. Articles 119, 121 and 122(1) of these Rules shall apply to appeals.

3. The appeal shall state the date on which the decision appealed against was served on the appellant.

4. If an appeal does not comply with paragraphs 1 to 3 of this Article, the Registrar shall prescribe a reasonable time-limit within which the appellant is to put the appeal in order. If the appellant fails to put the appeal in order within the time-limit prescribed, the Court of Justice shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with that formal requirement renders the appeal formally inadmissible.

Article 169

Form of order sought, pleas in law and arguments of the appeal

1. An appeal shall seek to have set aside, in whole or in part, the decision of the General Court as set out in the operative part of that decision.

2. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the General Court which are contested.

Article 170

Form of order sought in the event that the appeal is allowed

1. An appeal shall seek, in the event that it is declared well founded, the same form of order, in whole or in part, as that sought at first instance and shall not seek a different form of order. The subject-matter of the proceedings before the General Court may not be changed in the appeal.

2. Where the appellant requests that the case be referred back to the General Court if the decision appealed against is set aside, he shall set out the reasons why the state of the proceedings does not permit a decision by the Court of Justice.

Chapter 2

RESPONSES, REPLIES AND REJOINDERS

Article 171

Service of the appeal

1. The appeal shall be served on the other parties to the relevant case before the General Court.

2. In a case where Article 168(4) of these Rules applies, service shall be effected as soon as the appeal has been put in order or the Court of Justice has declared it admissible notwithstanding the failure to observe the formal requirements laid down by that Article.

Article 172

Parties authorised to lodge a response

Any party to the relevant case before the General Court having an interest in the appeal being allowed or dismissed may submit a response within two months after service on him of the appeal. The time-limit for submitting a response shall not be extended.

Article 173

Content of the response

1. A response shall contain:

(a) the name and address of the party submitting it;

(b) the date on which the appeal was served on him;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought.

2. Articles 119 and 121 of these Rules shall apply to responses.

Article 174

Form of order sought in the response

A response shall seek to have the appeal allowed or dismissed, in whole or in part.

Article 175

Reply and rejoinder

1. The appeal and the response may be supplemented by a reply and a rejoinder only where the President, on a duly reasoned application submitted by the appellant within seven days of service of the response, considers it necessary, after hearing the Judge-Rapporteur and the Advocate General, in particular to enable the appellant to present his views on a plea of inadmissibility or on new matters relied on in the response.

2. The President shall fix the date by which the reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject-matter of those pleadings.

Chapter 3

FORM AND CONTENT OF THE CROSS-APPEAL, AND FORM OF ORDER SOUGHT

Article 176

Cross-appeal

1. The parties referred to in Article 172 of these Rules may submit a cross-appeal within the same time-limit as that prescribed for the submission of a response.

2. A cross-appeal must be introduced by a document separate from the response.

Article 177

Content of the cross-appeal

1. A cross-appeal shall contain:

(a) the name and address of the party bringing the cross-appeal;

(b) the date on which the appeal was served on him;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought.

2. Articles 119, 121 and 122(1) and (3) of these Rules shall apply to cross-appeals.

Article 178

Form of order sought, pleas in law and arguments of the cross-appeal

1. A cross-appeal shall seek to have set aside, in whole or in part, the decision of the General Court.

2. It may also seek to have set aside an express or implied decision relating to the admissibility of the action before the General Court.

3. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the General Court which are contested. The pleas in law and arguments must be separate from those relied on in the response.

Chapter 4

PLEADINGS CONSEQUENT ON THE CROSS-APPEAL

Article 179

Response to the cross-appeal

Where a cross-appeal is brought, the applicant at first instance or any other party to the relevant case before the General Court having an interest in the cross-appeal being allowed or dismissed may submit a response, which must be limited to the pleas in law relied on in that cross-appeal, within two months after its being served on him. That time-limit shall not be extended.

Article 180

Reply and rejoinder on a cross-appeal

1. The cross-appeal and the response thereto may be supplemented by a reply and a rejoinder only where the President, on a duly reasoned application submitted by the party who brought the cross-appeal within seven days of service of the response to the cross-appeal, considers it necessary, after hearing the Judge-Rapporteur and the Advocate General, in particular to enable that party to present his views on a plea of inadmissibility or on new matters relied on in the response to the cross-appeal.

2. The President shall fix the date by which that reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject-matter of those pleadings.

Chapter 5

APPEALS DETERMINED BY ORDER

Article 181

Manifestly inadmissible or manifestly unfounded appeal or cross-appeal

Where the appeal or cross-appeal is, in whole or in part, manifestly inadmissible or manifestly unfounded, the Court may at any time, acting on a proposal from the Judge-Rapporteur and after hearing the Advocate General, decide by reasoned order to dismiss that appeal or cross-appeal in whole or in part.

Article 182

Manifestly well-founded appeal or cross-appeal

Where the Court has already ruled on one or more questions of law identical to those raised by the pleas in law of the appeal or cross-appeal and considers the appeal or cross-appeal to be manifestly well founded, it may, acting on a proposal from the Judge-Rapporteur and after hearing the parties and the Advocate General, decide by reasoned order in which reference is made to the relevant case-law to declare the appeal or cross-appeal manifestly well founded.

Chapter 6

EFFECT ON A CROSS-APPEAL OF THE REMOVAL OF THE APPEAL FROM THE REGISTER

Article 183

Effect on a cross-appeal of the discontinuance or manifest inadmissibility of the appeal

A cross-appeal shall be deemed to be devoid of purpose:

(a) if the appellant discontinues his appeal;

(b) if the appeal is declared manifestly inadmissible for non-compliance with the time-limit for lodging an appeal;

(c) if the appeal is declared manifestly inadmissible on the sole ground that it is not directed against a final decision of the General Court or against a decision disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility within the meaning of the first paragraph of Article 56 of the Statute.

Chapter 7

COSTS AND LEGAL AID IN APPEALS

Article 184

Costs in appeals

1. Subject to the following provisions, Articles 137 to 146 of these Rules shall apply, *mutatis mutandis*, to the procedure before the Court of Justice on an appeal against a decision of the General Court.

2. Where the appeal is unfounded or where the appeal is well founded and the Court itself gives final judgment in the case, the Court shall make a decision as to the costs.

3. When an appeal brought by a Member State or an institution of the European Union which did not intervene in the proceedings before the General Court is well founded, the Court of Justice may order that the parties share the costs or that the successful appellant pay the costs which the appeal has caused an unsuccessful party to incur.

4. Where the appeal has not been brought by an intervener at first instance, he may not be ordered to pay costs in the appeal proceedings unless he participated in the written or oral part of the proceedings before the Court of Justice. Where an intervener at first instance takes part in the proceedings, the Court may decide that he shall bear his own costs.

Article 185

Legal aid

1. A party who is wholly or in part unable to meet the costs of the proceedings may at any time apply for legal aid.

2. The application shall be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation.

Article 186

Prior application for legal aid

1. If the application is made prior to the appeal which the applicant for legal aid intends to commence, it shall briefly state the subject of the appeal.

2. The application for legal aid need not be made through a lawyer.

3. The introduction of an application for legal aid shall, with regard to the person who made that application, suspend the time-limit prescribed for the bringing of the appeal until the date of service of the order making a decision on that application.

4. The President shall assign the application for legal aid, as soon as it is lodged, to a Judge-Rapporteur who shall put forward, promptly, a proposal as to the action to be taken on it.

Article 187

Decision on the application for legal aid

1. The decision to grant legal aid, in whole or in part, or to refuse it shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by the Chamber of three Judges to which the Judge-Rapporteur is assigned. In that event, the formation of the Court shall be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur. It shall consider, if appropriate, whether the appeal is manifestly unfounded.

2. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

3. The formation of the Court shall give its decision by way of order. Where the application for legal aid is refused in whole or in part, the order shall state the reasons for that refusal.

Article 188

Sums to be advanced as legal aid

1. Where legal aid is granted, the cashier of the Court shall be responsible, where applicable within the limits set by the formation of the Court, for costs involved in the assistance and representation of the applicant before the Court. At the request of the applicant or his representative, an advance on those costs may be paid.

2. In its decision as to costs the Court may order the payment to the cashier of the Court of sums advanced as legal aid.

3. The Registrar shall take steps to obtain the recovery of these sums from the party ordered to pay them.

Article 189

Withdrawal of legal aid

The formation of the Court which gave a decision on the application for legal aid may at any time, either of its own motion or on request, withdraw that legal aid if the circumstances which led to its being granted alter during the proceedings.

Chapter 8

OTHER PROVISIONS APPLICABLE TO APPEALS

Article 190

Other provisions applicable to appeals

1. Articles 127, 129 to 136, 147 to 150, 153 to 155 and 157 to 166 of these Rules shall apply to the procedure before the Court of Justice on an appeal against decisions of the General Court.

2. By way of derogation from Article 130(1), an application to intervene shall, however, be made within one month of the publication of the notice referred to in Article 21(4).

3. Article 95 shall apply, *mutatis mutandis*, to the procedure before the Court of Justice on an appeal against decisions of the General Court.

TITLE VI

REVIEW OF DECISIONS OF THE GENERAL COURT

Article 191

Reviewing Chamber

A Chamber of five Judges shall be designated for a period of one year for the purpose of deciding, in accordance with Articles 193 and 194 of these Rules, whether a decision of the General Court is to be reviewed in accordance with Article 62 of the Statute.

Article 192

Information and communication of decisions which may be reviewed

1. As soon as the date for the delivery or signature of a decision to be given under Article 256(2) or (3) TFEU is fixed, the Registry of the General Court shall inform the Registry of the Court of Justice.

2. The decision shall be communicated to the Registry of the Court of Justice immediately upon its delivery or signature, as shall the file in the case, which shall be made available forthwith to the First Advocate General.

Article 193

Review of decisions given on appeal

1. The proposal of the First Advocate General to review a decision of the General Court given under Article 256(2) TFEU shall be forwarded to the President of the Court of Justice and to the President of the reviewing Chamber. Notice of that transmission shall be given to the Registrar at the same time.

2. As soon as he is informed of the existence of a proposal, the Registrar shall communicate the file in the case before the General Court to the members of the reviewing Chamber.

3. As soon as the proposal to review has been received, the President of the Court shall designate the Judge-Rapporteur from among the Judges of the reviewing Chamber on a proposal from the President of that Chamber. The composition of the formation of the Court shall be determined in accordance with Article 28(2) of these Rules on the day on which the case is assigned to the Judge-Rapporteur.

4. That Chamber, acting on a proposal from the Judge-Rapporteur, shall decide whether the decision of the General Court is to be reviewed. The decision to review the decision of the General Court shall indicate only the questions which are to be reviewed.

5. The General Court, the parties to the proceedings before it and the other interested persons referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice to review the decision of the General Court.

6. Notice of the date of the decision to review the decision of the General Court and of the questions which are to be reviewed shall be published in the *Official Journal of the European Union*.

Article 194

Review of preliminary rulings

1. The proposal of the First Advocate General to review a decision of the General Court given under Article 256(3) TFEU shall be forwarded to the President of the Court of Justice and to the President of the reviewing Chamber. Notice of that transmission shall be given to the Registrar at the same time.

2. As soon as he is informed of the existence of a proposal, the Registrar shall communicate the file in the case before the General Court to the members of the reviewing Chamber.

3. The Registrar shall also inform the General Court, the referring court or tribunal, the parties to the main proceedings and the other interested persons referred to in the second paragraph of Article 62a of the Statute of the existence of a proposal to review.

4. As soon as the proposal to review has been received, the President of the Court shall designate the Judge-Rapporteur from among the Judges of the reviewing Chamber on a proposal from the President of that Chamber. The composition of the formation of the Court shall be determined in accordance with Article 28(2) of these Rules on the day on which the case is assigned to the Judge-Rapporteur.

5. That Chamber, acting on a proposal from the Judge-Rapporteur, shall decide whether the decision of the General Court is to be reviewed. The decision to review the decision of the General Court shall indicate only the questions which are to be reviewed.

6. The General Court, the referring court or tribunal, the parties to the main proceedings and the other interested persons referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice as to whether or not the decision of the General Court is to be reviewed.

7. Notice of the date of the decision to review the decision of the General Court and of the questions which are to be reviewed shall be published in the *Official Journal of the European Union*.

Article 195

Judgment on the substance of the case after a decision to review

1. The decision to review a decision of the General Court shall be served on the parties and other interested persons referred to in the second paragraph of Article 62a of the Statute. The decision served on the Member States, and the States, other than the Member States, which are parties to the EEA Agreement, as well as the EFTA Surveillance Authority, shall be accompanied by a translation of the decision of the Court of Justice in accordance with the provisions of Article 98 of these Rules. The decision of the Court of Justice shall also be communicated to the General Court and, if applicable, to the referring court or tribunal.

2. Within one month of the date of service referred to in paragraph 1, the parties and other interested persons on whom the decision of the Court of Justice has been served may lodge statements or written observations on the questions which are subject to review.

3. As soon as a decision to review a decision of the General Court has been taken, the First Advocate General shall assign the review to an Advocate General.

4. The reviewing Chamber shall rule on the substance of the case, after hearing the Advocate General.

5. It may, however, request the Court of Justice to assign the case to a formation of the Court composed of a greater number of Judges.

6. Where the decision of the General Court which is subject to review was given under Article 256(2) TFEU, the Court of Justice shall make a decision as to costs.

TITLE VII

OPINIONS

Article 196

Written part of the procedure

1. In accordance with Article 218(11) TFEU, a request for an Opinion may be made by a Member State, by the European Parliament, by the Council or by the European Commission.

2. A request for an Opinion may relate both to whether the envisaged agreement is compatible with the provisions of the Treaties and to whether the European Union or any institution of the European Union has the power to enter into that agreement.

3. It shall be served on the Member States and on the institutions referred to in paragraph 1, and the President shall prescribe a time-limit within which they may submit written observations.

Article 197

Designation of the Judge-Rapporteur and of the Advocate General

As soon as the request for an Opinion has been submitted, the President shall designate a Judge-Rapporteur and the First Advocate General shall assign the case to an Advocate General.

Article 198

Hearing

The Court may decide that the procedure before it shall also include a hearing.

Article 199

Time-limit for delivering the Opinion

The Court shall deliver its Opinion as soon as possible, after hearing the Advocate General.

Article 200

Delivery of the Opinion

The Opinion, signed by the President, the Judges who took part in the deliberations and the Registrar, shall be delivered in open court. It shall be served on all the Member States and on the institutions referred to in Article 196(1).

TITLE VIII

PARTICULAR FORMS OF PROCEDURE

Article 201

Appeals against decisions of the arbitration committee

1. An application initiating an appeal under the second paragraph of Article 18 TEAEC shall state:

(a) the name and permanent address of the applicant;

(b) the description of the signatory;

(c) a reference to the arbitration committee's decision against which the appeal is made;

(d) the names of the respondents;

(e) a summary of the facts;

(f) the grounds on which the appeal is based and arguments relied on, and a brief statement of those grounds;

(g) the form of order sought by the applicant.

2. Articles 119 and 121 of these Rules shall apply to the application.

3. A certified copy of the contested decision shall be annexed to the application.

4. As soon as the application has been lodged, the Registrar of the Court shall request the arbitration committee registry to transmit to the Court the file in the case.

5. Articles 123 and 124 of these Rules shall apply to this procedure. The Court may decide that the procedure before it shall also include a hearing.

6. The Court shall give its decision in the form of a judgment. Where the Court sets aside the decision of the arbitration committee it may refer the case back to the committee.

Article 202

Procedure under Article 103 TEAEC

1. Four certified copies shall be lodged of an application under the third paragraph of Article 103 TEAEC. The application shall be accompanied by the draft of the agreement or contract concerned, by the observations of the European Commission addressed to the State concerned and by all other supporting documents.

2. The application and annexes thereto shall be served on the European Commission, which shall have a time-limit of 10 days from such service to submit its written observations. This time-limit may be extended by the President after the State concerned has been heard.

3. Following the lodging of such observations, which shall be served on the State concerned, the Court shall give its decision promptly, after hearing the Advocate General and, if they so request, the State concerned and the European Commission.

Article 203

Procedures under Articles 104 TEAEC and 105 TEAEC

Applications under the third paragraph of Article 104 TEAEC and the second paragraph of Article 105 TEAEC shall be governed by the provisions of Titles II and IV of these Rules. Such applications shall also be served on the State to which the respondent person or undertaking belongs.

Article 204

Procedure provided for by Article 111(3) of the EEA Agreement

1. In the case governed by Article 111(3) of the EEA Agreement, the matter shall be brought before the Court by a request submitted by the Contracting Parties which are parties to the dispute. The request shall be served on the other Contracting Parties, on the European Commission, on the EFTA Surveillance Authority and, where appropriate, on the other interested persons on whom a request for a preliminary ruling raising the same question of interpretation of European Union legislation would be served.

2. The President shall prescribe a time-limit within which the Contracting Parties and the other interested persons on whom the request has been served may submit written observations.

3. The request shall be made in one of the languages referred to in Article 36 of these Rules. Article 38 shall apply. The provisions of Article 98 shall apply *mutatis mutandis*.

4. As soon as the request referred to in paragraph 1 of this Article has been submitted, the President shall designate a Judge-Rapporteur. The First Advocate General shall, immediately afterwards, assign the request to an Advocate General.

5. The Court shall, after hearing the Advocate General, give a reasoned decision on the request.

6. The decision of the Court, signed by the President, the Judges who took part in the deliberations and the Registrar, shall be served on the Contracting Parties and on the other interested persons referred to in paragraphs 1 and 2.

Article 205

Settlement of the disputes referred to in Article 35 TEU in the version in force before the entry into force of the Treaty of Lisbon

1. In the case of disputes between Member States as referred to in Article 35(7) TEU in the version in force before the entry into force of the Treaty of Lisbon, as maintained in force by Protocol No 36 annexed to the Treaties, the matter shall be brought before the Court by an application by a party to the dispute. The application shall be served on the other Member States and on the European Commission.

2. In the case of disputes between Member States and the European Commission as referred to in Article 35(7) TEU in the version in force before the entry into force of the Treaty of Lisbon, as maintained in force by Protocol No 36 annexed to the Treaties, the matter shall be brought before the Court by an application by a party to the dispute. The application shall be served on the other Member States, the Council and the European Commission if it was submitted by a Member State. The application shall be served on the Member States and on the Council if it was submitted by the European Commission.

3. The President shall prescribe a time-limit within which the institutions and the Member States on which the application has been served may submit written observations.

4. As soon as the application referred to in paragraphs 1 and 2 has been submitted, the President shall designate a Judge-Rapporteur. The First Advocate General shall, immediately afterwards, assign the application to an Advocate General.

5. The Court may decide that the procedure before it shall also include a hearing.

6. The Court shall, after the Advocate General has delivered his Opinion, give its ruling on the dispute by way of judgment.

7. The same procedure as that laid down in the preceding paragraphs shall apply where an agreement concluded between the Member States confers jurisdiction on the Court to rule on a dispute between Member States or between Member States and an institution.

Article 206

Requests under Article 269 TFEU

1. Four certified copies shall be submitted of a request under Article 269 TFEU. The request shall be accompanied by any relevant document and, in particular, any observations and recommendations made pursuant to Article 7 TEU.

2. The request and annexes thereto shall be served on the European Council or on the Council, as appropriate, each of which shall have a time-limit of 10 days from such service to submit its written observations. This time-limit shall not be extended.

3. The request and annexes thereto shall also be communicated to the Member States other than the State in question, to the European Parliament and to the European Commission.

4. Following the lodging of the observations referred to in paragraph 2, which shall be served on the Member State concerned and on the States and institutions referred to in paragraph 3, the Court shall give its decision within a time-limit of one month from the lodging of the request and after hearing the Advocate General. At the request of the Member State concerned, the European Council or the Council, or of its own motion, the Court may decide that the procedure before it shall also include a hearing, which all the States and institutions referred to in this Article shall be given notice to attend.

FINAL PROVISIONS

Article 207

Supplementary rules

Subject to the provisions of Article 253 TFEU and after consultation with the Governments concerned, the Court shall adopt supplementary rules concerning its practice in relation to:

(a) letters rogatory;

(b) applications for legal aid;

(c) reports by the Court of perjury by witnesses or experts, delivered pursuant to Article 30 of the Statute.

Article 208

Implementing rules

The Court may, by a separate act, adopt practice rules for the implementation of these Rules.

Article 209

Repeal

These Rules replace the Rules of Procedure of the Court of Justice of the European Communities adopted on 19 June 1991, as last amended on 24 May 2011 (*Official Journal of the European Union*, L 162 of 22 June 2011, p. 17).

Article 210

Publication and entry into force of these Rules

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

Done at Luxembourg, 25 September 2012.

Supplementary Rules[1]

Contents

[1] **Done at Luxembourg on 4 December 1974 (OJ L 350 of 28.12.1974, p. 29) with amendments dated 11 March 1997 (published in OJ L 103 of 19.4.1997, p. 4) and of 21 February 2006 (published in OJ L 72 of 11.3.2006, p. 1).**

Chapter I

Letters rogatory

Article 1

Letters rogatory shall be issued in the form of an order which shall contain the names, forenames, description and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their agents, lawyers or advisers, indicate their addresses for service and briefly describe the subject-matter of the proceedings.

Notice of the order shall be served on the parties by the Registrar.

Article 2

The Registrar shall send the order to the competent authority named in Annex I of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official languages of the Member State to which it is addressed.

The authority named pursuant to the first paragraph shall pass on the order to the judicial authority which is competent according to its national law.

The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to the first paragraph the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar of the Court.

The Registrar shall be responsible for the translation of the documents into the language of the case.

Article 3

The Court shall defray the expenses occasioned by the letters rogatory without prejudice to the right to charge them, where appropriate, to the parties.

Chapter II

Legal aid

Article 4

The Court, by any order by which it decides that a person is entitled to receive legal aid, shall order that a lawyer be appointed to act for him.

If the person does not indicate his choice of lawyer, or if the Court considers that his choice is unacceptable, the Registrar shall send a copy of the order and of the application for legal aid to the authority named in Annex II, being the competent authority of the State concerned.

The Court, in the light of the suggestions made by that authority, shall of its own motion appoint a lawyer to act for the person concerned.

Article 5

The Court shall advance the funds necessary to meet expenses.

It shall adjudicate on the lawyer's disbursements and fees; the President may, on application by the lawyer, order that he receive an advance.

Chapter III

Reports of perjury by a witness or expert

Article 6

The Court, after hearing the Advocate General, may decide to report to the competent authority referred to in Annex III of the Member State whose courts have penal jurisdiction in any case of perjury on the part of a witness or expert before the Court, account being taken of the provisions of Article 124 of the Rules of Procedure.

Article 7

The Registrar shall be responsible for communicating the decision of the Court. The decision shall set out the facts and circumstances on which the report is based.

Final provisions

Article 8

These Supplementary Rules replace the Supplementary Rules of 9 March 1962 (OJ, 1962, p. 1113).

Article 9

These Rules, which shall be authentic in the languages referred to in Article 29(1) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities*.

These Rules shall enter into force on the date of their publication.

ANNEX I

List referred to in the first paragraph of Article 2

Belgium
The Minister for Justice

Czech Republic
The Minister for Justice

Denmark
The Minister for Justice

Germany
The Federal Minister for Justice

Estonia
The Minister for Justice

Greece
The Minister for Justice

Spain
The Minister for Justice

France
The Minister for Justice

Ireland
The Minister for Justice, Equality and Law Reform

Italy
The Minister for Justice

Cyprus
The Minister for Justice and Public Order

Latvia
Tieslietu ministrija

Lithuania
The Minister for Justice

Luxembourg
The Minister for Justice

Hungary
The Minister for Justice

Malta
The Attorney General

Netherlands
The Minister for Justice

Austria
The Federal Minister for Justice

Poland
The Minister for Justice

Portugal
The Minister for Justice

Slovenia
The Minister for Justice

Slovakia
The Minister for Justice

Finland
The Ministry of Justice

Sweden
The Ministry of Justice

United Kingdom
The Secretary of State

ANNEX II

List referred to in the second paragraph of Article 4

Belgium
The Minister for Justice

Czech Republic
česká advokátni komora

Denmark
The Minister for Justice

Germany
Bundesrechtsanwaltskammer

Estonia
The Minister for Justice

Greece
The Minister for Justice

Spain
The Minister for Justice

France
The Minister for Justice

Ireland
The Minister for Justice, Equality and Law Reform

Italy
The Minister for Justice

Cyprus
The Minister for Justice and Public Order

Latvia
Tieslietu ministrija

Lithuania
The Minister for Justice

Luxembourg
The Minister for Justice

Hungary
The Minister for Justice

Malta
Ministry of Justice and Home Affairs

Netherlands
Algemene Raad van de Nederlandse Orde van Advocaten

Austria
The Federal Minister for Justice

Poland
The Minister for Justice

Portugal
The Minister for Justice

Slovenia
The Minister for Justice

Slovakia
Slovenská Advokátska Komora

Finland
The Ministry of Justice

Sweden
Sveriges Advokatsamfund

United Kingdom
The Law Society, London (for applicants residing in England or Wales)

The Law Society of Scotland, Edinburgh (for applicants residing in Scotland)

The Incorporated Law Society of Northern Ireland, Belfast (for applicants residing in Northern Ireland)

ANNEX III

List referred to in Article 6

"*Belgium*
The Minister for Justice

Czech Republic
Nejvyšši státni mastupitelství

Denmark
The Minister for Justice

Germany
The Federal Minister for Justice

Estonia
Riigiprokuratuur

Greece
The Minister for Justice

Spain
The Minister for Justice

France
The Minister for Justice

Ireland
The Attorney General

Italy
The Minister for Justice

Cyprus
Νομική Υπηρεσία της Δημοκρατίας

Latvia
Ģenerālprokuratūra

Lithuania
Generaline prokuratūra

Luxembourg
The Minister for Justice

Hungary
The Minister for Justice

Malta
The Attorney General

Netherlands
The Minister for Justice

Austria
The Federal Minister for Justice

Poland
The Minister for Justice

Portugal
The Minister for Justice

Slovenia
The Minister for Justice

Slovakia
The Minister for Justice

Finland
The Ministry of Justice

Sweden
Riksåklagaren

United Kingdom
Her Majesty's Attorney General (for witnesses or experts residing in England or Wales)
Her Majesty's Advocate (for witnesses or experts residing in Scotland)
Her Majesty's Attorney General (for witnesses or experts residing in Northern Ireland)

DECISIONS

COURT OF JUSTICE OF THE EUROPEAN UNION

DECISION OF THE COURT OF JUSTICE

of 23 October 2012

concerning the judicial functions of the Vice-President of the Court

(2012/671/EU)

THE COURT

Having regard to the Treaty on the Functioning of the European Union, and in particular to Articles 278, 279, 280 and the fourth paragraph of Article 299 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular to the third and fourth paragraphs of Article 81, Article 157 and the third paragraph of Article 164 thereof,

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular to Articles 9a, 39 and 57 thereof,

Having regard to the Rules of Procedure of the Court of Justice of 25 September 2012, and in particular to Articles 10(3), 13 and 160 to 166 thereof,

Whereas:

(1) As provided in the second paragraph of Article 39 of the Protocol on the Statute of the Court of Justice of the European Union, the powers referred to in the first paragraph of that provision may, under the conditions laid down in the Rules of Procedure, be exercised by the Vice-President of the Court of Justice.

(2) In accordance with Article 10(3) of its Rules of Procedure, the Court, by decision, is to specify the conditions under which the Vice-President is to take the place of the President of the Court in the performance of his judicial duties.

(3) The Rules of Procedure of 25 September 2012 will enter into force on 1 November 2012.

(4) The decision concerning the conditions under which the Vice-President is to take the place of the President of the Court in the performance of his judicial duties ought to enter into force on the same date.

ADOPTS THIS DECISION:

Article 1

The Vice-President of the Court shall take the place of the President of the Court in the performance of the judicial duties referred to in the first paragraph of Article 39 of the Protocol on the Statute of the Court of Justice of the European Union and in Article 57 thereof and in Articles 160 to 166 of the Rules of Procedure of the Court of Justice.

If the Vice-President of the Court should be prevented from acting, the functions referred to in the previous paragraph shall be exercised by one of the Presidents of the Chambers of five Judges or, failing that, by one of the Presidents of the Chambers of three Judges or, failing that, by one of the other Judges, according to the order of seniority laid down in Article 7.

Article 2

This decision shall enter into force on 1 November 2012.

Article 3

This decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 23 October 2012.

Registrar	*President*
A. CALOT ESCOBAR	V. SKOURIS

COURT OF JUSTICE OF THE EUROPEAN UNION

DECISION OF THE COURT OF JUSTICE

of 13 September 2011

on the lodging and service of procedural documents by means of e-Curia

(2011/C 289/06)

THE COURT OF JUSTICE,

Having regard to the Rules of Procedure and, in particular, Articles 37(7) and 79(3) thereof,

Whereas:

(1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.

(2) This application, which is based on an electronic authentication system using a combination of a user identification and a password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged,

HAS DECIDED AS FOLLOWS:

Article 1

The information technology application known as 'e-Curia', common to the three constituent courts of the Court of Justice of the European Union, allows the lodging and service of procedural documents by electronic means under the conditions laid down by this Decision.

Article 2

Use of this application shall require a personal user identification and password.

Article 3

A procedural document lodged by means of e-Curia shall be deemed to be the original of that document for the purposes of the first subparagraph of Article 37(1) of the Rules of Procedure where the representative's user identification and password have been used to effect that lodgment. Such identification shall constitute the signature of the document concerned.

Article 4

A document lodged by means of e-Curia must be accompanied by the Annexes referred to therein and a schedule listing such Annexes.

It shall not be necessary to lodge certified copies of a document lodged by means of e-Curia or of any Annexes thereto.

Article 5

A procedural document shall be deemed to have been lodged for the purposes of Article 37(3) of the Rules of Procedure at the time of the representative's validation of lodgment of that document.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 6

Procedural documents, including judgments and orders, shall be served on the parties' representatives by means of e-Curia where they have expressly accepted this method of service or, in the context of a case, where they have consented to this method of service by lodging a procedural document by means of e-Curia.

Procedural documents shall also be served by means of e-Curia on Member States, other States which are parties to the Agreement on the European Economic Area and institutions, bodies, offices or agencies of the Union that have accepted this method of service.

Article 7

The intended recipients of the documents served referred to in Article 6 shall be notified by e-mail of any document served on them by means of e-Curia.

A procedural document shall be served at the time when the intended recipient (representative or his assistant) requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification e-mail was sent.

Where a party is represented by more than one agent or lawyer, the time to be taken into account in the reckoning of time-limits shall be the time when the first request for access was made.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 8

The Registrar shall draw up the conditions of use of e-Curia and ensure that they are observed. Any use of e-Curia contrary to those conditions may result in the deactivation of the access account concerned.

The Court shall take the necessary steps to protect e-Curia from any abuse or malicious use.

Users shall be notified by e-mail of any action taken pursuant to this Article that prevents them from using their access account.

Article 9

This decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 13 September 2011.

Registrar	*President*
A. CALOT ESCOBAR	V. SKOURIS

Instructions to the Registrar of the Court of Justice

Contents (1)(2)

Section One

Responsibilities of the Registry

Article 1

1. The Registry shall be open to the public from Monday to Friday from 10 a.m. to 12 noon and from 3 p.m. to 6 p.m. (5 p.m. on Fridays), except on the official holidays listed in Annex I to the Rules of Procedure.

Outside the opening hours of the Registry procedural documents may be validly lodged with the janitor, who shall record the date and time of such lodgment.

2. In any event the Registry shall at every public hearing held by the Court or a Chamber be open to the public half an hour before the hearing begins.

Article 2

The Registrar shall be responsible for maintaining the files of pending cases and for keeping them fully up to date.

Article 3

1. The Registrar shall be responsible for drawing up minutes of judgments, orders and other decisions. He shall submit them to the responsible Judges for their signatures.

2. The Registrar shall ensure that where the ECSC, EC or EAEC Treaty, the ECSC, EC or EAEC Statute, the Rules of Procedure or any other act giving powers to the Court of Justice provide for a document to be served, a notice to be given or a communication to be made the steps are carried out in accordance with the Rules of Procedure; the documents, notices and communications shall be sent by registered post, accompanied by a note signed by the Registrar giving the number of the case and the registration number of the document, together with a brief indication as to its nature. A copy of the note shall be appended to the original document.

3. The parties shall be served with the pleadings and other documents relating to the proceedings.

Where a document is very bulky and only one specimen of it is lodged at the Registry, the Registrar shall, after consulting the Judge-Rapporteur, inform the parties by registered letter that the document may be inspected by them at the Registry.

4. Where in the submission in the application initiating proceedings it is contended that an act of a Community institution not being a party to the action is illegal, the Registrar shall transmit a copy of the application to the institution in accordance with the second paragraph of Article 18 of the Statute of the Court of Justice of the EC and EAEC and the second paragraph of Article 21 of the Statute of the Court of Justice of the ECSC.

The Registrar shall not transmit other written pleadings to the institution, unless the institution has been allowed to intervene in accordance with Article 93(4) of the Rules of Procedure.

Article 4

1. A party who has lodged a procedural document at the Registry shall, if he so requests, be given a receipt.

2. Unless otherwise expressly authorised by the President or the Court, the Registrar shall decline to accept or, as the case may be, shall without delay return by registered post any pleading or other document not provided for in the Rules of Procedure or not worded in the language of the case.

3. On a procedural document which has been lodged on a date other than the date of its registration, a note shall be made stating that it has been so lodged.

Article 5

1. The Registrar shall, after consulting the President and the Judge-Rapporteur, take all measures necessary for implementing Article 38(7) of the Rules of Procedure.

He shall prescribe the period mentioned in that Article and shall communicate it to the person concerned by registered letter with a form for acknowledgment of receipt.

If the person concerned does not comply with the directions of the Registrar, the latter shall refer the matter to the President of the Court.

2. Requests to the Registrar of the Arbitration Committee pursuant to Article 101(3) of the Rules of Procedure shall be sent by registered letter with a form for acknowledgement of receipt.

The papers shall be returned to the Registry of the Arbitration Committee after the decision of the Court is pronounced or after the case is removed from the Court Register.

Article 6

1. Where a decision or order is delivered in open court a note to that effect shall be made at the foot of the text; the note shall be in the language of the case and shall read as follows:

"Delivered in open court in ... on ... (date)

(Signature) (Signature)

Registrar President"

2. The notes in the margins to judgments, as required by Articles 66(4), 94(6), 97(3), 100(3) and 102 (2) of the Rules of Procedure, shall be made in the language of the case; the President and the Registrar shall initial them.

Article 7

1. Before every public hearing of the Court or a Chamber the Registrar shall draw up a case list in the respective language of each case.

This list shall contain:

the date, hour and place of the hearing,

the references to the cases which will be called,

the names of the parties,

the names and descriptions of the parties' agents, advisers and lawyers.

The case list shall be displayed at the entrance to the courtroom.

2. The Registrar shall draw up in the respective language of each case the minutes of every public hearing.

The minutes shall contain:

the date and place of the hearing,

the names of the Judges, Advocates General and Registrar present,

the reference to the case,

the names of the parties,

the names and addresses of the parties' agents, advisers and lawyers,

the names, forenames, descriptions and permanent addresses of the witnesses or experts examined,

an indication of the evidence produced at the hearing,

an indication of the documents lodged by the parties in the course of the hearing,

the decisions of the Court, the Chamber or the President of the Court or Chamber given at the hearing.

If the oral procedure in the case extends over several successive hearings, it may be reported in a single set of minutes.

Article 8

The Registrar shall ensure that a person or body responsible for making an investigation or giving an expert opinion in accordance with Article 49 of the Rules of Procedure is in possession of the material necessary for carrying out his task.

Article 9

Certificates as provided for in Article 33(b) of the Rules of Procedure shall be delivered to the adviser or lawyer concerned if he so requests, where this step is required for the proper conduct of proceedings.

The certificates shall be drawn up by the Registrar.

Article 10

For the purposes of Article 32 of the Rules of Procedure, an extract from the case list shall be transmitted in advance to the Minister for Foreign Affairs of the place where the Court is sitting.

Section Two

Keeping of the Register

Article 11

The Registrar shall be responsible for keeping up to date the register of cases brought before the Court.

Article 12

When an application initiating proceedings is registered, the case shall be given a serial number followed by a mention of the year and a statement of either the name of the applicant or the subject-matter of the application. Cases shall be referred to by their serial numbers.

An application for interim measures shall be given the same serial number as the principal action, followed by the letter "R".

Article 13

The pages of the register shall be numbered in advance.

At regular intervals the President and the Registrar shall check the register and initial it in the margin against the last entry.

Article 14

The procedural documents in cases brought before the Court, including documents lodged by the parties and documents served by the Registrar, shall be entered in the register.

An annex which has not been lodged at the same time as the procedural document to which it relates shall be separately registered.

Article 15

1. Entries in the register shall be made chronologically in the order in which the documents to be registered are lodged; they shall be numbered consecutively.

2. Procedural documents shall be registered as soon as they are lodged at the Registry.

Documents drawn up by the Court shall be registered on the day of issue.

3. The entry in the register shall contain the information necessary for identifying the document and in particular:

the date of registration,

the reference to the case,

the nature of the document,

the date of the document.

The entry shall be made in the language of the case; numbers shall be written in figures and usual abbreviations shall be permitted.

4. Where a correction is made in the register a note to that effect, initialled by the Registrar, shall be made in the margin.

Article 16

The registration number of every document drawn up by the Court shall be noted on its first page.

A note of the registration, worded as follows, shall be stamped on the original of every document lodged by the parties:

"Registered at the Court of Justice under No . . .

Luxembourg, . . . day of . . . 19 . . ."

This note shall be signed by the Registrar.

Section Three

Scale of charges of the Registry of the Court

Article 17

No Registry charges may be imposed save those referred to in this section.

Article 18

Registry charges may be paid either in cash to the cashier of the Court or by bank transfer to the Court account at the bank named in the demand for payment.

Article 19

Where the party owing Registry charges has been granted legal aid, Article 76(5) of the Rules of Procedure shall apply.

Article 20

Registry charges shall be as follows:

(a) for an authenticated copy of a judgment or order, a certified copy of a procedural document or set of minutes, an extract from the Court Register, a certified copy of the Court Register or a certified copy made pursuant to Article 72(b) of the Rules of Procedure: LUF 60 a page;

(b) for a translation made pursuant to Article 72(b) of the Rules of Procedure: LUF 500 a page.

No page shall contain more than 40 lines.

This scale applies to the first copy; the charge for further copies shall be LUF 50 for each page or part of a page.

The charges referred to in this Article shall, as from 1 January 1975 be increased by 10% each time the cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10%.

Article 21

1. Where pursuant to Articles 47(3), 51(1) and 76(5) of the Rules of Procedure an application is made to the cashier of the Court for an advance payment, the Registrar shall direct that particulars of the costs for which the advance payment is required be delivered.

Witnesses must supply evidence of their loss of earnings and experts must supply a note of fees for their services.

2. The Registrar shall order payment by the cashier of the Court of sums payable pursuant to the preceding paragraph, against a receipt or other proof of payment.

Where he is of the opinion that the amount applied for is excessive, he may of his own motion reduce it or order payment by instalments.

3. The Registrar shall order the cashier of the Court to refund the costs of letters rogatory payable in accordance with Article 3 of the Supplementary Rules to the authority designated by the competent authority referred to in Article 2 of those rules, in the currency of the State concerned against proof of payment.

4. The Registrar shall order the cashier of the Court to make the advance payment referred to in the second paragraph of Article 5 of the Supplementary Rules of Procedure, subject to the second subparagraph of paragraph 2 of this Article.

Article 22

1. Where sums paid out by way of legal aid pursuant to Article 76(5) of the Rules of Procedure are recoverable, payment of the sums shall be demanded by registered letter, signed by the Registrar. The letter shall state not only the amount payable but also the method of payment and the period prescribed.

The same provision shall apply to the implementation of Article 72(a) of the Rules of Procedure and Article 21(1), (3) and (4) of these Instructions.

2. If the sums demanded are not paid within the period prescribed by the Registrar, he shall request the Court to make an enforceable decision and to order its enforcement in accordance with Articles 44 and 92 of the ECSC Treaty, 187 and 192 of the EC Treaty(3) or 159 and 164 of the EAEC Treaty.

Where a party is by a judgment or order directed to pay costs to the cashier of the Court, the Registrar shall, if the costs are not paid within the period prescribed, apply for payment of the costs to be enforced.

Section Four

Publications of the Court

Article 23

The Registrar shall be responsible for the publications of the Court.

Article 24

There shall be published in the languages referred to in Article 1 of Council Regulation No 1 *Reports of Cases before the Court* which shall, subject to a decision to the contrary, contain the judgments of the Court together with the Opinions of the Advocates General and the Opinions given and the interim orders made in the course of the calendar year.

Article 25

The Registrar shall cause the following to be published in the *Official Journal of the European Communities*:

(a) notices of applications initiating proceedings, as referred to in Article 16(6) of the Rules of Procedure;

(b) notices of the removal of cases from the register;

(c) subject to a decision by the Court to the contrary, the operative part of every judgment and interim order;

(d) the composition of the Chambers;

(e) the appointment of the President of the Court;

(f) the appointment of the Registrar;

(g) the appointment of the Assistant Registrar and the Administrator.

Final provisions

Article 26

These Instructions replace the Instructions issued by the Court of Justice of the European Communities on 23 June 1960 (OJ 1960, p. 1417), as amended by the Decisions of the Court of 6 April 1962 (OJ 1962, p. 1115) and 13 July 1965 (OJ 1965, p. 2413).

Article 27

These Instructions, which are authentic in the languages referred to in Article 29(1) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities.*

1: Done at Luxembourg on 4 December 1974 (OJ L 350 of 28.12.1974, p. 33) and amended on 3 October 1986 (OJ C 286 of 13.11.1986, p. 4).

2: The articles of the Treaty establishing the European Community have been renumbered by Article 12(1) of the Treaty of Amsterdam. The references to those articles contained in other acts are to be understood, pursuant to Article 12(3), as referring to those articles as renumbered.

3: Now, respectively, Articles 244 and 256.

PRACTICE DIRECTIONS

relating to direct actions and appeals

This version consolidates the practice directions relating to direct actions and appeals adopted on 15 October 2004 (OJ 2004 L 361, p. 15) and the amendments to those directions adopted on 27 January 2009 (OJ 2009 L 29, p. 51).

This version has no legal status. Accordingly, the preamble has been omitted.

USE OF TECHNICAL MEANS OF COMMUNICATION

1. A copy of the signed original of a procedural document may be transmitted to the Registry in accordance with Article 37(6) of the Rules of Procedure either:

   — by telefax (to fax number: + 352 43 37 66);

   or

   — as an attachment to an electronic mail (email address: ecj.registry@curia.europa.eu).

2. Where transmission is by electronic mail, only a scanned copy of the signed original will be accepted. An ordinary electronic file or one bearing an electronic signature or a computer-generated facsimile signature will not be treated as complying with Article 37(6) of the Rules of Procedure.

   Documents should be scanned at a resolution of 300 DPI and, wherever possible, in PDF format (images plus text), using Acrobat or Readiris 7 Pro software.

3. A document lodged by telefax or electronic mail will be treated as complying with the relevant time-limit only if the signed original itself reaches the Registry within 10 days following such

lodgment, as specified in Article 37(6) of the Rules of Procedure. The signed original must be sent without delay, immediately after the despatch of the copy, without any corrections or amendments, even of a minor nature. In the event of any discrepancy between the signed original and the copy previously lodged, only the date of lodgment of the signed original will be taken into consideration.

4. Where, in accordance with Article 38(2) of the Rules of Procedure, a party agrees to be notified by telefax or other technical means of communication, the statement to that effect must specify the telefax number and/or the electronic mail address to which the Registry may send that party documents to be served. The recipient's computer must be equipped with suitable software (for example, Acrobat or Readiris 7 Pro) for reception and display of communications from the Registry, which will be transmitted in PDF format.

PRESENTATION OF PLEADINGS

5. Pleadings and other procedural documents lodged [1] by the parties must be submitted in a form which can be processed electronically by the Court and which, in particular, makes it possible to scan documents and to use character recognition.

   For that purpose, the following requirements must be complied with:

   (1) The paper must be white, unlined and A4 size, with text on one side of the page only.

   (2) Pages of pleadings and annexes, if any, must be assembled in such a way as to be easily separable. They must not be bound together or permanently attached by means such as glue or staples.

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[1] – The Court's postal address is:
Court of Justice of the European Communities
L-2925 LUXEMBOURG

(3) The text must be in a commonly-used font (such as Times New Roman, Courier or Arial), in at least 12 pt in the body of the text and at least 10 pt in the footnotes, with 1.5 line spacing and upper, lower, left and right margins of at least 2.5 cm.

(4) The pages of the pleading must be numbered consecutively in the top right-hand corner. That numbering must also cover all the pages of any annexes to the pleading, so as to make it possible to check that all the pages of the annexes have been duly scanned.

6. The following information must appear on the first page of the pleading:

(1) the title of the pleading (application, appeal, defence, response, reply, rejoinder, application for leave to intervene, statement in intervention, observations on the statement in intervention, objection of inadmissibility, etc.);

where a response seeks an order setting aside in whole or in part the decision of the Court of First Instance on a plea in law not raised in the appeal, the title of the pleading must indicate that the document is a response and cross-appeal.

(2) the case number (C-.../..), if it has already been notified by the Registry;

(3) the names of the applicant (appellant) and defendant (respondent) and, in appeals, the identification of the decision under appeal and the parties before the Court of First Instance;

(4) the name of the party on whose behalf the pleading is lodged.

7. Each paragraph of the pleading must be numbered.

8. The signature of the agent or lawyer acting for the party concerned must appear at the end of the pleading.

FORM AND CONTENT OF THE PRINCIPAL TYPES OF PLEADING

A. Direct actions

Application initiating proceedings

9. An application must contain the statements prescribed by Article 38(1) and (2) of the Rules of Procedure.

10. The following must appear at the beginning of each application:

    (1) the applicant's name and address;

    (2) the name and capacity of the applicant's agent or lawyer;

    (3) the identity of the party or parties against whom the action is brought;

    (4) the statements referred to in Article 38(2) of the Rules of Procedure (address for service in Luxembourg and/or agreement to service by telefax or any other technical means of communication).

11. In the case of an application for annulment, a copy of the contested measure must be annexed to the application and identified as such.

12. Each application should be accompanied by a summary of the pleas in law and main arguments relied on, intended to facilitate publication in the Official Journal of the notice prescribed by Article 16(6) of the Rules of Procedure, which will be prepared by the Registry. The summary in question must not be more than two pages long.

13. The precise wording of the forms of order sought by the applicant must be specified either at the beginning or the end of the application.

14. The introductory part of the application must be followed by a brief account of the facts giving rise to the dispute.

15. The structure of the legal argument must reflect the pleas in law relied upon. After the account of the facts giving rise to the dispute, a summary outline of those pleas in law should be given.

Defence

16. The defence must contain the statements prescribed by Article 40(1) of the Rules of Procedure.

17. In addition to the case-number and the applicant's name, the following must appear at the beginning of each defence:

    (1) the defendant's name and address;

    (2) the name and capacity of the defendant's agent or lawyer;

    (3) an address for service in Luxembourg and/or agreement to service by telefax or other technical means of communication (second subparagraph of Article 40(1) of the Rules of Procedure).

18. The precise wording of the forms of order sought by the defendant must be specified either at the beginning or at the end of the defence.

19. The structure of the legal argument must, so far as is possible, reflect that of the pleas in law put forward in the application.

20. The factual and legal background is to be recapitulated in the defence only in so far as its presentation in the application is disputed or calls for further particulars. If any fact alleged by the

other party is contested it must be clearly indicated and the basis on which it is challenged must be stated explicitly.

Reply and rejoinder

21. The reply and rejoinder must not recapitulate the factual and legal background except in so far as its presentation in the previous pleadings is disputed or, exceptionally, calls for further particulars. If any fact alleged by the other party is contested it must be clearly indicated and the basis on which it is challenged must be stated explicitly.

Statement in intervention

22. The statement in intervention must develop no arguments that are not new in relation to those put forward by the main party. It may be confined to a mere reference to the other arguments.

    The statement in intervention must not recapitulate the factual and legal background except in so far as its presentation in the previous pleadings is disputed or, exceptionally, calls for further particulars. If any fact alleged by the other party is contested it must be clearly indicated and the basis on which it is challenged must be stated explicitly.

B. Appeals

The appeal

23. An appeal must contain the statements prescribed by Article 112(1) of Rules of Procedure.

24. The following must appear at the beginning of each appeal:

    (1) the appellant's name and address;

    (2) the name and capacity of the appellant's agent or lawyer;

(3) the identification of the decision of the Court of First Instance appealed against (type of decision, formation of the Court, date and number of the case) and the names of the parties before the Court of First Instance;

(4) the date on which the decision of the Court of First Instance was notified to the appellant;

(5) an address for service in Luxembourg and/or agreement to service by telefax or other technical means of communication.

23. A copy of the decision of the Court of First Instance appealed against must be annexed to the appeal.

26. The appeal should be accompanied by a summary of the grounds of appeal and main arguments relied on, intended to facilitate publication in the Official Journal of the notice prescribed by Article 16(6) of the Rules of Procedure. The summary in question must not be more than two pages long.

27. The precise wording of the forms of order sought by the appellant must be specified either at the beginning or at the end of the appeal (Article 113(1) of Rules of Procedure).

28. It is not generally necessary to set out the background to the dispute or its subject-matter; it will be sufficient to refer to the decision of the Court of First Instance.

29. The structure of the legal arguments must reflect the grounds, in particular errors of law, relied upon in support of the appeal. A summary outline of those grounds should be given at the beginning of the appeal.

Response

30. A response must contain the statements prescribed by Article 115(1) of the Rules of Procedure.

31. The following must appear at the beginning of each response, in addition to the case number and the appellant's name:

(1) the name and address of the party lodging it;

(2) the name and capacity of the agent or lawyer acting for that party;

(3) the date on which notice of the appeal was served on the party;

(4) an address for service in Luxembourg and/or agreement to service by telefax or any other technical means of communication.

32. The precise wording of the forms of order sought by the party lodging the response must be specified either at the beginning or at the end of the response.

33. If the response seeks an order setting aside, in whole or in part, the decision of the Court of First Instance on a plea in law not raised in the appeal, that fact must be indicated in the title of the pleading ('Response and Cross-appeal').

34. The structure of the legal arguments must, so far as is possible, reflect the grounds of appeal put forward by the appellant and/or, as appropriate, the grounds put forward by way of cross-appeal.

35. Since the factual and legal background has already been set out in the judgment under appeal, it is to be recapitulated in the response only quite exceptionally, in so far as its presentation in the appeal is disputed or calls for further particulars. Any fact challenged must be clearly indicated, and the point of fact or law in question indicated explicitly.

Reply and rejoinder

36. As a rule, the reply and rejoinder will not recapitulate any more the factual and legal background. Any fact challenged must be clearly indicated, and the point of fact or law in question indicated explicitly.

Statement in intervention

37. The statement in intervention must develop no arguments that are not new in relation to those put forward by the main party. It may be confined to a mere reference to the other arguments.

The statement in intervention must not recapitulate the factual and legal background except in so far as its presentation in the previous pleadings is disputed or, exceptionally, calls for further particulars. Any fact challenged must be clearly indicated, and the point of fact or law in question indicated explicitly.

ANNEXES TO PLEADINGS

38. Legal argument submitted for consideration by the Court must appear in the pleadings and not in the annexes.

39. Only documents mentioned in the actual text of a pleading and necessary in order to prove or illustrate its contents may be submitted as annexes.

40. Annexes will be accepted only if they are accompanied by a schedule of annexes (Article 37(4) of the Rules of Procedure). That schedule must indicate for each document annexed:

(1) the number of the annex;

(2) a short description of the document (e.g. 'letter', followed by its date, author and addressee and its number of pages);

(3) a reference to the page and paragraph in the pleading at which the document is mentioned and from which the need to produce it is apparent.

41. If, for the convenience of the Court, copies of judgments, legal writings or legislation are annexed to a pleading, they must be separate from the other annexes.

42. Each reference to a document lodged must state the relevant annex number as given in the schedule of annexes in which it appears and indicate the pleading to which it is annexed. In appeal proceedings, where the document has already been produced before the Court of First Instance, the identification used for that document before the Court of First Instance must also be given.

DRAFTING AND LENGTH OF PLEADINGS

43. With a view to avoiding delay in proceedings, when drafting pleadings the following points in particular must be taken into consideration:

- the case is examined on the basis of the pleadings; in order to facilitate that examination, documents must be structured and concise and must avoid repetition;

- pleadings will, as a general rule, be translated; in order to facilitate translation and to make it as accurate as possible sentences should be simple in structure and vocabulary should be simple and precise;

- the time needed for translation and for examination of the case-file is proportionate to the length of the pleadings lodged, so that the shorter the pleadings, the swifter the disposal of the case.

44. It is the Court's experience that, save in exceptional circumstances, effective pleadings need not exceed 10 or 15 pages and replies, rejoinders and responses can be limited to 5 to 10 pages.

APPLICATIONS FOR EXPEDITED PROCEDURE

45. A party applying by separate document under Article 62a of the Rules of Procedure for a case to be decided by the Court by expedited procedure must briefly state the reasons for the special urgency of the case. Save in exceptional circumstances, that application must not exceed 5 pages.

46. As the expedited procedure is largely oral, the pleading of the party requesting it must be confined to a summary of the pleas relied upon. Such pleadings must not, save in exceptional circumstances, exceed 10 pages.

APPLICATIONS FOR LEAVE TO LODGE A REPLY IN APPEAL PROCEEDINGS

47. The President may, on application, allow a reply to be lodged if it is necessary in order to enable the appellant to defend its point of view or in order to provide a basis for the decision on the appeal.

Save in exceptional circumstances such an application must not exceed 2 to 3 pages and must be confined to summarising the precise reasons for which, in the appellant's opinion, a reply is necessary. The request must be comprehensible in itself without any need to refer to the appeal or the response.

APPLICATIONS FOR HEARING OF ORAL ARGUMENT

48. The Court may decide not to hear oral argument where none of the parties has applied to be heard (Articles 44a and 120 of the Rules of Procedure). In practice, it is rare for a hearing to be organised in the absence of such an application.

The application must specify why the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the documentary elements or arguments which that party considers it necessary to develop or disprove more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

PREPARATION AND CONDUCT OF HEARINGS

49. The notification of the hearing informs the parties of any measures of organisation of the hearing decided upon by the Court. Those measures may consist, in particular, in requesting the parties to answer certain questions at the hearing, to define their position at the hearing on specific issues, to concentrate their oral submissions on certain aspects of the case or specific points or in requesting parties upholding the same view to consult each other for the purposes of the hearing.

Before the hearing begins the agents or lawyers are called to a short meeting with the relevant formation of the Court about the organisation of the hearing. At that meeting the Judge-Rapporteur and the Advocate General may provide information on the matters they particularly wish to hear developed in the oral submissions.

50. The hearing generally has three parts: oral submissions, questions from the members of the Court and replies.

In the light of the knowledge which the Court already has of the documents lodged during the written procedure, the aim of *oral submissions* is to highlight or elaborate on the issues which Counsel considers to be particularly important for the Court's decision. Oral submissions should avoid reiterating what has already been put forward in the written procedure. It is normally not necessary to recite the factual or legal background to the case.

Oral submissions should begin by outlining the plan to be followed.

The answers to any questions put in advance by the Court and to be answered at the hearing must be given during those oral submissions.

Where the Court has requested the participants in the hearing to concentrate their oral submissions on certain specified points, Counsel should not deal with other aspects of the case, unless they consider them to be particularly important for the Court's decision.

As far as possible, Counsel who uphold similar arguments should not expound again arguments already made at the same hearing.

As regards the duration of oral submissions see point 51 below.

Questions from the members of the Court are normally designed to enable Counsel, in the light both of their oral submissions and of the documents lodged during the written procedure, to clarify or elaborate upon certain issues.

Replies are designed to enable Counsel to react succinctly, and only if they consider it to be necessary, to observations made during the hearing. A reply must be confined to responding to those observations and must not go any further.

51. Oral submissions are limited to *20 minutes* maximum for hearings before the full Court, the Grand Chamber or a Chamber of five Judges and to *15 minutes* maximum for hearings before a Chamber of three Judges. Before any formation an intervener's submissions are limited to *15 minutes* maximum.

Speaking time may exceptionally be extended on submission of an application together with a detailed statement of reasons. Such an application must reach the Court at the latest two weeks before the date of the hearing.

The notification of the hearing requests the agents and lawyers to inform the Registry of the likely duration of their oral submissions. The information supplied is used in the planning of the business of the Court, and it is not possible to exceed the speaking time indicated.

52. Very frequently the Judges and Advocate General will listen to oral argument via simultaneous interpretation. In order to make that interpretation possible, agents and lawyers should speak at a natural and unforced pace and use short sentences of simple structure.

It is inadvisable to read out a text prepared in advance. It is preferable to speak on the basis of properly structured notes. If the oral argument is, nevertheless, prepared in writing, account should be taken in drafting the text of the fact that it is to be delivered orally and ought therefore to

come as close as possible to oral exposition. To facilitate interpretation, agents and lawyers are requested to send the text or written outline of their oral argument by fax or email in advance to the Interpretation Directorate (fax + 352 43 03 36 97 or email: interpret@curia.europa.eu).

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

COURT OF JUSTICE OF THE EUROPEAN UNION

These recommendations follow on from the adoption on 25 September 2012 in Luxembourg of the new Rules of Procedure of the Court of Justice (OJ L 265, 29.9.2012, p. 1). They replace the information note on references from national courts for a preliminary ruling (OJ C 160, 28.5.2011, p. 1) and reflect innovations introduced by those Rules which may affect both the principle of a reference for a preliminary ruling to the Court of Justice and the procedure for making such a reference.

RECOMMENDATIONS

to national courts and tribunals in relation to the initiation of preliminary ruling proceedings

(2012/C 338/01)

I — GENERAL PROVISIONS

The Court's jurisdiction in preliminary rulings

1. The reference for a preliminary ruling is a fundamental mechanism of European Union law aimed at enabling the courts and tribunals of the Member States to ensure uniform interpretation and application of that law within the European Union.

2. Under Article 19(3)(b) of the Treaty on European Union ('TEU') and Article 267 of the Treaty on the Functioning of the European Union ('TFEU'), the Court of Justice of the European Union has jurisdiction to give preliminary rulings on the interpretation of Union law and on the validity of acts adopted by the institutions, bodies, offices or agencies of the Union.

3. Article 256(3) TFEU provides that the General Court is to have jurisdiction to hear and determine questions referred for a preliminary ruling under Article 267 TFEU, in specific areas laid down by the Statute. However, since no provisions have been introduced into the Statute in that regard, the Court of Justice alone currently has jurisdiction to give preliminary rulings.

4. While Article 267 TFEU confers on the Court of Justice a general jurisdiction in that regard, a number of primary law provisions exist which lay down exceptions to or temporary restrictions on that jurisdiction. This is true, in particular, of Articles 275 TFEU and 276 TFEU and Article 10 of Protocol (No 36) on Transitional Provisions of the Treaty of Lisbon (OJEU 2010 C 83, p. 1) ([1]).

([1]) Article 10(1) to (3) of Protocol No 36 provides that the powers of the Court of Justice in relation to acts of the Union adopted in the field of police cooperation and judicial cooperation in criminal matters before the entry into force of the Treaty of Lisbon, and which have not since been amended, are to remain the same for a maximum period of five years from the date of entry into force of the Treaty of Lisbon (1 December 2009). During that period, such acts may, therefore, form the subject-matter of a reference for a preliminary ruling only where the order for reference is made by a court or tribunal of a Member State which has accepted the jurisdiction of the Court of Justice, it being a matter for each of those States to determine whether the right to refer a question to the Court is to be available to all of its national courts and tribunals or is to be reserved to the courts or tribunals of last instance.

5. Since the preliminary ruling procedure is based on cooperation between the Court of Justice and the courts and tribunals of the Member States, it may be helpful, in order to ensure that that procedure is fully effective, to provide those courts and tribunals with the following recommendations.

6. While in no way binding, these recommendations are intended to supplement Title III of the Rules of Procedure of the Court of Justice (Articles 93 to 118) and to provide guidance to the courts and tribunals of the Member States as to whether it is appropriate to make a reference for a preliminary ruling, as well as practical information concerning the form and effect of such a reference.

The role of the Court of Justice in the preliminary ruling procedure

7. As stated above, under the preliminary ruling procedure the Court's role is to give an interpretation of European Union law or to rule on its validity, not to apply that law to the factual situation underlying the main proceedings. That is the task of the national court or tribunal and it is not, therefore, for the Court either to decide issues of fact raised in the main proceedings or to resolve any differences of opinion on the interpretation or application of rules of national law.

8. When ruling on the interpretation or validity of European Union law, the Court makes every effort to give a reply which will be of assistance in resolving the dispute in the main proceedings, but it is for the referring court or tribunal to draw specific conclusions from that reply, if necessary by disapplying the rule of national law in question.

The decision to make a reference for a preliminary ruling

The originator of the request for a preliminary ruling

9. Under Article 267 TFEU, any court or tribunal of a Member State, in so far as it is called upon to give a ruling in proceedings intended to arrive at a decision of a judicial nature, may as a rule submit a request for a preliminary ruling to the Court of Justice. Status as a court or tribunal is interpreted by the Court of Justice as a self-standing concept of European Union law, the Court taking account of a number of factors such as whether the body making the reference is established by law, whether it is permanent, whether its jurisdiction is compulsory, whether its procedure is *inter partes*, whether it applies rules of law and whether it is independent.

10. Whether or not the parties to the main proceedings have expressed the wish that it do so, it is for the national court or tribunal alone to decide whether to refer a question to the Court of Justice for a preliminary ruling.

References on interpretation

11. Article 267 TFEU provides that any court or tribunal may submit a request for a preliminary ruling to the Court of Justice on the interpretation of a rule of European Union law if it considers it necessary to do so in order to resolve the dispute brought before it.

12. However, courts or tribunals against whose decisions there is no judicial remedy under national law must bring such a request before the Court, unless the Court has already ruled on the point (and there is no new context that raises any serious doubt as to whether that case-law may be applied in that instance), or unless the correct interpretation of the rule of law in question is obvious.

13. Thus, a national court or tribunal may, in particular when it considers that sufficient guidance is given by the case-law of the Court of Justice, itself decide on the correct interpretation of European Union law and its application to the factual situation before it. However, a reference for a preliminary ruling may prove particularly useful when there is a new question of interpretation of general interest for the uniform application of European Union law, or where the existing case-law does not appear to be applicable to a new set of facts.

14. In order to enable the Court of Justice properly to identify the subject-matter of the main proceedings and the questions that arise, it is helpful if, in respect of each question referred, the national court or tribunal explains why the interpretation sought is necessary to enable it to give judgment.

References on determination of validity

15. Although the courts and tribunals of the Member States may reject pleas raised before them challenging the validity of acts of an institution, body, office or agency of the Union, the Court of Justice has exclusive jurisdiction to declare such an act invalid.

16. All national courts or tribunals **must** therefore submit a request for a preliminary ruling to the Court when they have doubts about the validity of such an act, stating the reasons for which they consider that the act may be invalid.

17. However, if a national court or tribunal has serious doubts about the validity of an act of an institution, body, office or agency of the Union on which a national measure is based, it may exceptionally suspend application of that measure temporarily or grant other interim relief with respect to it. It must then refer the question of validity to the Court of Justice, stating the reasons for which it considers the act to be invalid.

The appropriate stage at which to make a reference for a preliminary ruling

18. A national court or tribunal may submit a request for a preliminary ruling to the Court as soon as it finds that a ruling on the interpretation or validity of European Union law is necessary to enable it to give judgment. It is that court or tribunal which is in fact in the best position to decide at what stage of the proceedings such a request should be made.

19. It is, however, desirable that a decision to make a reference for a preliminary ruling should be taken when the national proceedings have reached a stage at which the referring court or tribunal is able to define the legal and factual context of the case, so that the Court of Justice has available to it all the information necessary to check, where appropriate, that European Union law applies to the main proceedings. In the interests of the proper administration of justice, it may also be desirable for the reference to be made only after both sides have been heard.

The form and content of the request for a preliminary ruling

20. The decision by which a court or tribunal of a Member State refers one or more questions to the Court of Justice for a preliminary ruling may be in any form allowed by national law as regards procedural steps. However, it must be borne in mind that it is that document which will serve as the basis of the proceedings before the Court and that it must therefore contain such information as will enable the Court to give a reply which is of assistance to the referring court or tribunal. Moreover, it is only the request for a preliminary ruling which is notified to the parties to the main proceedings and to the other interested persons referred to in Article 23 of the Statute, including the Member States, in order to obtain any written observations.

21. Owing to the need to translate it into all the official languages of the European Union, the request for a preliminary ruling should therefore be drafted simply, clearly and precisely, avoiding superfluous detail.

22. About 10 pages is often sufficient to set out in a proper manner the context of a request for a preliminary ruling. That request must be succinct but sufficiently complete and must contain all the relevant information to give the Court and the interested persons entitled to submit observations a clear understanding of the factual and legal context of the main proceedings. In accordance with Article 94 of the Rules of Procedure, the request for a preliminary ruling must contain, in addition to the text of the questions referred to the Court for a preliminary ruling:

— a summary of the subject-matter of the dispute and the relevant findings of fact as determined by the referring court or tribunal, or, at least, an account of the facts on which the questions referred are based;

— the tenor of any national provisions applicable in the case and, where appropriate, the relevant national case-law ([1]);

([1]) The referring court or tribunal is requested to provide precise references for those texts and their publication, such as a page of an official journal or a specific law report, or a reference to an internet site.

— a statement of the reasons which prompted the referring court or tribunal to inquire about the interpretation or validity of certain provisions of European Union law, and the relationship between those provisions and the national legislation applicable to the main proceedings.

23. The European Union law provisions relevant to the case should be identified as accurately as possible in the request for a preliminary ruling, which should include, if need be, a brief summary of the relevant arguments of the parties to the main proceedings.

24. If it considers itself able to do so, the referring court or tribunal may, finally, briefly state its view on the answer to be given to the questions referred for a preliminary ruling. That information may be useful to the Court, particularly where it is called upon to give a preliminary ruling in an expedited or urgent procedure.

25. In order to make the request for a preliminary ruling easier to read, it is essential that the Court receive it in typewritten form. To enable the Court to refer to the request it is also very helpful if the pages and paragraphs of the order for reference – which must be dated and signed – are numbered.

26. The questions themselves should appear in a separate and clearly identified section of the order for reference, preferably at the beginning or the end. It must be possible to understand them on their own terms, without referring to the statement of the grounds for the request, which will however provide the necessary background for a proper understanding of the implications of the case.

27. Under the preliminary ruling procedure, the Court will, as a rule, use the information contained in the order for reference, including nominative or personal data. It is therefore for the referring court or tribunal itself, if it considers it necessary, to delete certain details in its request for a preliminary ruling or to render anonymous one or more persons or entities concerned by the dispute in the main proceedings.

28. After the request for a preliminary ruling has been lodged, the Court may also render such persons or entities anonymous of its own motion, or at the request of the referring court or tribunal or of a party to the main proceedings. In order to maintain its effectiveness, such a request for anonymity must, however, be made at the earliest possible stage of the proceedings, and in any event prior to publication in the *Official Journal of the European Union* of the notice relating to the case concerned, and to service of the request for a preliminary ruling on the interested persons referred to in Article 23 of the Statute.

The effects of the reference for a preliminary ruling on the national proceedings

29. Although the national court or tribunal may still order protective measures, particularly in connection with a reference on determination of validity (see point 17 above), the lodging of a request for a preliminary ruling nevertheless calls for the national proceedings to be stayed until the Court of Justice has given its ruling.

30. In the interests of the proper conduct of the preliminary ruling proceedings before the Court and in order to maintain their effectiveness, it is incumbent on the referring court or tribunal to inform the Court of Justice of any procedural step that may affect the referral and, in particular, if any new parties are admitted to the national proceedings.

Costs and legal aid

31. Preliminary ruling proceedings before the Court of Justice are free of charge and the Court does not rule on the costs of the parties to the proceedings pending before the referring court or tribunal; it is for the referring court or tribunal to rule on those costs.

32. If a party to the main proceedings has insufficient means and where it is possible under national rules, the referring court or tribunal may grant that party legal aid to cover the costs, including those of lawyers' fees, which it incurs before the Court. The Court itself may also grant legal aid where the party in question is not already in receipt of aid under national rules or to the extent to which that aid does not cover, or covers only partly, costs incurred before the Court.

Communication between the Court of Justice and the national courts and tribunals

33. The request for a preliminary ruling and the relevant documents (including, where applicable, the case file or a copy of it) are to be sent by the national court or tribunal making the reference directly to the Court of Justice. They must be sent by registered post to the Registry of the Court of Justice (Rue du Fort Niedergrünewald, L-2925 Luxembourg).

34. Until the decision containing the Court's ruling on the referring court's or tribunal's request for a preliminary ruling is served on that court or tribunal, the Court Registry will stay in contact with the referring court or tribunal, and will send it copies of the procedural documents.

35. The Court of Justice will send its ruling to the referring court or tribunal. It would welcome information from that court or tribunal on the action taken upon its ruling in the main proceedings, and communication of the referring court's or tribunal's final decision.

II — **SPECIAL PROVISIONS IN RELATION TO URGENT REFERENCES FOR A PRELIMINARY RULING**

36. As provided in Article 23a of the Statute and Articles 105 to 114 of the Rules of Procedure, a reference for a preliminary ruling may, in certain circumstances, be determined pursuant to an expedited procedure or an urgent procedure.

Conditions for the application of the expedited and urgent procedures

37. The Court of Justice decides whether these procedures are to be applied. Such a decision is generally taken only on a reasoned request from the referring court or tribunal. Exceptionally, the Court may, however, decide of its own motion to determine a reference for a preliminary ruling under an expedited procedure or an urgent procedure where that appears to be required by the nature or the particular circumstances of the case.

38. Article 105 of the Rules of Procedure provides that a reference for a preliminary ruling may be determined pursuant to an **expedited procedure** derogating from the provisions of those Rules, where the nature of the case requires that it be dealt with within a short time. Since that procedure imposes significant constraints on all those involved in it, and, in particular, on all the Member States called upon to lodge their observations, whether written or oral, within much shorter time-limits than would ordinarily apply, its application should be sought only in particular circumstances that warrant the Court giving its ruling quickly on the questions referred. The large number of persons or legal situations potentially affected by the decision that the referring court or tribunal has to deliver after bringing a matter before the Court for a preliminary ruling does not, in itself, constitute an exceptional circumstance that would justify the use of the expedited procedure ([1]).

39. The same applies *a fortiori* to the **urgent preliminary ruling procedure**, provided for in Article 107 of the Rules of Procedure. That procedure, which applies only in the areas covered by Title V of Part Three of the TFEU, relating to the area of freedom, security and justice, imposes even greater constraints on those concerned, since it limits in particular the number of parties authorised to lodge written observations and, in cases of extreme urgency, allows the written part of the procedure before the Court to be omitted altogether. The application of the urgent procedure should therefore be requested only where it is absolutely necessary for the Court to give its ruling very quickly on the questions submitted by the referring court or tribunal.

40. Although it is not possible to provide an exhaustive list of such circumstances, particularly because of the varied and evolving nature of the rules of European Union law governing the area of freedom, security and justice, a national court or tribunal might, for example, consider submitting a request for the urgent preliminary ruling procedure to be applied in the case, referred to in the fourth paragraph of Article 267 TFEU, of a person in custody or deprived of his liberty, where the answer to the question raised is decisive as to the assessment of that person's legal situation, or in proceedings concerning parental authority or custody of children, where the identity of the court having jurisdiction under European Union law depends on the answer to the question referred for a preliminary ruling.

([1]) For an insight into circumstances that have resulted in the approval or refusal of requests for the application of the accelerated procedure, made on the basis of Article 104a of the Rules of Procedure of the Court of Justice of 19 June 1991, as amended, see the orders made by the President of the Court of Justice, available at www.curia.europa.eu (the orders can be found under 'Case-law', by selecting each of the following in turn in the search form: Documents – Documents not published in the ECR – Orders – Expedited procedure).

The request for application of the expedited procedure or the urgent procedure

41. To enable the Court to decide quickly whether the expedited procedure or the urgent preliminary ruling procedure should be applied, the request must set out precisely the matters of fact and law which establish the urgency and, in particular, the risks involved in following the ordinary procedure.

42. In so far as it is able to do so, the referring court should briefly state its view on the answer to be given to the questions referred. Such a statement makes it easier for the parties to the main proceedings and the other interested persons participating in the procedure to define their positions and facilitates the Court's decision, thereby contributing to the rapidity of the procedure.

43. The request for the application of the expedited procedure or the urgent procedure must be submitted in an unambiguous form that enables the Court Registry to establish immediately that the file has to be dealt with in a particular way. Accordingly, the referring court or tribunal is asked to specify which of the two procedures is required in that particular case, and to mention in its request the relevant article of the Rules of Procedure (Article 105 for the expedited procedure or Article 107 for the urgent procedure). That mention must be included in a clearly identifiable place in its order for reference (for example, at the head of the page or in a separate judicial document). Where appropriate, a covering letter from the referring court or tribunal can usefully refer to that request.

44. As regards the order for reference itself, it is particularly important that it should be succinct where the matter is urgent, as this will help to ensure the rapidity of the procedure.

Communication between the Court of Justice, the referring court or tribunal and the parties to the main proceedings

45. In order to expedite and facilitate communication with the referring court or tribunal and the parties before it, a court or tribunal submitting a request for the expedited procedure or the urgent procedure to be applied is asked to state the e-mail address and any fax number which may be used by the Court of Justice, together with the e-mail addresses and any fax numbers of the representatives of the parties to the proceedings.

46. A copy of the signed order for reference together with a request for the expedited procedure or the urgent procedure to be applied can initially be sent to the Court by e-mail (ECJ-Registry@curia.europa.eu) or by fax (+352 43 37 66). Processing of the reference and of the request can then begin upon receipt of the e-mailed or faxed copy. The originals of those documents must, however, be sent to the Court Registry as soon as possible.

NOTES

FOR THE GUIDANCE OF

COUNSEL

Notes for the guidance of Counsel [1]
in written and oral proceedings before the Court of Justice
of the European Communities

February 2009

[1] The word "Counsel" is used in a non-technical sense so as to include all those appearing before the Court and acting as advocate, whatever their capacity or technical status.

Postal address:	Court of Justice of the European Communities L 2925 Luxembourg
Telephone (switchboard):	4303-1
Fax:	Registry 43 37 66 Interpreters 4303-3697 Press Office 4303-2500 Switchboard 4303-2600
E-mail:	ecj.registry@curia.europa.eu
Website:	http:/www.curia.europa.eu

Introduction

Two factors distinguish proceedings before the Court of Justice from those before certain national supreme courts. Firstly, proceedings before the Court of Justice are governed by strict rules of law contained in the Treaties, the Protocol on the Statute of the Court and its Rules of Procedure. The Court is thus not in a position to make exceptions to them. Secondly, proceedings before the Court are subject to rules on the use of languages appropriate to a multilingual Community, a fact which influences the nature and purpose of both the written and the oral procedure (see A.3 and C.4 below).

Accordingly, this guide is designed to explain to Counsel the purpose of proceedings before the Court, in order to enhance the quality of judicial protection within the Community legal order and ensure the rapid and effective conduct of cases.

This guide should therefore be seen as a working tool intended to enable Counsel to present their written and oral pleadings in the form which the Court of Justice considers most fitting. At the same time, attention will be drawn to the Court's procedural practice. However, this guide is intended neither to lay down legal rules in itself nor to override the relevant provisions in force.

In these notes, references to "Article ... EC", "Article ... of the Statute" and "Article ... of the RP" are respectively references to articles of the EC Treaty, of the Statute of the Court of Justice and of the Rules of Procedure of the Court. The version of the Rules of Procedure at present in force was adopted on 19 June 1991 (Official Journal 1991 L 176, p. 1) and was amended on 21 February 1995 (OJ 1995 L 44, p. 61), 11 March 1977 (OJ 1997 L 103, p. 1) 16 May 2000 (OJ 2000 L 122, p. 43) and on 28 November 2000 (OJ 2000 L 322, p. 1). A consolidated version of the Rules of Procedure was published in OJ C 34 of 1 February 2001. Since then, 12 amendments have been made to the Rules of Procedure, on 3 April 2001 (OJ 2001 L 119, p. 1), on 17 September 2002 (OJ 2002 L 272, p. 24), on 8 April 2003 (OJ 2003 L 147, p. 17), on 19 April 2004 (OJ 2004 L 132, p. 2) on 20 April 2004 (OJ 2004 L 127, p. 107), on 12 July 2005 (OJ 2005 L 203, p. 19), on 18 October 2005 (OJ 2005 L 288, p. 51), on 18 December 2006 (OJ 2006 L 386, p. 44), on 15 January 2008 (OJ 2008 L 24, p. 39), on 23 June 2008 (OJ 2008 L 200, p. 20), on 8 July 2008 (OJ 2008 L 200, p. 18) and on 13 January 2009 (OJ 2009 L 24, p. 8).

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A. General points

1. The various stages of proceedings before the Court of Justice

Proceedings before the Court comprise a written phase followed by an oral phase (see the first paragraph of Article 20 of the Statute).

The oral procedure includes the presentation of oral argument at the hearing and the Advocate General's Opinion, which is delivered in open court. In accordance with the Rules of Procedure, the Court may dispense with a hearing of oral argument (see C.7 below) and, in accordance with the Statute, it may, where it considers that the case raises no new point of law and after hearing the Advocate General, decide to proceed to judgment without an Opinion from the Advocate General (fifth paragraph of Article 20 of the Statute).

The active participation of Counsel for parties to the proceedings concludes with the hearing at which oral argument is presented. Without prejudice to the possibility of the procedure being reopened for exceptional reasons, no observations of the parties following the Opinion may be included in the file.

2. Representation of the parties

a. The rule

The requirement that parties be represented is laid down in Article 19 of the Statute. Apart from Member States, EEA States and Community institutions, which are represented by their Agents, parties must be represented in all proceedings by a lawyer entitled to practise before a court of a Member State or other EEA State. The requirement of representation by a lawyer does not apply to applications for legal aid (see A.4.b. below), and, in certain circumstances, preliminary-ruling proceedings (see b. below).

University professors who are nationals of Member States whose law allows them to plead before courts are treated as Counsel by virtue of the seventh paragraph of Article 19 of the Statute.

Pursuant to Article 38(3) of the RP, Counsel are required, when lodging an application, to attach a certificate as to their right of audience before the courts of one of the Member States or another EEA State. A copy of the Lawyer's Professional Identity Card (issued by the CCBE) is accepted for this purpose.

b. Representation in preliminary ruling proceedings

The requirement of representation differs slightly in preliminary ruling proceedings (Article 104(2) of the RP). Any person empowered to represent or assist a party in the

proceedings before the national court may also do so before the Court of Justice. Consequently, if the rules of procedure applicable to proceedings before the national court do not require parties to be represented, the parties to those proceedings are entitled to submit their own written and oral observations.

3. Use of languages

A clear distinction must be drawn between the **language of the case**, which is governed by Article 29 et seq. of the RP, and the **working language** used within the Court.

All the official languages of the Member States of the E.C. can be the **language of the case**. However, each case has its "own" language. Only one language may therefore be chosen as the language of the case. An exception is made to this rule where cases are joined and the language of the case is different for each: in such circumstances each language used is a language of the case.

The provisions of Article 29 of the RP concerning that choice are very detailed but can be summarised in three sentences.

– In **direct actions**, the applicant has the right to choose the language of the case unless the defendant is a Member State or a natural or legal person who is a national of a Member State; in such cases, the language of the case is the official language (or one of the official languages where there are more than one) of that State.

– In **preliminary rulings**, the language of the case is always that of the national court making the reference.

– The Member States may use their own language where they intervene in a direct action or in an appeal or where they take part in preliminary-ruling proceedings.

The Judges and Advocates General are not required to use the language of the case. They are therefore at liberty to ask questions at the hearing in any of the official languages of the Union even if it is not the language of the case.

The **working language of the Court** is the language used by the Members of the Court and its staff for day to day internal communication and work produced jointly. At present, the working language is French. Consequently, pleadings submitted in a language other than French are translated into French for the Court's internal purposes.

4. Costs and legal aid

a. Costs

Proceedings before the Court are free, in that no charge or fee of any kind is payable to the Court.

The costs referred to in Article 69 et seq. of the RP are only those costs which are described as "recoverable", namely lawyers' fees, payments to witnesses, post and telephone costs, and so forth, incurred by the parties themselves.

The rule concerning the **award of costs** is simple: the unsuccessful party is ordered to pay the costs and thus bears its own costs and those of the other parties, except Member States and institutions, which, when intervening, bear their own costs. For costs to be awarded on that basis, a request to that effect must be included as one of the orders sought ("conclusions") - if no such request is made the parties bear their own costs.

However, the Court may, according to the circumstances of the case, either order that the parties bear their own costs wholly or in part or even award costs against the successful party.

Special conditions apply to proceedings brought by officials (see Article 70 of the RP).

The Court gives a decision on costs in the judgment or order which brings the proceedings to an end.

With regard to costs incurred in preliminary ruling cases, the Court's decision incorporates a standard form of words referring to the final decision to be taken by the national court which made the reference to the Court of Justice. Institutions, Member States, other EEA States and any non-member States which submit observations bear their own costs.

b. Legal aid

Article 76 of the RP provides for legal aid. The Court has a limited budget for that purpose.

Any party may at any time apply for legal aid if he is "wholly or in part unable to meet the costs of the proceedings". The right to make such an application is not conditional upon the nature of the action or procedure. Thus, legal aid may also be applied for in a preliminary ruling case. However, in such a case, the party concerned must first seek legal aid from the competent authorities in his own country. In order to establish his lack of means, the person concerned must provide the Court with all relevant information, in particular a certificate from the competent authority to that effect.

Where legal aid is applied for before the commencement of proceedings, the party must give a brief description of the subject matter of the application in order to enable the Court to consider whether the application is not manifestly unfounded.

The obligation to be represented by Counsel does not apply to applications for legal aid.

An order granting or withholding legal aid is not subject to appeal. Where the application for legal aid is refused in whole or in part, the order will state the reasons for that refusal.

It must be emphasised that the grant of legal aid does not mean that the recipient of it cannot, if appropriate, be ordered to pay the costs. Moreover, the Court may take action to recover sums disbursed by way of legal aid.

B. The written procedure

1. The purpose of the written procedure

Regardless of the nature of the proceedings concerned (direct action, reference for a preliminary ruling, appeal), the purpose of the written procedure is always the same, namely to put before the Court, the Judges and the Advocate General, an exhaustive account of the facts, pleas and arguments of the parties and the forms of order sought.

In that connection, it is important to note that the entire procedure before the Court, in particular the written phase, is governed by the principle whereby new pleas may not be raised in the course of the proceedings, with the sole exception of those based on matters of law and fact which come to light in the course of the procedure.

The procedure before the Court does not therefore have the same flexibility as that allowed by certain national rules of procedure.

2. The conduct of the written procedure

The course of the written procedure differs according to the nature of the proceedings.

a. Direct actions

In direct actions, each litigant may submit two sets of pleadings: the application and the reply in the case of the applicant and the defence and rejoinder in the case of the defendant.

b. Appeals

In an appeal against a decision of the Court of First Instance, the parties may, in principle, submit only one set of pleadings, the application or response, depending on their respective roles. The possibility of a reply is subject to express authorisation from the President of the Court of Justice (see B.8.c. below).

c. Preliminary-ruling proceedings

In preliminary ruling proceedings, the persons referred to in Article 23 of the Statute may, within a mandatory period of two months after notification of the order for reference, submit their written observations (see B.9. below).

3. The lodgement of pleadings

All pleadings must be sent to the Registry of the Court in order to be registered in accordance with Article 37 of the RP. The original must be signed by Counsel for the party concerned. Copies must be certified by the party lodging them.

All documents relied on must be annexed to the relevant pleading, which must be accompanied by a schedule listing them.

In direct actions, the original pleading and all the annexes to it must be lodged together with five copies for the Court and, for the purposes of notification (see B.4. below), a copy for every other party to the proceedings.

Any pleading may be delivered by hand to the Court Registry or, outside the working hours of the Registry, to the security officer on duty at the entrance to the Court buildings (rue du Fort Niedergünewald, Plateau du Kirchberg). The Court buildings are open 24 hours a day.

If pleadings are sent by post, the envelope must bear the following address and nothing else:

Court of Justice of the European Communities

- Registry -

L - 2925 Luxembourg

4. Notification

a. The addressees

In direct actions, the following, inter alia, are notified to the parties concerned: applications, appeals, defences, responses, replies, rejoinders, applications for interim measures and applications for leave to intervene.

References for a preliminary ruling from national courts, and the observations of those entitled to submit them under Article 23 of the Statute, are notified to the parties to the proceedings, to the Member States, to the Commission and, if appropriate, to the Council, or to the Council, the European Parliament and the European Central Bank, and to the other EEA States and the EFTA Supervisory Authority and any non-member States which are parties to an agreement providing for their participation in preliminary ruling proceedings where such proceedings concern matters covered by the agreement in question.

In all cases, the Report for the Hearing (if a hearing of oral argument takes place), the Opinion of the Advocate General, where delivered, and the judgment are notified to those taking part in the proceedings before the Court.

b. Address for service and consent to notification by fax or e-mail

In the case of direct actions, Article 38(2) of the RP provides that parties are to give an address for service in Luxembourg; the address given may be that of any natural person residing in Luxembourg, with the exception of officials of the Court of Justice. In such cases, due notification is deemed to take place upon receipt of the document in question by the person whose address has been given as the address for service.

As well as, or instead of, giving an address for service, the lawyer or agent for a party may consent to service by fax or any other technical means of communication. In such cases, procedural documents, other than judgments and orders, will be notified by fax or e-mail and shall be deemed to have been duly served when such means are used.

However, where for technical reasons or on account of the nature or length of the document concerned transmission by fax or e-mail is not feasible, it will be sent to the party's address for service in Luxembourg or, if no address for service has been given, by registered post with a form for acknowledgment of receipt to the address of the party's lawyer or agent. The lawyer or agent will be informed by fax or e-mail that the document has been sent by that means and the postal dispatch shall be deemed to have been delivered to its addressee on the tenth day following the day on which it was lodged at the Luxembourg post office, unless it is shown by the acknowledgment of receipt that it was received on another date or the addressee informs the Registrar, within three weeks of being advised of the dispatch, that it has not reached its addressee (Article 79(2) of the RP).

A lawyer or agent who consents to service by fax or any other technical means of communication must indicate his fax number or e-mail address.

If no address for service in Luxembourg is given of if a party's lawyer or agent consents to service by fax or any other technical means of communication, procedural documents shall be sent by registered post to the address of the lawyer or agent in question and, in such cases, due service shall be deemed to have been effected by the lodging of the dispatch at the Luxembourg post office.

In the case of preliminary ruling proceedings, as there is no obligation to give an address for service, service is effected by registered post with a form for acknowledgement of receipt. A party may, however, expressly consent to service by fax or any other technical means of communication. In such cases, service will be effected in accordance with the procedures indicated above.

5. Procedural time-limits

Procedural time-limits are calculated in accordance with Article 80 et seq. of the RP. It must be emphasised that certain of those time-limits cannot be extended – in particular, the time-limit for instituting proceedings (Articles 230 (formerly Article 173) and 232 (formerly Article 175) EC), the time-limit for applications for leave to intervene (Articles 93 and 123 of the RP), the time-limit for lodging a response (Article 115 of the RP) and the time-limit for lodging written observations in preliminary-ruling proceedings (Article 23 of the Statute).

a. Calculation of time-limits

A period which starts with the service of a pleading is reckoned from the time when the document is received at the address for service in Luxembourg, from the time when the document is received by the addressee when it is sent by registered post to the addressee or from the time of its transmission by fax or e-mail where the lawyer or agent has consented to service by those means of communication.

The day on which the document is received or sent is not included within the time-limit (Article 80(1) of the Rules of Procedure).

b. Extension of time-limits on account of distance

Time-limits are extended on account of distance by a fixed period of 10 days regardless of the place of establishment or habitual residence of the person concerned.

c. Curtailment of time-limits

The period within which a pleading must be lodged stops running when the original thereof is lodged.

However, the date on which a copy of the signed original of a procedural document, including where appropriate a list of the annexures to it, reaches the Registry by fax or by any other technical means of communication available to the Court (e-mail) shall be taken into account for the purpose of verifying compliance with time-limits, including those which cannot be extended, provided that the signed original of the document, accompanied by the annexures to it and the requisite copies, is lodged at the Registry within the ten days following that date. For transmission by e-mail, this means that a scanned version of the signed original of the document must be sent.

Transmission must without fail be directed either to the Registry fax number (+352) 433766 or to the e-mail address of the Registry: ecj.registry@curia.europa.eu.

d. Extension of time-limits for other reasons

Certain time-limits laid down by the Rules of Procedure may be extended under Article 82 thereof, such as the period within which a defence must be lodged. An application for any such extension must be made in every case by the party concerned. The application must be made a reasonable time before the prescribed period has expired and reasons for the application must be given. For that purpose, it is helpful if the consent of the opposite party is lodged at the same time as the application for extension.

Applications for extensions may be submitted by fax.

6. Originating applications

a. The application in direct actions

The originating application must be submitted in accordance with Articles 37 and 38 of the RP. It is important to note that Article 38(1) of the RP is strictly applied (see Article 38(7) of the RP). Failure to observe mandatory conditions may, in certain cases, render the application formally inadmissible.

In principle, the language of the case is chosen by the applicant (Article 29 of the RP).

b. Applications initiating appeal proceedings

The conditions applicable to applications initiating appeal proceedings are laid down in Article 112 of the RP. Article 112(1) of the RP is strictly applied (see Article 112(3) of the RP).

The language of the case is that of the decision of the Court of First Instance against which the appeal is brought (see Article 110 of the RP).

c. The purpose common to all originating applications

Originating applications must place before the Court all matters of fact and law which justify the commencement of proceedings. At the same time, the application defines the scope of the proceedings – in principle, it is not permitted to raise new issues or add to the forms of order sought in the course of the proceedings (see also B.13.a. below).

d. Summary of pleas and arguments

It is desirable for all pleadings to be accompanied by a summary, comprising no more than two pages, of the pleas and arguments put forward. The summary ensures that the pleas and arguments relied upon are clearly identified for the purpose, in particular, of preparation of the Report for the Hearing by the Judge-Rapporteur.

7. References for preliminary rulings

In preliminary rulings, proceedings before the Court are set in motion by the national court's decision to stay the proceedings before it and submit questions on Community law. The litigants before the national court are not entitled to make a reference to the Court of Justice on their own initiative, nor are they under any obligation to take any action before they are served with a copy of the order for reference by the Registry of the Court of Justice (see B.2.c. and B.4. above).

The order for reference, the form of which is governed by the rules of the national jurisdiction, is forwarded to the Court of Justice either by the registry of the national court or by the Judge himself. The Court of Justice has drawn up guidance notes for the use of national courts when submitting requests for preliminary rulings.

If Counsel propose the text of the order for reference, it is important that they give a clear account of the factual and legislative background so that the meaning of the questions is clear.

8. The other documents submitted in direct actions and appeals

a. The defence

The substantive conditions governing the defence are set out in Article 40 of the RP. In view of the prohibition of putting forward new pleas in law, which applies to all stages of the

proceedings, the defendant must set out all matters of law and of fact available to him when drafting the defence.

b. The reply and the rejoinder

The reply is intended merely to respond to the pleas and arguments raised in the defence. All unnecessary repetition must be avoided.

Similarly, the sole purpose of the rejoinder is to respond to the pleas and arguments put forward in the reply.

Both replies and rejoinders are subject to the requirements of Article 42 of the RP and may not, in principle, put forward new pleas in law.

The lodgement of a reply or rejoinder is purely optional. With a view to expediting the written procedure, the parties are requested seriously to contemplate the possibility of waiving the right to lodge them.

An extension of the time allowed for lodging replies and rejoinders is granted only in exceptional circumstances.

c. The response, reply and rejoinder in appeal proceedings

The response to an appeal must fulfil the requirements of Article 115 of the RP. A reply may be lodged only with the express prior consent of the President following an application from the person concerned. That application must without fail be lodged within a period of seven days as from notification of the response. With a view to completion of the written procedure within the shortest possible time, parties are requested as far as possible to refrain from making such applications. A rejoinder may be lodged following a reply.

d. Summaries of pleas in law and arguments

It is desirable for the defence and other pleadings to be accompanied, in the same way as originating applications, by a summary, not exceeding two pages in length, of the pleas in law and arguments put forward.

9. Written observations in preliminary ruling proceedings

After receiving a copy from the Court Registry of the request for a preliminary ruling, the "interested parties" – the litigants before the national court, the Member States, the Commission and, if appropriate, the Council, the Parliament and the European Central Bank and, in some cases, the other EEA States and the EFTA Supervisory Authority or a non-member State which is a party to an agreement providing for its participation where matters within the scope of the agreement are concerned – may submit a document, referred to as written observations, within a period of two months (extended on account of distance by a period of 10 days in all cases). This time-limit is mandatory and cannot therefore be extended.

The purpose of the written observations is to suggest the answers which the Court should give to the questions referred to it, and to set out succinctly, but completely, the reasoning on which those answers are based. It is important to bring to the attention of the Court the factual circumstances of the case before the national court and the relevant provisions of the national legislation at issue.

It must be emphasised that none of the parties is entitled to reply in writing to the written observations submitted by the others. Any response to the written observations of other parties must be made orally at the hearing. For that purpose, the written observations are notified to all the parties once the written procedure is completed and the necessary translations have been made.

The submission of written observations is strongly recommended since the time allowed for oral argument at the hearing is strictly limited. However, any party who has not submitted written observations retains the right to present oral argument, in particular his responses to the written arguments, at the hearing, if a hearing is held.

10. Stay of proceedings

Pursuant to Article 82a of the RP, the proceedings may be stayed:

– in the circumstances specified in Article 54 of the Statute where the Court of Justice and the Court of First Instance are called on to adjudicate at the same time on the same subject matter; the decision to stay the proceedings is a matter for the Court of Justice and the parties will not necessarily be given an opportunity to express their views;

– in all other cases, by decision of the President. The decision is taken after the views of the Advocate General have been heard and, save in the case of references for a preliminary ruling, those of the parties.

Whilst the proceedings are suspended, no period prescribed for any procedural steps by the parties will expire.

11. Applications for interim measures

a. Applications made directly to the Court of Justice

Applications for interim measures can be entertained only if they are made by a party to proceedings pending before the Court of Justice and relate to those proceedings. Notwithstanding that connection with the main proceedings, the application for interim measures must always be made in a separate document and must meet the conditions laid down by Article 83 of the RP. It may be presented at the same time as the originating application.

In view of the fact that applications for interim measures are made as a matter of urgency and of the need for rapid translation, applicants are requested to set out succinctly in their applications the pleas in fact and law on which their application is based. The application

for interim measures should itself provide all the details needed to enable the President or the Court, as the case may be, to decide whether there are good grounds for the requested measures to be granted.

Once the application for interim measures has been served on him, the other party is traditionally allowed to submit written observations within a brief period, approximately one month.

It is only after those observations have been lodged that the President, with the Judge-Rapporteur and Advocate General in attendance in some cases, hears the parties concerned (in public) and makes an order.

In cases of extreme urgency, the President may make an order immediately, that is to say within three or four days after the application for interim measures is made and without awaiting written observations from the other party. In such cases, the order is provisional, in that it does not bring the procedure on the interlocutory application to an end. The other party is then invited to submit written observations. The final stage, after the hearing, is a (second) order concluding the interlocutory proceedings which confirms or amends the first (provisional) order.

b. Appeals against interim orders made by the Court of First Instance

An appeal, limited to points of law, may be brought under Article 57 of the Statute against interim orders made by, in particular, the President of the Court of First Instance. Such appeals are subject to the same procedure as applications for the adoption of interim measures made directly to the Court of Justice.

12. Expedited procedures and the urgent preliminary ruling procedure

In direct actions, where it is inappropriate to issue interim measures and the particular urgency of a case is such that the Court must give final judgment with a minimum of delay, Article 62a of the Rules of Procedure provides that exceptionally, by decision of the President, a case may be determined pursuant to an expedited procedure.

An application for a case to be decided under an expedited procedure must be made in a separate document lodged at the same time as the application initiating the proceedings or the defence, as the case may be.

Under the expedited procedure, the oral procedure takes on greater significance. The written procedure is normally limited to the application and the defence. It is recommended that those documents be kept as short and concise as possible.

The date of the hearing, which is mandatory under the expedited procedure, will be fixed once the defence has been lodged or, if the decision to adjudicate under an expedited procedure is not made until after the defence has been lodged, once that decision has been taken.

An expedited procedure is also available for preliminary-ruling proceedings (Article 104a of the RP). Application of that procedure may be requested only by the national court from which the order for reference emanates.

Finally, it should be noted that national courts may request the application of a special procedure – the urgent preliminary ruling procedure – for references for a preliminary ruling which raise one or more questions in the areas covered by Title VI of the Treaty on European Union or Title IV of Part Three of the EC Treaty. The conditions and detailed rules for the application of that procedure, including, if appropriate, the omission of the written phase of the procedure, are set out in Article 104b of the RP.

13. Intervention

Intervention is allowed only in direct actions and appeals. The forms of order sought in the application to intervene must be limited to supporting the submissions of one or other of the parties. It must be borne in mind that the intervener is required to accept the case as it stands at the time of intervention.

The intervention procedure is twofold, comprising: (a) the action taken in order to obtain leave to intervene and (b) the actual participation of the intervener in the proceedings.

a. Action taken to obtain leave to intervene

A person wishing to intervene in a direct action must submit an application to intervene. The application must be submitted within a period of six weeks after publication of the notice in the Official Journal. An application lodged outside that time-limit may nevertheless be taken into account (see paragraph b. below). That document must contain all the information needed to enable the President or, in certain cases, the Court to make an order granting leave to intervene. Before the Court or the President makes an order, the original litigants are invited to submit written observations, and in exceptional cases even oral observations, as to whether or not intervention is admissible and appropriate. At the same time, they are asked to inform the Court whether they intend availing themselves of the right of confidentiality. If leave to intervene is granted, the party concerned is invited to lodge non confidential versions of its observations.

The application to intervene need not be in the language of the case.

b. The intervener's participation in the proceedings

Once leave to intervene has been granted, the intervener submits a statement in intervention. At that stage, the language of the case must be used, unless the intervener is a Member State.

The statement in intervention may be followed by observations from the parties.

However, if the application to intervene is lodged outside the normal time-limit for such applications, but before the decision to open the oral procedure has been taken, the intervener may submit his observations only orally at the hearing, if a hearing is held.

If a case is to be dealt with under the expedited procedure, an intervener may only make his submissions orally at the hearing.

14. Practical advice

a. The drafting and scheme of pleadings

There are no formal requirements applicable to pleadings (subject to compliance with rules laid down elsewhere); but they must be clear, concise and complete.

In view of the translation workload, in particular, and the time involved in translation, repetition must be avoided. The Court should be able, on a single reading, to apprehend the essential matters of fact and law.

Since in most cases pleadings will be read by the Judges and the Advocate General in a language other than that in which they are drafted, Counsel must always bear in mind that, if the meaning of a text is obscure in the original language, there is a risk that the translation will deepen the obscurity. That risk is aggravated by the fact that it is not always possible, in the transition from one language to another, to find a satisfactory, or even accurate, translation of the "legal jargon" which may be used before national courts.

Counsel should also remember the strict rule concerning the introduction of fresh pleas in law (see B.1, B.6.c and B.8.a above); they are not entitled to "reserve", even conditionally, pleas or arguments for subsequent pleadings or the hearing.

Ideally, the structure of pleadings should be clear and logical and they should be divided into separate parts with titles and paragraph numbers. In addition to a summary of the pleas in law and arguments, a table of contents may be useful in complex cases.

The pattern of originating applications may be outlined as follows:

– Details of the type of dispute involved, and of the kind of decision sought: action for annulment, application for interim measures, and so on.

– A brief account of the relevant facts.

– All the pleas in law on which the application is based.

– The arguments in support of each plea in law. They must include relevant references to the case law of the Court.

– The forms of order sought, based on the pleas in law and arguments.

In appeals, the forms of order sought are limited by Article 113 of the RP.

It is desirable for the defence and similar documents to follow closely the structure of the reasoning set out in the pleadings to which they constitute a response.

Written observations in preliminary rulings must set out:

– the relevant facts and the relevant provisions of national law,

– legal argument, including references to the case law of the Court,

– proposals for answers to be given by the Court to the questions submitted by the national court.

However, if the party concerned accepts the facts of the case as set out in the order for reference, he need merely say so.

b. Documents annexed to pleadings

It must be borne in mind that, pursuant to Article 37 of the RP, documents relied on by the parties must be annexed to pleadings. Unless there are exceptional circumstances and the parties consent, the Court will not take account of documents submitted outside the prescribed time-limits or produced at the hearing.

Only relevant documents, on which the parties base their arguments, must be annexed to pleadings. Where documents are of some length, it is not only permissible, but indeed desirable, for the relevant extracts only to be annexed to the pleading and for a copy of the complete document to be lodged at the Registry.

Since annexes are not translated by the Court unless a Member of the Court so requests, the relevance of every document must be clearly indicated in the body of the pleading to which it is annexed.

The Court does not accept notes on which oral argument is to be based for inclusion in the file on the case (See C.4. below regarding the forwarding to the Interpretation Division of notes on which oral submissions are to be based.)

However, Counsel may in all cases send unofficial translations of pleadings and annexes, although, by virtue of Article 31 of the RP, such translations are not authentic.

c. Facts and evidence

The initial pleadings must indicate all evidence in support of each of the points of fact at issue. However, new evidence may be put forward subsequently (in contrast to the rule excluding new pleas in law), provided that adequate reasons are given to justify the delay.

The various forms of evidence upon which parties may rely are set out in Article 45(2) of the RP.

d. Citations

Counsel are requested, when citing a judgment of the Court, to give full details, including the names of the parties or, at least, the name of the applicant. In addition, when citing a passage from a judgment of the Court or from an Opinion of an Advocate General, they are requested to specify the page number and the number of the paragraph in which the passage in question is to be found.

To facilitate its work, the Court suggests as an appropriate form of citation that used in the judgments of the Court, for example: "judgment in Case 152/85 *Misset* [1987] ECR 223, paragraph ..."

C. Oral procedure

1. Preparation for the main hearing

Once the written procedure is completed and the necessary translations have been made, the Judge-Rapporteur places the preliminary report before the general meeting, in which all the Members of the Court take part. At that meeting, the Judge-Rapporteur, in consultation with the Advocate General, proposes any procedural or preparatory measures to be taken by the Court.

In most cases, the Court, at the suggestion of the Judge-Rapporteur, decides to open the oral procedure without any preparatory inquiries. The exact date is fixed by the President.

a. Preparatory measures

At the same time, the Court decides on any preparatory measures to be taken, on a proposal from the Judge-Rapporteur in consultation with the Advocate General. Accordingly, in some cases the parties may be asked, before the hearing, either to provide better particulars of the forms of order sought by them and of their pleas in law in order to clarify obscure points, or to examine in greater detail issues which have not been adequately canvassed, or to concentrate their pleadings on the decisive issues or to commence their oral submissions by answering certain questions put to them by the Court. The parties' replies to those questions should be given either in writing within a period laid down by the Court, or orally during the hearing.

A situation sometimes arises where the Court considers it appropriate to request coordination of oral submissions by several Counsel who are putting forward essentially the same views or of those of the Counsel called on to put forward the same views several times at the same hearing (for example in a direct action and related preliminary ruling proceedings).

Counsel are requested in all cases to take the initiative themselves to coordinate their oral submissions with a view to limiting the duration of the oral procedure.

b. The Report for the Hearing

A Report for the Hearing is prepared when the procedure in the case includes a hearing of oral argument (see C.7 below as regards dispensing with a hearing of oral argument). About three weeks before the hearing, the Report for the Hearing is sent to Counsel for the parties, interested parties and the other participants in the proceedings.

That Report, drawn up by the Judge-Rapporteur, comprises, for direct actions and appeals, a brief description of the relevant facts and applicable law, a note of the forms of order sought by the parties and the pleas in law relied upon, with, as a rule, the arguments put forward in support of the pleas being recorded only in summary form. For references for a

preliminary ruling, the Report comprises a description of the legal and factual background to the case, a note of the questions referred and the answers proposed in the written observations lodged, with the arguments put forward in support of the proposed answers being, as a rule, not recorded.

After receiving the Report for the Hearing, the parties are invited to satisfy themselves that there are no errors in the information contained in the Report. If Counsel consider that errors are present, they are requested to inform the Registrar before the hearing – and to suggest such amendments as they consider appropriate. It must, however, be emphasised that the Report for the Hearing is, by its very nature, a report presented by the Judge-Rapporteur to the other Members of the Court and that it is for him to decide whether it need be amended.

2. The purpose of the oral procedure

In all cases (direct actions, appeals and preliminary rulings) – except where a case is dealt with under the expedited procedure or urgent preliminary ruling procedure – and, in the light of the knowledge which the Court already possesses of all the documents lodged in the course of the written procedure, the purpose of the oral procedure is:

- to respond to any requests made for the oral submissions to concentrate on particular issues; in such cases there is no need to address other aspects of the case;

- to provide a more detailed analysis of the dispute, by clarifying and expounding the points which are most important for the Court's decision;

- to submit any new arguments prompted by recent events occurring after the close of the written procedure which, for that reason, could not have been set out in the written pleadings;

- to answer the questions put by the Court. The answers to any questions put in the notice of hearing and requiring an oral answer must be included in the oral submissions;

In the case of references for a preliminary ruling, or in other proceedings where the written procedure merely consists in the lodging of a single set of pleadings, the main purpose of the hearing is to allow the parties and other interested persons to reply to the arguments put forward by other participants in their written pleadings.

The oral procedure must, however, involve no repetition of what has already been stated in writing. Participants at the hearing who have the same arguments to make should, where at all possible, avoid repeating points that have already been put forward at the same hearing.

3. Conduct of the oral procedure

Before the sitting commences, the Court invites Counsel to a brief private meeting in order to settle arrangements for the hearing. In some cases, at this stage, the Judge-Rapporteur

or the Advocate General, or both, may indicate other matters which they would like to be developed in the oral submissions.

As a rule, the hearing starts with oral argument from Counsel for the parties. This is followed by questions put to Counsel by the Members of the Court. The hearing concludes, if necessary, with brief responses from those Counsel who wish to make them.

The Members of the Court frequently interrupt Counsel when they are speaking in order to clarify points which appear to them to be of particular relevance.

4. The constraints of simultaneous interpretation

The Members of the Court do not necessarily follow the oral submissions in the language in which they are made but often listen to the simultaneous interpretation. This imposes certain constraints to which Counsel should, in their own interests, be attentive in order to ensure that what they say is perfectly understood by the Members of the Court. Counsel must therefore regard the interpreters as essential partners in presentation of their argument.

In the first place, it is highly inadvisable to read a text prepared in advance. The reason for this is that an address prepared in writing is generally made up of longer and more complicated sentences and which the speaker will be inclined to read too quickly to allow for satisfactory interpretation. In the interests of Counsel themselves, it is preferable for them to speak on the basis of well-structured notes, using simple terms and short sentences.

In cases where Counsel prefers to follow a text, the same advice applies: simple terms and short sentences should be used and the text should be read at normal talking speed.

For the same reasons, it is desirable for Counsel to give details of the proposed structure of their submissions before dealing with any matter in detail.

Before attending the hearing, the interpreters carefully study the entire file on the case. If, as soon as possible, Counsel forward all relevant information concerning the probable content of their oral submissions (possibly the notes on which they are to be based), the interpreters will be able to complete their preparatory work, give a better rendering of the oral submissions and ensure that they are not disconcerted by technical terms, citations of texts or figures.

Such information should be sent to the Court's Directorate for Interpretation by fax (Luxembourg (352) 4303 3697) or email (interpret@curia.europa.eu); that text will be communicated only to the interpreters. To obviate any misunderstanding, the name of the party must be indicated in the text.

Finally, it should be borne in mind that Counsel will not be heard by the interpreters unless they speak directly into the microphone.

5. Time allowed for addressing the Court

As a general rule, the period initially allowed to each main party is limited to a *maximum of 20 minutes*, limited, however, to a *maximum of 15 minutes* before Chambers composed of three Judges. The time allowed to interveners is limited to a *maximum of 15 minutes*.

Exceptions to this rule may be allowed by the Court in order to put the parties on an equal footing. For that purpose, an application must be sent to the Registrar of the Court, giving a detailed explanation and indicating the time considered necessary. In order to be taken into account, *such applications must reach the Court at least 15 days before the date of the hearing*. The decision on the application will be notified to the applicant at least one week before the hearing.

Any party who indicates that a shorter period will be sufficient must keep to the period allowed.

Having regard to the purpose of the hearing, experience shows that the time allowed for oral submissions is generally not fully used by Counsel accustomed to appearing before the Court. A period for oral submissions of less than 20 minutes is usually sufficient.

For reasons connected with the efficient conduct of the hearing, *only one person per party to the proceedings is permitted to present oral argument*. A second person may, exceptionally, be allowed to present oral argument where the nature of the case warrants it and a reasoned application to that effect is made at the latest two weeks before the date of the hearing. The time allowed for addressing the Court must also be adhered to where two persons are authorised to present oral argument.

Only the person making the initial oral submissions is permitted to reply. If two Counsel have been authorised to make submissions on behalf of a party, only one of them is permitted to reply.

Where several parties defend the same point of view before the Court (a situation which arises particularly where there are interventions or cases are joined), their Counsel are invited to confer with each other before the hearing so as to avoid any repetition.

The President of the Court or Chamber hearing the case will seek to ensure observance of the principles set out above, as regards both the purpose of the oral procedure, that is to say the actual content of the oral submissions, and the time allowed for addressing the Court.

6. The need for oral submissions

It is for each Counsel to judge, in the light of the purpose of the oral procedure, as defined above, whether oral argument is really necessary or whether a simple reference to the written observations or pleadings would suffice. The Court would like to stress that if a party refrains from presenting oral argument, this will never be construed as constituting acquiescence in the oral argument presented by another party.

In that connection, it goes without saying that the Court takes account of the procedural constraints inherent in preliminary ruling cases, in which only the oral procedure gives the parties an opportunity to respond to the written observations of another "interested party" and, if necessary, to take a position regarding new developments.

7. Omission of the hearing

The Rules of Procedure allow the oral procedure to be dispensed with unless one of the litigants or, in preliminary-ruling proceedings, an interested party taking part in the procedure has lodged a request for a hearing to be held, giving the reasons for which that litigant or interested party wishes to be heard.

A request for a hearing of the kind referred to above must, under the Rules of Procedure (Article 44a, Article 104(4) and Article 120) be lodged within three weeks after the person concerned has been notified of the conclusion of the written procedure or, in the case of preliminary-ruling proceedings, notification to the litigants and other interested parties of the written observations submitted. Reference to the necessity of lodging such an application to avoid possible omission of a hearing will be made in the letter from the Registry giving notice of conclusion of the written procedure or, in the case of preliminary-ruling proceedings, forwarding the written observations submitted. The period of three weeks for submitting such an application may be extended in response to a duly reasoned request.

8. The hearing of applications for interim measures

Before an order granting interim measures is made, the views of the parties concerned may be heard by the President, with the Judge-Rapporteur and the Advocate General in attendance in some cases. The hearing is public and takes place about two to four weeks before the President, or, where appropriate, the Court, makes an order on the application. Such hearings are much less formal than the main hearing. In practice, the President starts by summarising, orally, the difficulties involved in the case. He then invites the parties to express their views on those difficulties. The hearing ends with questions put to the parties.

Where the matter is referred to the Court, the hearing before the formation dealing with the case follows the usual procedure.

It must be borne in mind that such hearings are not intended to enable the parties to address the merits of the case.

9. Practical advice

a. Postponement of hearings

The Court grants requests for postponement only for compelling reasons.

b. Entrance to the buildings

As a security measure, access to the Court buildings is controlled. Counsel are therefore requested kindly to produce their professional card, identity card, passport or some other means of identification.

c. Dress

Except at hearings of applications for interim measures, lawyers are required to appear before the Court in their gowns. The Court always has a number of plain gowns available to help out those who have forgotten their own.

Advice to counsel appearing before the Court

The task of simultaneous interpreters in the multilingual environment of the Court of Justice of the European Union is to help you to communicate easily and fluently with the Judges and the other participants in the oral procedure. The interpreters prepare in advance for every hearing by studying the case-file in depth. However, it may be helpful to bear the following points in mind when pleading :

Reading out a written text at speed makes simultaneous interpretation into another language particularly difficult. The interpreters will be able to work much more effectively if you speak freely, at a natural and calm pace.

If you do decide to read out a written text which you have prepared, please send it if possible in advance to the Interpretation Directorate* by email. This will help the interpreters to prepare for the hearing. It goes without saying that :

- your text will be used only by the interpreters and will not be communicated or disclosed to anyone else ;
- at the hearing, only what you actually say when addressing the Court will be interpreted.

Even handwritten notes with references are helpful. You can always give a copy to the interpreters just before the hearing.

Please remember to quote citations, references, figures, names and acronyms clearly and slowly.

Before you speak, please remove your earphone, lower the volume, and place it away from the microphone in order to avoid any interference.

Turn off your mobile phone / PDA completely.

For more information you can consult the pages dealing with the oral procedure in the Notes for the guidance of Counsel for the Court of Justice and in the General Court Practice Directions to parties and in the Practice Directions to parties on judicial proceedings before the Civil Service Tribunal.

*Interpretation Directorate

Email: interpret@curia.europa.eu

Fax: +352/4303-3697

Telephone:

Luxembourg, 31 January 2012

Mr Villy Søvndal
President
Council of the European Union
Rue de la Loi, 175

B – 1048 BRUSSELS

Dear President,

Further to the statement annexed to the Council's decision of 20 December 2007, I hereby enclose a report on the use of the urgent preliminary ruling procedure by the Court of Justice.

The report is enclosed in all the official languages.

Yours faithfully,

Vassilios SKOURIS

Report on the use of the urgent preliminary ruling procedure by the Court of Justice [1]

As of 1 March 2008, a reference for a preliminary ruling which raises one or more questions concerning the area of freedom, security and justice may, at the request of the national court or tribunal or, exceptionally, of the Court's own motion, be dealt with under an urgent procedure. [2] This report on the Court's application of that procedure is its first review and covers the period 1 March 2008 to 6 October 2011 ('the reference period'), which includes three full judicial years.

It may be recalled that that procedure was introduced in response to the Presidency Conclusions of the European Council inviting the Commission to bring forward, after consultation of the Court of Justice, a proposal to '*enable the Court to respond quickly*' by creating a solution '*for the speedy and appropriate handling of requests for preliminary rulings concerning the area of freedom, security and justice*'. [3] The Commission considered that it was necessary to '*trust in the proper functioning of the Court of Justice*' and stated that '*where necessary, special rules allowing immediate treatment of particularly urgent cases might be inserted in the Statute of the Court of Justice … and in its Rules of Procedure.*' [4]

In the proposal ultimately drawn up by the Court, as endorsed by the Council, the Court opted for the introduction of an urgent preliminary ruling procedure which has, in essence, three specific features distinguishing it from the ordinary preliminary ruling procedure (and, therefore, from the accelerated procedure, which reproduces in all respects the procedural rules of an ordinary procedure, while significantly accelerating it). First, only the parties to the main proceedings, the Member State of the referring court or tribunal, the Commission, and the other institutions if one of their measures is at issue, may participate in the written

[1] Report delivered to the Council in accordance with the statement annexed to its decision of 20 December 2007 (OJ L 24 of 29 January 2008, p. 44).
[2] Council Decision of 20 December 2007 amending the Protocol on the Statute of the Court of Justice, OJ L 24 of 29 January 2008, p. 42; Amendments to the Rules of Procedure of the Court of Justice, OJ L 24 of 29 January 2008, p. 39, and OJ L 92 of 13 April 2010, p. 12.
[3] Presidency Conclusions, Brussels European Council, 4 and 5 November 2004, 14292/1/04, paragraph 3.1.
[4] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the Court of Justice of the European Communities Adaptation of the provisions of Title IV of the Treaty establishing the European Community relating to the jurisdiction of the Court of Justice with a view to ensuring more effective judicial protection, 28 June 2006, COM(2006) 346 final.

procedure. Since these have a command of the language of the case, the written procedure can be initiated immediately, without any need to await the translation of the reference for a preliminary ruling into all the official languages. Second, cases that may be dealt with under an urgent procedure are referred to a Chamber specifically designated for that purpose, which gives its ruling without first going through the General Meeting of the Court. Third, communications in the urgent procedure (both internal and those involving the parties and interested persons) are, as far as possible, entirely electronic. These measures were expected to achieve substantial savings in terms of the duration of proceedings.

1. Average duration of proceedings in cases dealt with under the urgent preliminary ruling procedure

The cases dealt with under the urgent preliminary ruling procedure were completed, on average, within 66 days (see Table 1 annexed). In no case did proceedings exceed three months. The Court's principal intended and declared objective – to dispose of that type of case speedily, in approximately two to four months, with possible variations depending on the level of urgency – has thus been fully achieved.

2. Volume and nature of litigation affected by the urgent preliminary ruling procedure

Before the entry into force of the Treaty of Lisbon, the urgent preliminary ruling procedure was applicable in the areas covered by Title VI of the Union Treaty or Title IV of Part Three of the EC Treaty. Since 1 December 2009, the procedure has been applicable in the areas covered by Title V of Part Three of the Treaty on the Functioning of the European Union, which brought together the previous provisions. [5] In particular, since the entry into force of the Treaty of Lisbon, the Court's jurisdiction has been substantially extended by virtue of the number of national courts and tribunals which may now refer questions to the Court in the areas concerned.

During the reference period, the Court received **126** requests for a preliminary ruling relating to the area of freedom, security and justice which were thus capable of being dealt with under

[5] Amendments to the Rules of Procedure of the Court of Justice, OJ L 92 of 13 April 2010, p. 12.

the urgent procedure. That figure represents **11.64**% of all references for a preliminary ruling made during that period, that is 1 082.

It is interesting to note that after the introduction of the urgent preliminary ruling procedure, but before the entry into force of the Treaty of Lisbon, only 4.85% of references for a preliminary ruling concerned the area of freedom, security and justice. [6]

Of the 126 cases falling within the scope of the urgent preliminary ruling procedure, more than half (68 cases, or 54%) concerned judicial cooperation in civil matters, of which two thirds (42 cases) related to Regulation No 44/2001. [7] Ten of those cases concerned the interpretation of Regulations No 1347/2000 and No 2201/2003. [8]

One third of the 126 cases capable of being dealt with under the urgent preliminary ruling procedure concerned the area of 'visas, asylum and immigration' (43 cases, or 34%), of which 22 related specifically to Directive 2008/115/EC [9] and 14 to Directive 2004/83/EC. [10]

Lastly, 18 of those 126 cases (that is 14%) related to cooperation in criminal matters, of which 10 related to Framework Decision 2002/584/JHA. [11]

Of those 126 cases, 21 were accompanied by a request for application of the urgent preliminary ruling procedure from the national court or tribunal, and in one case,

[6] 25 cases out of a total of 515 references for a preliminary ruling made between 1 March 2008 and 30 November 2009.
[7] Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 12 of 16 January 2001, p. 1.
[8] Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, OJ L 160 of 30 June 2000, p. 19, and Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338 of 23 December 2003, p. 1.
[9] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 of 24 December 2008, p. 98.
[10] Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304 of 30 September 2004, p. 2 or 12.
[11] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190 of 18 July 2002, p. 1.

exceptionally, that procedure was applied of the Court's own motion, following a request by the President of the Court. [12]

Thus, during the reference period, almost **one fifth** (17.5%) **of cases capable of being dealt with under the urgent preliminary ruling procedure were the subject of a request to that effect.**

Of those 22 requests, 12 were granted, including that of the President of the Court, **that is more than half** (around 55%). 8 were refused (see Table 2 annexed) and 2 did not proceed. [13]

Half of the 12 cases dealt with under the urgent preliminary ruling procedure concerned the jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility. [14] One quarter related to the European arrest warrant. [15] The remaining cases fell within the area of 'visas, asylum and immigration' and concerned, in particular, the interpretation of Directive 2008/115/EC. [16]

Two main conclusions can be drawn from these figures.
First, although in absolute terms the number of requests has remained modest, [17] the proportion of those requests in comparison with cases that could potentially fall within the scope of the urgent preliminary ruling procedure (almost one fifth) is not negligible.
Second, the reasons which the national courts and tribunals put forward in support of their requests for application of the urgent procedure were for the most part valid, since more than half of those requests were successful.

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[12] The first and third subparagraphs of Article 104b(1) of the Rules of Procedure allow the Court, exceptionally, of its own motion to deal with a reference for a preliminary ruling under the urgent procedure. It is for the President of the Court to ask the designated Chamber to consider whether it is necessary to deal with the reference under the urgent preliminary ruling procedure, if the application of that procedure appears, prima facie, to be required, even though it has not been requested by the national court or tribunal. That provision has been used only once, in Case C-491/10 *Aguirre Zarraga*.
[13] The cases in question are Cases C-140/11 *Ngagne* and C-156/11 *Music*, in which the references were withdrawn by the referring courts after delivery of the judgment in related Case C-61/11 PPU *El Dridi Hassen*, and which were removed from the register before the designated Chamber had determined the request for application of the urgent preliminary ruling procedure.
[14] See footnote 8.
[15] See footnote 11.
[16] See footnote 9.
[17] It is unlikely that the relative restraint on the part of national courts and tribunals can be attributed to any lack of awareness of the procedure established, since the requests submitted during the reference period were made by courts at various levels of the court hierarchy, in various locations throughout a number of Member States.

3. Conduct of the written and oral procedure

The Court has never availed itself of the possibility afforded by Article 104b(4) of the Rules of Procedure of omitting the written procedure in cases of extreme urgency.

On average, the duration of the written procedure in cases dealt with under the urgent preliminary ruling procedure was more than 16 days [18] (see Table 3 annexed). The Court has thus ensured that the Member States are allowed the time necessary for drafting written observations, the Court having been called upon by the Council not to reduce the time allowed to less than 10 working days. [19]

The same concern has governed the fixing of the date for the hearing, which has been held, on average, a little over 16 days after written observations lodged, together with their translations, have been communicated to the parties and interested persons (see Table 3 annexed).

Participation in the hearing of Member States other than the Member State of the referring court or tribunal has been comparatively high: on average, three Member States have attended to submit oral observations (see Table 4 annexed), whereas, based on a representative sample of hearings held in preliminary ruling proceedings, [20] on average, just one Member State (over and above that of the referring court or tribunal) takes part in the hearing.

Views of the Advocate General in urgent preliminary ruling procedures have been delivered on average in a little over three days after the hearing (see Table 3), and, with just one exception, [21] have all been published. [22]

4. Designation of the Chamber responsible for cases in which the urgent preliminary ruling procedure is requested

[18] The second subparagraph of Article 104b(2) of the Rules of Procedure provides that the decision to deal with the reference under the urgent procedure is to prescribe the period within which the parties and interested persons entitled to participate in the written procedure may lodge statements of case or written observations.
[19] Statement of the Council, annexed to its decision of 20 December 2007, OJ L 24 of 29 January 2008, p. 44.
[20] That is all hearings held, before any and all formations of the Court, in the month of October 2011.
[21] In Case C-388/08 PPU *Leymann and Pustovarov*.
[22] In accordance with the Court's practice, Views, where presented in writing, are published unless the formation of the Court decides otherwise after hearing the Advocate General.

Pursuant to the second and third subparagraphs of Article 9(1) of the Rules of Procedure, the Court has designated the Chambers responsible for cases in which the urgent preliminary ruling procedure is requested. It has never designated more than one Chamber of five Judges for that purpose.

During the reference period, the four Chambers of five Judges currently within the Court have each been designated in turn. [23] Thus, the great majority of Judges of the Court have had occasion to sit in a case in which the urgent preliminary ruling procedure has been requested.

Successive designated Chambers have always sat with five Judges. [24] Only once has the designated Chamber decided to refer the case back to the Court in order for it to be assigned to a formation composed of a greater number of Judges. [25]

While the number of requests for application of the urgent preliminary ruling procedure – which have largely been consecutive and have only rarely needed to be dealt with concurrently by the designated Chamber – has not justified the designation of several Chambers ruling simultaneously, the management of cases dealt with under the urgent procedure has proved to be particularly demanding for the Chamber concerned.

5. The Court's practice with regard to decisions as to whether or not to initiate the urgent procedure

Owing to the extreme urgency with which the designated Chamber is obliged to rule on requests for application of the urgent preliminary ruling procedure – which, during the reference period, it did in a little more than an average of 8 days [26] (see Table 3 annexed) – decisions as to whether or not to initiate the urgent procedure do not include a statement of reasons.

[23] The Third Chamber for the period 1 March 2008 to 6 October 2008; the Second Chamber for the period 7 October 2008 to 6 October 2009; the new Third Chamber (former Fourth Chamber) for the period 7 October 2009 to 6 October 2010; the First Chamber for the period 7 October 2010 to 6 October 2011.
[24] Under Article 104b(5) of the Rules of Procedure, the designated Chamber may decide to sit in a formation of three Judges.
[25] In Case C-357/09 PPU *Kadzoev*, which the Court referred to the Grand Chamber.
[26] This period includes the necessary time for translation of the request before it is dealt with.

However, it is possible, on the basis of an analysis of the circumstances of fact and of law in which the urgent preliminary ruling procedure has been approved, to isolate two types of situation which have resulted in the Court delivering a ruling in the shortest possible time:
- where there is a risk of an irreparable change for the worse in the parent/child relationship, for example, where what is at stake is the return of a child who has been deprived of contact with one of its parents (C-195/08 PPU *Rinau*; C-403/09 PPU *Detiček*; C-211/10 PPU *Povse*; C-400/10 PPU *McB*; C-491/10 PPU *Aguirre Zarraga*; C-497/10 PPU *Mercredi*) or family reunification (C-155/11 PPU *Imran*);
- where a person is being detained and further detention depends on the answer to be given by the Court (C-296/08 PPU *Santesteban Goicoechea*; C-388/08 PPU *Leymann and Pustovarov*; C-357/09 PPU *Kadzoev*; C-105/10 PPU *Gataev and Gataeva*; C-61/11 PPU *El Dridi Hassen*).

This practice is consistent with the scenarios envisaged by the Court in its Information note on references from national courts for a preliminary ruling [27] and with the Council's request that the urgent preliminary ruling procedure be applied in situations involving deprivation of liberty, [28] which has been enshrined in the fourth paragraph of Article 267 of the Treaty on the Functioning of the European Union.

6. Method of communication

Documents have been communicated, both internally and with the parties and interested persons, electronically, by virtue of the creation of 'functional mailboxes' specifically dedicated to communication in relation to the urgent preliminary ruling procedure.

Since the establishment in the Court of a general system of lodging and service of procedural documents by electronic means, [29] the relative advantage of these 'functional mailboxes' has been reduced, as regards the anticipated acceleration of the transmission of information. Nevertheless, they have enabled communications in relation to an urgent preliminary ruling

[27] OJ C 160 of 28 May 2011, p. 1, point 37: '… *a national court or tribunal might, for example, consider submitting a request for the urgent preliminary ruling procedure to be applied in the following situations: in the case, referred to in the fourth paragraph of Article 267 TFEU, of a person in custody or deprived of his liberty, where the answer to the question raised is decisive as to the assessment of that person's legal situation or, in proceedings concerning parental authority or custody of children, where the identity of the court having jurisdiction under European Union law depends on the answer to the question referred for a preliminary ruling.*'
[28] Statement of the Council, annexed to its decision of 20 December 2007, OJ L 24 of 29 January 2008, p. 44.
[29] Decision of the Court of Justice of 13 September 2011 on the lodging and service of procedural documents by means of e-Curia, OJ C 289 of 1 October 2011, p. 7.

procedure to be put on a separate track that is subject to special and continuous monitoring, thereby helping to ensure that all involved are kept on standby.

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The reference period has been a good running-in period for the application of the urgent preliminary ruling procedure by the Court. The modest flow of requests has facilitated its smooth application, while at the same time providing an opportunity to gauge the constraints associated with the procedure, which weigh not only on the designated Chamber but also on the Court's services, in particular the translation, Registry and interpreting services. With the same resources, considerable efforts would be required to maintain the objectives set, in the event of an appreciable increase in reasoned requests, and would probably have an impact on the handling of other cases.

Table 1

Duration of proceedings in cases dealt with under the urgent preliminary ruling procedure

Case	Duration (in days)
1. **C-195/08 PPU Rinau** ***Referring court or tribunal:*** *Lietuvos Aukščiausiasis Teismas, Lithuania* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	58 [30]
2. **C-296/08 PPU Santesteban Goicoechea** ***Referring court or tribunal:*** *Cour d'appel de Montpellier, France* ***Re:*** *European arrest warrant*	40
3. **C-388/08 PPU Leymann and Pustovarov** ***Referring court or tribunal:*** *Korkein oikeus, Finland* ***Re:*** *European arrest warrant*	87
4. **C-357/09 PPU Kadzoev** [31] ***Referring court or tribunal:*** *Administrativen sad Sofia-grad, Bulgaria* ***Re:*** *Return of illegally staying third-country nationals*	84
5. **C-403/09 PPU Detiček** ***Referring court or tribunal:*** *Višje sodišče v Mariboru, Slovenia* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	64
6. **C-105/10 PPU Gataev and Gataeva**[32] ***Referring court or tribunal:*** *Korkein oikeus, Finland* ***Re:*** *European arrest warrant and refugee status*	/
7. **C-211/10 PPU Povse** ***Referring court or tribunal:*** *Oberster Gerichtshof, Austria* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	59
8. **C-400/10 PPU McB.** ***Referring court or tribunal:*** *Supreme Court, Ireland* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	60
9. **C-491/10 PPU Aguirre Zarraga** ***Referring court or tribunal:*** *Oberlandesgericht Celle, Germany* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	68
10. **C-497/10 PPU Mercredi** ***Referring court or tribunal:*** *Court of Appeal (England & Wales) (Civil Division), United Kingdom* ***Re:*** *Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility*	65
11. **C-61/11 PPU El Dridi Hassen** ***Referring court or tribunal:*** *Corte di Appello di Trento, Italy* ***Re:*** *Return of illegally staying third-country nationals*	77
12. ***C-155/11 PPU Imran***[33] ***Referring court or tribunal:*** *Rechtbank 's-Gravenhage, zittinghoudende te Zwolle-Lelystad, Netherlands* ***Re:*** *Right to family reunification*	/

[30] 50 days from the request for the case to be dealt with under the urgent preliminary ruling procedure.
[31] This case was referred to the Grand Chamber.
[32] In this case the reference was withdrawn by the referring court and the case was removed from the register by order of 3 April 2010.

Average	**66.2**

[33] This case was concluded by order of 10 June 2011 declaring that there was no need to adjudicate.

Table 2

List of cases in which the request for an urgent preliminary ruling procedure was refused

	Traitement procédural ultérieur
1. **C-123/08 Wolzenburg** ***Referring court or tribunal:*** *Rechtbank Amsterdam, Netherlands* ***Re:*** *European arrest warrant*	/
2. **C-261/08 Zurita García** ***Referring court or tribunal:*** *Tribunal Superior de Justicia de Murcia, Spain* ***Re:*** *Schengen Borders Code*	/
3. **C-375/08 Pontini** ***Referring court or tribunal:*** *Tribunale di Treviso, Italy* ***Re:*** *does not fall within the area covered by the urgent preliminary ruling procedure*	/
4. **C-261/09 Mantello** ***Referring court or tribunal:*** *Oberlandesgericht Stuttgart, Germany* ***Re:*** *European arrest warrant*	/
5. **C-264/10 Kita** [34] ***Referring court or tribunal:*** *Inalta Curte de Casaţie şi Justiţie, Roumanie* ***Re:*** *European arrest warrant*	/
6. **C-175/11 HID and BA** ***Referring court or tribunal:*** *High Court of Ireland, Ireland* ***Re:*** *Refugee status*	/
7. **C-277/11 MM** [35] ***Referring court or tribunal:*** *High Court of Ireland, Ireland* ***Re:*** *Refugee status*	Priority treatment
8. **C-329/11 Achughbabian** ***Referring court or tribunal:*** *Cour d'appel de Paris, France* ***Re:*** *Return of illegally staying third-country nationals*	Accelerated procedure [36]

[34] This case was removed from the register as a result of the referring court's withdrawal of the reference.

[35] In this case, the referring court twice submitted a request for the urgent preliminary ruling procedure; in each case it was refused.

[36] See order of the President of the Court of 30 September 2011 (in particular, paragraphs 9 to 12).

Table 3

Duration of particular stages of the procedure

Case	Time between the submission of the request and the decision (days)	Duration of the written procedure (days)	Time between service of pleadings and the hearing (days)	Time between the hearing and the Advocate General's View (days)
1. C-123/08 Wolzenburg	12			
2. **C-195/08 PPU Rinau**	1	17	10	5
3. C-261/08 Zurita García	6			
4. **C-296/08 PPU Santesteban Goicoechea**	4	15	13	0
5. C-375/08 Pontini	3			
6. **C-388/08 PPU Leymann and Pustovarov**	6	19	33	0
7. C-261/09 Mantello	6			
8. **C-357/09 PPU Kadzoev**	15	15	18	14
9. **C-403/09 PPU Detiček**	7	16	21	2
10. ***C-105/10 PPU Gataev and Gataeva***	5	15		
11. **C-211/10 PPU Povse**	8	15	11	2
12. C-264/10 Kita	11			
13. **C-400/10 PPU McB.**	5	16	19	2
14. **C-491/10 PPU Aguirre Zarraga**	9	18	17	1
15. **C-497/10 PPU Mercredi**	10	17	8	5
16. **C-61/11 PPU El Dridi Hassen**	7	17	15	2
17. ***C-155/11 PPU Imran***	3	21		
18. C-175/11 HID and BA	19			
19. C-277/11 MM	16 (10 [37])			
20. C-329/11 Achughbabian	12			
Average	**8.3**	**16.75**	**16.5**	**3.3**

[37] On the second request for application of the urgent preliminary ruling procedure.

Table 4

Participation of Member States
(other than the Member State of the referring court or tribunal)
in the oral procedure in cases dealt with under the urgent preliminary ruling procedure

Case
1. **C-195/08 PPU Rinau** ***Germany, France, Latvia, Netherlands, United Kingdom***
2. **C-296/08 PPU Santesteban Goicoechea** ***Spain***
3. **C-388/08 PPU Leymann and Pustovarov** ***Spain, Netherlands***
4. **C-357/09 PPU Kadzoev** ***Lithuania***
5. **C-403/09 PPU Detiček** ***Czech Republic, Germany, France, Italy, Latvia, Poland***
6. *C-105/10 PPU Gataev and Gataeva* [38]
7. **C-211/10 PPU Povse** ***Czech Republic, Germany, France, Italy, Latvia, Slovenia, United Kingdom***
8. **C-400/10 PPU McB.** ***Germany***
9. **C-491/10 PPU Aguirre Zarraga** ***Greece, Spain, France, Latvia***
10. **C-497/10 PPU Mercredi** ***Germany, Ireland, France***
11. **C-61/11 PPU El Dridi Hassen** **/**
12. *C-155/11 PPU Imran* [39]

[38] The referring court's withdrawal of the reference reached the Court before the hearing was held.
[39] No hearing was held in this case which was concluded by an order declaring that there was no need to adjudicate.

Luxembourg, 28 March 2011

Mr Jerzy Buzek
President of the European Parliament
Rue Wiertz

B-1047 BRUSSELS

Dear President,

With reference to the second paragraph of Article 281 of the Treaty on the Functioning of the European Union and Article 106a(1) of the EAEC Treaty, I hereby submit to you the amendments to the Statute of the Court of Justice set out in the attached document.

The proposed amendments concern the three courts composing the Court of Justice of the European Union, and are intended, in essence, to amend the rules relating to the composition of the Grand Chamber and to establish the office of Vice-President of the Court of Justice, to increase the number of Judges of the General Court and to provide for the possibility of attaching temporary Judges to the specialised courts.

The proposed amendments are accompanied by an explanatory note, to which reference should be made.

These amendments, which are also being submitted to the President of the Council, are enclosed in all the official languages.

A statement enabling the financial impact of the proposed amendments to be assessed will be sent to you as soon as possible.

Your faithfully,

Vassilios SKOURIS

Luxembourg, 28 March 2011

Mr János Martonyi
President of the Council of the
European Union
175, rue de la Loi

B - 1048 BRUSSELS

Dear President,

With reference to the second paragraph of Article 281 of the Treaty on the Functioning of the European Union and Article 106a(1) of the EAEC Treaty, I hereby submit to you the draft amendments to the Statute of the Court of Justice set out in the attached document.

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A statement enabling the financial impact of the proposed amendments to be assessed will be sent to you as soon as possible.

Yours faithfully,

Vassilios SKOURIS

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AMENDMENTS TO THE STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION AND TO ANNEX I THERETO

The Court of Justice hereby submits to the European Union legislature draft amendments to the Statute of the Court of Justice and to Annex I thereto. [1] This single text incorporates separate proposals in respect of each of the three jurisdictions which comprise the Court of Justice of the European Union.

I. Proposals relating to the Court of Justice

The Court of Justice is endeavouring not only to simplify the procedure that applies to cases brought before it but also to adapt its Rules of Procedure to case-law and current practice, and to make them easier to understand. It is thus embarking on a general recasting of those rules, which will be submitted to the Council shortly.

The simplification measures, which also affect the Statute of the Court of Justice, are intended to improve efficiency in the work of the Court and to reduce, as far as possible, the duration of proceedings. Although the situation in the Court of Justice is currently satisfactory – the Court having succeeded, for example, in reducing the average duration of preliminary ruling proceedings from 25.5 months in 2003 to 16 months in 2010 – the prospects of a constant increase in the number of cases brought, in particular following the 2004 and 2007 accessions and the entry into force of the Treaty of Lisbon, need to be considered.

The Court also considers it desirable to establish the office of Vice-President of the Court of Justice and to amend the rules relating to the composition of the Grand Chamber.

The current structure of the Grand Chamber and the rules determining how it operates – a quorum of nine Judges together with the participation in every case of the President of the Court and the Presidents of the Chambers of five Judges – are the product of

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1 OJ 2004 L 333, p. 7, with corrigendum OJ 2007 L 103, p. 54.

amendments introduced by the Treaty of Nice, which entered into force on 1 February 2003.

Since that date, there have been a number of changes affecting the work of the Court: the accession of 12 new Member States; the transition from two to three Chambers of five Judges in May 2004 and to four Chambers of five Judges in October 2006; the introduction of the urgent preliminary ruling procedure in March 2008; and the introduction of the review procedure following the establishment of the Civil Service Tribunal.

At present, the President of the Court and the Presidents of the Chambers of five Judges have a very heavy workload, whereas other Judges sit in relatively few cases assigned to the Grand Chamber. The participation of those other Judges in the work of the Grand Chamber could be further reduced should the Court decide to establish a new Chamber of five Judges following an increase in the number of cases.

Furthermore, the automatic participation of the Presidents of Chambers of five Judges in cases assigned to the Grand Chamber could suggest that they represent within the Grand Chamber the Judges of their Chambers, a role which does not follow in any way from the nature of their office. Such a situation might thus be perceived as affecting the principle of equality between Judges.

The present proposal provides for broader participation by the Judges in cases assigned to the Grand Chamber, allowing them to sit far more frequently than at present (in almost half, instead of a third, of all cases). That would be achieved by the amendment of Articles 16 and 17 of the Statute so as to increase to 15 the number of Judges constituting the Grand Chamber and to end the automatic participation of the Presidents of Chambers of five Judges in Grand Chamber cases. The latter amendment would also have the advantage of enabling the Presidents of Chambers of five Judges to devote more time to managing their Chambers, which would help further to improve efficiency in the work of those Chambers, and to ensuring the harmonious development of the case-law.

The office of Vice-President would be established and the Vice-President would sit, like the President, in every case assigned to the Grand Chamber. The permanent presence of two persons, together with the more frequent participation of the other Judges in the work of the Grand Chamber, would ensure that its case-law is consistent. In addition, and in any event, under the current rules governing the designation of Judges, it is possible to ensure that at least one or, more often, two

Presidents of Chambers of five Judges sit in every case assigned to the Grand Chamber.

The number of Judges forming the Grand Chamber (15) has been chosen on the basis of the composition of the 'grand plenum' prior to the amendment introduced by the Treaty of Nice, which operated satisfactorily.

Corresponding adjustments must be made to the rules relating to the quorum of the Grand Chamber and of the full Court.

In addition to sitting in every Grand Chamber case, the Vice-President would also assist the President of the Court in his duties. The responsibilities borne by the President have increased substantially following the successive enlargements of the European Union, particularly with regard to the representation and administration of the Court. The same problem appears to have been encountered by various national and international courts, such as the European Court of Human Rights, which have a structure comparable to that proposed.

The amendment to the fourth paragraph of Article 20 concerns the reading at the hearing of the report presented by the Judge-Rapporteur. In practice, there has been no such reading for 30 years or so.

The amendment to Article 45 is designed to abolish periods of grace based on considerations of distance. Those periods of grace, which originally reflected the time needed for postal communications to reach the Court, no longer serve that purpose and were, indeed, harmonised in 2000 to a fixed period of 10 days, irrespective of the place of sending.

It is proposed that those periods of grace be abolished, as it seems increasingly difficult to justify their retention in this era of new technology. This will also avoid confusion between the various types of time-limit, some of which are currently extended on account of distance, while others are not.

II. Proposals relating to the General Court

The Court of Justice also proposes that the number of Judges of the General Court be increased by 12, from 27 to 39.

The difficulties faced by European Union litigants bringing a case before the General Court are well known. For several years now, the number of cases disposed of by the General Court has been lower than the number of new cases, so that the number of pending cases is rising constantly. At

the end of 2010, there were 1 300 cases pending, whereas, in the same year, 527 cases were disposed of. From 20.9 months in 2004, the average duration of proceedings rose to 27.2 months in 2009. Even though it was reduced to 24.7 months in 2010, it is much greater in certain classes of action. Thus, the average duration of proceedings in cases dealt with by way of judgment last year was 42.5 months for State aid cases and 56 months for other competition cases.

In Case C-385/07 P *Der Grüne Punkt* [2009] ECR I-6155, the Court of Justice held that competition proceedings before the General Court which lasted five years and ten months had infringed the principle that the case should be dealt with within a reasonable time, a principle expressed not only in the second paragraph of Article 47 of the Charter of Fundamental Rights but also in Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The latter aspect could place the European Union in a delicate position at a time when its accession to that convention is being negotiated.

Simply to state that there has been a failure to adjudicate within a reasonable time does not solve the problem, which is structural and linked to the particularly complex nature of those cases – such as competition, including State aid, cases or those concerning EAGGF investigations [2] – which require a considerable amount of factual information to be taken into consideration. Whatever it does, the General Court is unable to deal with the volume of cases lodged every year, still less absorb the accumulated backlog.

The current increase in workload is due to the devolution of jurisdiction, since 2004, to rule on certain classes of action or proceedings brought by the Member States; [3] to the increase in litigation following the 2004 and 2007 accessions; to the litigation engendered by the increase, resulting from greater European integration, in the number and variety of legislative and regulatory acts of the institutions, bodies, offices and agencies of the European Union; and to the growth of litigation relating

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2 These are actions brought by the Member States against Commission decisions excluding from European Union financing certain expenditure incurred by the Member States under the EAGGF Guarantee Section, the EAGF or the EAFRD, or actions brought by undertakings against Commission decisions withdrawing financial assistance because of irregularities.

3 Council Decision 2004/407/EC, Euratom of 26 April 2004 amending Articles 51 and 54 of the Protocol on the Statute of the Court of Justice (OJ 2004 L 132, p. 5).

to Community trade mark applications [4] caused by the rise in the number of such applications.

In addition to the number of cases currently pending, the likely increase in the number of cases brought before the General Court must be taken into account. In 2000 there were 787 cases pending. In 2005 there were 1 033 and, in 2010, there were 1 300, an increase of 65% between 2000 and 2010. To add to that existing increase there will be more new cases as a result of the entry into force of the Treaty of Lisbon. That treaty, it will be recalled, eased the conditions governing the admissibility of actions for annulment against regulatory acts under Article 263 TFEU. Furthermore, by virtue of Article 275 TFEU, and in consequence of the repeal of Article 35 TEU as applicable before the Treaty of Lisbon, the General Court has acquired jurisdiction to hear and determine actions in new areas of law. Finally, it has been clear since 1 December 2009 that applicants and their representatives will make full use of the opportunities offered by the elevation of the Charter of Fundamental Rights of the European Union to the status of primary law [5] and, in the near future, the European Union's accession to the ECHR.

In addition to those areas of litigation, further litigation will be generated by the application of the numerous regulations establishing European Union agencies, in particular the REACH Regulation. [6] It cannot be ruled out that the influx of cases generated by such legislation, raising novel and technically complex issues, will be not gradual and continuous but sudden and intense.

Certain measures have already been adopted. In 2005, the Civil Service Tribunal was established to relieve the General Court of that specific and readily severable caseload. However, as the graph in Annex 1 shows, the benefits of the establishment of that specialised court can be seen only for 2005 and 2006. In 2007 there was a resumption of the upward trend in the number of cases brought.

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4 In accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

5 First subparagraph of Article 6(1) TEU, as amended by the Treaty of Lisbon.

6 Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1).

The General Court has adopted a number of internal measures, some regulatory or organisational, others involving the use of information technology. However, and in spite of the establishment of the Civil Service Tribunal, those measures have not enabled it to stem the increase in the backlog, still less to absorb it.

The Court of Justice believes that a structural solution is urgently required, although this does not preclude the adoption of further internal measures, which are moreover being considered by the General Court.

The Treaties offer two possible routes to reform:

The *first* is provided for in the first paragraph of Article 257 TFEU, which states: 'The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish specialised courts attached to the General Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. The European Parliament and the Council shall act by means of regulations either on a proposal from the Commission after consultation of the Court of Justice or at the request of the Court of Justice after consultation of the Commission.' This first possibility would entail the establishment of a specialised court with jurisdiction to hear and determine direct actions in a specific area. The field of intellectual property has been mooted in that regard. [7]

The *second* is available under the second subparagraph of Article 19(2) TEU, which provides that '[t]he General Court shall include at least one judge per Member State', and the first paragraph of Article 254 TFEU, according to which '[t]he number of Judges of the General Court shall be determined by the Statute of the Court of Justice of the European Union'. This option would consist in increasing the number of Judges of the General Court by means of an amendment to Article 48 [8] of the Statute in accordance with the mechanism provided for in the second paragraph of Article 281 TFEU.

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[7] The establishment of such a court is the option proposed by the General Court, which adopted that position at its plenary meetings on 8 April 2008 and 22 April 2009, and confirmed its choice in a document sent to the President of the Court of Justice on 22 December 2009.

[8] According to Article 48 of the Statute, '[t]he General Court shall consist of 27 Judges'.

Having weighed up the two options at length, the Court of Justice has come to the conclusion that an increase in the number of Judges is clearly preferable to the establishment of a specialised court in the field of intellectual property. Its reasons relate to the *effectiveness* of the proposed solution, the *urgency* of the situation, the *flexibility* of the measure envisaged and the *consistency* of European Union law.

With regard to the *effectiveness* of establishing a specialised court in the field of intellectual property, examination of the volume of cases pending before the General Court [9] shows that removing the trade mark caseload would not resolve the overload. Repetitive cases which can be dealt with relatively quickly would be passed to the specialised court, whereas the complex cases (the majority of the 'other actions') would remain within the jurisdiction of the General Court. Yet the number of pending complex cases continues to grow unchecked, and it is precisely to deal with those cases that the General Court requires reinforcement. There is, therefore, every reason to fear that a transfer of trade mark cases would offer only a brief respite, as did the transfer of staff cases. Any such respite would be all the more limited since, once the specialised court began delivering judgments, the number of appeals to the General Court would *increase*, partly cancelling out the volume of cases transferred to the specialised court, quite apart from any possible *addition* of preliminary ruling proceedings to the General Court's jurisdiction.

Increasing the number of Judges within the General Court, on the other hand, offers greater advantages than establishing a specialised court. It is not necessary to establish such a court in order to achieve the greater productivity sought by specialisation, which can equally be achieved at the level of the chambers within a general court. By contrast, account should be taken of the risks associated with the limited number of Judges in a specialised court; the absence of any one of them, on medical or other grounds, can create serious difficulties in the functioning of that court. That is indeed precisely why the Civil Service Tribunal is seeking to have the option of calling, in certain circumstances, on temporary Judges. Finally, in organisational terms, it is easier to integrate new Judges into an existing organisational structure than to establish a new one.

In view of the *urgency* of the situation, the speed with which the proposed solution can be implemented is a critical factor for the Court of Justice. Establishing a specialised court, appointing its Judges, selecting its Registrar and adopting its rules of procedure would probably slow

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9 See the table in Annex 2.

down the handling of cases over a period of approximately two years, as was the case when the Civil Service Tribunal was established. The appointment of additional Judges to the General Court, on the other hand, could have an almost immediate effect on the handling of cases and, therefore, on the backlog and the time taken for proceedings to be completed.

Another advantage of the proposed solution is its *flexibility* and the fact that it is reversible. Relative variation in the different types of caseload within a single court has no impact on its structure. The General Court can use such additional human resources as may become available if the number of cases falls in a particular area [10] to deal with cases in other areas. Furthermore, a specialised court could always be established at a later stage should the need arise, whether in relation to intellectual property or to take account of developments in particular areas of litigation, such as matters covered by the REACH Regulation. By contrast, it would be decidedly more difficult to dismantle a new court once it had come into operation than to reduce the number of Judges by providing for certain posts to lapse when terms of office expire.

In addition to these practical considerations, there are others associated with the concern to maintain the *consistency* of European Union law. Trade mark cases include disputes about the registration of Community trade marks, currently within the jurisdiction of the General Court and, on appeal, of the Court of Justice, but also disputes relating to infringements or to national trade marks, which are brought before the Court of Justice in the context of questions referred for a preliminary ruling on the interpretation of Directives 89/104 and 2008/95. [11] These cases require the uniform interpretation – preferably by a single court – of certain concepts, whether they appear in Regulation No 207/2009 or in the directives. It has accordingly been contended that any transfer to a specialised court of direct actions relating to Community trade marks ought to go hand in hand with a transfer to the General Court of preliminary ruling proceedings relating to trade marks.

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10 Thus, it has been observed that there are currently fewer staff cases, but the causes are unclear and it is therefore not possible to foresee how the situation will evolve. A similar trend cannot be ruled out even in relation to intellectual property matters, in view of the extensive body of case-law that is still being developed in relation to the Community trade mark.

11 First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1), replaced by Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version) (OJ 2008 L 299, p. 25), which entered into force on 28 November 2008.

A Community trade mark application could thus be subject to six successive levels of review [12] and, as has been stated above, the reduction in the General Court's caseload as a result of the decrease in the number of direct actions would be partly cancelled out by an increase in the number of appeals and the addition of preliminary ruling proceedings. Furthermore, the advantages, in terms of consistency in the case-law on trade marks, are slight in comparison with the negative repercussions of such a transfer on other areas, such as the internal market – including, in particular, the free movement of goods – or the principles applicable to references for a preliminary ruling as such, a delicate matter on the border between the jurisdiction of the Court of Justice and that of the national courts, that is to say, between the competences of the European Union and those of the Member States.

It is true that Article 256(3) TFEU provides for the possibility of conferring on the General Court the task of hearing and determining questions referred for a preliminary ruling 'in specific areas' and that, just as in the case of judgments delivered by the General Court on appeal, its preliminary rulings would be subject to review. Review is, however, an exceptional procedure, to be used only sparingly where the interests of European Union law clearly outweigh the imperfections of the review procedure with regard to the participation of the parties. Review is not, therefore, an appropriate tool for ensuring consistency of case-law other than in relation to important issues of principle.

Thus, using the option of conferring on the General Court responsibility for dealing with questions referred for a preliminary ruling – an option envisaged rather in order to relieve the Court of Justice should it find itself in difficulty, which is currently not the case – would be likely to give rise to more difficulties than it would provide benefits. Apart from the consistency issues mentioned above, the allocation of questions referred for a preliminary ruling between the two courts could also create confusion among the Member States' courts and discourage them from referring such questions, particularly in view of the procedural delays involved in the event of a review by the Court of Justice of a decision of the General Court.

The Court of Justice therefore considers, on the basis of the above, that an increase in the number of Judges by at least 12, bringing the number of General Court Judges to 39, is necessary. That increase would make it

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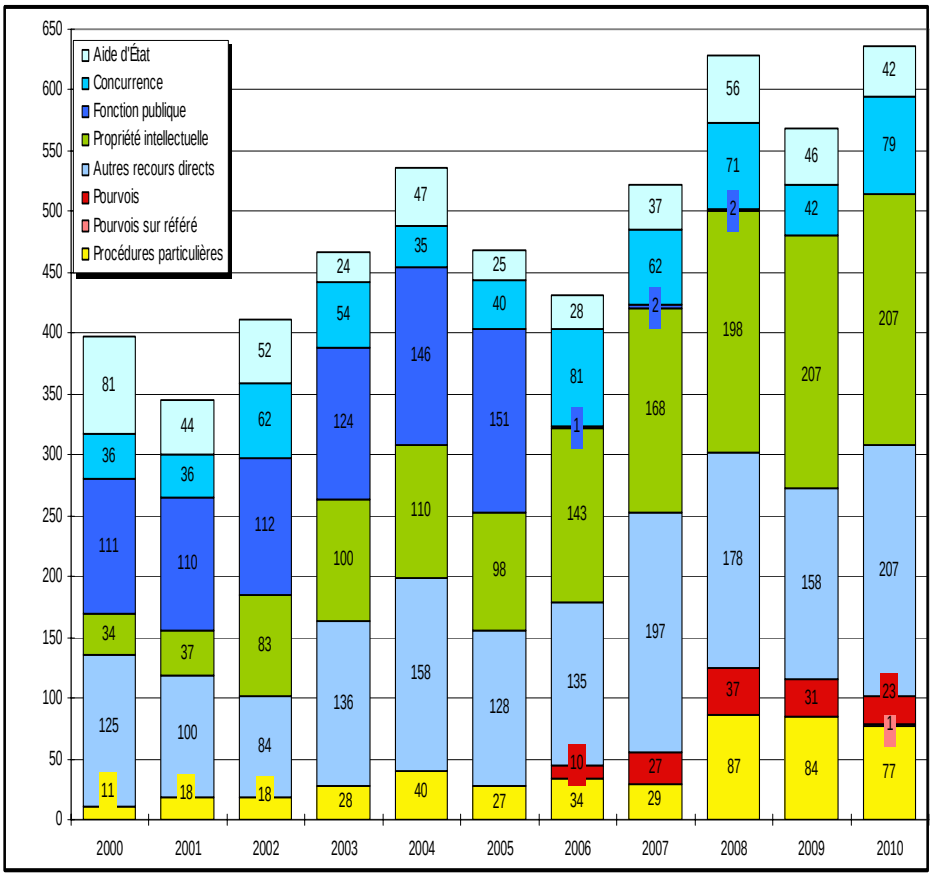
[12] Decision of the OHIM examiner, decision on any opposition, decision of the Board of Appeal of OHIM, action before the specialised court, appeal to the General Court, review by the Court of Justice.

possible not only to complete each year the same number of cases as are brought (636 in 2010), but also to begin to absorb the General Court's backlog (1 300 cases pending as at 31 December 2010, many of them at a stage in the proceedings which enables them to be considered by that Court). The additional resources could provide an opportunity for reorganisation, enabling the 'other actions' category to be dealt with as a matter of priority, particularly those concerning competition law, for which particular vigilance is required to ensure that they are dealt with within a reasonable time.

The Court of Justice emphasises that an increase in the number of Judges will not, by itself, resolve every problem. It is essential that it be accompanied at the same time by reflection on how to make the best use of all the General Court's resources, perhaps through specialisation by certain chambers and flexible management of case allocation, and pursuit of the General Court's efforts to improve its productivity.

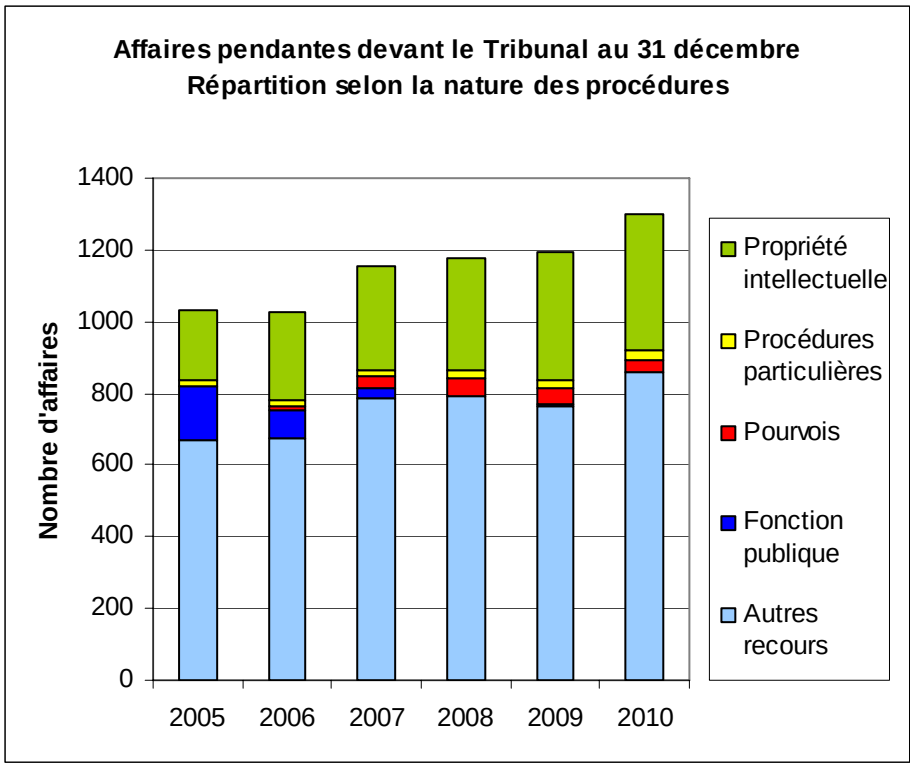
The Court wishes to stress the urgency of the measures to be adopted.

Annex 1



This figure shows, inter alia, that the beneficial effects of the establishment of the Civil Service Tribunal were felt only in 2005 and 2006.

Annex 2


Affaires pendantes devant le Tribunal au 31 décembre
Répartition selon la nature des procédures
Nombre d'affaires
1400
1200
1000
800
600
400
200
0
2005
2006
2007
2008
2009
2010
Propriété intellectuelle
Procédures particulières
Pourvois
Fonction publique
Autres recours

III. Proposals relating to the Civil Service Tribunal

The European Union Civil Service Tribunal comprises seven Judges.

Owing to that limited composition, the functioning of the Tribunal can be seriously affected if one of its members, for an extended period of time, is prevented on medical grounds from performing his duties, without however suffering from disablement within the meaning of Article 10 of Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and Members of the Commission, of the President, Judges, Advocates General and Registrar of the Court of Justice, of the President, Members and Registrar of the General Court and of the President, Members and Registrar of the European Union Civil Service Tribunal. [13]

In order to ensure that the Civil Service Tribunal is not placed in a situation of difficulty such as to prevent it from carrying out its judicial functions, it is proposed to amend Article 62c of the Statute of the Court by providing, in general terms, for the possibility of attaching temporary Judges to the specialised courts.

In accordance with Article 62c of the Statute, as thus amended, the actual attachment of temporary Judges to the Civil Service Tribunal requires an amendment to Annex I [14] to the Statute.

In order to preserve the homogeneity of the Statute and of Annex I thereto, it is, however, appropriate to lay down the rules governing the appointment of temporary Judges, their rights and obligations, the conditions under which they are to perform their duties and the circumstances in which they will cease to perform those duties in a separate regulation, adopted on the basis of Article 257 TFEU, which would thus supplement Annex I to the Statute. That draft regulation is attached to these draft amendments.

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13 OJ, English Special Edition 1967, p. 222.

14 OJ 2004 L 333, p. 7, with corrigendum OJ 2007 L 103, p. 54.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular the second subparagraph of Article 19(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 254, the first and second paragraphs of Article 257 and the second paragraph of Article 281 thereof,

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

Having regard to the request of the Court of Justice of …….,

Having regard to the opinion of the Commission of ……….,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) In order to increase the participation of all the Judges in the decisions of the Grand Chamber of the Court of Justice, there should be an increase in the number of Judges who may participate in the Grand Chamber, and the automatic participation of the Presidents of Chambers of five Judges should cease.

(2) Corresponding adjustments must be made to the quorum of the Grand Chamber and of the full Court.

(3) The increasing responsibilities of the President of the Court of Justice require the establishment of the office of Vice-President of the Court of Justice in order to assist the President in carrying out those responsibilities.

(4) In the era of new technology, it no longer appears necessary to retain periods of grace based on considerations of distance.

(5) **As a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court is now constantly increasing.**

(6) **The number of cases brought before the General Court exceeds the number of cases disposed of each year, resulting in a significant increase in the number of cases pending before that court and an increase in the duration of proceedings.**

(7) **That increase in the duration of proceedings does not appear to be acceptable from the point of view of litigants, particularly in the light of the requirements set out in Article 47 of the Charter of Fundamental Rights of the European Union and in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.**

(8) **The situation in which the General Court finds itself has structural causes relating to the increase in the number and variety of legislative and regulatory acts of the institutions, bodies, offices and agencies of the European Union, as well as to the volume and complexity of the cases brought before the General Court, particularly in the areas of competition and State aid.**

(9) **Consequently, the necessary measures should be taken to address this situation, and the possibility, provided for by the Treaties, of increasing the number of Judges of the General Court is such as to enable both the volume of pending cases and the excessive duration of proceedings before the General Court to be reduced within a short time.**

(10) **In order to enable the specialised courts to continue to function satisfactorily in the absence of a Judge who, while not suffering from disablement deemed to be total, is prevented from participating in judicial business for an extended period of time, provision should be made for the possibility of attaching temporary Judges to those courts.**

HAVE ADOPTED THIS REGULATION:

Article 1

The Protocol on the Statute of the Court of Justice of the European Union shall be amended as follows:

1. **The following Article 9a shall be added:**

'The Judges shall elect the President and the Vice-President of the Court of Justice from among their number for a term of three years. They may be re-elected.

The Vice-President shall assist the President of the Court. He shall take the latter's place when he is prevented from attending, when the office of President is vacant or at the President's request.'

2. **The second paragraph of Article 16 shall be replaced by the following:**

'The Grand Chamber shall consist of 15 Judges. It shall be presided over by the President of the Court. The Vice-President and other Judges designated in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.'

3. **The third and fourth paragraphs of Article 17 shall be replaced by the following:**

'Decisions of the Grand Chamber shall be valid only if 11 Judges are sitting.

Decisions of the full Court shall be valid only if 17 Judges are sitting.'

4. **The fourth paragraph of Article 20 shall be replaced by the following:**

'The oral procedure shall consist of the hearing by the Court of agents, advisers and lawyers and of the submissions of the Advocate General, as well as the hearing, if any, of witnesses and experts.'

5. **The second paragraph of Article 39 shall be replaced by the following:**

'Should the President be prevented from attending, his place shall be taken by the Vice-President or another Judge under conditions laid down in the Rules of Procedure.'

6. **The first paragraph of Article 45 shall be deleted.**

7. In Article 48, the figure ‘27’ shall be replaced by the figure ‘39’.

8. The following paragraph shall be added to Article 62c:

‘The Parliament and the Council, acting in accordance with Article 257 TFEU, may attach temporary Judges to the specialised courts in order to cover the absence of Judges who, while not suffering from disablement deemed to be total, are prevented from participating in judicial business for an extended period of time. In that event, the Parliament and the Council shall lay down the conditions under which the temporary Judges shall be appointed, their rights and duties, the detailed rules governing the performance of their duties and the circumstances in which they shall cease to perform those duties.’.

Article 2

In Article 2 of Annex I to the Protocol on the Statute of the Court of Justice of the European Union, the current text shall form paragraph 1 and the following paragraph 2 shall be added:

‘2. Temporary Judges shall be appointed, in addition to the Judges referred to in the first subparagraph of paragraph 1, in order to take the place of those Judges who, while not suffering from disablement deemed to be total, are prevented from participating in the judicial business for an extended period of time.’

Article 3

1. Points 1, 2, 3 and 5 of Article 1 shall enter into force on the first occasion when the Judges are partially replaced, as provided for in Article 9 of the Protocol on the Statute of the Court of Justice of the European Union, following the publication of this Regulation in the *Official Journal of the European Union.*

2. Points 4, 6, 7 and 8 of Article 1 and Article 2 shall enter into force on the first day of the month following that of the publication of this Regulation in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …, …

For the European Parliament	***For the Council***
President	***President***

DRAFT REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL RELATING TO TEMPORARY JUDGES OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Explanatory note

In accordance with the second paragraph of Article 62c of the Protocol on the Statute of the Court of Justice of the European Union ('the Statute') and Article 2(2) of Annex I to the Statute, [1] which are included in a draft amendment to the Statute and to Annex I thereto, submitted separately, the present draft regulation lays down the rules governing the appointment of temporary Judges to the European Union Civil Service Tribunal, their rights and duties and the conditions under which they will perform and cease to perform their duties.

It appears prudent to provide in that regard for the Council of the European Union, on a proposal from the President of the Court of Justice, to appoint three temporary Judges to the Civil Service Tribunal.

Temporary Judges should be appointed from among former Members of the Court of Justice, the General Court and the Civil Service Tribunal. It might have been envisaged that temporary Judges would be designated from among those candidates on the list adopted by the selection committee pursuant to Article 3(4) of Annex I to the Statute who have not been appointed as Judges by the Council. However, there are certain disadvantages to that solution. In order to ensure that a temporary Judge is fully effective, it is important that the persons appointed should be in a position to perform the duties of Judge at the Civil Service Tribunal immediately, and thus to be operational as soon as they are designated. Furthermore, candidates who are not appointed but are on the selection committee's list are normally professionally occupied and would therefore be unlikely to have the requisite availability to meet the needs of the Civil Service Tribunal.

The procedure for the actual designation of temporary Judges on the basis of the list drawn up by the Council should be as straightforward as possible to ensure that replacement is flexible and effective.

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1 OJ L 333, 9.11.2004, p. 7, with corrigendum OJ L 103, 20.4.2007, p. 54.

Specifically, where the Civil Service Tribunal determines that a Judge is or will be prevented, on medical grounds, from participating in judicial business; that the situation in question will be or is likely to be of at least three months' duration; and that he is not suffering from disablement deemed to be total within the meaning of Article 10 of Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and Members of the Commission, of the President, Judges, Advocates General and Registrar of the Court of Justice, of the President, Members and Registrar of the General Court and of the President, Members and Registrar of the European Union Civil Service Tribunal [2] ('Regulation No 422/67/EEC and No 5/67/Euratom'), the Tribunal could decide to avail itself of the assistance of a temporary Judge, in which case it would be for the President of the Tribunal to call upon him to undertake active judicial duties, on the basis of the list adopted by the Council.

The temporary Judge would take over, at least in part, the judicial work of the Judge who is prevented from acting. Accordingly, he would take over that Judge's case-files in a certain number of cases designated by the President of the Civil Service Tribunal, and would take that Judge's place when new cases are allocated.

The independence and impartiality of temporary Judges who are called upon to undertake judicial duties would be guaranteed by the fourth paragraph of Article 257 TFEU and by a reference to Articles 2 to 6 and 18 of the Statute, in the same way as the provision made under Article 5 of Annex I thereto in relation to the permanent Judges of the Civil Service Tribunal.

The effect of Article 3 of the draft regulation is that temporary Judges would be able to perform only strictly judicial duties and would not be entitled to participate in the administration of the Civil Service Tribunal or in the election of the President of the Tribunal or Presidents of Chambers. It also means that they would not be entitled to appoint their own staff.

Provision must also be made for the emoluments of temporary Judges who are called upon to undertake judicial duties. It is proposed to do so in Article 4 of the draft regulation, in order to maintain homogeneity in the rules governing temporary Judges.

2 OJ, English Special Edition 1967, p. 222.

Article 4(1) of the draft regulation provides that, under the supervision of the President of the Civil Service Tribunal, temporary Judges would be entitled to remuneration, for each day actually worked, of an amount equal to 1/30th of the basic monthly salary payable to Judges under Article 21c(2) of Regulation No 422/67/EEC and No 5/67/Euratom. This method of calculating the remuneration of temporary Judges has been taken over *mutatis mutandis* from Article 12(1) of Resolution CM/Res(2009)5 of the Committee of Ministers of the Council of Europe of 23 September 2009 on the status and conditions of service of judges of the European Court of Human Rights and of the Commissioner for Human Rights.

Temporary Judges would also be entitled to reimbursement of their travel and hotel expenses, as well as to payment of a daily subsistence allowance, in respect of journeys to Luxembourg in the course of their duties. However, the reimbursement of hotel expenses and the daily subsistence allowance could be omitted, if necessary.

It is apparent, moreover, from the first subparagraph of Article 4(2) of the draft regulation that the pension provided for under Article 8 of Regulation No 422/67/EEC and No 5/67/Euratom would be capped in so far as it was drawn concurrently with the remuneration referred to above. This arrangement is based on that provided for by Article 7(3) of Regulation No 422/67/EEC and No 5/67/Euratom. That provision should, moreover, be applied if a transitional allowance were paid to a former Member of the Court of Justice of the European Union called upon to undertake judicial duties as a temporary Judge.

Finally, having regard to Article 11 of Regulation No 422/67/EEC and No 5/67/Euratom, which envisages various situations in which former Members are entitled to benefits under the social security scheme for officials, on condition that they are not in gainful employment, the fourth subparagraph of Article 4(2) of the draft regulation specifies, in that respect, that the office of temporary Judge should not be taken into consideration for the purposes of entitlement under that scheme.

Article 5 of the draft regulation outlines the circumstances in which temporary Judges would cease to perform their duties. Other than in the case of death, the duties of a temporary Judge should cease when he resigns or on a decision to deprive him of his office if he no longer fulfils the requisite conditions or meets the obligations arising from his office (Articles 5 and 6 of the Statute) or, as the case may be, when the Judge whom he has replaced is no longer prevented from acting. However, in the interests of the proper administration of justice, a temporary Judge will, in principle, continue to perform his duties until the cases in which he has been sitting are completed. It should be

borne in mind in that regard that the Tribunal could, in those circumstances in particular, review the level of benefits of the person concerned.

By contrast, it is apparent from the above that expiry of the period of validity of the list of temporary Judges adopted by the Council should not affect the performance of their duties by those temporary Judges designated by the President of the Tribunal on the basis of the list applicable at the time when they were called upon to take up their duties; they would thus continue to deal with cases already assigned to them.

Furthermore, the name of any temporary Judge who has died, resigned or been deprived of his office would be removed from the aforementioned list, which would then be supplemented for the remainder of the period of its validity.

Since the draft regulation is intended to provide the Civil Service Tribunal with occasional assistance on as economical a basis as possible, it is appropriate, finally, to summarise the measures which ought to limit the budgetary impact of the proposal:

– first, recourse to temporary Judges would be limited to cases where

  - a Judge of the Tribunal is prevented, on medical grounds, from participating in judicial business;
  - the situation is, or is likely to be, of at least three months' duration; and
  - the Judge in question is not suffering from disablement deemed to be total within the meaning of Article 10 of Regulation No 422/67/EEC and No 5/67/Euratom;

– second, the temporary Judges' emoluments would depend on the number of days actually worked, as recorded by the President of the Civil Service Tribunal;

– third, the capping mechanism provided for under Article 7(3) of Regulation No 422/67/EEC and No 5/67/Euratom would apply;

– fourth, a similar capping mechanism is provided for in the event of a temporary Judge drawing his salary concurrently with a pension in his capacity as a former Member of the Court of Justice of the European Union.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 257 thereof,

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

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 62c thereof and Article 2(2) of Annex I thereto,

Having regard to the request of the Court of Justice,

Having regard to the opinion of the European Commission,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) **It is necessary, in accordance with the second paragraph of Article 62c of the Statute and Article 2(2) of Annex I thereto, to lay down the rules governing the appointment of temporary Judges to the European Union Civil Service Tribunal, their rights and duties, the conditions under which they may perform their duties and the circumstances in which they would cease to perform those duties.**

(2) **Temporary Judges should be chosen from among persons who are capable of performing the duties of Judge at the Civil Service Tribunal immediately. The appointment of former Members of the Court of Justice, of the General Court or of the Civil Service Tribunal can ensure that those requirements are met.**

(3) **In view of the circumstances in which temporary Judges would be designated, the process must have the requisite flexibility. To that end, the Council should be responsible for drawing up a list of three persons capable of being designated as temporary Judge. Should it become necessary to replace, on a temporary basis, a Judge who, on health grounds, is prevented from acting, the Civil**

Service Tribunal would take the decision to avail itself of the assistance of a temporary Judge. Pursuant to that decision, the President of the Civil Service Tribunal would call upon one of the persons whose names are included on the list adopted by the Council to undertake judicial duties.

(4) The method of remuneration of temporary Judges must also be provided for, as must the question of the effects of their duties and of that remuneration on the emoluments to which they are entitled as former Members of the Court of Justice of the European Union.

(5) Finally, it is important to make provision for the cessation of the temporary Judges' duties.

HAVE ADOPTED THIS REGULATION:

Article 1

In this Regulation:

– 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union;

– 'Civil Service Tribunal' means the European Union Civil Service Tribunal;

– 'Regulation No 422/67/EEC and No 5/67/Euratom' means Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and Members of the Commission, of the President, Judges, Advocates General and Registrar of the Court of Justice, of the President, Members and Registrar of the General Court and of the President, Members and Registrar of the European Union Civil Service Tribunal; [3]

– 'President of the Tribunal' means the President of the European Union Civil Service Tribunal.

3 OJ, English Special Edition 1967, p. 222.

Article 2

1. On a proposal from the President of the Court of Justice, the Council of the European Union, acting unanimously, shall draw up a list of three persons to be temporary Judges within the meaning of the second paragraph of Article 62c of the Statute.

Temporary Judges shall be chosen from among former Members of the Court of Justice of the European Union who are able to place themselves at the disposal of the Civil Service Tribunal.

Temporary Judges shall be appointed for a period of four years and may be reappointed.

2. The Civil Service Tribunal may decide to avail itself of the assistance of a temporary Judge if it determines that a Judge is or will be prevented, on medical grounds, from participating in judicial business and that the situation will be or is likely to be of at least three months' duration, and if it takes the view that that Judge is nevertheless not suffering from disablement deemed to be total.

Pursuant to the decision referred to in the first subparagraph, the President of the Tribunal shall call upon a temporary Judge referred to in the first subparagraph of paragraph 1 to undertake judicial duties. He shall inform the President of the Court of Justice accordingly.

Where a Judge will foreseeably be prevented from acting and the Civil Service Tribunal takes a prospective decision, the temporary Judge may not take up his duties or participate in judicial business until the Judge whom he is to replace is actually prevented from acting.

3. Articles 2 to 6 and 18 of the Statute shall apply to temporary Judges. The oath provided for by Article 2 of the Statute shall be taken when the temporary Judge first takes up his duties.

Article 3

Temporary Judges who are called upon to take up their duties shall exercise the prerogatives of a Judge solely in the context of dealing with cases to which they are assigned.

They shall be assisted by the services of the Civil Service Tribunal.

Article 4

1. Temporary Judges shall receive remuneration of an amount equal to 1/30th of the basic monthly salary allocated to Judges under Article 21c(2) of Regulation No 422/67/EEC and No 5/67/Euratom for each day, duly recorded by the President of the Tribunal, during which they perform their duties.

Article 6 [or Article 6(a) and (b)] of Regulation No 422/67/EEC and No 5/67/Euratom shall apply to temporary Judges who are required to travel away from their place of residence in order to perform their duties.

2. The amount by which the remuneration provided for in the first subparagraph of paragraph 1 together with the pension provided for in Article 8 of Regulation No 422/67/EEC and No 5/67/Euratom exceeds the remuneration, before deduction of taxes, which the temporary Judge was receiving as a member of the Court of Justice of the European Union shall be deducted from that pension. The remuneration provided for in paragraph 1 shall also be taken into account for the purposes of the application of Article 7(3) of that regulation.

A temporary Judge shall not be entitled to a transitional allowance or pension under Articles 7 and 8 of Regulation No 422/67/EEC and No 5/67/Euratom.

Article 19 of Regulation No 422/67/EEC and No 5/67/Euratom shall apply to the remuneration provided for in the first subparagraph of paragraph 1.

Temporary Judges shall not be entitled, in that capacity, to benefit under the social security scheme provided for in the Staff Regulations of Officials of the European Union. Performance of the duties of temporary Judge may not be treated as gainful employment or occupation within the meaning of Article 11 of Regulation No 422/67/EEC and No 5/67/Euratom.

3. The remuneration provided for in the first subparagraph of paragraph 1 shall be subject to the tax provided for by Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Union.

Article 5

The duties of a temporary Judge shall cease, and his name shall be removed from the list provided for in the first subparagraph of Article 2(1), on his death or resignation, or by decision to deprive him of his office as provided by the first and second paragraphs of Article 6 of the Statute.

The duties of a temporary Judge shall end when the Judge whom he has replaced is no longer prevented from acting. However, the Civil Service Tribunal may decide that a temporary Judge should continue to perform his duties until the cases in which he has been sitting are completed.

Any temporary Judge whose name is removed from the list provided for by Article 2(1) shall be replaced, in accordance with the procedure under that provision, for the remainder of the period of validity of the list.

Article 6

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …, on …

For the European Parliament
President

For the Council
President

TABLE OF CORRESPONDENCE

The following table shows in relation to each Article, paragraph or subparagraph of the Rules of Procedure of 19 June 1991, as last amended on 24 May 2011, the Article and, where relevant, the corresponding paragraph of the Rules of Procedure of 25 September 2012, which entered into force on 1 November 2012.

Where appropriate, reference is also made in brackets to the Articles of the 1991 Rules of Procedure that have been substantively amended in the new Rules of Procedure, excluding purely formal or terminological amendments.

Rules of Procedure of 19 June 1991	Rules of Procedure of 25 September 2012
INTERPRETATION	
Article 1, first paragraph (amended)	Article 1(1)
Article 1, second paragraph (amended)	Article 1(2)
TITLE I - ORGANISATION OF THE COURT	
Chapter 1: JUDGES AND ADVOCATES GENERAL	
Article 2 (amended)	Article 3
Article 3(1) (amended)	Article 4
Article 3(2) (amended)	Article 5
Article 4 (amended)	Article 6
Article 5	See Articles 3 to 6
Article 6 (amended)	Article 7
Chapter 2: PRESIDENCY OF THE COURT AND CONSTITUTION OF THE CHAMBERS	
Article 7(1)	Article 8(1)
Article 7(2)	Article 8(2)
Article 7(3)	Article 8(3)
Article 8 (amended)	Article 9
Article 9(1), first subparagraph	Article 11(1)
Article 9(1), second subparagraph (amended)	Article 11(2)
Article 9(1), third subparagraph (amended)	Article 11(5)
Article 9(2), first subparagraph (amended)	Article 15(1)
Article 9(2), second subparagraph (amended)	Article 15(2)
Article 9(2), third subparagraph	Article 15(3)
Article 9(3)	Article 11(3)
Article 9(4)	Article 11(4)

Rules of Procedure of 19 June 1991	Rules of Procedure of 25 September 2012
Article 10(1), first subparagraph (amended)	Article 12(1)
Article 10(1), second subparagraph (amended)	Article 12(2)
Article 10(1), third subparagraph (amended)	Article 14(1)
Article 10(1), fourth subparagraph	Article 12(3)
Article 10(1), fifth subparagraph (amended)	Articles 8(5), 12(4) and 14(3)
Article 10(2) (amended)	Article 16
Article 11 (amended)	Article 13
Chapter 2a: FORMATIONS OF THE COURT	
Article 11a	Repealed
Article 11b(1) (amended)	Article 27(1)
Article 11b(2), first subparagraph (amended)	Article 27(2) to (4)
Article 11b(2), second subparagraph (amended)	Article 27(5)
Article 11b(3), first subparagraph (amended)	Article 27(6)
Article 11b(3), second subparagraph	Article 27(7)
Article 11c(1)	Article 28(1)
Article 11c(2), first subparagraph	Article 28(2)
Article 11c(2), second subparagraph	Article 28(3)
Article 11c(2), third subparagraph	Article 28(4)
Article 11d(1)	Article 29(1)
Article 11d(2)	Article 29(2)
Article 11e, first paragraph (amended)	Article 31
Article 11e, second paragraph (amended)	Article 13
Article 11e, third paragraph	Article 30(1)
Article 11e, fourth paragraph	Article 30(2)
Chapter 3: REGISTRY	
Section 1 – The Registrar and Assistant Registrars	
Article 12(1), first subparagraph	Article 18(1)
Article 12(1), second subparagraph	Repealed
Article 12(2) (amended)	Article 18(2)
Article 12(3) (amended)	Article 18(3)
Article 12(4) (amended)	Article 18(4)
Article 12(5) (amended)	Article 18(5)

Rules of Procedure of 19 June 1991	Rules of Procedure of 25 September 2012
Article 12(6)	Article 18(6)
Article 12(7)	Article 18(7)
Article 13 (amended)	Article 19
Article 14	Repealed
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RULES OF PROCEDURE
OF THE GENERAL COURT

This edition consolidates:

the Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 (OJ L 136 of 30.5.1991, p. 1, and OJ L 317 of 19.11.1991, p. 34 (corrigenda)) and the amendments resulting from the following measures:

1. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 15 September 1994 (OJ L 249 of 24.9.1994, p. 17),

2. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 17 February 1995 (OJ L 44 of 28.2.1995, p. 64),

3. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 6 July 1995 (OJ L 172 of 22.7.1995, p. 3),

4. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 12 March 1997 (OJ L 103 of 19.4.1997, p. 6, and OJ L 351 of 23.12.1997, p. 72 (corrigenda)),

5. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 17 May 1999 (OJ L 135 of 29.5.1999, p. 92),

6. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 6 December 2000 (OJ L 322 of 19.12.2000, p. 4),

7. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 21 May 2003 (OJ L 147 of 14.6.2003, p. 22),

8. Council Decision 2004/406/EC, Euratom of 19 April 2004 amending Article 35(1) and (2) of the Rules of Procedure of the Court of First Instance of the European Communities (OJ L 132 of 29.4.2004, p. 3),

9. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 21 April 2004 (OJ L 127 of 29.4.2004, p. 108),

10. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 12 October 2005 (OJ L 298 of 15.11.2005, p. 1),

11. Council Decision 2006/956/EC, Euratom of 18 December 2006 amending the Rules of Procedure of the Court of First Instance of the European Communities with regard to languages (OJ L 386 of 29.12.2006, p. 45),

12. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 12 June 2008 (OJ L 179 of 8.7.2008, p. 12),

13. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 14 January 2009 (OJ L 24 of 28.1.2009, p. 9),

14. Council Decision 2009/170/EC, Euratom of 16 February 2009 amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal (OJ L 60 of 4.3.2009, p. 3),

15. Amendments to the Rules of Procedure of the Court of First Instance of the European Communities of 7 July 2009 (OJ L 184 of 16.7.2009, p. 10),

16. Amendments to the Rules of Procedure of the General Court of 26 March 2010 (OJ L 92 of 13.4.2010, p. 14),

17. Amendments to the Rules of Procedure of the General Court of 24 May 2011 (OJ L 162 of 22.6.2011, p. 18).

This edition has no legal force and the preambles have therefore been omitted.

RULES OF PROCEDURE
OF THE GENERAL COURT
OF 2 MAY 1991 [1]

SUMMARY

[1] OJ L 136 of 30.5.1991 and OJ L 317 of 19.11.1991, p. 34 (corrigenda), with amendments dated 15 September 1994 (OJ L 249 of 24.9.1994, p. 17), 17 February 1995 (OJ L 44 of 28.2.1995, p. 64), 6 July 1995 (OJ L 172 of 22.7.1995, p. 3), 12 March 1997 (OJ L 103 of 19.4.1997, p. 6, and OJ L 351 of 23.12.1997, p. 72 (corrigenda), 17 May 1999 (OJ L 135 of 29.5.1999, p. 92), 6 December 2000 (OJ L 322 of 19.12.2000, p. 4), 21 May 2003 (OJ L 147 of 14.6.2003, p. 22), 19 April 2004 (OJ L 132 of 29.4.2004, p. 3), 21 April 2004 (OJ L 127 of 29.4.2004, p. 108), 12 October 2005 (OJ L 298 of 15.11.2005, p. 1), 18 December 2006 (OJ L 386 of 29.12.2006, p. 45), 12 June 2008 (OJ L 179 of 8.7.2008, p. 12), 14 January 2009 (OJ L 24 of 28.1.2009, p. 9), 16 February 2009 (OJ L 60 of 4.3.2009, p. 3), 7 July 2009 (OJ L 184 of 16.7.2009, p. 10), 26 March 2010 (OJ L 92 of 13.4.2010, p. 14) and 24 May 2011 (OJ L 162 of 22.6.2011, p. 18).

INTERPRETATION

Article 1

Throughout these Rules:

– provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU';

– provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article followed by 'TEAEC';

– 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union;

– 'EEA Agreement' means the Agreement on the European Economic Area.

For the purposes of these Rules:

– 'institution' or 'institutions' means the institutions of the Union and the bodies, offices and agencies established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the General Court;

– 'EFTA Surveillance Authority' means the surveillance authority referred to in the EEA Agreement.

TITLE 1

ORGANISATION OF THE GENERAL COURT

Chapter 1
PRESIDENT AND MEMBERS OF THE GENERAL COURT

Article 2

1. Every Member of the General Court shall, as a rule, perform the function of Judge.

Members of the General Court are hereinafter referred to as 'Judges'.

2. Every Judge, with the exception of the President, may, in the circumstances specified in Articles 17 to 19, perform the function of Advocate General in a particular case.

References to the Advocate General in these Rules shall apply only where a Judge has been designated as Advocate General.

Article 3

The term of office of a Judge shall begin on the date laid down in his instrument of appointment. In the absence of any provision regarding the date, the term shall begin on the date of the instrument.

Article 4

1. Before taking up his duties, a Judge shall take the following oath before the Court of Justice:

> 'I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court.'

2. Immediately after taking the oath, a Judge shall sign a declaration by which he solemnly undertakes that, both during and after his term of office, he will respect the obligations arising therefrom, and in particular the duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments and benefits.

Article 5

When the Court of Justice is called upon to decide, after consulting the General Court, whether a Judge of the General Court no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President of the General Court shall invite the Judge concerned to make representations to the General Court, in closed session and in the absence of the Registrar.

The General Court shall state the reasons for its opinion.

An opinion to the effect that a Judge of the General Court no longer fulfils the requisite conditions or no longer meets the obligations arising from his office must receive the votes of a majority of the Judges of the General Court. In that event, particulars of the voting shall be communicated to the Court of Justice.

Voting shall be by secret ballot; the Judge concerned shall not take part in the deliberations.

Article 6

With the exception of the President of the General Court and of the Presidents of the Chambers, the Judges shall rank equally in precedence according to their seniority in office.

Where there is equal seniority in office, precedence shall be determined by age.

Retiring Judges who are reappointed shall retain their former precedence.

Article 7

1. The Judges shall, immediately after the partial replacement provided for in Article 254 TFEU, elect one of their number as President of the General Court for a term of three years.

2. If the office of President of the General Court falls vacant before the normal date of expiry thereof, the General Court shall elect a successor for the remainder of the term.

3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the Court shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

Article 8

The President of the General Court shall direct the judicial business and the administration of the General Court. He shall preside at plenary sittings and deliberations.

The President of the General Court shall preside over the Grand Chamber.

If the President of the General Court is assigned to a Chamber of three or of five Judges, he shall preside over that Chamber.

Article 9

When the President of the General Court is absent or prevented from attending or when the office of President is vacant, the functions of President shall be exercised by a President of a Chamber according to the order of precedence laid down in Article 6.

If the President of the General Court and the Presidents of the Chambers are all absent or prevented from attending at the same time, or their posts are vacant at the same time, the functions of President shall be exercised by one of the other Judges according to the order of precedence laid down in Article 6.

Chapter 2
CONSTITUTION OF THE CHAMBERS AND DESIGNATION OF JUDGE-RAPPORTEURS AND ADVOCATES GENERAL

Article 10

1. The General Court shall set up Chambers of three and of five Judges and a Grand Chamber of thirteen Judges and shall decide which Judges shall be attached to them.

2. The decision taken in accordance with this Article shall be published in the *Official Journal of the European Union.*

Article 11

1. Cases before the General Court shall be heard by Chambers composed of three or of five Judges in accordance with Article 10.

Cases may be heard by the General Court sitting in plenary session or by the Grand Chamber under the conditions laid down in Articles 14, 51, 106, 118, 124, 127 and 129.

Cases may be heard by a single Judge where they are delegated to him under the conditions specified in Articles 14 and 51 or assigned to him pursuant to Articles 124, 127(1) or 129(2).

2. In cases coming before a Chamber, the term 'General Court' in these Rules shall designate that Chamber. In cases delegated or assigned to a single Judge the term 'General Court' in these Rules shall designate that Judge.

Article 12

1. The General Court shall lay down criteria by which cases are to be allocated among the Chambers.

The decision shall be published in the *Official Journal of the European Union*.

Article 13

1. As soon as the application initiating proceedings has been lodged, the President of the General Court shall assign the case to one of the Chambers.

2. The President of the Chamber shall propose to the President of the General Court, in respect of each case assigned to the Chamber, the designation of a Judge to act as Rapporteur; the President of the General Court shall decide on the proposal.

Article 14

1. Whenever the legal difficulty or the importance of the case or special circumstances so justify, a case may be referred to the General Court sitting in plenary session, to the Grand Chamber or to a Chamber composed of a different number of Judges.

2. (1) The following cases assigned to a Chamber composed of three Judges may be heard and determined by the Judge-Rapporteur sitting as a single Judge where, having regard to the lack of difficulty of the questions of law or fact raised, to the limited importance of those cases and to the absence of other special circumstances, they are suitable for being so heard and determined and have been delegated under the conditions laid down in Article 51:

(a) cases brought pursuant to Article 270 TFEU;

(b) cases brought pursuant to the fourth paragraph of Article 263 TFEU, the third paragraph of Article 265 TFEU and Article 268 TFEU that raise only questions

already clarified by established case-law or that form part of a series of cases in which the same relief is sought and of which one has already been finally decided;

(c) cases brought pursuant to Article 272 TFEU.

(2) Delegation to a single Judge shall not be possible:

(a) in cases which raise issues as to the legality of an act of general application;

(b) in cases concerning the implementation of the rules:

– on competition and on control of concentrations,

– relating to aid granted by States,

– relating to measures to protect trade,

– relating to the common organisation of the agricultural markets, with the exception of cases that form part of a series of cases in which the same relief is sought and of which one has already been finally decided;

(c) in the cases referred to in Article 130(1).

(3) The single Judge shall refer the case back to the Chamber if he finds that the conditions justifying its delegation are no longer satisfied.

3. The decisions to refer or to delegate a case which are provided for in paragraphs 1 and 2 shall be taken under the conditions laid down in Article 51.

Article 15

1. The Judges shall elect from amongst themselves, pursuant to the provisions of Article 7(3), the Presidents of the Chambers composed of three and of five Judges.

2. The Presidents of Chambers of five Judges shall be elected for a term of three years. Their term of office shall be renewable once.

The election of the Presidents of Chambers of five Judges shall take place immediately after the election of the President of the General Court as provided for in Article 7(1).

3. The Presidents of Chambers of three Judges shall be elected for a defined term.

4. If the office of the President of a Chamber falls vacant before the normal date of expiry thereof, a successor shall be elected as President of the Chamber for the remainder of the term.

5. The results of those elections shall be published in the *Official Journal of the European Union.*

Article 16

In cases coming before a Chamber the powers of the President shall be exercised by the President of the Chamber.

In cases delegated or assigned to a single Judge, with the exception of those referred to in Articles 105 and 106, the powers of the President shall be exercised by that Judge.

Article 17

When the General Court sits in plenary session, it shall be assisted by an Advocate General designated by the President of the General Court.

Article 18

A Chamber of the General Court may be assisted by an Advocate General if it is considered that the legal difficulty or the factual complexity of the case so requires.

Article 19

The decision to designate an Advocate General in a particular case shall be taken by the General Court sitting in plenary session at the request of the Chamber before which the case comes.

The President of the General Court shall designate the Judge called upon to perform the function of Advocate General in that case.

Chapter 3
REGISTRY

Section 1 – The Registrar

Article 20

1. The General Court shall appoint the Registrar.

Two weeks before the date fixed for making the appointment, the President of the General Court shall inform the Judges of the applications which have been submitted for the post.

2. An application shall be accompanied by full details of the candidate's age, nationality, university degrees, knowledge of any languages, present and past occupations and experience, if any, in judicial and international fields.

3. The appointment shall be made following the procedure laid down in Article 7(3).

4. The Registrar shall be appointed for a term of six years. He may be reappointed.

5. Before he takes up his duties the Registrar shall take the oath before the General Court in accordance with Article 4.

6. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his office; the General Court shall take its decision after giving the Registrar an opportunity to make representations.

7. If the office of Registrar falls vacant before the usual date of expiry of the term thereof, the General Court shall appoint a new Registrar for a term of six years.

Article 21

The General Court may, following the procedure laid down in respect of the Registrar, appoint one or more Assistant Registrars to assist the Registrar and to take his place in so far as the Instructions to the Registrar referred to in Article 23 allow.

Article 22

Where the Registrar is absent or prevented from attending and, if necessary, where the Assistant Registrar is absent or so prevented, or where their posts are vacant, the President of the General Court shall designate an official or servant to carry out the duties of Registrar.

Article 23

Instructions to the Registrar shall be adopted by the General Court acting on a proposal from the President of the General Court.

Article 24

1. There shall be kept in the Registry, under the control of the Registrar, a register in which all pleadings and supporting documents shall be entered in the order in which they are lodged.

2. When a document has been registered, the Registrar shall make a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.

3. Entries in the register and the notes provided for in the preceding paragraph shall be authentic.

4. Rules for keeping the register shall be prescribed by the Instructions to the Registrar referred to in Article 23.

5. Persons having an interest may consult the register at the Registry and may obtain copies or extracts on payment of a charge on a scale fixed by the General Court on a proposal from the Registrar.

The parties to a case may on payment of the appropriate charge also obtain copies of pleadings and authenticated copies of orders and judgments.

6. Notice shall be given in the *Official Journal of the European Union* of the date of registration of an application initiating proceedings, the names and addresses of the parties, the subject-matter of the proceedings, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments.

7. Where the Council or the European Commission is not a party to a case, the General Court shall send to it copies of the application and of the defence, without the annexes thereto, to enable it to assess whether the inapplicability of one of its acts is being invoked under Article 277 TFEU. Copies of those documents shall likewise be

sent to the European Parliament to enable it to assess whether the inapplicability of an act adopted jointly by that institution and by the Council is being invoked under Article 277 TFEU.

Article 25

1. The Registrar shall be responsible, under the authority of the President, for the acceptance, transmission and custody of documents and for effecting service as provided for by these Rules.

2. The Registrar shall assist the General Court, the President and the Judges in all their official functions.

Article 26

The Registrar shall have custody of the seals. He shall be responsible for the records and be in charge of the publications of the General Court.

Article 27

Subject to Articles 5 and 33, the Registrar shall attend the sittings of the General Court.

Section 2 – Other Departments

Article 28

The officials and other servants whose task is to assist directly the President, the Judges and the Registrar shall be appointed in accordance with the Staff Regulations. They shall be responsible to the Registrar, under the authority of the President of the General Court.

Article 29

The officials and other servants referred to in Article 28 shall take the oath provided for in Article 20(2) of the Rules of Procedure of the Court of Justice before the President of the General Court in the presence of the Registrar.

Article 30

The Registrar shall be responsible, under the authority of the President of the General Court, for the administration of the General Court, its financial management and its accounts; he shall be assisted in this by the departments of the Court of Justice.

Chapter 4
THE WORKING OF THE GENERAL COURT

Article 31

1. The dates and times of the sittings of the General Court shall be fixed by the President.

2. The General Court may choose to hold one or more sittings in a place other than that in which the General Court has its seat.

Article 32

1. Where, by reason of a Judge being absent or prevented from attending, there is an even number of Judges, the most junior Judge within the meaning of Article 6 shall abstain from taking part in the deliberations unless he is the Judge-Rapporteur. In this case, the Judge immediately senior to him shall abstain from taking part in the deliberations.

Where, following the designation of an Advocate General pursuant to Article 17, there is an even number of Judges in the General Court sitting in plenary session, the President of the Court shall designate, before the hearing and in accordance with a rota established in advance by the General Court and published in the *Official Journal of the European Union*, the Judge who will not take part in the judgment of the case.

2. If after the General Court has been convened in plenary session, it is found that the quorum of nine Judges has not been attained, the President of the General Court shall adjourn the sitting until there is a quorum.

3. If in any Chamber of three or of five Judges, the quorum of three Judges has not been attained, the President of that Chamber shall so inform the President of the General Court who shall designate another Judge to complete the Chamber.

The quorum of the Grand Chamber shall be nine Judges. If that quorum has not been attained, the President of the General Court shall designate another Judge to complete the Chamber.

If in the Grand Chamber or in any Chamber of five Judges the number of Judges provided for by Article 10(1) is not attained by reason of a Judge's being absent or prevented from attending before the date of the opening of the oral procedure, the President of the General Court shall designate a Judge to complete that Chamber in order to restore the number of Judges provided for.

4. If in any Chamber of three or five Judges the number of Judges assigned to that Chamber is higher than three or five respectively, the President of the Chamber shall decide which of the Judges will be called upon to take part in the judgment of the case.

5. If the single Judge to whom the case has been delegated or assigned is absent or prevented from attending, the President of the General Court shall designate another Judge to replace that Judge.

Article 33

1. The General Court shall deliberate in closed session.

2. Only those Judges who were present at the oral proceedings may take part in the deliberations.

3. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

4. Any Judge may require that any question be formulated in the language of his choice and communicated in writing to the other Judges before being put to the vote.

5. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the General Court. Votes shall be cast in reverse order to the order of precedence laid down in Article 6.

6. Differences of view on the substance, wording or order of questions, or on the interpretation of a vote shall be settled by decision of the General Court.

7. Where the deliberations of the General Court concern questions of its own administration, the Registrar shall be present, unless the General Court decides to the contrary.

8. Where the General Court sits without the Registrar being present it shall, if necessary, instruct the most junior Judge within the meaning of Article 6 to draw up minutes. The minutes shall be signed by this Judge and by the President.

Article 34

1. Subject to any special decision of the General Court, its vacations shall be as follows:

– from 18 December to 10 January,

– from the Sunday before Easter to the second Sunday after Easter,

– from 15 July to 15 September.

During the vacations, the functions of President shall be exercised at the place where the General Court has its seat either by the President himself, keeping in touch with the Registrar, or by a President of Chamber or other Judge invited by the President to take his place.

2. In a case of urgency, the President may convene the Judges during the vacations.

3. The General Court shall observe the official holidays of the place where it has its seat.

4. The General Court may, in proper circumstances, grant leave of absence to any Judge.

Chapter 5
LANGUAGES

Article 35

1. The language of a case shall be Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish or Swedish.

2. The language of the case shall be chosen by the applicant, except that:

(a) where the defendant is a Member State or a natural or legal person having the nationality of a Member State, the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them;

(b) at the joint request of the parties, the use of another of the languages mentioned in paragraph 1 for all or part of the proceedings may be authorised;

(c) at the request of one of the parties, and after the opposite party and the Advocate General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorised by way of derogation from subparagraph (b); such a request may not be submitted by an institution.

Requests as above may be decided on by the President; the latter may and, where he proposes to accede to a request without the agreement of all the parties, must refer the request to the General Court.

3. The language of the case shall be used in the written and oral pleadings of the parties and in supporting documents, and also in the minutes and decisions of the General Court.

Any supporting documents expressed in another language must be accompanied by a translation into the language of the case.

In the case of lengthy documents, translations may be confined to extracts. However, the General Court may, of its own motion or at the request of a party, at any time call for a complete or fuller translation.

Notwithstanding the foregoing provisions, a Member State shall be entitled to use its official language when intervening in a case before the General Court. This provision shall apply both to written statements and to oral addresses. The Registrar shall cause any such statement or address to be translated into the language of the case.

The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may be authorised to use one of the languages mentioned in paragraph 1, other than the language of the case, when they intervene in a case before the General Court. This provision shall apply both to written statements and oral addresses. The Registrar shall cause any such statement or address to be translated into the language of the case.

4. Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in paragraph 1 of this Article, the General Court may authorise him to give his evidence in another language. The Registrar shall arrange for translation into the language of the case.

5. The President in conducting oral proceedings, the Judge-Rapporteur both in his preliminary report and in his report for the hearing, Judges and the Advocate General in putting questions and the Advocate General in delivering his opinion may use one of the languages referred to in paragraph 1 of this Article other than the language of the case. The Registrar shall arrange for translation into the language of the case.

Article 36

1. The Registrar shall, at the request of any Judge, of the Advocate General or of a party, arrange for anything said or written in the course of the proceedings before the General Court to be translated into the languages he chooses from those referred to in Article 35(1).

2. Publications of the General Court shall be issued in the languages referred to in Article 1 of Council Regulation No 1.

Article 37

The texts of documents drawn up in the language of the case or in any other language authorised by the General Court pursuant to Article 35 shall be authentic.

Chapter 6
RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS

Article 38

1. Agents, advisers and lawyers, appearing before the General Court or before any judicial authority to which it has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. Agents, advisers and lawyers shall enjoy the following further privileges and facilities:

(a) papers and documents relating to the proceedings shall be exempt from both search and seizure; in the event of a dispute the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the General Court for inspection in the presence of the Registrar and of the person concerned;

(b) agents, advisers and lawyers shall be entitled to such allocation of foreign currency as may be necessary for the performance of their duties;

(c) agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

Article 39

In order to qualify for the privileges, immunities and facilities specified in Article 38, persons entitled to them shall furnish proof of their status as follows:

(a) agents shall produce an official document issued by the party for whom they act and shall forward without delay a copy thereof to the Registrar;

(b) advisers and lawyers shall produce a certificate signed by the Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.

Article 40

The privileges, immunities and facilities specified in Article 38 are granted exclusively in the interests of the proper conduct of proceedings.

The General Court may waive the immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 41

1. If the General Court considers that the conduct of an adviser or lawyer towards the General Court, the President, a Judge or the Registrar is incompatible with the dignity of the General Court or with the requirements of the proper administration of justice, or that such adviser or lawyer uses his rights for purposes other than those for which they were granted, it shall so inform the person concerned. The General Court may inform the competent authorities to whom the person concerned is answerable; a copy of the letter sent to those authorities shall be forwarded to the person concerned.

On the same grounds the General Court may at any time, having heard the person concerned, exclude that person from the proceedings by order. That order shall have immediate effect.

2. Where an adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another adviser or lawyer.

3. Decisions taken under this Article may be rescinded.

Article 42

The provisions of this Chapter shall apply to university teachers who have a right of audience before the General Court in accordance with Article 19 of the Statute.

TITLE 2
PROCEDURE

Chapter 1
WRITTEN PROCEDURE

Article 43

1. The original of every pleading must be signed by the party's agent or lawyer.

The original, accompanied by all annexes referred to therein, shall be lodged together with five copies for the General Court and a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.

2. Institutions shall in addition produce, within time-limits laid down by the General Court, translations of all pleadings into the other languages provided for by Article 1 of Council Regulation No 1. The second subparagraph of paragraph 1 of this Article shall apply.

3. All pleadings shall bear a date. In the reckoning of time-limits for taking steps in proceedings only the date of lodgment at the Registry shall be taken into account.

4. To every pleading there shall be annexed a file containing the documents relied on in support of it, together with a schedule listing them.

5. Where in view of the length of a document only extracts from it are annexed to the pleading, the whole document or a full copy of it shall be lodged at the Registry.

6. Without prejudice to the provisions of paragraphs 1 to 5, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by telefax or other technical means of communication available to the General Court shall be deemed to be the date of lodgment for the purposes of compliance with the time-limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by the annexes and copies referred to in the second subparagraph of paragraph 1, is lodged at the Registry no later than ten days thereafter. Article 102(2) shall not be applicable to this period of ten days.

7. Without prejudice to the first subparagraph of paragraph 1 or to paragraphs 2 to 5, the General Court may by decision determine the criteria for a procedural document sent

to the Registry by electronic means to be deemed to be the original of that document. That decision shall be published in the *Official Journal of the European Union.*

Article 44

1. An application of the kind referred to in Article 21 of the Statute shall state:

(a) the name and address of the applicant;

(b) the designation of the party against whom the application is made;

(c) the subject-matter of the proceedings and a summary of the pleas in law on which the application is based;

(d) the form of order sought by the applicant;

(e) where appropriate, the nature of any evidence offered in support.

2. For the purposes of the proceedings, the application shall state an address for service in the place where the General Court has its seat and the name of the person who is authorised and has expressed willingness to accept service.

In addition to or instead of specifying an address for service as referred to in the first subparagraph, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.

If the application does not comply with the requirements referred to in the first and second subparagraphs, all service on the party concerned for the purposes of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the agent or lawyer of that party. By way of derogation from the first paragraph of Article 100, service shall then be deemed to have been duly effected by the lodging of the registered letter at the post office of the place where the General Court has its seat.

3. The lawyer acting for a party must lodge at the Registry a certificate that he is authorised to practise before a Court of a Member State or of another State which is a party to the EEA Agreement.

4. The application shall be accompanied, where appropriate, by the documents specified in the second paragraph of Article 21 of the Statute.

5. An application made by a legal person governed by private law shall be accompanied by:

(a) the instrument or instruments constituting and regulating that legal person or a recent extract from the register of companies, firms or associations or any other proof of its existence in law;

(b) proof that the authority granted to the applicant's lawyer has been properly conferred on him by someone authorised for the purpose.

5a. An application submitted under Article 272 TFEU pursuant to an arbitration clause contained in a contract governed by public or private law, entered into by the Union or on its behalf, shall be accompanied by a copy of the contract which contains that clause.

6. If an application does not comply with the requirements set out in paragraphs 3 to 5 of this Article, the Registrar shall prescribe a reasonable period within which the applicant is to comply with them whether by putting the application itself in order or by producing any of the above-mentioned documents. If the applicant fails to put the application in order or to produce the required documents within the time prescribed, the General Court shall decide whether the non-compliance with these conditions renders the application formally inadmissible.

Article 45

The application shall be served on the defendant. In a case where Article 44(6) applies, service shall be effected as soon as the application has been put in order or the General Court has declared it admissible notwithstanding the failure to observe the formal requirements set out in that Article.

Article 46

1. Within two months after service on him of the application, the defendant shall lodge a defence, stating:

(a) the name and address of the defendant;

(b) the arguments of fact and law relied on;

(c) the form of order sought by the defendant;

(d) the nature of any evidence offered by him.

The provisions of Article 44(2) to (5) shall apply to the defence.

2. In proceedings between the Union and its servants the defence shall be accompanied by the complaint within the meaning of Article 90(2) of the Staff

Regulations of Officials and by the decision rejecting the complaint together with the dates on which the complaint was submitted and the decision notified.

3. The time-limit laid down in paragraph 1 of this Article may, in exceptional circumstances, be extended by the President on a reasoned application by the defendant.

Article 47

1. The application initiating the proceedings and the defence may be supplemented by a reply from the applicant and by a rejoinder from the defendant unless the General Court, after hearing the Advocate General, decides that a second exchange of pleadings is unnecessary because the documents before it are sufficiently comprehensive to enable the parties to elaborate their pleas and arguments in the course of the oral procedure. However, the General Court may authorise the parties to supplement the documents if the applicant presents a reasoned request to that effect within two weeks from the notification of that decision.

2. The President shall fix the time-limits within which these pleadings are to be lodged.

Article 48

1. In reply or rejoinder a party may offer further evidence. The party must, however, give reasons for the delay in offering it.

2. No new plea in law may be introduced in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure.

If in the course of the procedure one of the parties puts forward a new plea in law which is so based, the President may, even after the expiry of the normal procedural time-limits, acting on a report of the Judge-Rapporteur and after hearing the Advocate General, allow the other party time to answer on that plea.

Consideration of the admissibility of the plea shall be reserved for the final judgment.

Article 49

At any stage of the proceedings the General Court may, after hearing the Advocate General, prescribe any measure of organisation of procedure or any measure of inquiry referred to in Articles 64 and 65 or order that a previous inquiry be repeated or expanded.

Article 50

1. The President may, at any time, after hearing the parties and the Advocate General, order that two or more cases concerning the same subject-matter shall, on account of the connection between them, be joined for the purposes of the written or oral procedure or of the final judgment. The cases may subsequently be disjoined. The President may refer these matters to the General Court.

2. The agents, advisers or lawyers of all the parties to the joined cases, including interveners, may examine at the Registry the pleadings served on the parties in the other cases concerned. The President may, however, on application by a party, without prejudice to Article 67(3), exclude secret or confidential documents from that consultation.

Article 51

1. In the cases specified in Article 14(1), and at any stage in the proceedings, the Chamber hearing the case or the President of the General Court may, either on its or his own initiative or at the request of one of the parties, propose to the General Court sitting in plenary session that the case be referred to the General Court sitting in plenary session, to the Grand Chamber or to a Chamber composed of a different number of Judges. The decision to refer a case to a formation composed of a greater number of Judges shall be taken by the General Court in plenary session, after hearing the Advocate General.

The case shall be decided by a Chamber composed of at least five Judges where a Member State or an institution of the Union which is a party to the proceedings so requests.

2. The decision to delegate a case to a single Judge in the situations specified in Article 14(2) shall be taken, after the parties have been heard, unanimously by the Chamber composed of three Judges before which the case is pending.

Where a Member State or an institution of the Union which is a party to the proceedings objects to the case being heard by a single Judge the case shall be maintained before or referred to the Chamber to which the Judge-Rapporteur belongs.

Article 52

1. Without prejudice to Article 49, the President shall,

(a) after the rejoinder has been lodged, or

(b) where no reply or no rejoinder has been lodged within the time-limit fixed in accordance with Article 47(2), or

(c) where the party concerned has waived his right to lodge a reply or rejoinder, or

(d) where the General Court has decided that there is no need, in accordance with Article 47(1), to supplement the application and the defence by a reply and a rejoinder, or

(e) where the General Court has decided that it is appropriate to adjudicate under an expedited procedure in accordance with Article 76a(1),

fix a date on which the Judge-Rapporteur is to present his preliminary report to the General Court.

2. The preliminary report shall contain recommendations as to whether measures of organisation of procedure or measures of inquiry should be undertaken and whether the case should be referred to the General Court sitting in plenary session, to the Grand Chamber or to a Chamber composed of a different number of Judges.

The General Court shall decide, after hearing the Advocate General, what action to take upon the recommendations of the Judge-Rapporteur.

Article 53

Where the General Court decides to open the oral procedure without undertaking measures of organisation of procedure or ordering a preparatory inquiry, the President of the General Court shall fix the opening date.

Article 54

Without prejudice to any measures of organisation of procedure or measures of inquiry which may be arranged at the stage of the oral procedure, where, during the written procedure, measures of organisation of procedure or measures of inquiry have been instituted and completed, the President shall fix the date for the opening of the oral procedure.

Chapter 2
ORAL PROCEDURE

Article 55

1. The General Court shall deal with the cases before it in the order in which the preparatory inquiries in them have been completed. Where the preparatory inquiries in several cases are completed simultaneously, the order in which they are to be dealt with shall be determined by the dates of entry in the register of the applications initiating them respectively.

2. The President may in special circumstances order that a case be given priority over others.

The President may in special circumstances, after hearing the parties and the Advocate General, either on his own initiative or at the request of one of the parties, defer a case to be dealt with at a later date. On a joint application by the parties the President may order that a case be deferred.

Article 56

The proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

Article 57

The oral proceedings in cases heard *in camera* shall not be published.

Article 58

The President may in the course of the hearing put questions to the agents, advisers or lawyers of the parties.

The other Judges and the Advocate General may do likewise.

Article 59

A party may address the General Court only through his agent, adviser or lawyer.

Article 60

Where an Advocate General has not been designated in a case, the President shall declare the oral procedure closed at the end of the hearing.

Article 61

1. Where the Advocate General delivers his opinion in writing, he shall lodge it at the Registry, which shall communicate it to the parties.

2. After the delivery, orally or in writing, of the opinion of the Advocate General the President shall declare the oral procedure closed.

Article 62

The General Court may, after hearing the Advocate General, order the reopening of the oral procedure.

Article 63

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

2. The parties may inspect the minutes at the Registry and obtain copies at their own expense.

Chapter 3
MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY

Section 1 – Measures of organisation of procedure

Article 64

1. The purpose of measures of organisation of procedure shall be to ensure that cases are prepared for hearing, procedures carried out and disputes resolved under the best

possible conditions. They shall be prescribed by the General Court, after hearing the Advocate General.

2. Measures of organisation of procedure shall, in particular, have as their purpose:

(a) to ensure efficient conduct of the written and oral procedure and to facilitate the taking of evidence;

(b) to determine the points on which the parties must present further argument or which call for measures of inquiry;

(c) to clarify the forms of order sought by the parties, their pleas in law and arguments and the points at issue between them;

(d) to facilitate the amicable settlement of proceedings.

3. Measures of organisation of procedure may, in particular, consist of:

(a) putting questions to the parties;

(b) inviting the parties to make written or oral submissions on certain aspects of the proceedings;

(c) asking the parties or third parties for information or particulars;

(d) asking for documents or any papers relating to the case to be produced;

(e) summoning the parties' agents or the parties in person to meetings.

4. Each party may, at any stage of the procedure, propose the adoption or modification of measures of organisation of procedure. In that case, the other parties shall be heard before those measures are prescribed.

Where the procedural circumstances so require, the Registrar shall inform the parties of the measures envisaged by the General Court and shall give them an opportunity to submit comments orally or in writing.

5. If the General Court sitting in plenary session or as the Grand Chamber decides to prescribe measures of organisation of procedure and does not undertake such measures itself, it shall entrust the task of so doing to the Chamber to which the case was originally assigned or to the Judge-Rapporteur.

If a Chamber prescribes measures of organisation of procedure and does not undertake such measures itself, it shall entrust the task to the Judge-Rapporteur.

The Advocate General shall take part in measures of organisation of procedure.

Section 2 – Measures of inquiry

Article 65

Without prejudice to Articles 24 and 25 of the Statute, the following measures of inquiry may be adopted:

(a) the personal appearance of the parties;

(b) a request for information and production of documents;

(c) oral testimony;

(d) the commissioning of an expert's report;

(e) an inspection of the place or thing in question.

Article 66

1. The General Court, after hearing the Advocate General, shall prescribe the measures of inquiry that it considers appropriate by means of an order setting out the facts to be proved. Before the General Court decides on the measures of inquiry referred to in Article 65(c), (d) and (e) the parties shall be heard.

The order shall be served on the parties.

2. Evidence may be submitted in rebuttal and previous evidence may be amplified.

Article 67

1. Where the General Court sitting in plenary session or as the Grand Chamber orders a preparatory inquiry and does not undertake such an inquiry itself, it shall entrust the task of so doing to the Chamber to which the case was originally assigned or to the Judge-Rapporteur.

Where a Chamber orders a preparatory inquiry and does not undertake such an inquiry itself, it shall entrust the task of so doing to the Judge-Rapporteur.

The Advocate General shall take part in the measures of inquiry.

2. The parties may be present at the measures of inquiry.

3. Subject to the provisions of Article 116(2) and (6), the General Court shall take into consideration only those documents which have been made available to the lawyers and agents of the parties and on which they have been given an opportunity of expressing their views.

Where it is necessary for the General Court to verify the confidentiality, in respect of one or more parties, of a document that may be relevant in order to rule in a case, that document shall not be communicated to the parties at the stage of such verification.

Where a document to which access has been denied by an institution has been produced before the General Court in proceedings relating to the legality of that denial, that document shall not be communicated to the other parties.

Section 3 – The summoning and examination of witnesses and experts

Article 68

1. The General Court may, either of its own motion or on application by a party, and after hearing the Advocate General and the parties, order that certain facts be proved by witnesses. The order shall set out the facts to be established.

The General Court may summon a witness of its own motion or on application by a party or at the instance of the Advocate General.

An application by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.

2. The witness shall be summoned by an order containing the following information:

(a) the surname, forenames, description and address of the witness;

(b) an indication of the facts about which the witness is to be examined;

(c) where appropriate, particulars of the arrangements made by the General Court for reimbursement of expenses incurred by the witness, and of the penalties which may be imposed on defaulting witnesses.

The order shall be served on the parties and the witnesses.

3. The General Court may make the summoning of a witness for whose examination a party has applied conditional upon the deposit with the cashier of the General Court of a sum sufficient to cover the taxed costs thereof; the General Court shall fix the amount of the payment.

The cashier of the General Court shall advance the funds necessary in connection with the examination of any witness summoned by the General Court of its own motion.

4. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in paragraph 5 of this Article and in Article 71.

The witness shall give his evidence to the General Court, the parties having been given notice to attend. After the witness has given his main evidence the President may, at the request of a party or of his own motion, put questions to him.

The other Judges and the Advocate General may do likewise.

Subject to the control of the President, questions may be put to witnesses by the representatives of the parties.

5. Subject to the provisions of Article 71, the witness shall, after giving his evidence, take the following oath:

'I swear that I have spoken the truth, the whole truth and nothing but the truth.'

The General Court may, after hearing the parties, exempt a witness from taking the oath.

6. The Registrar shall draw up minutes in which the evidence of each witness is reproduced.

The minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the witness, and by the Registrar. Before the minutes are thus signed, witnesses must be given an opportunity to check the content of the minutes and to sign them.

The minutes shall constitute an official record.

Article 69

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If a witness who has been duly summoned fails to appear before the General Court, the latter may impose upon him a pecuniary penalty not exceeding EUR 5 000 and may order that a further summons be served on the witness at his own expense.

The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath or where appropriate to make a solemn affirmation equivalent thereto.

3. If the witness proffers a valid excuse to the General Court, the pecuniary penalty imposed on him may be cancelled. The pecuniary penalty imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

4. Penalties imposed and other measures ordered under this Article shall be enforced in accordance with Articles 280 TFEU and 299 TFEU and Article 164 TEAEC.

Article 70

1. The General Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time-limit within which he is to make his report.

2. The expert shall receive a copy of the order, together with all the documents necessary for carrying out his task. He shall be under the supervision of the Judge-Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

The General Court may request the parties or one of them to lodge security for the costs of the expert's report.

3. At the request of the expert, the General Court may order the examination of witnesses. Their examination shall be carried out in accordance with Article 68.

4. The expert may give his opinion only on points which have been expressly referred to him.

5. After the expert has made his report, the General Court may order that he be examined, the parties having been given notice to attend.

Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

6. Subject to the provisions of Article 71, the expert shall, after making his report, take the following oath before the General Court:

'I swear that I have conscientiously and impartially carried out my task.'

The General Court may, after hearing the parties, exempt the expert from taking the oath.

Article 71

1. The President shall instruct any person who is required to take an oath before the General Court, as witness or expert, to tell the truth or to carry out his task conscientiously and impartially, as the case may be, and shall warn him of the criminal liability provided for in his national law in the event of any breach of this duty.

2. Witnesses and experts shall take the oath either in accordance with the first subparagraph of Article 68(5) and the first subparagraph of Article 70(6) or in the manner laid down by their national law.

3. Where the national law provides the opportunity to make, in judicial proceedings, a solemn affirmation equivalent to an oath as well as or instead of taking an oath, the witnesses and experts may make such an affirmation under the conditions and in the form prescribed in their national law.

Where their national law provides neither for taking an oath nor for making a solemn affirmation, the procedure described in the first paragraph of this Article shall be followed.

Article 72

1. The General Court may, after hearing the Advocate General, decide to report to the competent authority referred to in Annex III to the Rules supplementing the Rules of Procedure of the Court of Justice of the Member State whose courts have penal jurisdiction in any case of perjury on the part of a witness or expert before the General Court, account being taken of the provisions of Article 71.

2. The Registrar shall be responsible for communicating the decision of the General Court. The decision shall set out the facts and circumstances on which the report is based.

Article 73

1. If one of the parties objects to a witness or to an expert on the ground that he is not a competent or proper person to act as witness or expert or for any other reason, or if a witness or expert refuses to give evidence, to take the oath or to make a solemn affirmation equivalent thereto, the matter shall be resolved by the General Court.

2. An objection to a witness or to an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 74

1. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The cashier of the General Court may make a payment to them towards these expenses in advance.

2. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services. The cashier of the General Court shall pay witnesses and experts their compensation or fees after they have carried out their respective duties or tasks.

Article 75

1. The General Court may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts.

2. Letters rogatory shall be issued in the form of an order which shall contain the name, forenames, description and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their agents, lawyers or advisers, indicate their addresses for service and briefly describe the subject-matter of the proceedings.

Notice of the order shall be served on the parties by the Registrar.

3. The Registrar shall send the order to the competent authority named in Annex I to the Rules supplementing the Rules of Procedure of the Court of Justice of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official language or languages of the Member State to which it is addressed.

The authority named pursuant to the first subparagraph shall pass on the order to the judicial authority which is competent according to its national law.

The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to the first subparagraph the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar.

The Registrar shall be responsible for the translation of the documents into the language of the case.

4. The General Court shall defray the expenses occasioned by the letters rogatory without prejudice to the right to charge them, where appropriate, to the parties.

Article 76

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

2. The parties may inspect the minutes and any expert's report at the Registry and obtain copies at their own expense.

Chapter 3a
EXPEDITED PROCEDURES

Article 76a

1. The General Court may, on application by the applicant or the defendant, after hearing the other parties and the Advocate General, decide, having regard to the particular urgency and the circumstances of the case, to adjudicate under an expedited procedure.

An application for a case to be decided under an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defence. That application may state that certain pleas in law or arguments or certain passages of the application initiating the proceedings or the defence are raised only in the event that the case is not decided under an expedited procedure, in particular by enclosing with the application an abbreviated version of the application initiating the proceedings and a list of the annexes which are to be taken into consideration only if the case is decided under an expedited procedure.

By way of derogation from Article 55, cases on which the General Court has decided to adjudicate under an expedited procedure shall be given priority.

2. By way of derogation from Article 46(1), where the applicant has requested, in accordance with paragraph 1 of this Article, that the case should be decided under an expedited procedure, the period prescribed for the lodging of the defence shall be one month. If the General Court decides not to allow the request, the defendant shall be granted an additional period of one month in order to lodge or, as the case may be,

supplement the defence. The time-limits laid down in this subparagraph may be extended pursuant to Article 46(3).

Under the expedited procedure, the pleadings referred to in Articles 47(1) and 116(4) and (5) may be lodged only if the General Court, by way of measures of organisation of procedure adopted in accordance with Article 64, so allows.

3. Without prejudice to Article 48, the parties may supplement their arguments and offer further evidence in the course of the oral procedure. They must, however, give reasons for the delay in offering such further evidence.

4. The decision of the General Court to adjudicate under an expedited procedure may prescribe conditions as to the volume and presentation of the pleadings of the parties; the subsequent conduct of the proceedings or as to the pleas in law and arguments on which the General Court will be called upon to decide.

If one of the parties does not comply with any one of those conditions, the decision to adjudicate under an expedited procedure may be revoked. The proceedings shall then continue in accordance with the ordinary procedure.

Chapter 4
STAY OF PROCEEDINGS AND DECLINING OF JURISDICTION BY THE GENERAL COURT

Article 77

Without prejudice to Article 123(4), Article 128 and Article 129(4), proceedings may be stayed:

(a) in the circumstances specified in the third paragraph of Article 54 of the Statute;

(b) where an appeal is brought before the Court of Justice against a decision of the General Court disposing of the substantive issues in part only, disposing of a procedural issue concerning a plea of lack of competence or inadmissibility or dismissing an application to intervene;

(c) at the joint request of the parties;

(d) in other particular cases where the proper administration of justice so requires.

Article 78

The decision to stay the proceedings shall be made by order of the President after hearing the parties and the Advocate General; the President may refer the matter to the General Court. A decision ordering that the proceedings be resumed shall be adopted in accordance with the same procedure. The orders referred to in this Article shall be served on the parties.

Article 79

1. The stay of proceedings shall take effect on the date indicated in the order of stay or, in the absence of such an indication, on the date of that order.

While proceedings are stayed time shall, except for the purposes of the time-limit prescribed in Article 115(1) for an application to intervene, cease to run for the purposes of prescribed time-limits for all parties.

2. Where the order of stay does not fix the length of the stay, it shall end on the date indicated in the order of resumption or, in the absence of such indication, on the date of the order of resumption.

From the date of resumption time shall begin to run afresh for the purposes of the time-limits.

Article 80

Decisions declining jurisdiction in the circumstances specified in the third paragraph of Article 54 of the Statute shall be made by the General Court by way of an order which shall be served on the parties.

Chapter 5
JUDGMENTS

Article 81

The judgment shall contain:

– a statement that it is the judgment of the General Court,

– the date of its delivery,

– the names of the President and of the Judges taking part in it,

– the name of the Advocate General, if designated,

– the name of the Registrar,

– the description of the parties,

– the names of the agents, advisers and lawyers of the parties,

– a statement of the forms of order sought by the parties,

– a statement, where appropriate, that the Advocate General delivered his opinion,

– a summary of the facts,

– the grounds for the decision,

– the operative part of the judgment, including the decision as to costs.

Article 82

1. The judgment shall be delivered in open court; the parties shall be given notice to attend to hear it.

2. The original of the judgment, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be sealed and deposited at the Registry; the parties shall be served with certified copies of the judgment.

3. The Registrar shall record on the original of the judgment the date on which it was delivered.

Article 83

Subject to the provisions of the second paragraph of Article 60 of the Statute, the judgment shall be binding from the date of its delivery.

Article 84

1. Without prejudice to the provisions relating to the interpretation of judgments, the General Court may, of its own motion or on application by a party made within two

weeks after the delivery of a judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.

2. The parties, whom the Registrar shall duly notify, may lodge written observations within a period prescribed by the President.

3. The General Court shall take its decision in closed session.

4. The original of the rectification order shall be annexed to the original of the rectified judgment. A note of this order shall be made in the margin of the original of the rectified judgment.

Article 85

If the General Court should omit to give a decision on costs, any party may within a month after service of the judgment apply to the General Court to supplement its judgment.

The application shall be served on the opposite party and the President shall prescribe a period within which that party may lodge written observations.

After these observations have been lodged, the General Court shall decide both on the admissibility and on the substance of the application.

Article 86

The Registrar shall arrange for the publication of cases before the General Court.

Chapter 6
COSTS

Article 87

1. A decision as to costs shall be given in the final judgment or in the order which closes the proceedings.

2. The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

Where there are several unsuccessful parties the General Court shall decide how the costs are to be shared.

3. Where each party succeeds on some and fails on other heads, or where the circumstances are exceptional, the General Court may order that the costs be shared or that each party bear its own costs.

The General Court may order a party, even if successful, to pay costs which it considers that party to have unreasonably or vexatiously caused the opposite party to incur.

4. The Member States and institutions which intervened in the proceedings shall bear their own costs.

The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall bear their own costs if they intervene in the proceedings.

The General Court may order an intervener other than those mentioned in the preceding subparagraph to bear his own costs.

5. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the observations of the other party on the discontinuance. However, upon application by the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

If costs are not applied for, the parties shall bear their own costs.

6. Where a case does not proceed to judgment, the costs shall be in the discretion of the General Court.

Article 88

Without prejudice to the second subparagraph of Article 87(3), in proceedings between the Union and its servants the institutions shall bear their own costs.

Article 89

Costs necessarily incurred by a party in enforcing a judgment or order of the General Court shall be refunded by the opposite party on the scale in force in the State where the enforcement takes place.

Article 90

Proceedings before the General Court shall be free of charge, except that:

(a) where a party has caused the General Court to incur avoidable costs, the General Court may order that party to refund them;

(b) where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Registrar considers it excessive, be paid for by that party on the scale of charges referred to in Article 24(5).

Article 91

Without prejudice to the preceding Article, the following shall be regarded as recoverable costs:

(a) sums payable to witnesses and experts under Article 74;

(b) expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of agents, advisers or lawyers.

Article 92

1. If there is a dispute concerning the costs to be recovered, the General Court hearing the case shall, on application by the party concerned and after hearing the opposite party, make an order, from which no appeal shall lie.

2. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

Article 93

1. Sums due from the cashier of the General Court and from debtors of the General Court shall be paid in euro.

2. Where expenses to be refunded have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, conversions of currency shall be made at the official rates of exchange of the European Central Bank on the day of payment.

Chapter 7
LEGAL AID

Article 94

1. In order to ensure effective access to justice, legal aid shall be granted for proceedings before the General Court in accordance with the following rules.

Legal aid shall cover, in whole or in part, the costs involved in legal assistance and representation by a lawyer in proceedings before the General Court. The cashier of the General Court shall be responsible for those costs.

2. Any natural person who, because of his economic situation, is wholly or partly unable to meet the costs referred to in paragraph 1 shall be entitled to legal aid.

The economic situation shall be assessed, taking into account objective factors such as income, capital and the family situation.

3. Legal aid shall be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded.

Article 95

1. An application for legal aid may be made before or after the action has been brought.

The application need not be made through a lawyer.

2. The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's economic situation, such as a certificate issued by the competent national authority attesting to his economic situation.

If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard.

3. The General Court may provide, in accordance with Article 150, for the compulsory use of a form in making an application for legal aid.

Article 96

1. Before giving its decision on an application for legal aid, the General Court shall invite the other party to submit its written observations unless it is already apparent from the information produced that the conditions laid down in Article 94(2) have not been satisfied or that those laid down in Article 94(3) have been satisfied.

2. The decision on the application for legal aid shall be taken by the President by way of an order. He may refer the matter to the General Court.

An order refusing legal aid shall state the reasons on which it is based.

3. In any order granting legal aid a lawyer shall be designated to represent the person concerned.

If the person has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar shall send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant shall be designated having regard to the suggestions made by that authority.

An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 94(1), having regard to his economic situation.

4. The introduction of an application for legal aid shall suspend the period prescribed for the bringing of the action until the date of notification of the order making a decision on that application or, in the cases referred to in the second subparagraph of paragraph 3, of the order designating the lawyer instructed to represent the applicant.

5. If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned. He may refer the matter to the General Court.

An order withdrawing legal aid shall contain a statement of reasons.

6. No appeal shall lie from orders made under this article.

Article 97

1. Where legal aid is granted, the President may, on application by the lawyer of the person concerned, decide that an amount by way of advance should be paid to the lawyer.

2. Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall fix the lawyer's disbursements and fees which are to be paid by the cashier of the General Court by way of a reasoned order from which no appeal shall lie. He may refer the matter to the General Court.

3. Where, in the decision closing the proceedings, the General Court has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the General Court any sums advanced by way of aid.

In the event of challenge or if the party does not comply with a demand by the Registrar to refund those sums, the President shall rule by way of reasoned order from which no appeal shall lie. The President may refer the matter to the General Court.

4. Where the recipient of the aid is unsuccessful, the General Court may, in its decision, as to costs, closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the General Court by way of legal aid.

Chapter 8
DISCONTINUANCE

Article 98

If, before the General Court has given its decision, the parties reach a settlement of their dispute and intimate to the General Court the abandonment of their claims, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 87(5) having regard to any proposals made by the parties on the matter.

This provision shall not apply to proceedings under Articles 263 TFEU and 265 TFEU.

Article 99

If the applicant informs the General Court in writing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 87(5).

Chapter 9
SERVICE

Article 100

1. Where these Rules require that a document be served on a person, the Registrar shall ensure that service is effected at that person's address for service either by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt.

The Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with Article 43(1).

2. Where, in accordance with the second subparagraph of Article 44(2), the addressee has agreed that service is to be effected on him by telefax or other technical means of communication, any procedural document including a judgment or order of the General Court may be served by the transmission of a copy of the document by such means.

Judgments and orders notified pursuant to Article 55 of the Statute to the Member States and institutions which were not parties to the proceedings shall be sent to them by telefax or any other technical means of communication.

Where, for technical reasons or on account of the length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in paragraph 1. The addressee shall be so advised by telefax or other technical means of communication. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place where the General Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being advised by telefax or other technical means of communication, that the document to be served has not reached him.

3. The General Court may by decision determine the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.

Chapter 10
TIME-LIMITS

Article 101

1. Any period of time prescribed by the Treaties, the Statute or these Rules for the taking of any procedural step shall be reckoned as follows:

(a) Where a period expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;

(b) A period expressed in weeks, months or in years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months or in years, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;

(c) Where a period is expressed in months and days, it shall first be reckoned in whole months, then in days;

(d) Periods shall include official holidays, Sundays and Saturdays;

(e) Periods shall not be suspended during the judicial vacations.

2. If the period would otherwise end on a Saturday, Sunday or official holiday, it shall be extended until the end of the first following working day.

The list of official holidays drawn up by the Court of Justice and published in the *Official Journal of the European Union* shall apply to the General Court.

Article 102

1. Where the period of time allowed for commencing proceedings against a measure adopted by an institution runs from the publication of that measure, that period shall be

calculated, for the purposes of Article 101(1)(a), from the end of the 14th day after publication thereof in the *Official Journal of the European Union*.

2. The prescribed time-limits shall be extended on account of distance by a single period of ten days.

Article 103

1. Any time-limit prescribed pursuant to these Rules may be extended by whoever prescribed it.

2. The President may delegate power of signature to the Registrar for the purpose of fixing time-limits which, pursuant to these Rules, it falls to the President to prescribe, or of extending such time-limits.

TITLE 3
SPECIAL FORMS OF PROCEDURE

Chapter 1
SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 104

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU and Article 157 TEAEC, shall be admissible only if the applicant is challenging that measure in proceedings before the General Court.

An application for the adoption of any other interim measure referred to in Article 279 TFEU shall be admissible only if it is made by a party to a case before the General Court and relates to that case.

2. An application of a kind referred to in paragraph 1 of this Article shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measures applied for.

3. The application shall be made by a separate document and in accordance with the provisions of Articles 43 and 44.

Article 105

1. The application shall be served on the opposite party, and the President of the General Court shall prescribe a short period within which that party may submit written or oral observations.

2. The President of the General Court may order a preparatory inquiry.

The President of the General Court may grant the application even before the observations of the opposite party have been submitted. This decision may be varied or cancelled even without any application being made by any party.

Article 106

A Judge, designated for the purpose in the decision adopted by the General Court in accordance with Article 10, shall replace the President of the General Court in deciding an application in the event that the President is absent or prevented from dealing with it.

Article 107

1. The decision on the application shall take the form of a reasoned order. The order shall be served on the parties forthwith.

2. The enforcement of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when final judgment is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision on the substance of the case by the General Court.

Article 108

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 109

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 110

The provisions of this Chapter shall apply to applications to suspend the enforcement of a decision of the General Court or of any measure adopted by another institution, submitted pursuant to Articles 280 TFEU and 299 TFEU and Article 164 TEAEC.

The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Chapter 2
PRELIMINARY ISSUES

Article 111

Where it is clear that the General Court has no jurisdiction to take cognisance of an action or where the action is manifestly inadmissible or manifestly lacking any foundation in law, the General Court may, by reasoned order, after hearing the Advocate General and without taking further steps in the proceedings, give a decision on the action.

Article 112

The decision to refer an action to the Court of Justice, pursuant to the second paragraph of Article 54 of the Statute, shall, in the case of manifest lack of competence, be made by reasoned order and without taking any further steps in the proceedings.

Article 113

The General Court may at any time, of its own motion, after hearing the parties, decide whether there exists any absolute bar to proceeding with an action or declare that the action has become devoid of purpose and that there is no need to adjudicate on it; it shall give its decision in accordance with Article 114(3) and (4).

Article 114

1. A party applying to the General Court for a decision on admissibility, on lack of competence or other preliminary plea not going to the substance of the case shall make the application by a separate document.

The application must contain the pleas of fact and law relied on and the form of order sought by the applicant; any supporting documents must be annexed to it.

2. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party may lodge a document containing the form of order sought and the arguments of fact and law relied on.

3. Unless the General Court otherwise decides, the remainder of the proceedings shall be oral.

4. The General Court shall, after hearing the Advocate General, decide on the application or reserve its decision for the final judgment. It shall refer the case to the Court of Justice if the case falls within the jurisdiction of that Court.

If the General Court refuses the application or reserves its decision, the President shall prescribe new time-limits for further steps in the proceedings.

Chapter 3
INTERVENTION

Article 115

1. An application to intervene must be made either within six weeks of the publication of the notice referred to in Article 24(6) or, subject to Article 116(6), before the decision to open the oral procedure as provided for in Article 53.

2. The application shall contain:

(a) the description of the case;

(b) the description of the parties;

(c) the name and address of the intervener;

(d) the intervener's address for service at the place where the General Court has its seat;

(e) the form of order sought, by one or more of the parties, in support of which the intervener is applying for leave to intervene;

(f) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 40 of the Statute.

Articles 43 and 44 shall apply.

3. The intervener shall be represented in accordance with Article 19 of the Statute.

Article 116

1. The application shall be served on the parties.

The President shall give the parties an opportunity to submit their written or oral observations before deciding on the application.

The President shall decide on the application by order or shall refer the decision to the General Court. The order must be reasoned if the application is dismissed.

2. If an intervention for which application has been made within the period of six weeks prescribed in Article 115(1) is allowed, the intervener shall receive a copy of every document served on the parties. The President may, however, on application by one of the parties, omit secret or confidential documents.

3. The intervener must accept the case as he finds it at the time of his intervention.

4. In the cases referred to in paragraph 2 above, the President shall prescribe a period within which the intervener may submit a statement in intervention.

The statement in intervention shall contain:

(a) a statement of the form of order sought by the intervener in support of or opposing, in whole or in part, the form of order sought by one of the parties;

(b) the pleas in law and arguments relied on by the intervener;

(c) where appropriate, the nature of any evidence offered.

5. After the statement in intervention has been lodged, the President shall, where necessary, prescribe a time-limit within which the parties may reply to that statement.

6. Where the application to intervene is made after the expiry of the period of six weeks prescribed in Article 115(1), the intervener may, on the basis of the Report for the Hearing communicated to him, submit his observations during the oral procedure.

Chapter 4
JUDGMENTS OF THE GENERAL COURT DELIVERED AFTER ITS DECISION HAS BEEN SET ASIDE AND THE CASE REFERRED BACK TO IT

Article 117

Where the Court of Justice sets aside a judgment or an order of the General Court and refers the case back to that Court, the latter shall be seised of the case by the judgment so referring it.

Article 118

1. Where the Court of Justice sets aside a judgment or an order of a Chamber, the President of the General Court may assign the case to another Chamber composed of the same number of Judges.

2. Where the Court of Justice sets aside a judgment delivered or an order made by the General Court sitting in plenary session or by the Grand Chamber, the case shall be assigned to that Court or that Chamber as the case may be.

2a. Where the Court of Justice sets aside a judgment delivered or an order made by a single Judge, the President of the General Court shall assign the case to a Chamber composed of three Judges of which that Judge is not a member.

3. In the cases provided for in paragraphs 1, 2 and 2a of this Article, Articles 13(2), 14(1) and 51 shall apply.

Article 119

1. Where the written procedure before the General Court has been completed when the judgment referring the case back to it is delivered, the course of the procedure shall be as follows:

(a) Within two months from the service upon him of the judgment of the Court of Justice the applicant may lodge a statement of written observations;

(b) In the month following the communication to him of that statement, the defendant may lodge a statement of written observations. The time allowed to the defendant for lodging it may in no case be less than two months from the service upon him of the judgment of the Court of Justice;

(c) In the month following the simultaneous communication to the intervener of the observations of the applicant and the defendant, the intervener may lodge a statement of written observations. The time allowed to the intervener for lodging it may in no case be less than two months from the service upon him of the judgment of the Court of Justice.

2. Where the written procedure before the General Court had not been completed when the judgment referring the case back to the General Court was delivered, it shall be resumed, at the stage which it had reached, by means of measures of organisation of procedure adopted by the General Court.

3. The General Court may, if the circumstances so justify, allow supplementary statements of written observations to be lodged.

Article 120

The procedure shall be conducted in accordance with the provisions of Title 2 of these Rules.

Article 121

The General Court shall decide on the costs relating to the proceedings instituted before it and to the proceedings on the appeal before the Court of Justice.

Chapter 4a
DECISIONS OF THE GENERAL COURT GIVEN AFTER ITS DECISION HAS BEEN REVIEWED AND THE CASE REFERRED BACK TO IT

Article 121a

Where the Court of Justice reviews a judgment or an order of the General Court and refers the case back to that Court, the latter shall be seised of the case by the judgment so referring it.

Article 121b

1. Where the Court of Justice refers back to the General Court a case which was originally heard by a Chamber, the President of the General Court may assign the case to another Chamber composed of the same number of Judges.

2. Where the Court of Justice refers back to the General Court a case which was originally heard by the General Court sitting in plenary session or by the Grand Chamber, the case shall be assigned to that Court or that Chamber as the case may be.

3. In the cases provided for in paragraphs 1 and 2 of this Article, Articles 13(2), 14(1) and 51(1) shall apply.

Article 121c

1. Within one month of the service of the judgment of the Court of Justice, the parties to the proceedings before the General Court may lodge their observations on the conclusions to be drawn from that judgment for the outcome of the proceedings. This time-limit may not be extended.

2. The General Court may, by way of measures of organisation of procedure, invite the parties to the proceedings before it to lodge written submissions and may decide to hear the parties in an oral procedure.

Article 121d

The General Court shall decide on the costs relating to the proceedings instituted before it following the review of its decision by the Court of Justice.

Chapter 5
JUDGMENTS BY DEFAULT AND APPLICATIONS TO SET THEM ASIDE

Article 122

1. If a defendant on whom an application initiating proceedings has been duly served fails to lodge a defence to the application in the proper form within the time prescribed, the applicant may apply to the General Court for judgment by default.

The application shall be served on the defendant. The General Court may decide to open the oral procedure on the application.

2. Before giving judgment by default the General Court shall consider whether the application initiating proceedings is admissible, whether the appropriate formalities have been complied with, and whether the application appears well founded. It may order a preparatory inquiry.

3. A judgment by default shall be enforceable. The General Court may, however, grant a stay of execution until it has given its decision on any application under paragraph 4 of this Article to set aside the judgment, or it may make execution subject to the provision of security of an amount and nature to be fixed in the light of the circumstances; this security shall be released if no such application is made or if the application fails.

4. Application may be made to set aside a judgment by default.

The application to set aside the judgment must be made within one month from the date of service of the judgment and must be lodged in the form prescribed by Articles 43 and 44.

5. After the application has been served, the President shall prescribe a period within which the other party may submit his written observations.

The proceedings shall be conducted in accordance with the provisions of Title 2 of these Rules.

6. The General Court shall decide by way of a judgment which may not be set aside. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Chapter 6
EXCEPTIONAL REVIEW PROCEDURES

Section 1 – Third-party proceedings

Article 123

1. Articles 43 and 44 shall apply to an application initiating third-party proceedings. In addition such an application shall:

(a) specify the judgment contested;

(b) state how that judgment is prejudicial to the rights of the third party;

(c) indicate the reasons for which the third party was unable to take part in the original case before the General Court.

The application must be made against all the parties to the original case.

Where the judgment has been published in the *Official Journal of the European Union*, the application must be lodged within two months of the publication.

2. The General Court may, on application by the third party, order a stay of execution of the judgment. The provisions of Title 3, Chapter 1, shall apply.

3. The contested judgment shall be varied on the points on which the submissions of the third party are upheld.

The original of the judgment in the third-party proceedings shall be annexed to the original of the contested judgment. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested judgment.

4. Where an appeal before the Court of Justice and an application initiating third-party proceedings before the General Court contest the same judgment of the General Court, the General Court may, after hearing the parties, stay the proceedings until the Court of Justice has delivered its judgment.

Article 124

The application initiating third-party proceedings shall be assigned to the Chamber which delivered the judgment which is the subject of the application; if the General Court sitting in plenary session or the Grand Chamber of the General Court delivered the judgment, the application shall be assigned to it. If the judgment has been delivered by a single Judge, the application initiating third-party proceedings shall be assigned to that Judge.

Section 2 – Revision

Article 125

Without prejudice to the period of ten years prescribed in the third paragraph of Article 44 of the Statute, an application for revision of a judgment shall be made within three months of the date on which the facts on which the application is based came to the applicant's knowledge.

Article 126

1. Articles 43 and 44 shall apply to an application for revision. In addition such an application shall:

(a) specify the judgment contested;

(b) indicate the points on which the application is based;

(c) set out the facts on which the application is based;

(d) indicate the nature of the evidence to show that there are facts justifying revision of the judgment, and that the time-limits laid down in Article 125 have been observed.

2. The application must be made against all parties to the case in which the contested judgment was given.

Article 127

1. The application for revision shall be assigned to the Chamber which delivered the judgment which is the subject of the application; if the General Court sitting in plenary

session or the Grand Chamber of the General Court delivered the judgment, the application shall be assigned to it. If the judgment has been delivered by a single Judge, the application for revision shall be assigned to that Judge.

2. Without prejudice to its decision on the substance, the General Court shall, after hearing the Advocate General, having regard to the written observations of the parties, give its decision on the admissibility of the application.

3. If the General Court finds the application admissible, it shall proceed to consider the substance of the application and shall give its decision in the form of a judgment in accordance with these Rules.

4. The original of the revising judgment shall be annexed to the original of the judgment revised. A note of the revising judgment shall be made in the margin of the original of the judgment revised.

Article 128

Where an appeal before the Court of Justice and an application for revision before the General Court concern the same judgment of the General Court, the General Court may, after hearing the parties, stay the proceedings until the Court of Justice has delivered its judgment.

Section 3 – Interpretation of judgments

Article 129

1. An application for interpretation of a judgment shall be made in accordance with Articles 43 and 44. In addition it shall specify:

(a) the judgment in question;

(b) the passages of which interpretation is sought.

The application must be made against all the parties to the case in which the judgment was given.

2. The application for interpretation shall be assigned to the Chamber which delivered the judgment which is the subject of the application; if the General Court sitting in plenary session or the Grand Chamber of the General Court delivered the judgment,

the application shall be assigned to it. If the judgment has been delivered by a single Judge, the application for interpretation shall be assigned to that Judge.

3. The General Court shall give its decision in the form of a judgment after having given the parties an opportunity to submit their observations and after hearing the Advocate General.

The original of the interpreting judgment shall be annexed to the original of the judgment interpreted. A note of the interpreting judgment shall be made in the margin of the original of the judgment interpreted.

4. Where an appeal before the Court of Justice and an application for interpretation before the General Court concern the same judgment of the General Court, the General Court may, after hearing the parties, stay the proceedings until the Court of Justice has delivered its judgment.

TITLE 4
PROCEEDINGS RELATING TO INTELLECTUAL PROPERTY RIGHTS

Article 130

1. Subject to the special provisions of this Title, the provisions of these Rules of Procedure shall apply to proceedings brought against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and against the Community Plant Variety Office (both hereinafter referred to as 'the Office'), and concerning the application of the rules relating to an intellectual property regime.

2. The provisions of this Title shall not apply to actions brought directly against the Office without prior proceedings before a Board of Appeal.

Article 131

1. The application shall be drafted in one of the languages described in Article 35(1), according to the applicant's choice.

2. The language in which the application is drafted shall become the language of the case if the applicant was the only party to the proceedings before the Board of Appeal or if another party to those proceedings does not object to this within a period laid down for that purpose by the Registrar after the application has been lodged.

If, within that period, the parties to the proceedings before the Board of Appeal inform the Registrar of their agreement on the choice, as the language of the case, of one of the languages referred to in Article 35(1), that language shall become the language of the case before the General Court.

In the event of an objection to the choice of the language of the case made by the applicant within the period referred to above and in the absence of an agreement on the matter between the parties to the proceedings before the Board of Appeal, the language in which the application for registration in question was filed at the Office shall become the language of the case. If, however, on a reasoned request by any party and after hearing the other parties, the President finds that the use of that language would not enable all parties to the proceedings before the Board of Appeal to follow the proceedings and defend their interests and that only the use of another language from among those mentioned in Article 35(1) makes it possible to remedy that situation, he may designate that other language as the language of the case; the President may refer the matter to the General Court.

3. In the pleadings and other documents addressed to the General Court and during the oral procedure, the applicant may use the language chosen by him in accordance with paragraph 1 and each of the other parties may use a language chosen by that party from those mentioned in Article 35(1).

4. If, by virtue of paragraph 2, a language other than that in which the application is drafted becomes the language of the case, the Registrar shall cause the application to be translated into the language of the case.

Each party shall be required, within a reasonable period to be prescribed for that purpose by the Registrar, to produce a translation into the language of the case of the pleadings or documents other than the application that are lodged by that party in a language other than the language of the case pursuant to paragraph 3. The party producing the translation, which shall be authentic within the meaning of Article 37, shall certify its accuracy. If the translation is not produced within the period prescribed, the pleading or the procedural document in question shall be removed from the file.

The Registrar shall cause everything said during the oral procedure to be translated into the language of the case and, at the request of any party, into the language used by that party in accordance with paragraph 3.

Article 132

1. Without prejudice to Article 44, the application shall contain the names of all the parties to the proceedings before the Board of Appeal and the addresses which they had given for the purposes of the notifications to be effected in the course of those proceedings.

The contested decision of the Board of Appeal shall be appended to the application. The date on which the applicant was notified of that decision must be indicated.

2. If the application does not comply with paragraph 1, Article 44(6) shall apply.

Article 133

1. The Registrar shall inform the Office and all the parties to the proceedings before the Board of Appeal of the lodging of the application. He shall arrange for service of the application after determining the language of the case in accordance with Article 131(2).

2. The application shall be served on the Office, as defendant, and on the parties to the proceedings before the Board of Appeal other than the applicant. Service shall be effected in the language of the case.

Service of the application on a party to the proceedings before the Board of Appeal shall be effected by registered post with a form of acknowledgment of receipt at the address given by the party concerned for the purposes of the notifications to be effected in the course of the proceedings before the Board of Appeal.

3. Once the application has been served, the Office shall forward to the General Court the file relating to the proceedings before the Board of Appeal.

Article 134

1. The parties to the proceedings before the Board of Appeal other than the applicant may participate, as interveners, in the proceedings before the General Court by responding to the application in the manner and within the period prescribed.

2. The interveners referred to in paragraph 1 shall have the same procedural rights as the main parties.

They may support the form of order sought by a main party and they may apply for a form of order and put forward pleas in law independently of those applied for and put forward by the main parties.

3. An intervener, as referred to in paragraph 1, may, in his response lodged in accordance with Article 135(1), seek an order annulling or altering the decision of the Board of Appeal on a point not raised in the application and put forward pleas in law not raised in the application.

Such submissions seeking orders or putting forward pleas in law in the intervener's response shall cease to have effect should the applicant discontinue the proceedings.

4. In derogation from Article 122, the default procedure shall not apply where an intervener, as referred to in paragraph 1 of this Article, has responded to the application in the manner and within the period prescribed.

Article 135

1. The Office and the parties to the proceedings before the Board of Appeal other than the applicant shall lodge their responses to the application within a period of two months from the service of the application.

Article 46 shall apply to the responses.

2. The application and the responses may be supplemented by replies and rejoinders by the parties, including the interveners referred to in Article 134(1), where the President, on a reasoned application made within two weeks of service of the responses or replies, considers such further pleading necessary and allows it in order to enable the party concerned to put forward its point of view.

The President shall prescribe the period within which such pleadings are to be submitted.

3. Without prejudice to the foregoing, in the cases referred to in Article 134(3), the other parties may, within a period of two months of service upon them of the response, submit a pleading confined to responding to the form of order sought and the pleas in law submitted for the first time in the response of an intervener. That period may be extended by the President on a reasoned application from the party concerned.

4. The parties' pleadings may not change the subject-matter of the proceedings before the Board of Appeal.

Article 135a

After the submission of pleadings as provided for in Article 135(1) and, if applicable, Article 135(2) and (3), the General Court, acting upon a report of the Judge-Rapporteur and after hearing the Advocate General and the parties, may decide to rule on the action without an oral procedure unless one of the parties submits an application setting out the reasons for which he wishes to be heard. The application shall be submitted within a period of one month from notification to the party of closure of the written procedure. That period may be extended by the President.

Article 136

1. Where an action against a decision of a Board of Appeal is successful, the General Court may order the Office to bear only its own costs.

2. Costs necessarily incurred by the parties for the purposes of the proceedings before the Board of Appeal and costs incurred for the purposes of the production, prescribed by the second subparagraph of Article 131(4), of translations of pleadings or other documents into the language of the case shall be regarded as recoverable costs.

In the event of inaccurate translations being produced, the second subparagraph of Article 87(3) shall apply.

TITLE 5
APPEALS AGAINST DECISIONS OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Article 136a

Without prejudice to the arrangements laid down in Article 35(2)(b) and (c) and the fourth subparagraph of Article 35(3) of these Rules, in appeals against decisions of the Civil Service Tribunal as referred to in Articles 9 and 10 of the Annex to the Statute, the language of the case shall be the language of the decision of the Civil Service Tribunal against which the appeal is brought.

Article 137

1. An appeal shall be brought by lodging a notice of appeal at the Registry of the General Court or of the Civil Service Tribunal.

2. The Registry of the Civil Service Tribunal shall immediately transmit to the Registry of the General Court the papers in the case at first instance and, where necessary, the appeal.

Article 138

1. The notice of appeal shall contain:

(a) the name and address of the appellant;

(b) the names of the other parties to the proceedings before the Civil Service Tribunal;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought by the appellant.

Article 43 and Article 44(2) and (3) shall apply to appeals.

2. The decision of the Civil Service Tribunal appealed against shall be attached to the notice. The notice shall state the date on which the decision appealed against was notified to the appellant.

3. If a notice of appeal does not comply with Article 44(3) or with paragraph (2) of this Article, Article 44(6) shall apply.

Article 139

1. An appeal may seek:

(a) to set aside, in whole or in part, the decision of the Civil Service Tribunal;

(b) the same form of order, in whole or in part, as that sought at first instance and shall not seek a different form of order.

2. The subject-matter of the proceedings before the Civil Service Tribunal may not be changed in the appeal.

Article 140

The notice of appeal shall be served on all the parties to the proceedings before the Civil Service Tribunal. Article 45 shall apply.

Article 141

1. Any party to the proceedings before the Civil Service Tribunal may lodge a response within two months after service on him of the notice of appeal. The time-limit for lodging a response shall not be extended.

2. A response shall contain:

(a) the name and address of the respondent;

(b) the date on which notice of the appeal was served on the respondent;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought by the respondent.

Article 43 and Article 44(2) and (3) shall apply.

Article 142

1. A response may seek:

(a) to dismiss, in whole or in part, the appeal or to set aside, in whole or in part, the decision of the Civil Service Tribunal;

(b) the same form of order, in whole or in part, as that sought at first instance and shall not seek a different form of order.

2. The subject-matter of the proceedings before the Civil Service Tribunal may not be changed in the response.

Article 143

1. The notice of appeal and the response may be supplemented by a reply and a rejoinder where the President, on application made by the appellant within seven days of service of the response, considers such further pleading necessary and expressly allows the submission of a reply in order to enable the appellant to put forward his point of view or in order to provide a basis for the decision on the appeal. The President shall prescribe the date by which the reply is to be submitted and, upon service of that pleading, the date by which the rejoinder is to be submitted.

2. Where the response seeks to set aside, in whole or in part, the decision of the Civil Service Tribunal on a plea in law which was not raised in the appeal, the appellant or any other party may submit a reply on that plea alone within two months of the service of the response in question. Paragraph 1 shall apply to any further pleading following such a reply.

Article 144

Subject to the provisions of Articles 144 to 149 inclusive, Articles 48(2) and Articles 49, 50, 51(1), 52, 55 to 64, 76a to 110, 115(2) and (3), 116, 123 to 127 and 129 shall apply to the procedure before the General Court on appeal from a decision of the Civil Service Tribunal.

Article 145

Where the appeal is, in whole or in part, clearly inadmissible or clearly unfounded, the General Court may at any time, acting on a report from the Judge-Rapporteur and after hearing the Advocate General, by reasoned order dismiss the appeal in whole or in part.

Article 146

After the submission of pleadings as provided for in Article 141(1) and, if applicable, Article 143(1) and (2), the General Court, acting on a report from the Judge-Rapporteur and after hearing the Advocate General and the parties, may decide to rule on the appeal without an oral procedure unless one of the parties submits an application setting out the reasons for which he wishes to be heard. The application shall be submitted within a period of one month from notification to the party of the closure of the written procedure. That period may be extended by the President.

Article 147

The preliminary report referred to in Article 52 shall be presented to the General Court after the pleadings provided for in Article 141(1) and where appropriate Article 143(1) and (2) have been lodged. Where no such pleadings are lodged, the same procedure shall apply after the expiry of the period prescribed for lodging them.

Article 148

Where the appeal is unfounded or where the appeal is well founded and the General Court itself gives judgment in the case, the General Court shall make a decision as to costs.

Article 88 shall apply only to appeals brought by institutions;

By way of derogation from Article 87(2), the General Court may, in appeals brought by officials or other servants of an institution, decide to apportion the costs between the parties where equity so requires.

If the appeal is withdrawn Article 87(5) shall apply.

Article 149

An application to intervene made to the Court in appeal proceedings shall be lodged before the expiry of a period of one month running from the date of the publication of the notice referred to in Article 24(6).

FINAL PROVISIONS

Article 150

The General Court may issue practice directions relating, in particular, to the preparations for and conduct of hearings before it and to the lodging of written pleadings or observations.

Article 151

These Rules, which are authentic in the languages mentioned in Article 35(1), shall be published in the *Official Journal of the European Union*. They shall enter into force on the first day of the second month from the date of their publication.

DECISION OF THE GENERAL COURT

of 14 September 2011

on the lodging and service of procedural documents by means of e-Curia

(2011/C 289/07)

THE GENERAL COURT,

Having regard to the Rules of Procedure and, in particular, Articles 43(7) and 100(3) thereof,

Whereas:

(1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.

(2) This application, which is based on an electronic authentication system using a combination of a user identification and a password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged,

HAS DECIDED AS FOLLOWS:

Article 1

The information technology application known as 'e-Curia', common to the three constituent courts of the Court of Justice of the European Union, allows the lodging and service of procedural documents by electronic means under the conditions laid down by this Decision.

Article 2

Use of this application shall require a personal user identification and password.

Article 3

A procedural document lodged by means of e-Curia shall be deemed to be the original of that document for the purposes of the first subparagraph of Article 43(1) of the Rules of Procedure where the representative's user identification and password have been used to effect that lodgment. Such identification shall constitute the signature of the document concerned.

Article 4

A document lodged by means of e-Curia must be accompanied by the Annexes referred to therein and a schedule listing such Annexes.

It shall not be necessary to lodge certified copies of a document lodged by means of e-Curia or of any Annexes thereto.

Article 5

A procedural document shall be deemed to have been lodged for the purposes of Article 43(3) of the Rules of Procedure at the time of the representative's validation of lodgment of that document.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 6

Procedural documents, including judgments and orders, shall be served on the parties' representatives by means of e-Curia where they have expressly accepted this method of service or, in the context of a case, where they have consented to this method of service by lodging a procedural document by means of e-Curia.

Procedural documents shall also be served by means of e-Curia on Member States, other States which are parties to the Agreement on the European Economic Area and institutions, bodies, offices or agencies of the Union that have accepted this method of service.

Article 7

The intended recipients of the documents served referred to in Article 6 shall be notified by e-mail of any document served on them by means of e-Curia.

A procedural document shall be served at the time when the intended recipient (representative or his assistant) requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification e-mail was sent.

Where a party is represented by more than one agent or lawyer, the time to be taken into account in the reckoning of time-limits shall be the time when the first request for access was made.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 8

The Registrar shall draw up the conditions of use of e-Curia and ensure that they are observed. Any use of e-Curia contrary to those conditions may result in the deactivation of the access account concerned.

The General Court shall take the necessary steps to protect e-Curia from any abuse or malicious use.

Users shall be notified by e-mail of any action taken pursuant to this Article that prevents them from using their access account.

Article 9

This decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 14 September 2011.

Registrar	*President*
E. COULON	M. JAEGER

ОБЩ СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
TRIBUNAL GENERAL DE LA UNIÓN EUROPEA
TRIBUNÁL EVROPSKÉ UNIE
DEN EUROPÆISKE UNIONS RET
GERICHT DER EUROPÄISCHEN UNION
EUROOPA LIIDU ÜLDKOHUS
ΓΕΝΙΚΟ ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
GENERAL COURT OF THE EUROPEAN UNION
TRIBUNAL DE L'UNION EUROPÉENNE
CÚIRT GHINEARÁLTA AN AONTAIS EORPAIGH
TRIBUNALE DELL'UNIONE EUROPEA
EIROPAS SAVIENĪBAS VISPĀRĒJĀ TIESA
EUROPOS SĄJUNGOS BENDRASIS TEISMAS
AZ EURÓPAI UNIÓ TÖRVÉNYSZÉKE
IL-QORTI ĠENERALI TAL-UNJONI EWROPEA
GERECHT VAN DE EUROPESE UNIE
SĄD UNII EUROPEJSKIEJ
TRIBUNAL GERAL DA UNIÃO EUROPEIA
TRIBUNALUL UNIUNII EUROPENE
VŠEOBECNÝ SÚD EURÓPSKEJ ÚNIE
SPLOŠNO SODIŠČE EVROPSKE UNIJE
EUROOPAN UNIONIN YLEINEN TUOMIOISTUIN
EUROPEISKA UNIONENS TRIBUNAL
LUXEMBOURG

INSTRUCTIONS TO THE REGISTRAR OF THE GENERAL COURT

of 5 July 2007

(Consolidated version) [1]

THE GENERAL COURT,

ON A PROPOSAL FROM THE PRESIDENT OF THE GENERAL COURT,

Having regard to the Rules of Procedure adopted on 2 May 1991, as subsequently amended, and in particular Article 23 thereof,

Has laid down the following:

INSTRUCTIONS TO THE REGISTRAR

Article 1
The tasks of the Registrar

1. The Registrar shall be responsible for the maintenance of the register of the Court and the files of pending cases, for the acceptance, transmission, service and custody of documents, for correspondence with the parties and third parties in relation to pending cases, and for the custody of the seals of the Court. He shall ensure that registry charges are collected and that sums due to the Court treasury are recovered. He shall be responsible for the publications of the Court.

2. In carrying out the duties specified above, the Registrar shall be assisted by an Assistant Registrar. In the absence of the Registrar or in the event of his being prevented from carrying out those duties, they shall be performed by the Assistant Registrar who shall

[1] This version consolidates the Instructions to the Registrar adopted by the General Court on 5 July 2007 (OJ 2007 L 232, p. 1) and the amendments adopted on 17 May 2010 (OJ 2010 L 170, p. 53) and on 24 January 2012 (OJ 2012 L 68, p. 20).

take the decisions reserved to the Registrar by the Rules of Procedure of the General Court or these Instructions or delegated to him pursuant to these Instructions.

Article 2
Opening hours of the Registry

1. The offices of the Registry shall be open every working day. All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 101(2) of the Rules of Procedure shall be working days.

2. If a working day as referred to in the previous paragraph is a holiday for the officials and servants of the institution, arrangements shall be made for a skeleton staff to be on duty at the Registry during the hours in which it is normally open.

3. The Registry shall be open at the following times:

   – in the morning, from Monday to Friday, from 9.30 a.m. to 12 noon,
   – in the afternoon, from Monday to Thursday, from 2.30 p.m. to 5.30 p.m. and on Fridays from 2.30 p.m. to 4.30 p.m.

   During the vacations provided for in Article 34(1) of the Rules of Procedure, the Registry shall be closed on Friday afternoons.

   The Registry shall be open half an hour before the commencement of a hearing to the representatives of the parties who have been called to attend that hearing.

4. The Registry shall be open only to the lawyers and agents of the Member States and of the institutions of the Union or to persons duly authorised by them, and to persons making an application pursuant to Article 95 of the Rules of Procedure.

5. Outside the Registry's opening hours, procedural documents may be validly lodged with the janitor at the entrances to the Court buildings at any time of the day or night. The janitor shall make a record, which shall constitute good evidence, of the date and time of such lodgment and shall issue a receipt upon request.

Article 3
The register

1. Judgments and orders, as well as all the procedural documents placed on the file in cases brought before the Court, shall be entered in the register.

2. Entries in the register shall be numbered consecutively. They shall be made in the language of the case and contain the information necessary for identifying the document, in particular the date of lodgment, the date of registration, the number of the case and the nature of the document.

3. Where a correction is made to the register, a note to that effect shall be made therein.

The register kept in electronic form shall be set up and maintained in such a way that no registration can be deleted therefrom and that following any amendment or rectification the original entry is preserved.

4. The registration number of every document drawn up by the Court shall be noted on its first page.

   The note of the registration, including the registration number and the date of entry in the register, shall be made on the original of the procedural document lodged by the parties or on the version deemed to be the original of that document, [2] as well as on every copy which is served on them. This note shall be in the language of the case.

5. When a procedural document is not entered in the register on the same day on which it is lodged, the date of lodgment shall be entered in the register and noted on the original version or the version deemed to be the original, as well as on the copies of that document.

6. For the purposes of the application of the previous paragraph, the following dates shall be taken into account, depending on the circumstances: the date on which the procedural document was received by the Registrar or by a Registry official or employee, the date referred to in Article 5 of the decision of the General Court of 14 September 2011, the date referred to in Article 2(5) above or, in the cases provided for in the first paragraph of Article 54 of the Protocol on the Statute of the Court of Justice of the European Union ('the Statute') and Article 8(1) of the Annex to that Statute, the date on which the procedural document was lodged with the Registrar of the Court of Justice or with the Registrar of the Civil Service Tribunal.

Article 4
The case number

1. When an application initiating proceedings is registered, the case shall be given a serial number preceded by 'T-' and followed by an indication of the year. In the case of an appeal against a decision of the European Union Civil Service Tribunal, that number shall be followed by a specific reference.

2. Applications for interim measures, applications to intervene, applications for rectification or interpretation of judgments, applications for revision, applications to set aside judgments by default or initiating third-party proceedings, applications for the taxation of costs and applications for legal aid relating to pending cases shall be given the same serial number as the principal action, followed by a reference to indicate that the proceedings concerned are separate special forms of procedure.

3. An application for legal aid made with a view to bringing an action shall be given a serial number preceded by 'T-', followed by an indication of the year and a specific reference.

[2] In accordance with Article 3 of the decision of the General Court of 14 September 2011 on the lodging and service of procedural documents by means of e-Curia (OJ 2011 C 289, p. 9).

An action which is preceded by an application for legal aid in connection therewith shall be given the same case number as the latter.

4. Where the Court of Justice refers a case back to the General Court following the setting aside of a judgment or the review of a decision, that case shall be given the number previously allocated to it when it was before the General Court, followed by a specific reference.

5. The serial number of the case together with the names of the parties shall be indicated on the procedural documents, in correspondence relating to the case and, without prejudice to Article 18(4) of these Instructions, in the publications of the General Court.

Article 5
The file and access to the file

1. The case-file shall contain: the procedural documents, where applicable together with their annexes, bearing the note referred to in the second subparagraph of Article 3(4) of these Instructions, signed by the Registrar; the decisions taken in the case, including any decisions relating to refusal to accept documents; reports for the hearing; minutes of the hearing; notices served by the Registrar; and any other documents or correspondence to be taken into consideration in deciding the case.

2. If in doubt the Registrar shall refer the question of the placing of a procedural document on the case-file to the President in order for a decision to be taken.

3. The documents contained in the file shall be given a serial number.

4. The representatives of the main parties to a case before the Court or persons duly authorised by them may inspect the case-file, including administrative files produced before the Court, at the Registry and may request copies or extracts of procedural documents and of the register.

   The representatives of the parties granted leave to intervene pursuant to Article 116(2) of the Rules of Procedure shall have the same right of access to the case-file, subject to the provisions of Article 6(2) below relating to the confidential treatment of certain information or documents on the file.

   In joined cases, the representatives of the main parties and of the parties granted leave to intervene pursuant to Article 116(2) of the Rules of Procedure shall also have a right of access to the case-files, subject to the provisions of Article 6(2) below relating to the confidential treatment of certain information or documents on the file.

5. The confidential and non-confidential versions of procedural documents shall be filed separately in the case-file. Authorisation for access to the confidential version of procedural documents shall be granted only to the parties in respect of whom no confidential treatment has been ordered.

6. A procedural document which is produced in a case and placed on the file of that case may not be taken into account for the purpose of preparing another case for hearing.

7. At the close of the proceedings, the Registrar shall arrange for the case-file to be closed and archived. The closed file shall contain a list of the procedural documents on the file, an indication of their number, and a cover page showing the serial number of the case, the parties and the date on which the case was closed.

8. No third party, private or public, may have access to the case-file or to the procedural documents without the express authorisation of the President of the General Court or, where the case is still pending, of the President of the formation of the Court that is hearing the case, after the parties have been heard. That authorisation may be granted only upon written request accompanied by a detailed explanation of the third party's legitimate interest in inspecting the file.

Article 6
Confidential treatment

1. Without prejudice to Article 67(3) of the Rules of Procedure, no consideration may be given to an application by the applicant for certain information on the case-file to be treated as confidential in relation to the defendant. Likewise, no such application may be made by the defendant in relation to the applicant.

2. A party may apply pursuant to Article 116(2) of the Rules of Procedure for certain information on the case-file to be treated as confidential in relation to an intervener or, where cases are joined, in accordance with Article 50(2) of the Rules of Procedure, in relation to another party in a joined case. Such an application must be made in accordance with the provisions of the Practice Directions to parties (points 88 to 91).

   Where an application for confidential treatment does not comply with the Practice Directions to parties, the Registrar shall request the party concerned to put the application in order. If, despite such a request, the application for confidential treatment is not made to comply with the Practice Directions to parties, it will not be able properly to be processed; a copy of every procedural document in its entirety will then be furnished to the intervener or, where cases are joined, the whole case-file will be made available to the other party in a joined case.

3. In accordance with Article 18(4) of these Instructions, a party may apply for certain confidential information to be omitted from those documents relating to the case to which the public has access.

Article 7
Non-acceptance of procedural documents and regularisation

1. The Registrar shall ensure that documents placed on the file are in conformity with the provisions of the Statute, the Rules of Procedure, the Practice Directions to parties and these Instructions.

If necessary, he shall allow the parties a period of time for making good any formal irregularities in the procedural documents lodged.

Service of a procedural document shall be delayed in the event of non-compliance with the provisions of the Rules of Procedure referred to in point 55 of the Practice Directions to parties.

Non-compliance with the provisions referred to in points 64 and 66 to 68 of the Practice Directions to parties shall delay, or may delay, as the case may be, the service of a procedural document.

2. The Registrar shall refuse to register procedural documents which are not provided for by the Rules of Procedure. If in doubt the Registrar shall refer the matter to the President in order for a decision to be taken.

3. Without prejudice either to Article 43(6) of the Rules of Procedure, concerning the lodgment of procedural documents by fax or other technical means of communication, or to the decision of the General Court of 14 September 2011, the Registrar shall accept only documents bearing the original handwritten signature of the party's lawyer or agent.

   The Registrar may request the lodgment of a lawyer's or agent's specimen signature, if necessary certified as a true specimen, in order to enable him to verify that the first subparagraph of Article 43(1) of the Rules of Procedure has been complied with.

4. Documents annexed to a procedural document must be lodged in accordance with the provisions of the Practice Directions to parties relating to the production of annexes. If the party concerned fails to make good the irregularity, the Registrar shall refer the matter to the Judge-Rapporteur for a decision, with the President's agreement, on whether to refuse to accept the annexes not in conformity with the provisions of the Practice Directions to parties.

5. Save in the cases expressly provided for by the Rules of Procedure, the Registrar shall refuse to accept procedural documents of the parties drawn up in a language other than the language of the case.

   Where documents annexed to a procedural document are not accompanied by a translation into the language of the case, the Registrar shall require the party concerned to make good the irregularity if such a translation appears necessary for the purposes of the efficient conduct of the proceedings.

   Where an application to intervene originating from a third party other than a Member State is not drawn up in the language of the case, the Registrar shall require the application to be put in order before it is served on the parties. If a version of such an application drawn up in the language of the case is lodged within the period prescribed for this purpose by the Registrar, the date on which the first version, not in the language of the case, was lodged shall be taken as the date on which the document was lodged.

6. Where a party challenges the Registrar's refusal to accept a procedural document, the Registrar shall submit that document to the President for a decision on whether it is to be accepted.

Article 8

Presentation of originating applications

1. Where the Registrar considers that an application initiating proceedings is not in conformity with Article 44(1) of the Rules of Procedure, he shall suspend service of the application in order that the Court may give a decision on the admissibility of the action.

2. For the purposes of the production of the document required by Article 44(3) of the Rules of Procedure certifying that the lawyer acting for a party or assisting the party's agent is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area, reference may be made to a document previously lodged at the Registry of the Court.

3. Where the applicant is a legal person governed by private law, documents to be produced by virtue of Article 44(5)(a) and (b) of the Rules of Procedure must enable the following to be verified:

   – existence of authority;
   – existence in law of the legal person;
   – power and capacity of the authority's signatory;
   – proper conferment of the authority.

Article 9

Translations

1. The Registrar shall, in accordance with Article 36(1) of the Rules of Procedure, arrange for everything said or written in the course of the proceedings to be translated, at the request of a Judge, an Advocate-General or a party, into the language of the case or, where necessary, into another language as provided for in Article 35(2) of the Rules of Procedure. Where, for the purposes of the efficient conduct of the proceedings, a translation into another language, as provided for in Article 35(1) of the Rules of Procedure, is necessary, the Registrar shall also arrange for such a translation to be made.

2. If, pursuant to Article 131(4) of the Rules of Procedure, the Registrar has prescribed a period within which the party concerned is to produce a translation into the language of the case, the accuracy of which it must certify, and the translation is not produced within the prescribed period, the Registrar shall arrange for the procedural document concerned to be removed from the case-file.

3. The Registrar shall prescribe the periods within which institutions which are parties to proceedings are to produce the translations provided for by Article 43(2) of the Rules of Procedure.

Article 10
Service

1. Service in accordance with Article 100(1) of the Rules of Procedure shall be effected either by the dispatch by registered post, with a form for acknowledgment of receipt, of a certified copy of the original of the document to be served or by personal delivery of such copy to the addressee against a receipt. If need be, the certified copy shall be prepared by the Registrar.

   The copy of the document shall be accompanied by a letter specifying the case number, the register number and a brief indication of the nature of the document.

2. If service of the application on the defendant is attempted unsuccessfully, the Registrar shall prescribe a period within which the applicant is to supply a new address for service.

3. Provided that the addressee concerned has an address for service in Luxembourg, documents shall be served on the person authorised to accept service.

   Where, contrary to Article 44(2) of the Rules of Procedure, a party has omitted to state an address for service in Luxembourg and has not agreed that service is to be effected on him by fax or other technical means of communication, service shall be effected by the lodging at the post office in Luxembourg of a registered letter addressed to the lawyer or agent of the party concerned.

4. Where, in accordance with the second subparagraph of Article 44(2) of the Rules of Procedure, a party has agreed that service is to be effected on him by fax or other technical means of communication, service shall be effected, in accordance with Article 100(2) of the Rules of Procedure, by the transmission by such means of a copy of the document to be served.

   However, procedural documents which, for technical reasons or on account of their length, cannot be transmitted by such means shall be served in accordance with paragraph 1 above.

   Where the addressee has not stated an address for service in Luxembourg, he shall be informed of such service by the transmission by fax or other technical means of communication of a copy of the letter accompanying the document to be served and drawing his attention to the provisions of the second subparagraph of Article 100(2) of the Rules of Procedure.

5. The form for acknowledgment of receipt, the receipt, the proof of lodging of the registered letter at the post office in Luxembourg or a document establishing the dispatch by fax or other technical means of communication shall be kept on the case-file together with a copy of the letter sent to the addressee when service was effected.

6. Where only one copy of an annex to a procedural document is produced, owing to its size or for other reasons, and copies cannot be served on the parties, the Registrar shall inform

the parties accordingly and indicate to them that the annex is available to them at the Registry for inspection.

Article 11
Setting and extension of time-limits

1. The Registrar shall prescribe the time-limits provided for in the Rules of Procedure, in accordance with the authority accorded to him by the President.

2. Procedural documents received at the Registry after the period prescribed for their lodgment has expired may be accepted only with the authorisation of the President.

3. The Registrar may extend the time-limits prescribed, in accordance with the authority accorded to him by the President. When necessary, he shall submit to the President proposals for the extension of time-limits.

   Applications for extensions of time-limits must be duly reasoned and be submitted in good time before the expiry of the period prescribed. A time-limit may not be extended more than once save for exceptional reasons.

Article 12
Procedures on applications for interim measures

In the procedures referred to in Articles 104 to 110 of the Rules of Procedure, the Registrar may send procedural documents by all appropriate means which urgency requires, and in particular by means of fax transmission; in the event of such transmission, the Registrar shall nevertheless ensure that it is followed by a dispatch in the manner prescribed by Article 100 of the Rules of Procedure.

Article 13
Hearings and minutes of hearings

1. Before every public hearing the Registrar shall draw up a cause list in the language of the case. The cause list shall contain the date, hour and place of the hearing, the competent formation of the Court, the numbers of the cases which will be called and the names of the parties.

2. The cause list shall be displayed at the entrance to the courtroom.

3. The Registrar shall draw up in the respective language of each case the minutes of every hearing. Those minutes shall contain an indication of the case, the date, hour and place of the hearing, an indication of whether the hearing was in public or in camera, the names of the Judges and the Registrar present, the names and capacities of the parties' representatives present, the surnames, forenames, status and permanent addresses of any witnesses or experts examined, an indication of the procedural documents produced at the hearing and, in so far as is necessary, the statements made at the hearing and the decisions pronounced at the hearing by the Court or the President.

4. The Registrar shall arrange for minutes of the examination of a witness which reproduce the witness's evidence to be drawn up in the language in which the witness gave his evidence.

   Before signing the minutes and submitting them to the President for his signature the Registrar shall forward the draft minutes to the witness, if necessary by registered post, and request the witness to check them, make any observations which he may wish to make upon them and sign them.

Article 14
Witnesses and experts

1. The Registrar shall take the measures necessary for giving effect to orders requiring the taking of expert opinion or the examination of witnesses.

2. The Registrar shall obtain from witnesses evidence of their expenses and loss of earnings and from experts a fee note accounting for their expenses and services.

3. The Registrar shall cause sums due to witnesses and experts under the Rules of Procedure to be paid from the Court's treasury. In the event of a dispute concerning such sums, the Registrar shall refer the matter to the President in order for a decision to be taken.

4. The Registrar shall arrange for the costs of examining experts or witnesses advanced by the Court in a case to be demanded from the parties ordered to pay the costs. If necessary, steps pursuant to Article 16(2) shall be taken.

Article 15
Originals of judgments and orders

1. Originals of judgments and orders of the Court shall be kept in chronological order in the archives of the Registry. A certified copy shall be placed on the case-file.

2. At the parties' request, the Registrar shall supply them with a certified copy of the original of a judgment or of an order.

3. The Registrar may supply uncertified copies of judgments and orders to third parties who so request.

4. Judgments or orders rectifying or interpreting a judgment or an order, judgments given on applications to set aside judgments by default, judgments and orders given in third-party proceedings or on applications for revision and judgments or orders given by the Court of Justice in appeals or in reviews of decisions shall be mentioned in the margin of the judgment or order concerned. The original or a certified copy shall be appended to the original of the judgment or order.

Article 16

Recovery of sums

1. Where sums paid out by way of legal aid or sums advanced to witnesses or experts are recoverable by the Court's treasury, the Registrar shall, by registered letter, demand payment of those sums from the party which is to bear them in accordance with the Rules of Procedure.

2. If the sums demanded are not paid within the period prescribed by the Registrar, he may request the Court to make an enforceable decision and, if necessary, require its enforcement.

Article 17

Registry charges

1. Where a copy of a procedural document or an extract from the case-file or from the register is supplied to a party on paper at its request, the Registrar shall impose a Registry charge of EUR 3.50 per page for a certified copy and EUR 2.50 per page for an uncertified copy.

2. Where the Registrar arranges for a procedural document or an extract from the case-file to be translated at the request of a party, a Registry charge of EUR 1.25 per line shall be imposed.

3. The charges referred to in this Article shall, as from 1 January 2007, be increased by 10% each time the weighted cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10%.

Article 18

Publications and posting of documents on the Internet

1. The Registrar shall be responsible for the publications of the Court and for posting on the Internet documents relating to the Court.

2. The Registrar shall cause to be published in the *Official Journal of the European Union* the composition of the Chambers and the criteria applied in the allocation of cases to them, the election of the President of the General Court and of the Presidents of Chambers, the designation of the Judge replacing the President of the General Court as the Judge hearing applications for interim measures, and the appointment of the Registrar and of any Deputy Registrar.

3. The Registrar shall cause to be published in the *Official Journal of the European Union* notices of proceedings brought and of decisions closing proceedings.

4. The Registrar shall ensure that the case-law of the Court is made public in accordance with any arrangements adopted by the Court.

On a reasoned application by a party, made by a separate document, or of its own motion, the Court may omit the name of a party to the dispute or of other persons mentioned in connection with the proceedings, or certain information, from those documents relating to a case to which the public has access if there are legitimate reasons for keeping the identity of a person or the information confidential.

Article 19
Advice for lawyers and agents

1. The Registrar shall make known to lawyers and agents the Practice Directions to parties and these Instructions to the Registrar.

2. When requested by lawyers or agents, the Registrar shall provide them with information on the practice followed pursuant to the Rules of Procedure, to the decision of the General Court of 14 September 2011 and the Conditions of Use of e-Curia, to the Practice Directions to parties and to these Instructions to the Registrar, in order to ensure that proceedings are conducted efficiently.

Article 20
Derogations from these Instructions

Where the special circumstances of a case and the proper administration of justice require, the Court or the President may derogate from any of these Instructions.

Article 21
Entry into force of these Instructions

1. The Instructions to the Registrar of 3 March 1994 (OJ 1994 L 78, p. 32), as amended on 29 March 2001 (OJ 2001 L 119, p. 2) and 5 June 2002 (OJ 2002 L 160, p. 1), are hereby repealed and replaced by these Instructions to the Registrar.

2. These Instructions to the Registrar, which are authentic in the languages referred to in Article 36(2) of the Rules of Procedure, shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.

PRACTICE DIRECTIONS TO PARTIES BEFORE THE GENERAL COURT

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THE GENERAL COURT

Having regard to Article 150 of its Rules of Procedure;

Whereas:

It is in the interest of the sound administration of justice that practice directions be issued to the parties' representatives, whether lawyers or agents, for the purpose of Article 19 of the Protocol on the Statute of the Court of Justice of the European Union ('the Statute'), dealing with the manner in which procedural documents are to be submitted and how best to prepare for the hearing before the General Court ('the Court');

The present directions reflect, explain and complement provisions in the Court's Rules of Procedure and are designed to enable the parties' representatives to take account of those matters which concern the Court, particularly those relating to translation, the internal processing of procedural documents and interpretation;

The Instructions to the Registrar dated 5 July 2007 (OJ 2007 L 232, p. 1), as amended on 17 May 2010 (OJ 2010 L 170, p. 53) and on 24 January 2012 (OJ 2012 L 68, p. 23) ('the Instructions to the Registrar'), require the Registrar to ensure that procedural documents placed on a case-file comply with the provisions of the Statute, the Rules of Procedure and these Practice Directions ('the Practice Directions') together with the Instructions to the Registrar; in particular, he is to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, to refuse, where appropriate, to accept them if they do not comply with the provisions of the Statute or of the Rules of Procedure;

Compliance with the Practice Directions will assure parties' representatives, as persons concerned in the administration of justice, that the procedural documents lodged by them may properly be processed by the Court and will not, with respect to the matters dealt with in the Practice Directions, entail the application of Article 90(a) of the Rules of Procedure;

Following consultations with the representatives of the agents of the Member States, of the institutions acting in proceedings before the Court and of the Council of Bars and Law Societies of Europe (CCBE);

HEREBY DECIDES TO ADOPT THE FOLLOWING PRACTICE DIRECTIONS.

I. **WRITTEN PROCEDURE**

A. GENERAL PROVISIONS

A.1. **Use of technical means of communication**

(1) *By means of the e-Curia application*

1. The lodging of procedural documents by exclusively electronic means is allowed using the e-Curia application (https://curia.europa.eu/e-Curia) in compliance with the Conditions of use of the e-Curia application.

2. Annexes to a procedural document, mentioned in the body of that document, which by their nature cannot be lodged by e-Curia, may be sent separately in accordance with Article 43(1) of the Rules of Procedure, provided that they are mentioned in the schedule of annexes to the document lodged by e-Curia. The schedule of annexes must identify which annexes are to be lodged separately. Those annexes must reach the Registry no later than 10 days after the lodging of the procedural document by e-Curia.

3. Without prejudice to specific rules, the provisions of these Directions shall be applicable to procedural documents lodged by means of the e-Curia application.

(2) *By fax or email*

4. A copy of the signed original of a procedural document may be transmitted to the Registry in accordance with Article 43(6) of the Rules of Procedure either:

— by fax (fax number: (+352) 4303 2100), or

— by email (email address: GeneralCourt.Registry@curia.europa.eu).

5. In the case of transmission by email, only a scanned copy of the signed original will be accepted. Scanned documents should ideally be scanned at a resolution of 300 dpi and submitted in PDF (image and text) using software such as Acrobat or Readiris 7 Pro. A document dispatched in the form of an ordinary electronic file which is unsigned or bears an electronic signature or a facsimile signature generated by computer will not be treated as complying with Article 43(6) of the Rules of Procedure. Correspondence relating to a case which is received by the Court in the form of an ordinary email message will not be taken into consideration.

6. The date on which a procedural document is lodged by fax or email will be deemed to be the date of lodgment for the purposes of compliance with a time-limit only if the original of that document, bearing the representative's handwritten signature, is lodged at the Registry no later than 10 days thereafter, as prescribed under Article 43(6) of the Rules of Procedure.

7. The signed original must be sent without delay, immediately after the dispatch of the copy, without any corrections or amendments, even of a minor nature, being made thereto. In the event of any discrepancy between the signed original and the copy previously lodged, only the date of lodging of the signed original will be taken into consideration. In accordance with the second subparagraph of Article 43(1) of the Rules of Procedure, the signed original of every procedural document is to be accompanied by the adequate number of certified copies.

8. Where, in accordance with Article 44(2) of the Rules of Procedure, a party consents to being served by fax or other technical means of communication, the statement to that effect must specify the fax number and/or the email address for the purpose of service by the Registry. The recipient's computer must be equipped with suitable software (for example, Acrobat or Readiris 7 Pro) enabling communications from the Registry, which will be transmitted in PDF, to be read.

A.2. **Presentation of procedural documents**

9. The following information must appear on the first page of the procedural document:

   (a) the title of the document (application, defence, response, reply, rejoinder, application for leave to intervene, statement in intervention, objection of inadmissibility, observations on …, replies to questions, etc.);

   (b) the case-number (T-…/…), where it has already been notified by the Registry;

   (c) the names of the applicant and of the defendant, and the name of any other party to the proceedings in intellectual property cases and appeals against decisions of the Civil Service Tribunal;

   (d) the name of the party on whose behalf the document is lodged.

10. Each paragraph of the document must be numbered.

11. In documents not lodged by means of the e-Curia application, the handwritten signature of the party's representative is required and must appear at the end of the document. Where more than one representative is acting for the party concerned, the signing of the document by one representative shall be sufficient.

12. Procedural documents must be submitted in such a way as to enable them to be processed electronically by the Court.

    Accordingly, the following requirements must be complied with:

   (a) the text, in A4 format, must be easily legible and appear on one side of the page only;

   (b) paper documents produced must be placed together in such a way as to enable them to be easily undone. They must not be bound together or fixed to each other by any other means (e.g. glued or stapled);

(c) the text must appear in characters that are sufficiently large to be easily read [1] with sufficient line spacing and margins to ensure that a scanned version will be legible; [2]

(d) the pages of the document must be numbered consecutively in the top right-hand corner; where annexes to a document are produced, they must be paginated in accordance with the requirements at point 59 of the Practice Directions.

13. The first page of each copy of the signed original of every procedural document not lodged by means of the e-Curia application and required to be produced by the parties pursuant to the second subparagraph of Article 43(1) of the Rules of Procedure must be initialled by the representative of the party concerned and certified by him as a true copy of the original document.

A.3. **The presentation of files lodged by means of the e-Curia application**

14. Procedural documents lodged by means of the e-Curia application shall be presented in the form of files. To assist the Registry in handling them, it is recommended to follow the practical guidance given in the e-Curia User Manual available on line on the Internet site of the Court of Justice of the European Union, viz:

— files must include names identifying the document (Pleading, Annexes Part 1, Annexes Part 2, Covering letter, etc.);

— the procedural document need not necessarily bear a handwritten signature;

— the text of the procedural document can be saved in PDF direct from the word-processing software without the need of scanning;

— the procedural document must include the schedule of annexes;

— the annexes must be contained in one or more files separate from the file containing the procedural document. A file may contain several annexes. It is not compulsory to create one file per annex.

A.4. **Length of pleadings**

15. Depending on the subject-matter and the circumstances of the case, the maximum number of pages [3] shall be as follows:

— 50 pages for the application and the defence;

— 20 pages for the application and responses in intellectual property cases;

— 15 pages for the appeal and the response;

— 25 pages for the reply and the rejoinder;

— 15 pages for the reply and the rejoinder in appeal cases and in intellectual property cases;

— 20 pages for an objection of inadmissibility and observations thereon;

— 20 pages for a statement in intervention and 15 pages for observations thereon.

[1] For example, 'Times New Roman' 12 font for the main text and 'Times New Roman' 10 font for the text of footnotes.
[2] For example, single line spacing, and margins of at least 2,5 cm.
[3] The text must be presented in accordance with the requirements at point 12(c) of these Practice Directions.

16. Authorisation to exceed those maximum lengths will be given only in cases involving particularly complex legal or factual issues.

B. FORM AND CONTENT OF PLEADINGS

B.1. **Direct actions**

17. The Rules of Procedure contain provisions which specifically govern proceedings relating to intellectual property rights (Articles 130 to 136). The rules relating to applications and responses lodged in the context of such proceedings (2) are therefore set out separately from those relating to applications and defences lodged in the context of any other proceedings (1).

(1) *Application and defence (other than in intellectual property cases)*

a. Application initiating proceedings

18. The mandatory information to be included in the application initiating proceedings is prescribed by Article 44 of the Rules of Procedure.

19. The following information must appear at the beginning of the application:

(a) the name and address of the applicant;

(b) the name and capacity of the applicant's representative;

(c) the identity of the party against whom the application is made;

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

20. The introductory part of the application should be followed by a brief account of the facts giving rise to the dispute.

21. Legal arguments should be set out and grouped by reference to the particular pleas in law to which they relate. Each argument or group of arguments should generally be preceded by a summary statement of the relevant plea. In addition, the pleas in law put forward should ideally each be given a heading to enable them to be identified easily.

22. The precise wording of the form of order sought by the applicant must be stated either at the beginning or at the end of the application.

23. In the case of an action for annulment, a copy of the contested measure must be annexed to the application and identified as such.

24. The documents referred to in Article 44(3) and (5)(a) and (b) of the Rules of Procedure must be produced together with the application, but separately from the annexes mentioned in the text of the pleading. For the purposes of the production of the document required by Article 44(3) of the Rules of Procedure, reference may be made, in accordance with Article 8(2) of the Instructions to the Registrar, to a document previously lodged at the Registry of the Court.

25. Each application must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice prescribed by Article 24(6) of the Rules of Procedure. Since the notice is required to be published in the *Official Journal of the European Union* in all the official languages, it is requested that the summary should not exceed two pages and that it should be prepared in accordance with the model available on line on the Internet site of the Court of Justice of the European Union. It must be produced separately from the annexes mentioned in the application. The summary must, if not lodged by means of the e-Curia application, be sent by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.

26. All evidence offered in support must be expressly and accurately indicated, in such a way as to show clearly the facts to be proved:

— documentary evidence offered in support must refer to the relevant document number in a schedule of annexed documents. Alternatively, if a document is not in the applicant's possession, the pleading must indicate how the document may be obtained;

— where oral testimony is sought to be given, each proposed witness or person from whom information is to be obtained must be clearly identified.

27. If the application is lodged after the submission of an application for legal aid, the effect of which, under Article 96(4) of the Rules of Procedure, is to suspend the period prescribed for the bringing of an action, this must be stated at the beginning of the application initiating proceedings.

28. If the application is lodged after notification of the order making a decision on an application for legal aid, reference must also be made in the application to the date on which the order was served on the applicant.

b. Defence

29. The mandatory information to be included in the defence is prescribed by Article 46(1) of the Rules of Procedure.

30. In addition to the case-number and the name of the applicant, the following information must appear at the beginning of the defence:

(a) the name and address of the defendant;

(b) the name and capacity of the defendant's representative;

(c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

31. The precise wording of the form of order sought by the defendant must be stated either at the beginning or at the end of the defence.

32. Points 21, 24 and 26 of the Practice Directions shall apply to the defence.

33. Any fact alleged by the other party which is contested must be specified and the basis on which it is contested expressly stated.

(2) *Application and response (in intellectual property cases)*

a. Application initiating proceedings

34. The mandatory information to be included in the application initiating proceedings is prescribed by Articles 44 and 132(1) of the Rules of Procedure.

35. The following information must appear at the beginning of the application:

(a) the name and address of the applicant;

(b) the name and capacity of the applicant's representative;

(c) the names of all parties to the proceedings before the Board of Appeal and the addresses given by them for notification purposes during those proceedings;

(d) the date on which the applicant was notified of the decision of the Board of Appeal that is the subject-matter of the action;

(e) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

36. The contested decision of the Board of Appeal must be annexed to the application.

37. Points 20 to 22, 24, and 26 to 28 of the Practice Directions shall apply to applications in intellectual property cases.

b. Response

38. The mandatory information to be included in the response is prescribed by Article 46(1) of the Rules of Procedure.

39. In addition to the case-number and the name of the applicant, the following must appear at the beginning of the response:

(a) the name and address of the defendant or of the intervener;

(b) the name and capacity of the defendant's or intervener's representative;

(c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

40. The precise wording of the form of order sought by the defendant or by the intervener must be stated either at the beginning or at the end of the response.

41. Points 21, 24, 26 and 33 of the Practice Directions shall apply to the response. Where, prior to the response, the other party to the proceedings before the Board of Appeal lodges observations on the language of the case, in accordance with Article 131(2) of the Rules of Procedure, those observations shall be accompanied by the document referred to in Article 44(3) of the Rules of Procedure.

B.2. **Appeals**

a. Notice of appeal

42. The notice of appeal must contain the information prescribed by Article 138(1) of the Rules of Procedure.

43. The following must appear at the beginning of any notice of appeal:

(a) the name and address of the appellant;

(b) the name and capacity of the appellant's representative;

(c) a reference to the decision of the Civil Service Tribunal appealed against (nature of the decision, formation of the Tribunal, date and case-number);

(d) the names of the other parties to the proceedings before the Civil Service Tribunal;

(e) a reference to the date of receipt by the appellant of the decision of the Civil Service Tribunal;

(f) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

44. The precise wording of the form of order sought by the appellant must be stated either at the beginning or at the end of the notice (Article 139(1) of the Rules of Procedure).

45. It is not generally necessary to describe the background or subject-matter of the proceedings. A reference to the decision of the Civil Service Tribunal is sufficient.

46. It is recommended that the pleas in law be summarised at the beginning of the notice. Legal arguments should be set out and grouped by reference to the particular pleas in law in support of the appeal to which they relate, and in particular by reference to the errors of law relied on.

47. A copy of the decision of the Civil Service Tribunal appealed against shall be annexed to the notice.

48. Each notice of appeal must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice for publication prescribed by Article 24(6) of the Rules of Procedure. Since the notice is required to be published in the *Official Journal of the European Union* in all the official languages, it is requested that the summary should not exceed two pages and that it should be prepared in accordance with the model available on line on the Internet site of the Court of Justice of the European Union. It must be produced separately from the annexes mentioned in the notice of appeal. The summary must, if not lodged by means of the e-Curia application, be sent by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.

49. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area) must be produced together with the notice of appeal, unless the party bringing the appeal is an institution of the Union or a Member State represented by an agent. For the purposes of the production of the document required by Article 44(3) of the Rules of Procedure, reference may be made, in accordance with Article 8(2) of the Instructions to the Registrar, to a document previously lodged at the Registry of the Court.

b. Response

50. The response must contain the information prescribed by Article 141(2) of the Rules of Procedure.

51. In addition to the case-number and the name of the appellant, the following must appear at the beginning of each response:

(a) the name and address of the party submitting the response;

(b) the name and capacity of that party's representative;

(c) the date of receipt of the appeal by that party;

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

52. The precise wording of the form of order sought by the party submitting the response must be stated either at the beginning or at the end of the response (Article 142(1) of the Rules of Procedure).

53. If the response seeks to set aside, in whole or in part, the decision of the Civil Service Tribunal on a plea in law which was not raised in the appeal, a reference to that effect should be included in the heading of the pleading ('response and cross-appeal').

54. Legal arguments must, as far as possible, be set out and grouped by reference to the appellant's pleas in law and/or, as the case may be, to the pleas in law relating to the cross-appeal.

55. Since the factual and legal background is already included in the judgment under appeal, it should be repeated in the response only in truly exceptional circumstances, in so far as its presentation in the notice of appeal is contested or requires clarification. The contested matter of fact or of law must be identified and the basis of that contest clearly stated.

56. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area) must be produced together with the response, unless the party producing it is an institution of the Union or a Member State represented by an agent.

C. ANNEXES TO PROCEDURAL DOCUMENTS

57. Only those documents mentioned in the actual text of a procedural document and which are necessary in order to prove or illustrate its contents may be submitted as annexes.

58. Annexes will be accepted only if they are accompanied by a schedule indicating, for each document annexed:

(a) the number of the annex (by reference to the procedural document to which the documents are annexed, using a letter and a number: for example, Annex A.1, A.2, … for annexes to the application; B.1, B.2, … for annexes to the defence; C.1, C.2, … for annexes to the reply; D.1, D.2, … for annexes to the rejoinder);

(b) a short description of the document (for example, 'letter', followed by its date, author and addressee and the number of pages);

(c) the page reference and paragraph number in the procedural document where that document is mentioned and its relevance is described.

59. The documents annexed to a procedural document must be paginated in the top right-hand corner, in ascending order. Pagination of the documents may be made either consecutively with the procedural document to which they are annexed or consecutively but separately from that document.

60. Where annexes are documents which themselves contain annexes, they must be arranged and numbered in such a way as to avoid all possibility of confusion and should, where necessary, be separated by dividers.

61. Each reference to a document lodged must state the relevant annex number as given in the schedule of annexes and indicate the procedural document with which the annex has been lodged, in the manner described at point 58 above.

D. REGULARISATION OF PROCEDURAL DOCUMENTS

D.1. **Regularisation of applications**

a. Those requirements, non-compliance with which is grounds for not serving the application

62. If an application does not comply with the following requirements, the Registry shall not serve it and a reasonable period shall be prescribed for the purposes of putting it in order:

	Direct actions (other than intellectual property)	Intellectual property cases	Appeals
(a)	production of the certificate of the lawyer's authorisation to practise (Article 44(3) of the Rules of Procedure)	production of the certificate of the lawyer's authorisation to practise (Article 44(3) of the Rules of Procedure)	production of the certificate of the lawyer's authorisation to practise (Article 44(3) of the Rules of Procedure)
(b)	proof of the existence in law of a legal person governed by private law (Article 44(5)(a) of the Rules of Procedure)	proof of the existence in law of a legal person governed by private law (Article 44(5)(a) of the Rules of Procedure)	
(c)	authority (Article 44(5)(b) of the Rules of Procedure)	authority (Article 44(5)(b) of the Rules of Procedure)	
(d)	proof that that authority has been properly conferred by someone authorised for the purpose (Article 44(5)(b) of the Rules of Procedure)	proof that that authority has been properly conferred by someone authorised for the purpose (Article 44(5)(b) of the Rules of Procedure)	
(e)	production of the contested measure (action for annulment) or of the documentary evidence of the date on which the institution was requested to act (action for failure to act) (second paragraph of Article 21 of the Statute; Article 44(4) of the Rules of Procedure)	production of the contested decision of the Board of Appeal (second subparagraph of Article 132(1) of the Rules of Procedure)	production of the decision of the Civil Service Tribunal that is the subject of the appeal (Article 138(2) of the Rules of Procedure)

	Direct actions (other than intellectual property)	Intellectual property cases	Appeals
(f)		the names of the parties to the proceedings before the Board of Appeal and the addresses which they had given for the purposes of the notifications to be effected in the course of those proceedings (first subparagraph of Article 132(1) of the Rules of Procedure)	
(g)		the date on which the decision of the Board of Appeal was notified (second subparagraph of Article 132(1) of the Rules of Procedure)	the date on which the decision of the Civil Service Tribunal that is the subject of the appeal was notified (Article 138(2) of the Rules of Procedure)

b. Procedural rules, non-compliance with which justifies delaying service

63. If an application does not comply with the following procedural rules, service of the application shall be delayed and a reasonable period shall be prescribed for the purposes of putting the application in order:

	Application lodged in paper format (lodgment preceded, as the case may be, by dispatch by fax or email)	Application lodged by e-Curia
(a)	indication of the applicant's address (first paragraph of Article 21 of the Statute; Article 44(1)(a) of the Rules of Procedure; point 19(a), 35(a) or 43(a) of the Practice Directions)	indication of the applicant's address (first paragraph of Article 21 of the Statute; Article 44(1)(a) of the Rules of Procedure; point 19(a), 35(a) or 43(a) of the Practice Directions)
(b)	position of the representative's handwritten signature (point 11 of the Practice Directions)	
(c)	paragraph numbering (point 10 of the Practice Directions)	paragraph numbering (point 10 of the Practice Directions)
(d)	production of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure)	production of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure)
(e)	sufficient number of copies of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure)	
(f)	production of a schedule of annexes (Article 43(4) of the Rules of Procedure and point 58 of the Practice Directions)	production of a schedule of annexes (Article 43(4) of the Rules of Procedure and point 58 of the Practice Directions)
(g)	sufficient number of copies of the schedule (second subparagraph of Article 43(1) of the Rules of Procedure)	
(h)	schedule of annexes with a short description of each document (point 58(b) of the Practice Directions) and page reference and paragraph number(s) (point 58(c) of the Practice Directions)	schedule of annexes with a short description of each document (point 58(b) of the Practice Directions) and page reference and paragraph number(s) (point 58(c) of the Practice Directions)
(i)	sufficient number of copies of the schedule of annexes with page reference and paragraph number(s) (second subparagraph of Article 43(1) of the Rules of Procedure)	

	Application lodged in paper format (lodgment preceded, as the case may be, by dispatch by fax or email)	Application lodged by e-Curia
(j)	sufficient number of copies of the contested measure or of the documentary evidence of the date on which the institution was requested to act (second subparagraph of Article 43(1) of the Rules of Procedure)	
(k)	production of a copy of the contract containing the arbitration clause (Article 44(5a) of the Rules of Procedure)	production of a copy of the contract containing the arbitration clause (Article 44(5a) of the Rules of Procedure)
(l)	sufficient number of copies of the contract containing the arbitration clause (second subparagraph of Article 43(1) of the Rules of Procedure)	
(m)	pagination of the application and annexes (points 12(d) and 59 of the Practice Directions)	pagination of the application and annexes (points 12(d) and 59 of the Practice Directions)
(n)	sufficient number of certified copies of the application (seven for inter partes intellectual property cases and six for all other cases) (second subparagraph of Article 43(1) of the Rules of Procedure)	
(o)	production of certified true copies of the application (second subparagraph of Article 43(1) of the Rules of Procedure; point 13 of the Practice Directions)	

c. Procedural rules non-observance of which does not prevent service

64. If the application does not comply with the following procedural rules, the application shall be served and a reasonable period shall be prescribed for the purposes of putting it in order:

(a) address for service (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication) (Article 44(2) of the Rules of Procedure; Article 10(3) of the Instructions to the Registrar; points 8 and 19(d) of the Practice Directions);

(b) certificate of authorisation to practise in respect of any additional lawyer (Article 44(3) of the Rules of Procedure);

(c) other than in intellectual property cases, a summary of the pleas in law and main arguments (points 25 and 48 of the Practice Directions);

(d) translation into the language of the case accompanying any document drafted in a language other than the language of the case (second subparagraph of Article 35(3) of the Rules of Procedure).

D.2. **Regularisation of lengthy applications**

65. An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 15 of the Practice Directions by 40% or more shall require regularisation, unless otherwise directed by the President.

66. An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 15 of the Practice Directions by less than 40% may require regularisation if so directed by the President.

67. Where an applicant is requested to put his application in order, service on the defendant of the application which requires regularisation on account of its length shall be delayed.

D.3. **Regularisation of other procedural documents**

68. The instances of regularisation referred to above shall apply as necessary to procedural documents other than the application.

E. APPLICATIONS FOR EXPEDITED PROCEDURE

69. An application in respect of which the expedited procedure is requested must not in principle exceed 25 pages. Such an application must be submitted in accordance with the requirements set out at points 18 to 25 above.

70. An application for a case to be decided by the Court under the expedited procedure must be made by a separate document in accordance with Article 76a of the Rules of Procedure and must contain a brief statement of the reasons for the special urgency of the case and any other relevant circumstances. The provisions of Sections A.2, A.3 and C above shall apply.

71. It is recommended that the party applying for the expedited procedure specify in its application the pleas in law, arguments or passages of the pleading in question (application or defence) which are put forward only in the event that the case is not decided under the expedited procedure. That information, referred to in the second subparagraph of Article 76a(1) of the Rules of Procedure, must be clearly specified in the application, indicating the numbers of the paragraphs concerned.

72. It is recommended also that an abbreviated version of the relevant pleading be annexed to any application for a case to be decided under the expedited procedure which contains the information referred to in the preceding point.

73. Where an abbreviated version is annexed, it must comply with the following directions:

(a) the abbreviated version shall be in the same format as the original version of the pleading in question, with omitted passages being identified by the word 'omissis' in square brackets;

(b) paragraphs which are retained in the abbreviated version shall keep the same numbering as in the original version of the pleading in question;

(c) if the abbreviated version does not refer to all of the annexes to the original version of the pleading in question, the schedule of annexes accompanying the abbreviated version shall identify each annex omitted by the word 'omissis';

(d) annexes which are retained in the abbreviated version must keep the same numbering as in the schedule of annexes in the original version of the pleading in question;

(e) the annexes referred to in the schedule accompanying the abbreviated version must be attached to that version.

74. In order to ensure that it is dealt with as expeditiously as possible, the abbreviated version must comply with the above directions.

75. Where the production of an abbreviated version of the pleading is requested by the Court under Article 76a(4) of the Rules of Procedure, the abbreviated version must be prepared in accordance with the above directions, unless otherwise specified.

76. If the applicant has not specified in his application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond to the application initiating proceedings within a period of one month.

77. If the applicant has specified in his application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments advanced in the application, in the light of the information provided in the application for the expedited procedure.

78. If the applicant has attached an abbreviated version of the application to his application for expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments contained in that abbreviated version of the application.

79. If the Court decides to reject the application for an expedited procedure before the defendant has lodged his defence, the period of one month for lodgment of the defence prescribed under the first subparagraph of Article 76a(2) of the Rules of Procedure shall be extended by a further month.

80. If the Court decides to reject the application for an expedited procedure after the defendant has lodged his defence within the period of one month prescribed by the first subparagraph of Article 76a(2) of the Rules of Procedure, the defendant shall be allowed a further period of one month in order to supplement his defence.

F. APPLICATIONS FOR SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

81. The application must be made by a separate document. It must be intelligible in itself, without necessitating reference to the application lodged in the main proceedings.

82. An application for suspension of operation or enforcement or for other interim measures must state, with the utmost concision, the subject-matter of the proceedings, the pleas of fact and of law on which the main action is based (establishing a prima facie case on the merits in that action) and the circumstances giving rise to urgency. It must specify the measure(s) applied for. Sections A.2, A.3, B and C above shall apply.

83. Because an application for interim measures requires the existence of a prima facie case to be assessed for the purposes of a summary procedure, it need not set out in full the text of the application in the main proceedings.

84. In order that an application for interim measures may be dealt with urgently, the number of pages it contains must not in principle (depending on the subject-matter and the circumstances of the case) exceed a maximum of 25 pages.

G. APPLICATIONS FOR CONFIDENTIAL TREATMENT

85. Without prejudice to the provisions of the second and third subparagraphs of Article 67(3) of the Rules of Procedure, the Court shall take into consideration only those documents which have been made available to the parties' representatives and on which they have been given an opportunity of expressing their views (first subparagraph of Article 67(3) of the Rules of Procedure).

86. Nevertheless, a party may apply for certain parts or passages of the procedural documents placed in the case-file that are secret or confidential:

— to be excluded from the documents to be furnished to an intervener (Article 116(2) of the Rules of Procedure);

— not to be made available to a party in a joined case (Article 50(2) of the Rules of Procedure).

87. An application for confidential treatment shall be made by a separate document. It may not be lodged as a confidential version.

88. Such an application must specify the party in relation to whom confidentiality is requested. It must be limited to what is strictly necessary and may not in any event cover the entirety of a procedural document; only exceptionally may it extend to the entirety of an annexed document. It should usually be possible to furnish a non-confidential version of a document in which passages, words or figures have been deleted without affecting the interests it is sought to protect.

89. An application for confidential treatment must accurately identify the particulars or passages to be excluded and state very briefly the reasons for which each of those particulars or passages is regarded as secret or confidential. Failure to provide such information may result in the application being rejected by the Court.

90. On lodging an application for confidential treatment in respect of one or more procedural documents, a party must produce a non-confidential version of each procedural document concerned with the confidential material deleted.

a. Applications for leave to intervene

91. Where an application is made for leave to intervene in a case, the parties are requested to state, within the period prescribed by the Registrar to that effect, whether they wish to seek confidential treatment in respect of certain information included in the documents already placed on the case-file.

92. With regard to all documents that the parties may lodge subsequently, the parties must specify, in accordance with points 87 to 90 above, the information for which confidential treatment is sought, and provide, in addition to the full version of the documents lodged, a version from which the information in question has been removed. In the absence of such indication, the documents lodged will be furnished to the intervener.

b. Joined cases

93. Where it is envisaged that several cases will be joined, the parties are requested to state, within the period prescribed by the Registrar to that effect, whether they wish to seek confidential treatment in respect of certain information included in the documents already placed on the case-files.

94. With regard to all documents that the parties may lodge subsequently, the parties must specify, in accordance with points 88 to 90 above, the information for which confidential treatment is sought, and provide, in addition to the full version of the documents lodged, a version from which the information in question has been removed. In the absence of such indication, the documents lodged will be made available to the other parties.

H. APPLICATIONS CONCERNING A SECOND EXCHANGE OF PLEADINGS

H.1. **Applications for leave to submit a reply or rejoinder in intellectual property cases**

95. Under Article 135(2) of the Rules of Procedure, the President may, on application within the period prescribed by that provision, allow a reply or a rejoinder to be submitted if it is necessary in order to enable the party concerned to put forward his point of view.

96. Save in exceptional circumstances, such an application must not exceed 2 pages and must be confined to summarising the precise reasons for which, in the opinion of the party concerned, a reply or a rejoinder is necessary. The request must be intelligible in itself, without necessitating reference to the application or to the response(s).

H.2. **Applications for leave to submit a reply in appeal proceedings**

97. Under Article 143(1) of the Rules of Procedure, the President may, on application within the period prescribed by that provision, allow a reply to be submitted if it is necessary in order to enable the appellant to put forward his point of view or in order to provide a basis for the decision on the appeal.

98. Save in exceptional circumstances, such an application must not exceed 2 pages and must be confined to summarising the precise reasons for which, in the appellant's opinion, a reply is necessary. The request must be intelligible in itself, without necessitating reference to the appeal or to the response.

I. APPLICATIONS FOR HEARING OF ORAL ARGUMENT

I.1. **Applications for hearing of oral argument in intellectual property cases**

99. The Court may decide to rule on the appeal without an oral procedure, unless one of the parties submits an application to be heard within the period prescribed under Article 135a of the Rules of Procedure.

100. The application must set out the reasons for which the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the elements of the file or arguments which that party considers it necessary to develop or refute more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

I.2. **Applications for hearing of oral argument in appeal proceedings**

101. The Court may decide to rule on the appeal without an oral procedure, unless one of the parties submits an application to be heard within the period prescribed under Article 146 of the Rules of Procedure.

102. The application must set out the reasons for which the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the elements of the file or arguments which that party considers it necessary to develop or refute more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

J. APPLICATIONS FOR LEGAL AID

103. The use of a form in making an application for legal aid is compulsory. The form is available on the Internet site of the Court of Justice of the European Union at http://curia.europa.eu.

104. The form may also be obtained on request from the Registry of the Court either by sending an email stating the applicant's name and address to GeneralCourt.Registry@curia.europa.eu, or by writing to the following address:

Registry of the General Court of the European Union
Rue du Fort Niedergrünewald
L-2925 Luxembourg

105. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration and will give rise to a reply from the Registrar reiterating that the use of the form is compulsory and attaching a copy of the form.

106. The original application for legal aid must be signed by the legal aid applicant or by his lawyer. However, if the application is lodged by means of e-Curia by the applicant's lawyer, the lawyer's signature is not required.

107. If the application for legal aid is submitted by the legal aid applicant's lawyer before the application initiating proceedings has been lodged, it must be accompanied by the document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area). For the purposes of the production of the document required by Article 44(3) of the Rules of Procedure, reference may be made, in accordance with Article 8(2) of the Instructions to the Registrar, to a document previously lodged at the Registry of the Court.

108. The application form is intended to provide the Court, in accordance with Article 95(2) of the Rules of Procedure, with the information required to give an effective decision on the application for legal aid. The information required concerns:

— the legal aid applicant's economic situation;

and,

— where the action has not yet been brought, the subject-matter of the action, the facts of the case and the arguments relating thereto.

109. The legal aid applicant is required to produce, together with the application form, documentary evidence to support his assertions.

110. The duly completed form and supporting documents must be intelligible in themselves, without reference to any other letters lodged at the Registry by the legal aid applicant.

111. Without prejudice to the Court's power to request information or the production of further documents under Article 64 of the Rules of Procedure, the application for legal aid may not be supplemented by the subsequent filing of additional material. Such material will be returned, unless it has been lodged at the request of the Court. In exceptional cases, supporting documents intended to establish the applicant's lack of means may nevertheless be accepted subsequently, subject to the delay in their production being adequately explained.

112. Under Article 96(4) of the Rules of Procedure, the introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action to which the application refers until the date of notification of the order making a decision on that application or, where no lawyer is designated in that order to represent the person concerned, until the date of service of the order designating the lawyer instructed to represent the legal aid applicant.

113. The suspension shall take effect from the date on which the form is lodged or, where the request for legal aid is submitted without using the form, from the date on which that request is lodged, provided that the form is returned within the period prescribed by the Registry to that effect in the letter referred to at point 105 above. If the form is not returned within the prescribed period, the suspension shall take effect from the date on which the form is lodged.

114. Where the form is lodged by fax or email, the original, bearing the handwritten signature of the lawyer or of the applicant, must reach the Registry of the Court no more than 10 days after such lodgment, in order for the date of lodgment of the fax or email to be taken into account in the suspension of the time-limit for bringing an action. If the original form is not lodged within that 10-day period, the suspension of the time-limit for bringing an action shall take effect on the date on which the original form is lodged. In the event of any discrepancy between the signed original and the copy previously lodged, only the signed original will be taken into account, and the relevant date for the purpose of suspension of the time-limit for bringing an action will be the date on which that original was lodged.

II. **ORAL PROCEDURE**

115. The oral procedure exists:

— where necessary, to reiterate in condensed form the position taken by the parties, emphasising the key submissions advanced in writing;

— to clarify, if necessary, certain arguments advanced during the written procedure and to submit any new arguments arising from events occurring after the close of the written procedure and which therefore could not have been set out in the pleadings;

— to reply to any questions put by the Court.

116. It is for each party to assess, in the light of the purpose of the oral procedure, as defined in the preceding point, whether oral argument is really necessary or whether it would be sufficient simply to refer to the pleadings or written observations. The oral procedure can then concentrate on the replies to questions put by the Court. If the representative does consider it necessary to address the Court, he may always confine himself to making specific points and referring to the pleadings in relation to other points.

117. If a party refrains from presenting oral argument, this will never be construed as constituting acquiescence in the oral argument presented by another party where the arguments in question have already been refuted in writing. Such silence will not preclude that party from responding to the other party's submission.

118. In some cases, the Court may consider it preferable to start the oral procedure with questions put by its Members to the parties' representatives. In that case, the latter are requested to take this into account if they then wish to make a brief address.

119. In the interests of clarity and in order to enable the Members of the Court to understand oral submissions better, it is generally preferable for Counsel to speak freely on the basis of notes rather than to read out a written text. The parties' representatives are also requested to simplify their presentation of the case as far as possible; a series of short sentences will always be preferable to a long, complicated sentence. It would also assist the Court if representatives could structure their oral argument and indicate, before developing it, the structure they intend to adopt.

120. When the submission has been prepared in writing, it is advisable to bear in mind when drafting it that it will have to be presented orally and should therefore resemble a spoken text as much as possible. To facilitate interpretation, parties' representatives are requested to send any text or written notes for their submissions to the Directorate for Interpretation in advance either by fax ((+352) 4303 3697) or by email (interpret@curia.europa.eu).

121. Any notes for submissions thus transmitted will be treated in the strictest confidence. To avoid any misunderstanding, the name of the party must be stated. Notes for submissions will not be placed on the case-file.

122. Representatives are reminded that, depending on the case being heard, only some of the Members of the bench may be following the oral argument in the language in which it is being presented; the other Members will be listening to the simultaneous interpretation. In the interests of the better conduct of the oral procedure and of maintaining the quality of the simultaneous interpretation, representatives are strongly advised to speak slowly and directly into the microphone.

123. Where representatives intend to cite verbatim passages from certain texts or documents, particularly passages not appearing in the case-file, it would be helpful if they would indicate the passages concerned to the interpreters before the hearing. Similarly, it may be helpful to draw the interpreters' attention to any terms which may be difficult to translate.

124. As the courtrooms are equipped with an automatic sound amplification system, representatives need to press the button on the microphone in order to switch it on and wait for the light to come on before starting to speak. The button should not be pressed while a Member of the Court or another person is speaking, in order not to cut off their microphone.

125. The time taken in presenting oral submissions may vary, depending on the complexity of the case and on whether or not new facts have arisen. The representatives of the main parties are requested to limit their oral submissions to 15 minutes or thereabouts for each party, and those of any intervener to 10 minutes (in joined cases, each of the main parties will be allowed 15 minutes for each case and each intervener will be allowed 10 minutes for each case), unless the Registry has indicated otherwise. These limitations apply only to the presentation of oral argument itself and not to time spent in answering questions put at the hearing.

126. If circumstances so require, a request for leave to exceed the speaking time normally allowed, giving reasons and indicating the speaking time considered necessary, may be made to the Registry at least 15 days (or less, in duly substantiated exceptional circumstances) before the date fixed for the hearing. When such requests are made, representatives will be informed of the time which they will have for presenting their oral submissions.

127. When several representatives act for a party, no more than two of them may normally present argument and their combined speaking time must not exceed the time-limits indicated above. However, representatives other than those who addressed the Court may answer questions from Members of the Court and reply to observations of other representatives.

128. Where two or more parties are advancing the same argument before the Court (a situation which may arise where, in particular, there are interventions or where cases have been joined), their representatives are requested to confer with each other before the hearing in order to avoid any repetition.

129. The Report for the Hearing, drawn up by the Judge-Rapporteur, is confined to setting out the pleas in law and a succinct summary of the parties' arguments.

130. The Court will make every effort to ensure that the parties' representatives receive the Report for the Hearing at least three weeks before the hearing. The sole purpose of this document is to prepare the hearing for the oral procedure.

131. If, at the hearing, representatives submit oral observations on the Report for the Hearing, these will be recorded by the Registrar or acting Registrar.

132. The Report for the Hearing shall be made available to the public outside the courtroom on the day of the hearing.

133. When citing a decision of the Court of Justice, the General Court or the Civil Service Tribunal, representatives are requested to refer to it by the usual name of the case and the case-number, and, where relevant, to specify the relevant paragraph(s).

134. The Court will accept documents submitted at the hearing only in exceptional circumstances and only after the parties have been heard in that regard.

135. A request to use particular technical means for the purposes of a presentation must be made in good time. Arrangements for such use of technology should be made with the Registrar, so that any technical or practical constraints can be taken into account.

III. **ENTRY INTO FORCE OF THESE PRACTICE DIRECTIONS**

136. The Practice Directions to Parties of 5 July 2007 (OJ 2007 L 232, p. 7), as amended on 16 June 2009 (OJ 2009 L 184, p. 8), 17 May 2010 (OJ 2010 L 170, p. 49) and 8 June 2011 (OJ 2011 L 180, p. 52) are hereby revoked and replaced by these Practice Directions.

137. These Practice Directions shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.

Done at Luxembourg, 24 January 2012.

E. COULON
Registrar

M. JAEGER
President

CORRIGENDA

Corrigendum to Practice directions to parties before the General Court

(Official Journal of the European Union L 68 of 7 March 2012)

On page 25, third recital:

for: 'Whereas the Instructions to the Registrar dated 5 July 2007 (OJ 2007 L 232, p. 1), as amended on 17 May 2010 (OJ 2010 L 170, p. 53) and on 24 January 2012 (OJ 2012 L 68, p. 23) ("the Instructions to the Registrar"), require the Registrar to ensure that procedural documents placed on a case-file comply with the provisions of the Statute, the Rules of Procedure and these Practice Directions ("the Practice Directions") together with the Instructions to the Registrar; in particular, he is to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, to refuse, where appropriate, to accept them if they do not comply with the provisions of the Statute or of the Rules of Procedure;',

read: 'Whereas the Instructions to the Registrar dated 5 July 2007 (OJ 2007 L 232, p. 1), as amended on 17 May 2010 (OJ 2010 L 170, p. 53) and on 24 January 2012 (OJ 2012 L 68, p. 20) ("the Instructions to the Registrar"), require the Registrar to ensure that procedural documents placed on a case-file comply with the provisions of the Statute, the Rules of Procedure and these Practice Directions ("the Practice Directions") together with the Instructions to the Registrar; in particular, he is to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, to refuse, where appropriate, to accept them if they do not comply with the provisions of the Statute or of the Rules of Procedure;'.

~~For the period from 20 September 2010 until the date of the taking up of his duties by the Bulgarian Judge, the Judges who will sit with the President of the Chamber of four Judges to make up the extended formation will be the other two Judges of the formation initially hearing the case, the fourth Judge of that Chamber and a Judge of the Chamber of three Judges which is not one of a pair of Chambers of three Judges required to provide additional Judges for each other for the purposes of making up an extended formation. The fifth Judge will be designated for one year in accordance with a rota in the order laid down in Article 6 of the Rules of Procedure of the General Court.~~

~~For the period from 20 September 2010 until the date of the taking up of his duties by the Bulgarian Judge, the Judges who will sit with the President of the Chamber of three Judges which is not one of a pair of Chambers of three Judges required to provide additional Judges for each other for the purposes of making up an extended formation will be, to make up the extended formation, the two Judges of the formation initially hearing the case and two Judges from the formation of four Judges designated according to the order laid down in Article 6 of the Rules of Procedure of the General Court.~~

Plenary session

(2010/C 288/05)

On 20 September 2010, in accordance with Article 32(1), second indent, of the Rules of Procedure, the General Court decided that if, following the designation of an Advocate-General under Article 17 of the Rules of Procedure, there is an even number of Judges in the General Court sitting in plenary session, the rota established in advance, applied during the period of three years for which the Presidents of the Chambers of five Judges are elected, according to which the President of the General Court designates the Judge who will not take part in the judgment of the case, is in the reverse order to that of the precedence of the Judges according to their seniority in office in accordance with Article 6 of the Rules of Procedure, unless the Judge so designated is the Judge-Rapporteur. In that latter case, the Judge immediately senior to him will be designated.

Composition of the Grand Chamber

(2010/C 288/06)

On 14 September 2010, the General Court decided that, for the period from 20 September 2010 to 31 August 2013, the thirteen Judges who make up the Grand Chamber, in accordance with Article 10(1) of the Rules of Procedure, are the President of the General Court, the seven Presidents of Chambers from the Chambers to which the case is not assigned and the Judges of the Chamber (Extended Composition) who would have had to sit in the case in question if it had been assigned to a Chamber of five Judges.

~~Appeal Chamber~~

~~(2010/C 288/07)~~

~~On 14 September 2010, the General Court decided that, for the period from 20 September 2010 to 31 August 2011, the Appeal Chamber will be composed of the President of the Court and, in rotation, two Presidents of Chambers.~~

~~The Judges who will sit with the President of the Appeal Chamber to make up the extended formation of five Judges will be the three Judges of the formation initially hearing the case and, in rotation, two Presidents of Chambers.~~

GENERAL COURT

Appeal Chamber

(2011/C 232/02)

On 6 July 2011, the General Court decided that, for the period from 1 September 2011 to 31 August 2013, the Appeal Chamber will be composed of the President of the Court and, in rotation, two Presidents of Chambers.

The Judges who will sit with the President of the Appeal Chamber to make up the extended formation of five Judges will be the three Judges of the formation initially hearing the case and, in rotation, two Presidents of Chambers.

Criteria for assigning cases to Chambers

(2011/C 232/03)

On 6 July 2011, the General Court laid down the following criteria for the assignment of cases to the Chambers for the period from 1 September 2011 to 31 August 2013, in accordance with Article 12 of the Rules of Procedure:

1. Appeals against the decisions of the Civil Service Tribunal shall be assigned to the Appeal Chamber as soon as the application has been lodged and without prejudice to any subsequent application of Articles 14 and 51 of the Rules of Procedure.

2. Cases other than those referred to in paragraph 1 above shall be assigned to Chambers of three Judges as soon as the application has been lodged and without prejudice to any subsequent application of Articles 14 and 51 of the Rules of Procedure.

   Cases referred to in this paragraph shall be allocated to the Chambers in turn, in accordance with the date on which they are registered at the Registry, following three separate rotas:

   — for cases concerning application of the competition rules applicable to undertakings, the rules on State aid and the rules on trade protection measures;

   — for cases concerning intellectual property rights referred to in Article 130(1) of the Rules of Procedure;

   — for all other cases.

   In applying those rotas, the Chamber composed of four Judges which is sitting with three Judges shall be taken into consideration twice at each third turn.

   The President of the General Court may derogate from the rotas on the ground that cases are related or with a view to ensuring an even spread of the workload.

LUXEMBOURG

ОБЩ СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
TRIBUNAL GENERAL DE LA UNIÓN EUROPEA
TRIBUNÁL EVROPSKÉ UNIE
DEN EUROPÆISKE UNIONS RET
GERICHT DER EUROPÄISCHEN UNION
EUROOPA LIIDU ÜLDKOHUS
ΓΕΝΙΚΟ ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
GENERAL COURT OF THE EUROPEAN UNION
TRIBUNAL DE L'UNION EUROPÉENNE
CÚIRT GHINEARÁLTA AN AONTAIS EORPAIGH
TRIBUNALE DELL'UNIONE EUROPEA
EIROPAS SAVIENĪBAS VISPĀRĒJĀ TIESA

EUROPOS SĄJUNGOS BENDRASIS TEISMAS
AZ EURÓPAI UNIÓ TÖRVÉNYSZÉKE
IL-QORTI ĠENERALI TAL-UNJONI EWROPEA
GERECHT VAN DE EUROPESE UNIE
SĄD UNII EUROPEJSKIEJ
TRIBUNAL GERAL DA UNIÃO EUROPEIA
TRIBUNALUL UNIUNII EUROPENE
VŠEOBECNÝ SÚD EURÓPSKEJ ÚNIE
SPLOŠNO SODIŠČE EVROPSKE UNIJE
EUROOPAN UNIONIN YLEINEN TUOMIOISTUIN
EUROPEISKA UNIONENS TRIBUNAL

AIDE-MEMOIRE: APPLICATION [1]

LODGED IN PAPER FORMAT

GENERAL INFORMATION

- **Address** for any postal communication, parcel delivery, etc: Registry of the General Court of the European Union, Rue du Fort Niedergrünewald, L-2925 Luxembourg.

- **In the case of prior transmission by fax or email:** prior electronic transmission of the application (by fax or by email in PDF) is treated as complying with the time-limit for lodging the application only if the original application is lodged at the Registry no later than 10 days after such transmission. In those circumstances, it is sufficient to send the text of the signed application and schedule of annexes electronically, without the annexes themselves.

- **Certified copies:** copies must be endorsed 'certified copy' by the lawyer or agent, and such endorsement initialled by the lawyer or agent on the first page of each set.

- **Mandatory documents** (see below) must be lodged separately from the annexes listed in a schedule.

- **Requisite number of certified copies:** for all cases other than intellectual property cases, six complete sets on paper of the application, schedule and annexes referred to in the schedule; for *inter partes* intellectual property cases, seven complete sets on paper.

[1] This aide-mémoire is a practical guide and not exhaustive. For further information, please refer to the Rules of Procedure of the General Court, the Practice directions to parties before the General Court and the Instructions to the Registrar of the General Court.

PRESENTATION OF THE APPLICATION

☐ **Medium**: white A4 paper, **not bound or stapled**

☐ **Text**: on one side of the page only in characters that are sufficiently large to be easily read (for example, 'Times New Roman' 12 font for the main text and 'Times New Roman' 10 font for the text of footnotes), with sufficient line spacing and margins (for example, single line spacing, and margins of at least 2.5 cm)

☐ **Handwritten signature of the lawyer or agent** at the end of the application

☐ Numbering, in the top right-hand corner, of **the pages of the pleading** and **of the documents annexed to it** (either consecutively with the pleading to which they are annexed or separately from it)

☐ Numbered **paragraphs**

☐ **Number of pages** not exceeding the maximum (**50** pages for direct actions – **20** pages for 'intellectual property' actions – **15** pages for appeals)

CONTENT OF THE APPLICATION

☐ **Title** of the pleading

☐ **Identity of the applicant: name(s) and address/place of establishment** of the applicant(s)

☐ **Identity of the representative(s)**: capacity – name – address

☐ **Identity of the defendant**: specify the defendant institution or body, or the private party if the action is based on an arbitration clause

☐ *For 'intellectual property' cases*: **names and addresses of all parties** to the proceedings before the Board of Appeal and **date** on which the decision of the Board of

Appeal was notified

☐ *For appeals*: **details of the other parties** to the proceedings at first instance and of the **date on which the final decision** (order or judgment) **was notified**

☐ **Indication of the method of service chosen**:

- whether or not address for service is in Luxembourg;
- acceptance by fax (single number) **or** by email (single email address);
- acceptance of service via e-Curia.

STRUCTURE OF THE APPLICATION

☐ **Subject-matter of the dispute**: type of action, basis/brief statement of the facts and legal background

☐ **Structured legal argument** (admissibility and substance) and a **heading for each plea in law relied upon**

☐ **Form of order sought** (at the beginning or end of the application)

☐ **Handwritten signature of the lawyer or agent at the end of the application** (no stamp, photocopy etc, no signature by proxy or law firm signature). Where there is more than one representative, the signature of one is sufficient.

MANDATORY DOCUMENTS

☐ **If the applicant is a natural person**: certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement; also required for any additional representative (reference may be made to a document previously lodged at the Registry of the Court)

☐ **If the applicant is a legal person governed by public law (≠ State or European Union institution)**: certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement; also required for any additional representative (reference may be made to a document previously lodged at the Registry of the Court)

☐ **If the applicant is a legal person governed by private law**:

- certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement (reference may be made to a document previously lodged at the Registry of the Court);

AND

- proof of the existence in law of that legal person governed by private law (extract from the register of companies/other official document)

AND

- authority

AND

- proof that that authority has been properly conferred by a representative of the legal person who is authorised for the purpose

☐ **For all cases, except for intellectual property cases, summary of the pleas in law and main arguments** to facilitate drafting of the notice for the *Official Journal of the European Union*: maximum 2 pages. To be sent also by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.

ANNEXES LISTED IN A SCHEDULE

☐ **Schedule of annexes** with the page and paragraph numbers of the pleading which contain the reference to the annex

☐ **Numbering of annexes**: by reference to the pleading to which the documents are annexed, using a letter and a number. For annexes to the application, for example, use: Annex A.1, A.2, ...

☐ **Production of the contested measure** (action for annulment)

OR

Production of documentary evidence of the date on which the institution was requested to act (action for failure to act)

OR

Production of the contract containing the arbitration clause establishing the Court's jurisdiction

☐ **Annexes in the language of the case** (a translation may be requested if not supplied)

LUXEMBOURG

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EUROPEISKA UNIONENS TRIBUNAL

AIDE-MEMOIRE: APPLICATION [1]

LODGED BY MEANS OF E-CURIA

GENERAL INFORMATION

- **Address** for e-Curia: https://curia.europa.eu/e-Curia.
- **Preparation of the application:** you can save the text of the application, including the schedule of annexes, in PDF direct from your word-processing software without scanning it. The application does not need to bear a handwritten signature.
- **Preparation of annexes:** the annexes must be contained in one or more files separate from the file containing the text of the application and the schedule of annexes. A file may contain several annexes. It is not compulsory to create one file per annex.
- **Mandatory documents** (see below) must be lodged in a file separate from the annexes listed in a schedule.
- The files being lodged must include names identifying their content (Application, Annexes Part 1, Annexes Part 2, etc., Covering letter, formal documents).

[1] This aide-mémoire is a practical guide and not exhaustive. For further information, please refer to the Rules of Procedure of the General Court, the Practice directions to parties before the General Court and the Instructions to the Registrar of the General Court.

PRESENTATION OF THE APPLICATION

☐ **Presentation of pages**: white A4 paper

☐ **Text**: in characters that are sufficiently large to be easily read (for example, 'Times New Roman' 12 font for the main text and 'Times New Roman' 10 font for the text of footnotes), with sufficient line spacing and margins (for example, single line spacing, and margins of at least 2.5 cm)

☐ Numbering, in the top right-hand corner, of **the pages of the pleading** and **of the documents annexed to it** (either consecutively with the pleading to which they are annexed or separately from it)

☐ Numbered **paragraphs**

☐ **Number of pages** not exceeding the maximum (**50** pages for direct actions – **20** pages for 'intellectual property' actions – **15** pages for appeals)

CONTENT OF THE APPLICATION

☐ **Title** of the pleading

☐ **Identity of the applicant: name(s) and address/place of establishment** of the applicant(s)

☐ **Identity of the representative(s)**: capacity – name – address

☐ **Identity of the defendant**: specify the defendant institution or body, or the private party if the action is based on an arbitration clause

☐ *For 'intellectual property' cases*: **names and addresses of all parties** to the proceedings before the Board of Appeal and **date** on which the decision of the Board of Appeal was notified

☐ *For appeals*: **details of the other parties** to the proceedings at first instance and of the **date on which the final decision** (order or judgment) **was notified**

☐ **Where appropriate, indication of method of service in addition to acceptance of service via e-Curia**:

- whether or not address for service is in Luxembourg;
- acceptance by fax (single number) **or** by email (single email address).

STRUCTURE OF THE APPLICATION

☐ **Subject-matter of the dispute**: type of action, basis/brief statement of the facts and legal background

☐ **Structured legal argument** (admissibility and substance) and a **heading for each plea in law relied upon**

☐ **Form of order sought** (at the beginning or end of the application)

MANDATORY DOCUMENTS

☐ **If the applicant is a natural person**: certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement; also required for any additional representative (reference may be made to a document previously lodged at the Registry of the Court)

☐ **If the applicant is a legal person governed by public law (≠ State or European Union institution)**: certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement; also required for any additional representative (reference may be made to a document previously lodged at the Registry of the Court)

☐ **If the applicant is a legal person governed by private law**:

- certificate that the representative is a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement (reference may be made to a document previously lodged at the Registry of the Court);

AND

- proof of the existence in law of that legal person governed by private law (extract from the register of companies/other official document)

AND

- authority

AND

- proof that that authority has been properly conferred by a representative of the legal person who is authorised for the purpose

☐ **For all cases, except for intellectual property cases, summary of the pleas in law and main arguments** to facilitate drafting of the notice for the *Official Journal of the European Union*: maximum 2 pages.

ANNEXES LISTED IN A SCHEDULE

☐ **Schedule of annexes** with the page and paragraph numbers of the pleading which contain the reference to the annex

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☐ **Annexes in the language of the case** (a translation may be requested if not supplied)

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MODEL SUMMARY OF THE PLEAS IN LAW AND MAIN ARGUMENTS RELIED ON IN THE APPLICATION

(other than in intellectual property cases)

There is provision for the preparation of a model summary of the pleas in law and arguments relied on in the application initiating proceedings at points 25 and 48 of the Practice directions to parties before the General Court (OJ 2012 L 68, p. 23, with corrigendum OJ L 73, p. 23) in the following terms:

> *'Each [application/notice of appeal] must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the [notice/notice for publication] prescribed by Article 24(6) of the Rules of Procedure. Since the notice is required to be published in the Official Journal of the European Union in all the official languages, it is requested that the summary should not exceed two pages and that it should be prepared in accordance with the model available on line on the Internet site of the Court of Justice of the European Union. It must be produced separately from the annexes mentioned in the [application/notice of appeal]. The summary must, if not lodged by means of the e-Curia application, be sent by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.'*

The proposed model does not apply to actions relating to an intellectual property regime brought against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) or to actions brought against the Community Plant Variety Office.

It is suggested that the following structure be adopted in the preparation of the summary of the pleas in law and main arguments relied on:

I. PARTIES

Applicant(s)/Appellant(s): .....

Seat/Address [town and country]*:* .....

Representative(s) [name and capacity]*:* .....

Defendant(s)/Respondent(s): .....

Other party/parties to the proceedings [1]*:* .....

II. SUBJECT-MATTER (to be completed on the basis of the following particulars [2])

Actions for annulment (covered by Article 263 TFEU)

Application for annulment of [*reference to the contested measure and to the subject-matter of that measure*]

Actions for failure to act (covered by Article 265 TFEU)

Application for a declaration that the defendant unlawfully failed to act in that it [*specify the circumstances*]

Actions to establish non-contractual liability (covered by Article 268 TFEU)

Application for compensation for damage suffered as a result of [*specify the circumstances*]

Actions based on an arbitration clause (covered by Article 272 TFEU)

Action under Article 272 TFEU seeking [*set out the circumstances*]

Appeals (covered by Article 9 of Annex I to the Protocol on the Statute of the Court of Justice of the European Union)

Appeal against the judgment/order of the Civil Service Tribunal of [*date*] in Case F-…/.. [*case number*] [*name of the case before the Civil Service Tribunal*], [*state the terms of the decision appealed against*]

---

1 The entry 'Other party/parties to the proceedings' applies only in the case of notices of appeal.

2 Where the action has more than one purpose, the information should be given under the entries corresponding to the circumstances at issue. For example, in the case of an action for (1) annulment of a measure and (2) compensation for damage, the subject-matter will be worded as follows: 'Application for annulment of … and application for compensation for damage suffered as a result of …'.

III. FORM OF ORDER SOUGHT

The applicant(s)/appellant(s) claims/claim that the Court should:

– [*first head of claim*];

– [*second head of claim*];

– [*third head of claim*];

– .....

IV. PLEAS IN LAW AND MAIN ARGUMENTS

In support of the action/appeal, the applicant(s)/appellant(s) relies/rely on [*number*] plea(s) in law.

1. First plea in law, alleging [*set out the plea in law*]

[*Arguments in support of the plea / if applicable, parts of the plea*]

– .....

– .....

– .....

2. Second plea in law, alleging [*set out the plea in law*]

[*Arguments in support of the plea / if applicable, parts of the plea*]

– .....

– .....

– .....

3. Third plea in law, alleging [*set out the plea in law*]

[*Arguments in support of the plea / if applicable, parts of the plea*]

– .....

– .....

– .....

4. …

5. …

* *
*

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AIDE-MEMOIRE: HEARING OF ORAL ARGUMENT [1]

BEFORE THE HEARING

- **General calendar of hearings before the General Court**: available on the website http://curia.europa.eu under 'Diary'.
- **Notice to attend the hearing**: sent by the Registry of the Court a few weeks before the hearing (note the time you are convened).
- **Despatch of the report for the hearing**: the Registry of the Court sends the report for the hearing to the parties' representatives either at the same time as the notice to attend the hearing or at a later stage if the report is not yet available when the hearing is convened; wherever possible, it is sent at least three weeks before the date of the hearing.
- **Warn** the Registry of any **delay** or possible difficulty in relation to the attendance of a party's representative or other persons summoned to the hearing (telephone: (+352) 4303 1; fax: (+352) 4303 2100; email: GeneralCourt.Registry@curia.europa.eu); ensure that the Registry has **appropriate telephone numbers** to enable it to contact the parties' representatives. If a representative does not arrive in time for the hearing, it will proceed in his absence.
- **Advise** the Registry in good time of any **request to use the technical facilities** provided by the Court.
- **Location of the hearing**: depending on the case, hearings are held in the courtrooms of the *Palais* or in the courtroom in the base of Tower A (entrance in Rue du Fort Niedergrünewald, L-2925 Luxembourg). The courtroom is confirmed to the representatives on their arrival at the Court's reception.

[1] This aide-mémoire is a practical guide and not exhaustive. For further information, please refer to the Rules of Procedure of the General Court, the Practice directions to parties before the General Court and the Instructions to the Registrar of the General Court.

- **Map of the buildings**: can be found on the website http://curia.europa.eu under 'The Institution/Visiting the Court/Access map'.

- **Parking**: subject to spaces being available, in the Erasmus car park, rue du Fort Niedergrünewald (free parking).

YOUR ARRIVAL IN THE COURTROOM

- **At least 15 minutes** before the scheduled time of the hearing.

- **Identity document** to be shown to security staff.

- **Contact the court usher** who records attendance; inform him, if appropriate, of the presence of the applicant himself, members of the administration, etc.

- **The Judges** meet the parties' representatives, wearing court dress, approximately 5 to 10 minutes before the beginning of the hearing in the judges' deliberation room (follow the court usher's directions).

CONDUCT OF THE HEARING

- The parties' representatives must present oral argument in court dress. Each representative must bring his own gown. Exceptionally, the court usher may be contacted for spare gowns.

- The parties are seated as follows, seen from the audience:

  - table on the right: applicant's representative(s);

  - table on the left: defendant's representative(s);

  - the intervener's/interveners' representative(s) is/are generally seated behind the representative of the party in whose support the intervention is made (depending on the courtroom).

- Speakers must always use the **microphone**; it can be switched on and off using the button at the base of the microphone.

- The use of electronic recording equipment is prohibited.

- Mobile telephones must be switched off ('silent' mode does not prevent interference with the systems used for interpreting).

- **Order of events** (save in special cases):
  - ✓ the President opens the hearing;
  - ✓ if appropriate, delivery of judgments in other cases;
  - ✓ the case in question is called by the Registrar;
  - ✓ opening argument of the applicant's representative(s);
  - ✓ if appropriate, opening argument of the representative(s) of the intervener(s) in support of the applicant;
  - ✓ opening argument of the defendant's representative(s);
  - ✓ if appropriate, opening argument of the representative(s) of the intervener(s) in support of the defendant;
  - ✓ if appropriate, replies to the Judges' questions;
  - ✓ final reply of the applicant's representative(s);
  - ✓ final reply of the representative(s) of the intervener(s) in support of the applicant;
  - ✓ final reply of the defendant's representative(s);
  - ✓ final reply of the representative(s) of the intervener(s) in support of the defendant;
  - ✓ the President closes the hearing.
- **Time allowed for oral argument**: comply with the time allowed for opening argument indicated in the letter of notice to attend the hearing (generally 15 minutes for the main parties; 10 minutes for interveners in cases other than intellectual property cases; 15 minutes for interveners in intellectual property cases).
- **Lodgment of documents**: if it is intended to lodge documents at the hearing (only possible with the Court's approval), sufficient copies should preferably be brought for the Judges hearing the case, the Registry, the other parties, the interpreters and the legal secretary of the Judge-Rapporteur.
- **Interpreters**: to facilitate interpreting, representatives are invited to send the text of their oral argument to the interpreting service of the Court of Justice in advance (the text will not be forwarded to the Judges) by fax ((+352) 4303 3697) or by email (interpret@curia.europa.eu).

Advice to counsel appearing before the Court

The task of simultaneous interpreters in the multilingual environment of the Court of Justice of the European Union is to help you to communicate easily and fluently with the Judges and the other participants in the oral procedure. The interpreters prepare in advance for every hearing by studying the case-file in depth. However, it may be helpful to bear the following points in mind when pleading :

Reading out a written text at speed makes simultaneous interpretation into another language particularly difficult. The interpreters will be able to work much more effectively if you speak freely, at a natural and calm pace.

If you do decide to read out a written text which you have prepared, please send it if possible in advance to the Interpretation Directorate* by email. This will help the interpreters to prepare for the hearing. It goes without saying that :

your text will be used only by the interpreters and will not be communicated or disclosed to anyone else ;

at the hearing, only what you actually say when addressing the Court will be interpreted.

Even handwritten notes with references are helpful. You can always give a copy to the interpreters just before the hearing.

Please remember to quote citations, references, figures, names and acronyms clearly and slowly.

Before you speak, please remove your earphone, lower the volume, and place it away from the microphone in order to avoid any interference.

Turn off your mobile phone / PDA completely.

For more information you can consult the pages dealing with the oral procedure in the Notes for the guidance of Counsel for the Court of Justice and in the General Court Practice Directions to parties and in the Practice Directions to parties on judicial proceedings before the Civil Service Tribunal.

*Interpretation Directorate

Email: interpret@curia.europa.eu

Fax: +352/4303-3697

Telephone: +352/4303-1

Legal aid application form

(Every application for legal aid must be made on this form. Before completing the form, please read the Guide for Legal Aid Applicants carefully.)

I. LEGAL AID APPLICATION FORM

The provisions concerning legal aid are contained in the Rules of Procedure of the General Court.

In particular, they provide as follows.

> Any natural person who, because of his economic situation, is wholly or partly unable to meet the costs involved in legal assistance and representation by a lawyer in proceedings before the General Court is to be entitled to legal aid (Art. 94(1) and (2) of the Rules of Procedure of the General Court).
>
> The economic situation is to be assessed, taking into account objective factors such as income, capital and the family situation (Art. 94(2) of the Rules of Procedure).
>
> Legal aid is to be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded (Art. 94(3) of the Rules of Procedure).
>
> An application for legal aid may be made before or after the action has been brought. The application need not be made through a lawyer (Art. 95(1) of the Rules of Procedure).
>
> The introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action until the date of notification of the order making a decision on that application or, where no lawyer is designated in that order to represent the person concerned, until the date of service of the order designating the lawyer instructed to represent the applicant (Art. 96(4) of the Rules of Procedure).

The compulsory use of this application form for legal aid is provided for by Article 95 of the Rules of Procedure.

II. GUIDE FOR LEGAL AID APPLICANTS

In order to bring an action before the General Court, the applicant must be represented by a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area.

A natural person who, because of his economic situation, is unable to meet the costs involved in legal assistance and representation by a lawyer in proceedings before the General Court may apply for legal aid. Legal aid may not be granted to a legal person.

The legal aid application itself may be submitted with or without the assistance of a lawyer.

1) Procedure for submission of an application for legal aid

The application for legal aid:

> must be made using the form prescribed for that purpose. The use of this form is compulsory. No consideration will be given to a request for legal aid made in any other way;
>
> may be made before or after the action to which it relates has been brought;
>
> may be submitted with or without the assistance of a lawyer.

The application for legal aid may be lodged by fax or by electronic mail. An application lodged by either means will, however, be processed only upon receipt of the original at the General Court.

In the event of transmission by electronic mail, only a scanned copy of the signed original will be accepted.

The original of the application for legal aid must be signed by the applicant himself or by his lawyer, failing which the application will not be processed and the document will be returned.

2) Effect of proper lodgment of an application for legal aid before the action has been brought

Where an application for legal aid is properly lodged before the action has been brought, the period prescribed for the bringing of the action will be suspended until the date of notification of the order

making a decision on that application. Time for bringing an action will not run, therefore, while the application for legal aid is being considered by the General Court.

If the original of the application for legal aid is received at the Registry of the General Court within a period of 10 days after any lodgment by fax or by electronic mail, the date of lodgment by fax or by electronic mail will be taken into account in the suspension of the time-limit for bringing an action.

If the original application for legal aid is received at the General Court more than 10 days after lodgment by fax or by electronic mail, the date of lodgment of the original application will be taken into account.

3) Contents of the application for legal aid and supporting documents

If the application for legal aid is lodged before the action is brought, the applicant must briefly state the subject-matter of the action, the facts of the case and the arguments he proposes to submit in support of the action. A section for that purpose is included in the form.

A copy of any supporting document relevant for the purposes of assessing whether the proposed action is admissible and well founded must be attached - for example, correspondence with the prospective defendant or, in the case of an action for annulment, the decision which is to be contested as to its lawfulness.

The application must be accompanied also by supporting documents enabling the applicant's economic situation to be assessed, such as documents or certificates issued by a public authority or third party - for example, a certificate issued by a competent national authority attesting to the applicant's economic situation, together with, for example, tax returns, proof of salary, certificates issued by social security or unemployment benefit authorities, bank statements. Sworn statements made and signed by the applicant himself are not sufficient proof of lack of means.

The information given on the form concerning the applicant's economic situation and the documents lodged in support of the information provided should give a complete picture of the applicant's economic situation.

An application which does not establish to the requisite legal standard the applicant's inability to meet the costs of the proceedings will be rejected.

For information:

- no original documents will be returned;
- an application may not be supplemented by the subsequent lodgment of addenda. Such addenda will be returned, unless they have been lodged at the request of the General Court. It is essential, therefore, to include all necessary information on the form and to attach copies of any documentary proof of the information provided. In exceptional cases, supporting documents intended to establish the applicant's lack of means may nevertheless be accepted subsequently, subject to the delay in their production being adequately explained.

4) Refusal to grant legal aid

Legal aid will be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded.

The applicant's attention is drawn to the fact that the General Court has jurisdiction to hear and determine disputes between natural persons and institutions, bodies, offices or agencies of the European Union. The Court cannot review the lawfulness of decisions taken by:

- other international bodies, in particular those of the European Court of Human Rights;

- Member States;

- national courts or tribunals.

Thus, for example, an application for legal aid submitted in connection with an action for annulment of a Member State measure will be refused, since the General Court does not have jurisdiction to hear and determine disputes between natural persons and Member States.

Similarly, an application which is made before the action to which it relates is brought, but after expiry of the time-limit for bringing that action, will be rejected since the proposed action will then be dismissed as inadmissible on the ground of delay.

5) Address

The form, duly completed and signed, together with any supporting documents referred to, should be sent to the following address:

Registry of the General Court of the European Union
Rue du Fort Niedergrünewald
L-2925 Luxembourg

Tel: (+352) 4303-1
Fax: (+352) 4303 2100
Email: GeneralCourt.Registry@curia.europa.eu

6) Downloading the legal aid application form

The form can be downloaded in Word or PDF format. The completed form must be printed, signed by hand and sent with any supporting documents to the above address.

Download the form in Word format

Download the form in PDF format

7) Requesting printed copies of the legal aid application form

You can also obtain a printed copy of the form by telephoning (+352) 4303-3477 or by sending a request in writing or by email to the above address.

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LUXEMBOURG

LANGUAGE RULES APPLICABLE TO INTELLECTUAL PROPERTY CASES[1]

1. This note concerns the language rules applicable to actions brought in intellectual property cases against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) or against the Community Plant Variety Office (both hereinafter referred to as 'the Office').

2. The language of the case in intellectual property cases is determined, in accordance with Article 131 of the Rules of Procedure, from among the languages set out in Article 35(1) of those rules: Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish or Swedish.

3. If the applicant was the only party to the proceedings before the Board of Appeal, the language in which the application is drafted becomes the language of the case (Article 131(2) of the Rules of Procedure). The rules described hereinafter are not applicable.

4. If the applicant was not the only party to the proceedings before the Board of Appeal, the language of the case is determined by the General Court, after hearing the parties, prior to service of the application.

A. OBSERVATIONS OF THE PARTIES ON THE LANGUAGE OF THE CASE

5. In accordance with the procedure to determine the language of the case, the Registrar asks the applicant, the Office and the other party to the proceedings before the Board of Appeal

[1] This document is a practical guide and not exhaustive. For further information, please refer to the Rules of Procedure of the General Court, the General Court's Practice Directions to Parties and the Instructions to the Registrar of the General Court.

('the other party') to file its observations on the designation of the language of the case immediately after the application is lodged.

1) The applicant's observations

6. Within the period prescribed by the Registry, the applicant is invited to inform the General Court:

– of any agreement between it and the other party on the designation of the language of the case (Article 131(2), second subparagraph, of the Rules of Procedure)

or

– in the event that the other party files an objection to use of the language in which the application is drafted and that language is not the language in which the application for registration was filed, of the reasons for which only the use of the language in which the application is drafted as the language of the case would allow it to follow the proceedings and to defend its interests (Article 131(2), third subparagraph, of the Rules of Procedure).

2) The Office's observations

7. Within the same period as that prescribed for the applicant, the Office is invited to inform the General Court of:

– the language in which the application for registration was filed before the Office;

– the language chosen as a second language in the application for registration;

– the language in which the application for a declaration of invalidity was filed or the notice of opposition to the registration was given;

– the language of the invalidity or opposition proceedings.

3) The other party's observations

8. Lastly, within the same period as that prescribed for the applicant, the other party is invited to inform the General Court:

– of its agreement with the designation of the language in which the application is drafted as the language of the case (Article 131(2), first subparagraph, of the Rules of Procedure);

or

– of any agreement between it and the applicant on the designation of the language of the case (Article 131(2), second subparagraph, of the Rules of Procedure);

or

– of its objection to use of the language in which the application is drafted as the language of the case (Article 131(2), third subparagraph, first sentence, of the Rules of Procedure);

or

– of its reasoned request to designate a language other than the language of the application for registration as the language of the case (Article 131(2), third subparagraph, second sentence, of the Rules of Procedure).

B. DETERMINING THE LANGUAGE OF THE CASE

1) The language in which the application is drafted becomes the language of the case

9. If the other party agrees with the language in which the application is drafted or does not file its observations within the period prescribed, the language in which the application is drafted becomes the language of the case.

2) Another language becomes the language of the case

10. If the applicant and the other party inform the General Court of their agreement on a language other than the language in which the application is drafted, that language becomes the language of the case.

3) The language in which the application for registration was filed becomes the language of the case

11. If the other party objects to the language in which the application is drafted and if the applicant has not filed its reasoned request that the language in which the application is drafted be designated as the language of the case within the period prescribed, the language in which the application for registration was filed becomes the language of the case.

4) General Court decision designating the language of the case

12. If the other party objects to the language in which the application is drafted and if the applicant has filed its reasoned request that the language in which the application is drafted be designated as the language of the case, a period will be fixed to enable the other

party to file its observations on that request. A decision designating the language of the case will then be taken by the President (or by the Chamber). The language of the case will be the language in which the application is drafted or the language of the application for registration.

13. If the other party objects to the language in which the application is drafted and submits a reasoned request that a language other than the language of the application for registration be designated as the language of the case, a period will be fixed to enable the applicant to file its observations on that request. A decision designating the language of the case will then be taken by the President (or by the Chamber). The language of the case will be the language in which the application for registration was filed or the language requested by the other party.

14. If the applicant and the other party both submit a reasoned request, a period will be fixed to enable them to file their observations on those requests. A decision designating the language of the case will then be taken by the President (or by the Chamber). The language of the case will be the language in which the application is drafted, the language in which the application for registration was filed or the language requested by the other party.

15. A reasoned request submitted by a party may be granted only if that party demonstrates:

– that the use of the language in which the application for registration was filed would not enable it to follow the proceedings and defend its interest

and

– that solely the use of another language would resolve that situation.

C. LANGUAGE RULES APPLICABLE AFTER THE LANGUAGE OF THE CASE HAS BEEN DETERMINED

16. If the language of the case is different from the language in which the application is drafted, the Registrar will ensure that the application is translated into the language of the case. Once the application is available in the language of the case, it is served on the parties to the proceedings in accordance with Article 133 of the Rules of Procedure.

17. For the remainder of the procedure, the parties to the proceedings may, if they wish, use a language other than the language of the case, subject to the following conditions (Article 131(3) and (4) of the Rules of Procedure).

18. The applicant may use:

– the language of the case;

or

– the language in which the application is drafted.

19. The other parties may use:

– the language of the case;

or

– a language chosen by that party from the languages set out in Article 35(1) of the Rules of Procedure.

20. If, within those limits, a party submits pleadings in a language other than the language of the case, that party is required to produce, within a reasonable period to be prescribed for that purpose by the Registrar, a translation of those pleadings into the language of the case. The party producing the translation is to certify its accuracy. If the translation is not produced within the period prescribed, the pleadings in question are to be removed from the file.

21. If, within those same limits, the party wishes to use a language other than the language of the case at a hearing, it must inform the Registrar within the period prescribed for an application to be heard in accordance with Article 135a of the Rules of Procedure. In those circumstances, interpretation into and from the language of the case during the hearing will be ensured by the interpretation service of the Court.

Procedure - Chronology of amendments

This page sets out details of successive amendments to the various texts governing procedure before the General Court.

Texts governing procedure that are currently in force and the consolidated versions of those texts are available on the Curia website at Procedure:

Rules of Procedure

Instructions to the Registrar

Practice Directions to Parties

Rules of Procedure

Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 (OJ 1991 L 136, p. 1)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities consequent upon the extension of its jurisdiction (OJ 1994 L 249, p. 17)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 1995 L 44, p. 64)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 1995 L 172, p. 3)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 1997 L 103, p. 6, and OJ 1997 L 351, p. 72 (corrigendum))

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities to enable it to give Decisions in cases when constituted by a single judge of 17 May 1999 (OJ 1999 L 135, p. 92)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2000 L 322, p. 4)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities following the entry into force of the Treaty of Nice (OJ 2003 L 147, p. 22)

Council Decision 2004/406/EC, Euratom of 19 April 2004 amending Article 35(1) and (2) of the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2004 L 132, p. 3)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2004 L 127, p. 108)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2005 L 298, p. 1)

Council Decision 2006/956/EC, Euratom of 18 December 2006 amending the Rules of Procedure of the Court of First Instance of the European Communities with regard to languages (OJ 2006 L 386, p. 45)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2008 L 179, p. 12)

Amendments to the Rules of Procedure of the Court of First Instance (OJ 2009 L 24, p. 9)

Council Decision 2009/170/EC, Euratom of 16 February 2009 amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal (OJ 2009 L 60, p. 3)

Amendments to the Rules of Procedure of the Court of First Instance of the European Communities (OJ 2009 L 184, p. 10)

Amendments to the Rules of Procedure of the General Court (OJ 2010 L 92, p. 14)

Amendment to the Rules of Procedure of the General Court (OJ 2011 L 162, p. 18)

Instructions to the Registrar

Instructions to the Registrar of the Court of First Instance of 3 March 1994 (OJ 1994 L 78, p. 32)

Amendments to the Instructions to the Registrar of the Court of First Instance of 29 March 2001 (OJ 2001 L 119, p. 2)

Amendments to the Instructions to the Registrar of the Court of First Instance of 5 June 2002 (OJ 2002 L 160, p. 1)

Instructions to the Registrar of the Court of First Instance of the European Communities of 5 July 2007 (OJ 2010 L 232, p. 1)

Amendments to the Instructions to the Registrar of the General Court (OJ 2010 L 170, p. 53)

Amendments to the Instructions to the Registrar of the General Court (OJ 2012 L 68, p. 20)

Practice Directions to Parties

Practice Directions to Parties (OJ 2002 L 87, p. 48)

Practice Directions to Parties (OJ 2007 L 232, p. 7)

Amendments to the Practice Directions to Parties (OJ 2009 L 184, p. 8)

Amendments to the Practice Directions to Parties (OJ 2010 L 170, p. 49)

Amendments to the Practice Directions to Parties (OJ 2011 L 180, p. 52)

Practice directions to parties before the General Court (OJ 2012 L 68, p. 23)

Procedure

Texts governing procedure

Extracts of Treaties (Art. 257 TFEU)

Statute of the Court of Justice of the European Union

Council Decision of 2 November 2004 establishing the European Union Civil Service Tribunal

Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council of 25 October 2012 relating to temporary Judges of the European Union Civil Service Tribunal

Rules of Procedure of the Civil Service Tribunal (1-7-2011)

Amendments to the Rules of Procedure of the European Union Civil Service Tribunal (22-6-2011)

Decision of the Civil Service Tribunal No 3/2011 taken at the Plenary Meeting on 20 September 2011 on the lodging and service of procedural documents by means of e-Curia

e-Curia: Conditions of use applicable to parties' representatives (11-10-2011)

e-Curia: Conditions of use applicable to assistants (11-10-2011)

Instructions to the Registrar of the Civil Service Tribunal (11-7-2012)

Practice directions to parties on judicial proceedings before the Civil Service Tribunal (11-7-2012)

Notices in the Official Journal of the European Union

Election of the President of the Civil Service Tribunal (22-10-2011)

Composition of the Chambers and attachment of the Judges to Chambers (22-10-2011)

Criteria for the assignment of cases to chambers (22-10-2011)

Designation of the judge to replace the President of the Tribunal for the purpose of dealing with applications for interim measures (06-10-2012)

Council Decision of 18 December 2008 appointing the members of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice

Council Decision of 18 January 2005 concerning the operating rules of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice

Decision of the President of the Court of Justice recording that the European Union Civil Service Tribunal has been constituted in accordance with law

Appointment of the Registrar of the Civil Service Tribunal

Other useful information

Model Application: word / pdf

Checklist: Application: word / pdf

Checklist: Defence: word / pdf

Checklist: Hearing of oral argument: word / pdf

Legal aid application form (1-5-2008)

Summaries of applications

Advice to counsel appearing before the Court

Current amendments to texts

At present there is no information under this heading

More information

Procedure - Chronology of amendments

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 2 November 2004

establishing the European Union Civil Service Tribunal

(2004/752/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 225a and 245 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 140b and 160 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Whereas:

(1) Article 225a of the EC Treaty and Article 140b of the Euratom Treaty empower the Council to create judicial panels to hear and determine at first instance certain classes of action or proceeding brought in specific areas, to lay down the rules on the organisation of the panel and the extent of the jurisdiction conferred upon it.

(2) The establishment of a specific judicial panel to exercise jurisdiction at first instance in European civil service disputes, currently within the jurisdiction of the Court of First Instance of the European Communities, would improve the operation of the Community courts system. It answers the call made in Declaration No 16 relating to Article 225a of the EC Treaty [1], adopted when the Treaty of Nice was signed on 26 February 2001.

(3) A judicial panel should accordingly be attached to the Court of First Instance, that shall for institutional and organisational purposes be an integral part of the Court of Justice institution, an institution with members enjoying a similar status to members of the Court of First Instance.

(4) The new judicial panel should be given a name that distinguishes it in its trial formations from the trial formations of the Court of First Instance.

(5) To make the court system generally easy to understand, the provisions relating to the judicial panel's jurisdiction, composition, organisation and procedure should be laid down in an Annex to the Statute of the Court of Justice.

(6) The number of judges of the judicial panel should match its caseload. To facilitate decision-making by the Council in the appointment of judges, provision should be made for the Council to establish an independent Advisory Committee to verify that applications received meet the relevant conditions.

(7) The judicial panel should try cases by a procedure matching the specific features of the disputes that are to be referred to it, examining the possibilities for amicable settlement of disputes at all stages of the procedure.

(8) In accordance with the third paragraph of Article 225a of the EC Treaty and the third paragraph of Article 140b of the Euratom Treaty, appeals may be lodged at the Court of First Instance against decisions of the judicial panel on points of law only in the same conditions as those governing appeals lodged at the Court of Justice against decisions of the Court of First Instance. The relevant provisions of the Statute of the Court of Justice are reproduced in the Annex to the Statute relating to the judicial panel, to avoid cross-references that would make the general set of provisions difficult to read.

(9) Provision should be made in this Decision for transitional arrangements so that the judicial panel can exercise its functions as soon as it is established,

[1] OJ C 80, 10.3.2001, p. 80.

HAS DECIDED AS FOLLOWS:

Article 1

A judicial panel shall be attached to the Court of First Instance of the European Communities to hear disputes involving the European Union civil service and shall be known as the 'European Union Civil Service Tribunal'. The European Union Civil Service Tribunal shall have its headquarters at the Court of First Instance.

Article 2

The Protocol on the Statute of the Court of Justice shall be amended as follows:

1. the following Title shall be inserted:

'TITLE IVa

JUDICIAL PANELS

Article 62a

The provisions relating to the jurisdiction, composition, organisation and procedure of the judicial panels established under Articles 225a of the EC Treaty and 140b of the EAEC Treaty are set out in an Annex to this Statute.';

2. Annex I, as set out in the Annex to this Decision, shall be added.

Article 3

1. The first President of the European Union Civil Service Tribunal shall be appointed for three years in the same manner as its judges, unless the Council decides that the procedure laid down in Article 4(1) of Annex I to the Statute of the Court of Justice, as set out in the Annex to this Decision, shall be applied.

2. Immediately after all the judges of the European Union Civil Service Tribunal have taken oath, the President of the Council shall choose by lot three judges of the Tribunal whose duties are to end, by way of derogation from the first sentence of the second paragraph of Article 2 of Annex I to the Statute of the Court, upon expiry of the first three years of their term of office.

3. Cases referred to in Article 1 of Annex I to the Statute of the Court of Justice of which the Court of First Instance is seised on the date on which that Article enters into force but in which the written procedure provided for in Article 52 of the Rules of Procedure of the Court of First Instance has not yet been completed shall be referred to the European Union Civil Service Tribunal.

4. Until the entry into force of its rules of procedure, the European Union Civil Service Tribunal shall apply *mutatis mutandis* the Rules of Procedure of the Court of First Instance, except for the provisions concerning a single judge.

Article 4

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*, with the exception of Article 1 of Annex I to the Statute of the Court of Justice, as set out in the Annex to this Decision.

Article 1 of Annex I to the Statute of the Court of Justice shall enter into force on the day of the publication in the *Official Journal of the European Union* of the Decision of the President of the Court of Justice recording that the European Union Civil Service Tribunal has been constituted in accordance with law.

Done at Brussels, 2 November 2004.

For the Council
The President
B. R. BOT

ANNEX

'ANNEX I

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Article 1

The European Union Civil Service Tribunal (hereafter the Civil Service Tribunal) shall exercise at first instance jurisdiction in disputes between the Communities and their servants referred to in Article 236 of the EC Treaty and Article 152 of the EAEC Treaty, including disputes between all bodies or agencies and their servants in respect of which jurisdiction is conferred on the Court of Justice.

Article 2

The Civil Service Tribunal shall consist of seven judges. Should the Court of Justice so request, the Council, acting by a qualified majority, may increase the number of judges.

The judges shall be appointed for a period of six years. Retiring judges may be reappointed.

Any vacancy shall be filled by the appointment of a new judge for a period of six years.

Article 3

1. The judges shall be appointed by the Council, acting in accordance with the fourth paragraph of Article 225a of the EC Treaty and the fourth paragraph of Article 140b of the EAEC Treaty, after consulting the committee provided for by this Article. When appointing judges, the Council shall ensure a balanced composition of the Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented.

2. Any person who is a Union citizen and fulfils the conditions laid down in the fourth paragraph of Article 225a of the EC Treaty and the fourth paragraph of Article 140b of the EAEC Treaty may submit an application. The Council, acting by a qualified majority on a recommendation from the Court, shall determine the conditions and the arrangements governing the submission and processing of such applications.

3. A committee shall be set up comprising seven persons chosen from among former members of the Court of Justice and the Court of First Instance and lawyers of recognised competence. The committee's membership and operating rules shall be determined by the Council, acting by a qualified majority on a recommendation by the President of the Court of Justice.

4. The committee shall give an opinion on candidates' suitability to perform the duties of judge at the Civil Service Tribunal. The committee shall append to its opinion a list of candidates having the most suitable high-level experience. Such list shall contain the names of at least twice as many candidates as there are judges to be appointed by the Council.

Article 4

1. The judges shall elect the President of the Civil Service Tribunal from among their number for a term of three years. He may be re-elected.

2. The Civil Service Tribunal shall sit in chambers of three judges. It may, in certain cases determined by its rules of procedure, sit in full court or in a chamber of five judges or of a single judge.

3. The President of the Civil Service Tribunal shall preside over the full court and the chamber of five judges. The Presidents of the chambers of three judges shall be designated as provided in paragraph 1. If the President of the Civil Service Tribunal is assigned to a chamber of three judges, he shall preside over that chamber.

4. The jurisdiction of and quorum for the full court as well as the composition of the chambers and the assignment of cases to them shall be governed by the rules of procedure.

Article 5

Articles 2 to 6, 14, 15, the first, second and fifth paragraphs of Article 17, and Article 18 of the Statute of the Court of Justice shall apply to the Civil Service Tribunal and its members.

The oath referred to in Article 2 of the Statute shall be taken before the Court of Justice, and the decisions referred to in Articles 3, 4 and 6 thereof shall be adopted by the Court of Justice after consulting the Civil Service Tribunal.

Article 6

1. The Civil Service Tribunal shall be supported by the departments of the Court of Justice and of the Court of First Instance. The President of the Court of Justice or, in appropriate cases, the President of the Court of First Instance, shall determine by common accord with the President of the Civil Service Tribunal the conditions under which officials and other servants attached to the Court of Justice or the Court of First Instance shall render their services to the Civil Service Tribunal to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the Civil Service Tribunal under the authority of the President of that Tribunal.

2. The Civil Service Tribunal shall appoint its Registrar and lay down the rules governing his service. The fourth paragraph of Article 3 and Articles 10, 11 and 14 of the Statute of the Court of Justice shall apply to the Registrar of the Tribunal.

Article 7

1. The procedure before the Civil Service Tribunal shall be governed by Title III of the Statute of the Court of Justice, with the exception of Articles 22 and 23. Such further and more detailed provisions as may be necessary shall be laid down in the rules of procedure.

2. The provisions concerning the Court of First Instance's language arrangements shall apply to the Civil Service Tribunal.

3. The written stage of the procedure shall comprise the presentation of the application and of the statement of defence, unless the Civil Service Tribunal decides that a second exchange of written pleadings is necessary. Where there is such second exchange, the Civil Service Tribunal may, with the agreement of the parties, decide to proceed to judgment without an oral procedure.

4. At all stages of the procedure, including the time when the application is filed, the Civil Service Tribunal may examine the possibilities of an amicable settlement of the dispute and may try to facilitate such settlement.

5. The Civil Service Tribunal shall rule on the costs of a case. Subject to the specific provisions of the Rules of Procedure, the unsuccessful party shall be ordered to pay the costs should the court so decide.

Article 8

1. Where an application or other procedural document addressed to the Civil Service Tribunal is lodged by mistake with the Registrar of the Court of Justice or Court of First Instance, it shall be transmitted immediately by that Registrar to the Registrar of the Civil Service Tribunal. Likewise, where an application or other procedural document addressed to the Court of Justice or to the Court of First Instance is lodged by mistake with the Registrar of the Civil Service Tribunal, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice or Court of First Instance.

2. Where the Civil Service Tribunal finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice or the Court of First Instance has jurisdiction, it shall refer that action to the Court of Justice or to the Court of First Instance. Likewise, where the Court of Justice or the Court of First Instance finds that an action falls within the jurisdiction of the Civil Service Tribunal, the Court seised shall refer that action to the Civil Service Tribunal, whereupon that Tribunal may not decline jurisdiction.

3. Where the Civil Service Tribunal and the Court of First Instance are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called in question, the Civil Service Tribunal, after hearing the parties, may stay the proceedings until the judgment of the Court of First Instance has been delivered.

Where the Civil Service Tribunal and the Court of First Instance are seised of cases in which the same relief is sought, the Civil Service Tribunal shall decline jurisdiction so that the Court of First Instance may act on those cases.

Article 9

An appeal may be brought before the Court of First Instance, within two months of notification of the decision appealed against, against final decisions of the Civil Service Tribunal and decisions of that Tribunal disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of jurisdiction or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Communities may bring such an appeal only where the decision of the Civil Service Tribunal directly affects them.

Article 10

1. Any person whose application to intervene has been dismissed by the Civil Service Tribunal may appeal to the Court of First Instance within two weeks of notification of the decision dismissing the application.

2. The parties to the proceedings may appeal to the Court of First Instance against any decision of the Civil Service Tribunal made pursuant to Article 242 or Article 243 or the fourth paragraph of Article 256 of the EC Treaty or Article 157 or Article 158 or the third paragraph of Article 164 of the EAEC Treaty within two months of its notification.

3. The President of the Court of First Instance may, by way of summary procedure, which may, insofar as necessary, differ from some of the rules contained in this Annex and which shall be laid down in the rules of procedure of the Court of First Instance, adjudicate upon appeals brought in accordance with paragraphs 1 and 2.

Article 11

1. An appeal to the Court of First Instance shall be limited to points of law. It shall lie on the grounds of lack of jurisdiction of the Civil Service Tribunal, a breach of procedure before it which adversely affects the interests of the appellant as well as the infringement of Community law by the Tribunal.

2. No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 12

1. Without prejudice to Articles 242 and 243 of the EC Treaty or Articles 157 and 158 of the EAEC Treaty, an appeal before the Court of First Instance shall not have suspensory effect.

2. Where an appeal is brought against a decision of the Civil Service Tribunal, the procedure before the Court of First Instance shall consist of a written part and an oral part. In accordance with conditions laid down in the rules of procedure, the Court of First Instance, having heard the parties, may dispense with the oral procedure.

Article 13

1. If the appeal is well founded, the Court of First Instance shall quash the decision of the Civil Service Tribunal and itself give judgment in the matter. It shall refer the case back to the Civil Service Tribunal for judgment where the state of the proceedings does not permit a decision by the Court.

2. Where a case is referred back to the Civil Service Tribunal, the Tribunal shall be bound by the decision of the Court of First Instance on points of law.'

REGULATION (EU, EURATOM) No 979/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2012

relating to temporary Judges of the European Union Civil Service Tribunal

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 257 thereof,

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

Having regard to Protocol No 3 on the Statute of the Court of Justice of the European Union, and in particular Article 62c thereof and Article 2(2) of Annex I thereto,

Having regard to the request of the Court of Justice,

Having regard to the opinion of the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure [1],

Whereas:

(1) It is necessary, in accordance with the second paragraph of Article 62c of Protocol No 3 on the Statute of the Court of Justice of the European Union (the Statute) and Article 2(2) of Annex I thereto, to lay down the conditions under which temporary Judges are to be appointed to the European Union Civil Service Tribunal (the Civil Service Tribunal), their rights and duties, the detailed rules governing the performance of their duties and the circumstances in which they would cease to perform those duties.

(2) Temporary Judges should be chosen from among persons who are capable of performing immediately the duties of Judge at the Civil Service Tribunal. The appointment of former members of the Court of Justice, of the General Court or of the Civil Service Tribunal could ensure that those requirements are met.

(3) In view of the circumstances in which temporary Judges would be appointed, the process should have the requisite flexibility. To that end, the Council should be responsible for drawing up a list of three persons appointed as temporary Judges. Should it become necessary to replace, on a temporary basis, a Judge who, on medical grounds, is prevented from acting, the Civil Service Tribunal would take the decision to avail itself of the assistance of a temporary Judge. Pursuant to that decision, the President of the Civil Service Tribunal would call upon one of the temporary Judges named on the list adopted by the Council in the order laid down in that list to perform his duties.

(4) The method of remuneration of temporary Judges should also be provided for, as should the question of the effects of their duties and of that remuneration on the emoluments to which they are entitled as former members of the Court of Justice of the European Union.

(5) Finally, it is important to make provision for the cessation of temporary Judges' duties,

HAVE ADOPTED THIS REGULATION:

Article 1

1. On a proposal from the President of the Court of Justice, the Council, acting unanimously, shall draw up a list of three persons appointed as temporary Judges within the meaning of the second paragraph of Article 62c of the Statute. That list shall determine the order in which temporary Judges are to be called upon to perform their duties, in line with the second subparagraph of paragraph 2 of this Article.

Temporary Judges shall be chosen from among former members of the Court of Justice of the European Union who are able to place themselves at the disposal of the Civil Service Tribunal.

Temporary Judges shall be appointed for a period of four years and may be reappointed.

2. The Civil Service Tribunal may decide to avail itself of the assistance of a temporary Judge if it determines that a Judge is or will be prevented, on medical grounds, from participating in the disposal of cases and that the situation will be or is likely to be of at least three months' duration, and if it takes the view that that Judge is nevertheless not suffering from disablement deemed to be total.

Pursuant to the decision referred to in the first subparagraph, the President of the Civil Service Tribunal shall call upon a temporary Judge in the order laid down in the list provided for in the first subparagraph of paragraph 1 to perform the duties of a temporary Judge. He shall inform the President of the Court of Justice accordingly.

Where a Judge will foreseeably be prevented from acting and the Civil Service Tribunal takes a prospective decision, the temporary Judge may not take up his duties or participate in the disposal of cases until the Judge whom he is to replace is actually prevented from acting.

[1] Position of the European Parliament of 5 July 2012 (not yet published in the Official Journal) and decision of the Council of 4 October 2012.

3. Articles 2 to 6 and 18 of the Statute shall apply to temporary Judges. The oath provided for by Article 2 of the Statute shall be taken when the temporary Judge first takes up his duties.

Article 2

Temporary Judges who are called upon to perform their duties shall exercise the prerogatives of a Judge solely in the context of dealing with cases assigned to them.

They shall be assisted by the services of the Civil Service Tribunal.

Article 3

1. Temporary Judges shall receive remuneration of an amount equal to one-thirtieth of the basic monthly salary allocated to Judges under Article 21c(2) of Regulation No 422/67/EEC, No 5/67/Euratom of the Council of 25 July 1967 determining the emoluments of the President and Members of the Commission, of the President, Judges, Advocates-General and Registrar of the Court of Justice, of the President, Members and Registrar of the General Court and of the President, Members and Registrar of the European Union Civil Service Tribunal [1] for each day, duly recorded by the President of the Civil Service Tribunal, during which they perform their duties.

Points (a) and (b) of Article 6 of Regulation No 422/67/EEC, No 5/67/Euratom shall apply to temporary Judges who are required to travel away from their place of residence in order to perform their duties.

2. The amount by which the remuneration provided for in the first subparagraph of paragraph 1 together with the pension provided for in Article 8 of Regulation No 422/67/EEC, No 5/67/Euratom exceeds the remuneration, before deduction of taxes, which the temporary Judge received as a member of the Court of Justice of the European Union shall be deducted from that pension. The remuneration provided for in the first subparagraph of paragraph 1 shall also be taken into account for the purposes of the application of Article 7(3) of that Regulation.

Temporary Judges shall not be entitled, in that capacity, to a transitional allowance or pension under Articles 7 and 8 of Regulation No 422/67/EEC, No 5/67/Euratom.

Article 19 of Regulation No 422/67/EEC, No 5/67/Euratom shall apply to the remuneration provided for in the first subparagraph of paragraph 1 of this Article.

Temporary Judges shall not be entitled, in that capacity, to benefit under the social security scheme provided for in the Staff Regulations of Officials of the European Union. Performance of the duties of temporary Judge shall not be treated as gainful employment or occupation for the purposes of Article 11 of Regulation No 422/67/EEC, No 5/67/Euratom.

3. The remuneration provided for in the first subparagraph of paragraph 1 shall be subject to the tax provided for by Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities [2].

Article 4

A temporary Judge's name shall be removed from the list provided for in the first subparagraph of Article 1(1) on his death or resignation, or by decision to deprive him of his office as provided for in the first and second paragraphs of Article 6 of the Statute.

Any temporary Judge whose name is removed from the list provided for in the first subparagraph of Article 1(1) shall be replaced, in accordance with the procedure under that provision, for the remainder of the period of validity of the list.

Article 5

The duties of a temporary Judge shall end when the Judge whom he has replaced is no longer prevented from acting. However, the temporary Judge shall continue to perform his duties until the cases assigned to him have been disposed of.

Article 6

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 25 October 2012.

For the European Parliament
The President
Martin SCHULZ

For the Council
The President
A. D. MAVROYIANNIS

[1] OJ 187, 8.8.1967, p. 1.

[2] OJ L 56, 4.3.1968, p. 8.

RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

This edition consolidates:

the Rules of Procedure of the European Union Civil Service Tribunal of 25 July 2007 (OJ L 225 of 29.8.2007, p. 1, with corrigendum OJ L 69 of 13.3.2008, p. 37) and the amendments resulting from the following measures:

1. Amendments to the Rules of Procedure of the European Union Civil Service Tribunal of 14 January 2009 (OJ L 24 of 28.1.2009, p. 10),

2. Amendments to the Rules of Procedure of the European Union Civil Service Tribunal of 17 March 2010 (OJ L 92 of 13.4.2010, p. 17),

3. Amendments to the Rules of Procedure of the European Union Civil Service Tribunal of 18 May 2011 (OJ L 162 of 22.6.2011, p. 19).

This edition has no legal force and the preambles have therefore been omitted.

RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL OF 25 JULY 2007 [1]

PRELIMINARY PROVISIONS

Article 1
Interpretation

1. In these Rules:

   – provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU';

   – provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article followed by 'TEAEC';

   – 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union;

[1] OJ L 225 of 29.8.2007, p. 1, with corrigendum OJ L 69 of 13.3.2008, p. 37, with amendments dated 14 January 2009 (published in OJ L 24 of 28.1.2009, p. 10), 17 March 2010 (published in OJ L 92 of 13.4.2010, p. 17) and 18 May 2011 (published in OJ L 162 of 22.6.2011, p. 19).

– ‘Staff Regulations’ means the Regulation laying down the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the European Union.

2. For the purposes of these Rules:

– ‘Tribunal’ means the European Union Civil Service Tribunal or, for cases dealt with by a Chamber or a single Judge, that Chamber or that Judge;

– ‘President of the Tribunal’ means the President of that court exclusively, ‘President’ meaning the president of the formation of the court;

– ‘institution’ or ‘institutions’ means the institutions of the Union and the bodies, offices and agencies established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the Tribunal.

TITLE 1
ORGANISATION OF THE TRIBUNAL

Chapter 1
PRESIDENT AND MEMBERS OF THE TRIBUNAL

Article 2
Judges' term of office

1. The term of office of a Judge shall begin on the date laid down in his instrument of appointment.

2. In the absence of any provision regarding the date, the term shall begin on the date of the instrument.

Article 3
Taking of the oath

1. Before taking up his duties, a Judge shall take the following oath before the Court of Justice:

'I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court.'

2. Immediately after taking the oath, a Judge shall sign a declaration by which he solemnly undertakes that, both during and after his term of office, he will respect the obligations arising therefrom, and in particular the duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments and benefits.

Article 4
Disqualification and removal of a Judge

1. When the Court of Justice is called upon to decide, after consulting the Tribunal, whether a Judge no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President of the Tribunal shall invite the Judge concerned to make representations to the Tribunal in closed session and in the absence of the Registrar.

2. The Tribunal shall state the reasons for its opinion.

3. An opinion to the effect that a Judge no longer fulfils the requisite conditions or no longer meets the obligations arising from his office must receive the votes of at least a majority of the Judges of the Tribunal. In that event, particulars of the voting shall be communicated to the Court of Justice.

4. Voting shall be by secret ballot; the Judge concerned shall not take part in the deliberations.

Article 5
Precedence

1. With the exception of the President of the Tribunal and of the Presidents of the Chambers, the Judges shall rank equally in precedence according to their seniority in office.

2. Where there is equal seniority in office, precedence shall be determined by age.

3. Retiring Judges who are reappointed shall retain their former precedence.

Article 6
Election of the President of the Tribunal

1. In accordance with Article 4(1) of Annex I to the Statute, the Judges shall elect the President of the Tribunal from among their number for a term of three years. He may be re-elected.

2. If the office of President of the Tribunal falls vacant before the usual date of expiry of his term, the Tribunal shall elect a successor for the remainder thereof.

3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the Tribunal shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

4. The name of the President of the Tribunal shall be published in the *Official Journal of the European Union*.

Article 7
Responsibilities of the President of the Tribunal

1. The President of the Tribunal shall direct the judicial business and the administration of the Tribunal.

2. He shall preside at sittings and deliberations in closed session of:

– the full court;

– the Chamber sitting with five Judges;

– any Chamber sitting with three Judges to which he is attached.

Article 8

Replacement of the President of the Tribunal

When the President of the Tribunal is absent or prevented from attending or when the office of President is vacant, the functions of President shall be exercised according to the order of precedence laid down pursuant to Article 5.

Chapter 2

FORMATIONS OF THE COURT

Article 9

Formations of the court

By virtue of Article 4(2) of Annex I to the Statute, the Tribunal shall sit in full court, in a Chamber of five Judges, Chambers of three Judges or as a single Judge.

Article 10

Constitution of Chambers

1. The Tribunal shall set up Chambers sitting with three Judges. It may set up a Chamber sitting with five Judges.

2. The Tribunal shall decide which Judges shall be attached to the Chambers. If the number of Judges attached to a Chamber is greater than the number of Judges sitting, it shall decide how to designate the Judges taking part in the formation of the court.

3. Decisions taken in accordance with this article shall be published in the *Official Journal of the European Union*.

Article 11

Presidents of Chambers

1. In accordance with Article 4(3) of Annex I to the Statute, the Judges shall elect from among their number for a term of three years the Presidents of the Chambers sitting with three Judges. The election shall be carried out in accordance with the procedure laid down in Article 6(3). They may be re-elected.

2. Article 6(2) and (4) shall apply.

3. The Presidents of Chambers shall direct the judicial business of their Chambers and shall preside at sittings and deliberations.

4. When the President of a Chamber is absent or prevented from attending or when the office of President is vacant, the Chamber shall be presided over by a member thereof according to the order of precedence laid down pursuant to Article 5.

5. If, exceptionally, the President of the Tribunal is called upon to complete the formation of the court, he shall preside.

Article 12

Ordinary formation of the court – Assignment of cases to Chambers

1. Without prejudice to Article 13 or Article 14, the Tribunal shall sit in Chambers of three Judges.

2. The Tribunal shall lay down criteria by which cases are to be assigned to the Chambers.

3. The decision provided for in the previous paragraph shall be published in the *Official Journal of the European Union*.

Article 13

Referral of a case to the full court or to the Chamber sitting with five Judges

1. Whenever the difficulty of the questions of law raised or the importance of the case or special circumstances so justify, a case may be referred to the full court or to the Chamber sitting with five Judges.

2. The decision to refer shall be taken by the full court on a proposal by the Chamber hearing the case or by any member of the Tribunal. It may be taken at any stage of the proceedings**.**

Article 14

Referral of a case to a single Judge

1. Cases assigned to a Chamber sitting with three Judges may be heard and determined by the Judge-Rapporteur sitting as a single Judge where, having regard to the lack of difficulty of the questions of law or fact raised, to the limited importance of the case and to the absence of other special circumstances, they are suitable for being so heard and determined.

Referral to a single Judge shall not be possible in cases which raise issues as to the legality of an act of general application.

2. The decision to refer shall be taken unanimously, the parties having been heard, by the Chamber before which the case is pending. It may be taken at any stage of the proceedings.

3. If the single Judge to whom the case has been referred is absent or prevented from attending, the President shall designate another Judge to replace that Judge.

4. The single Judge shall refer the case back to the Chamber if he finds that the conditions set out in paragraph 1 above are no longer satisfied.

5. In cases heard by a single Judge, the powers of the President shall be exercised by that Judge.

Chapter 3

REGISTRY AND DEPARTMENTS

Section 1 – The Registry

Article 15
Appointment of the Registrar

1. The Tribunal shall appoint the Registrar.

2. Two weeks before the date fixed for making the appointment, the President of the Tribunal shall inform the Judges of the applications which have been submitted for the post.

3. The appointment shall be made in accordance with the procedure laid down in Article 6(3).

4. The name of the Registrar elected shall be published in the *Official Journal of the European Union*.

5. The Registrar shall be appointed for a term of six years. He may be reappointed.

6. Before he takes up his duties the Registrar shall take the oath before the Tribunal in accordance with Article 3.

Article 16
Vacancy of the office of Registrar

1. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his office; the Tribunal shall take its decision after giving the Registrar an opportunity to make representations.

2. If the office of Registrar falls vacant before the usual date of expiry of the term thereof, the Tribunal shall appoint a new Registrar for a term of six years.

Article 17
Assistant Registrar

The Tribunal may, following the procedure laid down in respect of the Registrar, appoint an Assistant Registrar to assist the Registrar and to take his place in so far as the Instructions to the Registrar referred to in Article 19(4) allow.

Article 18

Absence or inability to attend of the Registrar

Where the Registrar is absent or prevented from attending and, if necessary, where the Assistant Registrar is absent or so prevented, or where their posts are vacant, the President of the Tribunal shall designate an official or servant to carry out the duties of Registrar.

Article 19

Duties of the Registrar

1. The Registrar shall assist the Tribunal, the President of the Tribunal and the Judges in the performance of their functions. He shall be responsible for the organisation and activities of the Registry under the authority of the President of the Tribunal.

2. The Registrar shall have custody of the seals. He shall be responsible for the records and be in charge of the Tribunal's publications. The Registrar shall be responsible, under the authority of the President of the Tribunal, for the acceptance, transmission and custody of all documents and for effecting service as provided for by these Rules.

3. Subject to Articles 4, 16(1) and 27, the Registrar shall attend the sittings of the Tribunal.

4. The Tribunal shall adopt its Instructions to the Registrar, acting on a proposal from the President of the Tribunal. They shall be published in the *Official Journal of the European Union.*

Article 20

Keeping of the register

1. There shall be kept in the Registry, under the control of the Registrar, a register in which all pleadings and supporting documents shall be entered.

2. Rules for keeping the register shall be prescribed by the Instructions to the Registrar referred to in Article 19(4).

3. Any person having a duly substantiated interest may consult the register at the Registry and obtain copies or extracts on payment of a charge on a scale fixed by the Tribunal on a proposal from the Registrar.

4. Any party to proceedings may in addition obtain, on payment of the appropriate charge, additional copies of the pleadings or of the orders and judgments.

5. No third party, private or public, may have access to the case-file or to the procedural documents without the express authorisation of the President, after the parties have been heard. That authorisation may be granted only upon written request accompanied by a detailed explanation of the third party's legitimate interest in inspecting the file.

Section 2 – The Departments

Article 21
Officials and other servants

1. The officials and other servants whose task is to assist directly the President of the Tribunal, the Judges and the Registrar shall be appointed in accordance with the Staff Regulations. They shall be responsible to the Registrar, under the authority of the President of the Tribunal.

2. Before the President of the Tribunal, in the presence of the Registrar, they shall take the following oath:

'I swear that I will perform loyally, discreetly and conscientiously the duties assigned to me by the European Union Civil Service Tribunal.'

Article 22
Administration and financial management of the Tribunal

The Registrar shall be responsible, under the authority of the President of the Tribunal, for the administration, financial management and accounts of the Tribunal; he shall be assisted in this by the departments of the Court of Justice and the General Court.

Chapter 4

WORKING OF THE TRIBUNAL

Article 23
Dates, times and place of the sittings of the Tribunal

1. The dates and times of the sittings of the Tribunal shall be fixed by the President.

2. The Tribunal may choose to hold one or more particular sittings in a place other than that in which it has its seat.

Article 24
Quorum

Sittings of the Tribunal shall be valid only if the following quorum is observed:

- five Judges for the full court;
- three Judges for the Chamber sitting with five Judges or for the Chambers sitting with three Judges.

Article 25
Absence or inability to attend of a Judge

1. If, because a Judge is absent or prevented from attending, the quorum is not attained, the President shall adjourn the sitting until the Judge is no longer absent or prevented from attending.

2. In order to attain a quorum in a Chamber, the President may also, if the proper administration of justice so requires, complete the formation of the court with another Judge of the same Chamber or, failing that, propose that the President of the Tribunal should designate a Judge from another Chamber. The replacement Judge shall be designated by turn according to the order of precedence referred to in Article 5, with the exception, if possible, of the President of the Tribunal and of the Presidents of Chambers.

3. If the formation of the court is completed pursuant to paragraph 2 after the hearing, the oral procedure shall be reopened.

Article 26
Absence or inability to attend, before the hearing, of a Judge of the Chamber sitting with five Judges

If, in the Chamber sitting with five Judges, a Judge is absent or prevented from attending before the hearing, the President of the Tribunal shall designate another Judge according to

the order of precedence referred to in Article 5. If the number of five Judges cannot be restored, the hearing may nevertheless be held, provided that the quorum is attained.

Article 27
Deliberations

1. The Tribunal shall deliberate in closed session.

2. Only those Judges who were present at the hearing may take part in the deliberations.

3. In accordance with the first paragraph of Article 17 of the Statute and the first paragraph of Article 5 of Annex I to the Statute, deliberations of the Tribunal shall be valid only if an uneven number of Judges is sitting in the deliberations.

If, in the Chamber sitting with five Judges or in the full court, there is an even number of Judges, as a result of a Judge's being absent or prevented from attending, the lowest-ranking Judge, according to the order of precedence fixed pursuant to Article 5, shall abstain from taking part in the deliberations, unless he is the Judge-Rapporteur. In that last case, it is the Judge immediately senior to him who shall abstain.

4. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

Any Judge may require that any question be formulated in the language of his choice and communicated in writing to the other Judges before being put to the vote.

The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Tribunal. Votes shall be cast in reverse order to the order of precedence laid down pursuant to Article 5.

Differences of view on the substance, wording or order of questions, or on the interpretation of a vote, shall be settled by decision of the Tribunal.

5. Where the deliberations of the Tribunal concern questions of its own administration, the Registrar shall be present, unless the Tribunal decides to the contrary.

6. Where the Tribunal sits without the Registrar being present it shall, if necessary, instruct the lowest-ranking Judge, according to the order of precedence referred to in Article 5, to draw up minutes. The minutes shall be signed by this Judge and by the President.

Article 28
Judicial vacations

1. Subject to any special decision of the Tribunal, its vacations shall be as follows:

— from 18 December to 10 January,

— from the Sunday before Easter to the second Sunday after Easter,

— from 15 July to 15 September.

2. During the vacations, the functions of President of the Tribunal shall be exercised at the place where the Tribunal has its seat either by the President of the Tribunal, keeping in touch with the Registrar, or by a President of Chamber or other Judge invited by the President to take his place.

In a case of urgency, the President may convene the Judges.

3. The Tribunal shall observe the official holidays of the place where it has its seat.

4. The Tribunal may, in proper circumstances, grant leave of absence to any Judge.

Chapter 5

LANGUAGES

Article 29
Language arrangements

By virtue of the sixth paragraph of Article 257 TFEU, Article 64 of the Statute and Article 7(2) of Annex I to the Statute, the provisions of the Rules of Procedure of the General Court governing language arrangements shall apply to the Tribunal.

Chapter 6

RIGHTS AND OBLIGATIONS OF THE PARTIES' REPRESENTATIVES

Article 30
Privileges, immunities and facilities

1. The parties' representatives, appearing before the Tribunal or before any judicial authority to which it has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. The parties' representatives shall enjoy the following further privileges and facilities:

(a) papers and documents relating to the proceedings shall be exempt from both search and seizure; in the event of a dispute the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the Tribunal for inspection in the presence of the Registrar and of the person concerned;

(b) the parties' representatives shall be entitled to such allocation of foreign currency as may be necessary for the performance of their duties;

(c) the parties' representatives shall be entitled to travel in the course of duty without hindrance.

3. The privileges, immunities and facilities specified in paragraphs 1 and 2 are granted exclusively in the interests of the proper conduct of proceedings.

4. The Tribunal may waive the immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 31

Status of the parties' representatives

In order to qualify for the privileges, immunities and facilities specified in Article 30, persons entitled to them shall furnish proof of their status as follows:

(a) agents shall produce an official document issued by the party for whom they act and shall forward without delay a copy thereof to the Registrar;

(b) advisers and lawyers shall produce a certificate signed by the Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.

Article 32

Exclusion from the proceedings

1. If the Tribunal considers that the conduct of a party's representative towards the Tribunal, the President, a Judge or the Registrar is incompatible with the dignity of the Tribunal or with the requirements of the proper administration of justice, or that such representative uses his rights for purposes other than those for which they were granted, it shall so inform the person concerned. The Tribunal may inform the competent authorities to whom the person concerned is answerable; a copy of the letter sent to those authorities shall be forwarded to the person concerned.

On the same grounds the Tribunal may at any time, having heard the person concerned, exclude that person from the proceedings by order. That order shall have immediate effect.

2. Where a party's representative is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another representative.

3. Decisions taken under this Article may be rescinded.

TITLE 2

PROCEDURE

Chapter 1

WRITTEN PROCEDURE

Article 33
General provisions

1. The written procedure shall comprise the lodging of the application and of the defence and, in the circumstances provided for in Article 41, the lodging of a reply and a rejoinder.

2. The President shall fix the dates or time-limits by which the pleadings must be lodged.

Article 34
Lodging of pleadings

1. The original of every pleading must be signed by the party's representative.

The original, accompanied by all annexes referred to therein, shall be lodged together with five copies for the Tribunal and a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.

2. Institutions shall in addition produce, within time-limits laid down by the Tribunal, translations of the pleadings of which they are the author into the other languages provided for by Article 1 of Council Regulation No 1. The second subparagraph of paragraph 1 shall apply.

3. All pleadings shall bear a date. In the reckoning of time-limits for taking steps in proceedings only the date of lodging at the Registry shall be taken into account.

4. To every pleading there shall be annexed a file containing the documents relied on in support of it, together with a schedule listing them.

5. Where in view of the length of a document only extracts from it are annexed to the pleading, the whole document or a full copy of it shall be lodged at the Registry.

6. Without prejudice to the provisions of paragraphs 1 to 4, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by any technical means of communication available to the Tribunal shall be deemed to be the date of lodging for the purposes of compliance

with the time-limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by the annexes and copies referred to in the second subparagraph of paragraph 1, is lodged at the Registry no later than 10 days after the copy of the original was received. Article 100(3) shall not be applicable to this period of 10 days.

7. Without prejudice to the first subparagraph of paragraph 1 or to paragraphs 2 to 4, the Tribunal may by decision determine the criteria for a procedural document sent to the Registry by electronic means to be deemed to be the original of that document. That decision shall be published in the *Official Journal of the European Union*.

Article 35
Application

1. An application of the kind referred to in Article 21 of the Statute shall state:

(a) the name and address of the applicant;

(b) the description and address of the signatory;

(c) the designation of the party against whom the application is made;

(d) the subject-matter of the proceedings and the form of order sought by the applicant;

(e) the pleas in law and the arguments of fact and law relied on;

(f) where appropriate, the nature of any evidence offered in support.

2. To the application there shall be annexed, where appropriate:

(a) the act of which annulment is sought;

(b) the complaint within the meaning of Article 90(2) of the Staff Regulations and the decision responding to the complaint together with the dates on which the complaint was submitted and the decision notified.

3. For the purposes of the proceedings, the application shall state:

– an address for service in the place where the Tribunal has its seat and the name of the person authorised to accept service;

– or any technical means of communication available to the Tribunal by which the applicant's representative agrees to accept service;

– or else both the methods of transmission of service referred to above.

4. If the application does not comply with the requirements referred to in paragraph 3, all service on the party concerned for the purposes of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to that party's representative. By way of derogation from Article 99(1), service shall then be deemed to have been duly effected by the lodging of the registered letter at the post office of the place where the Tribunal has its seat.

5. The applicant's lawyer must lodge at the Registry a certificate that he is authorised to practise before a court of a Member State or of another State party to the Agreement on the European Economic Area.

Article 36

Putting the application in order

If an application does not comply with the requirements set out in Article 35(1)(a), (b), (c), (2) or (5), the Registrar shall prescribe a reasonable period within which the applicant is to comply with them by putting the application in order. If the applicant fails to put the application in order within the time prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application formally inadmissible.

Article 37

Service of the application and notice in the Official Journal

1. The application shall be served on the defendant. In the cases provided for by Article 36, service shall be effected as soon as the application has been put in order or, failing that, as soon as the Tribunal has declared it admissible.

2. Notice shall be given in the *Official Journal of the European Union* of the date on which the application was lodged, the parties, the subject-matter and description of the proceedings and the form of order sought by the applicant.

Article 38

First assignment of a case to a formation of the court

As soon as the application initiating proceedings has been lodged, the President of the Tribunal shall assign the case to one of the Chambers sitting with three Judges in accordance with the criteria set out in Article 12(2).

The President of that Chamber shall propose to the President of the Tribunal, in respect of each case assigned, the designation of a Judge to act as Rapporteur; the President of the Tribunal shall decide on the proposal.

Article 39

Defence

1. Within two months after service of the application, the defendant shall lodge a defence stating:

(a) the name and address of the defendant;

(b) the description and address of the signatory;

(c) the form of order sought by the defendant;

(d) the pleas in law and the arguments of fact and law relied on;

(e) where appropriate, the nature of any evidence offered in support.

The provisions of Article 35(3) and (4) shall apply.

The lawyer acting for the defendant must lodge at the Registry a certificate that he is authorised to practise before a court of a Member State or of another State party to the Agreement on the European Economic Area.

2. The time-limit laid down in paragraph 1 may, in exceptional circumstances, be extended by the President on a reasoned application by the defendant.

Article 40

Forwarding pleadings to the Council and the European Commission

Where the Council or the European Commission is not a party to a case, the Tribunal shall send to it copies of the application and of the defence, without the annexes thereto, to enable it to assess whether the inapplicability of one of its acts is being invoked under Article 277 TFEU.

Article 41

Second exchange of pleadings

Pursuant to Article 7(3) of Annex I to the Statute, the Tribunal may decide, either of its own motion or on a reasoned application by the applicant, that a second exchange of written pleadings is necessary to supplement the documents before the Tribunal.

Article 42

Offers of further evidence

The parties may offer further evidence in support of their arguments until the end of the hearing, on condition that the delay in offering it is duly justified.

Article 43

New pleas in law

1. No new plea in law may be introduced after the first exchange of pleadings unless it is based on matters of law or of fact which come to light in the course of the procedure.

2. If in the course of the procedure one of the parties puts forward a new plea in law, the President may, even after the expiry of the normal procedural time-limits, acting on a report of the Judge-Rapporteur, allow the other party time to answer on that plea.

Consideration of the admissibility of the plea shall be reserved for the final decision.

Article 44

Documents – Confidentiality – Anonymity

1. Subject to the provisions of Article 109(5), the Tribunal shall take into consideration only those documents which have been made available to the parties' representatives and on which they have been given an opportunity of expressing their views.

2. Where it is necessary for the Tribunal to verify the confidentiality, in respect of one or more parties, of a document that may be relevant in order to rule in a case, that document shall not be communicated to the parties before such verification is completed. The Tribunal may by way of order request the production of such a document.

3. Where a document to which access has been denied by an institution has been produced before the Tribunal in proceedings relating to the legality of that denial, that document shall not be communicated to the other parties.

4. On a reasoned application by a party or of its own motion, the Tribunal may omit the name of the applicant or of other persons mentioned in connection with the proceedings, or certain information, from the publications relating to a case if there are legitimate reasons for keeping the identity of a person or the information confidential.

Article 45

Preliminary report

1. After the final exchange of the parties' pleadings, the President shall fix a date on which the Judge-Rapporteur is to present his preliminary report to the Tribunal.

2. The preliminary report shall contain recommendations as to whether measures of organisation of procedure or measures of inquiry should be undertaken, as to the possibility of an amicable settlement of the dispute and as to whether the case should be referred to the full court, to the Chamber sitting with five Judges or to the Judge-Rapporteur sitting as a single Judge.

3. The Tribunal shall decide what action to take upon the recommendations of the Judge-Rapporteur.

Article 46

Connection – Joinder

1. In the interests of the proper administration of justice, the President may, at any time, after hearing the parties, order that two or more cases shall, on account of the connection between them, be joined for the purposes of the written or oral procedure or of the final decision. The cases may subsequently be disjoined. The President may refer these matters to the Tribunal.

2. Where cases assigned to different formations of the court are to be joined on account of the connection between them, the President of the Tribunal shall decide on their re-assignment.

3. The representatives of the parties to the joined cases may examine at the Registry the pleadings served on the parties in the other cases concerned. The President may, however, on application by a party, without prejudice to Article 44(1) and (2), exclude secret or confidential documents from that examination.

Article 47

Order in which cases are to be dealt with

1. The Tribunal shall deal with the cases before it in the order in which they become ready for examination.

2. The President may in special circumstances direct that a particular case be given priority.

3. The President may, after hearing the parties, in special circumstances, in particular with a view to facilitating an amicable settlement of the dispute, either on his own initiative or at the request of one of the parties, defer a case to be dealt with later.

Chapter 2

ORAL PROCEDURE

Article 48

Holding of hearings

1. Without prejudice to the special provisions of these Rules permitting the Tribunal to adjudicate by way of order, and subject to paragraph 2, the procedure before the Tribunal shall include a hearing.

2. Where there has been a second exchange of pleadings and the Tribunal considers that it is unnecessary to hold a hearing, it may, with the agreement of the parties, decide to proceed to judgment without a hearing.

Article 49

Date of the hearing

The President shall fix the date of the hearing.

Article 50

Absence of the parties from the hearing

The parties' representatives, duly invited to the hearing, shall be required to inform the Registry in good time if they do not wish to be present.

Where the representatives of all the parties have stated that they will not be present at the hearing, the Tribunal may decide that the oral procedure is closed.

Article 51
Conduct of the hearing

1. The proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

2. The oral proceedings in cases heard in camera shall not be published.

3. A party may address the Tribunal only through his representative.

4. The President and each of the Judges may in the course of the hearing:

(a) put questions to the parties' representatives;

(b) invite the parties themselves to express their views on certain aspects of the case.

Article 52
Close of the oral procedure

1. The President shall declare the oral procedure closed at the end of the hearing.

2. The Tribunal may order the reopening of the oral procedure.

Article 53
Minutes of the hearing

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

2. The parties may inspect the minutes at the Registry and obtain copies at their own expense.

Chapter 3

MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY

Article 54
General provisions

1. The purpose of measures of organisation of procedure and measures of inquiry shall be to ensure that cases are prepared for hearing, procedures carried out and disputes resolved under the best possible conditions.

Those measures may be adopted or varied at any stage of the proceedings.

2. Each party may, at any stage of the proceedings, propose the adoption or modification of measures of organisation of procedure or of inquiry. In that case, the other parties shall be heard before those measures are prescribed.

3. Where the procedural circumstances so require, the Judge-Rapporteur or, where appropriate, the Tribunal shall inform the parties of the measures envisaged in order to give them an opportunity to submit their observations orally or in writing.

Section 1 – Measures of organisation of procedure

Article 55
Purpose and types

1. Measures of organisation of procedure shall have as their purpose:

(a) to ensure efficient conduct of the written and oral procedure and to facilitate the taking of evidence;

(b) to determine the points on which the parties must present further argument or which would call for a measure of inquiry;

(c) to clarify the forms of order sought by the parties, their pleas in law and arguments and the points at issue between them.

2. Measures of organisation of procedure may, in particular, consist of:

(a) putting questions to the parties;

(b) inviting the parties to make written or oral submissions on certain aspects of the proceedings;

(c) asking the parties for information or particulars;

(d) asking the parties to produce documents or any papers relating to the case;

(e) summoning the parties to meetings.

Article 56
Procedure

Without prejudice to Article 44(2), measures of organisation of procedure shall be prescribed by the Judge-Rapporteur unless he refers the matter to the Tribunal on account of the scope of the measures envisaged or of their importance to the disposal of the case. The Registrar shall be responsible for notifying them to the parties.

Section 2 – Measures of inquiry

Article 57
Types

Without prejudice to the provisions of Articles 24 and 25 of the Statute, the following measures of inquiry may be adopted:

(a) the appearance of the parties themselves;

(b) asking third parties for information or particulars;

(c) asking third parties to produce documents or any papers relating to the case;

(d) oral testimony;

(e) the commissioning of an expert's report;

(f) an inspection of the place or thing in question.

Article 58
Procedure

1. Measures of inquiry shall be prescribed by the Tribunal.

2. The decision concerning the measures referred to in Article 57(d), (e) and (f) shall be taken by means of an order setting out the facts to be proved, after the parties have been heard.

The decision concerning the measures referred to in Article 57(a), (b) and (c) shall be notified to the parties by the Registrar.

3. The parties may be present at the measures of inquiry.

4. Where the Tribunal decides to adopt a measure of inquiry but does not undertake such a measure itself, it shall entrust the task of so doing to the Judge-Rapporteur.

5. A party may always submit evidence in rebuttal or amplify previous evidence.

Section 3 – The summoning and examination of witnesses and experts

Article 59
Summoning of witnesses

1. The Tribunal may, either of its own motion or on application by one of the parties, order that certain facts be proved by witnesses.

An application by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.

2. A witness whose examination is considered necessary shall be summoned by the Tribunal by means of an order containing the following information:

(a) the surname, forenames, description and residence of the witness;

(b) the date and place of the hearing;

(c) an indication of the facts about which the witness is to be examined;

(d) where appropriate, particulars of the arrangements made by the Tribunal for reimbursement of expenses incurred by the witness, and of the sanctions which may be imposed on defaulting witnesses.

3. The Tribunal may, in exceptional circumstances, make the summoning of a witness for whose examination a party has applied conditional upon the deposit with the cashier of the Tribunal of a sum sufficient to cover the taxed costs thereof; the Tribunal shall fix the amount of the payment.

The cashier of the Tribunal shall advance the funds necessary in connection with the examination of any witness summoned by the Tribunal of its own motion.

Article 60
Examination of witnesses

1. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in paragraph 2 and in Article 63.

The witness shall give his evidence to the Tribunal, the parties having been given notice to attend. After the witness has given his main evidence the President and each of the Judges may, at the request of a party or of his own motion, put questions to him.

Subject to the control of the President, questions may be put to witnesses by the representatives of the parties.

2. Subject to the provisions of Article 63, the witness shall, before giving his evidence, take the following oath:

‘I swear that I shall tell the truth, the whole truth and nothing but the truth.’

The Tribunal may, after hearing the parties, exempt a witness from taking the oath.

3. The Registrar shall draw up minutes in which the evidence of each witness is reproduced.

The minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the witness, and by the Registrar. Before the minutes are thus signed, witnesses must be given an opportunity to check the content of the minutes and to sign them.

The minutes shall constitute an official record.

Article 61

Duties of witnesses

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If a witness who has been duly summoned fails to appear before the Tribunal, the latter may impose upon him a pecuniary sanction not exceeding EUR 5 000 and may order that a further summons be served at the witness's own expense.

The same sanction may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath or where appropriate to make a solemn affirmation equivalent thereto.

3. If the witness proffers a valid excuse to the Tribunal, the pecuniary sanction imposed on him may be cancelled. The pecuniary sanction imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

4. Sanctions imposed and other measures ordered under this Article shall be enforced in accordance with Articles 280 TFEU and 299 TFEU and Article 164 TEAEC.

Article 62

Experts' reports

1. The Tribunal may, either of its own motion or on application by one of the parties, order that an expert's report be obtained. The order appointing the expert shall define his task and set a time-limit within which he is to make his report.

2. The expert shall receive a copy of the order, together with all the documents necessary for carrying out his task. He shall be under the supervision of the Judge-Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

The Tribunal may request the parties or one of them to lodge security for the costs of the expert's report.

3. At the request of the expert, the Tribunal may order the examination of witnesses. Their examination shall be carried out in accordance with Article 60.

4. The expert may give his opinion only on points which have been expressly referred to him.

5. After the expert has made his report, the Tribunal may order that he be examined, the parties having been given notice to attend.

Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

6. Subject to the provisions of Article 63, the expert shall, after making his report, take the following oath before the Tribunal:

'I swear that I have conscientiously and impartially carried out my task.'

The Tribunal may, after hearing the parties, exempt the expert from taking the oath.

Article 63
Oath

1. The President shall instruct any person who is required to take an oath before the Tribunal, as witness or expert, to tell the truth or to carry out his task conscientiously and impartially, as the case may be, and shall warn him of the criminal liability provided for in his national law in the event of any breach of this duty.

2. Witnesses and experts shall take the oath either in accordance with the first subparagraph of Article 60(2) and the first subparagraph of Article 62(6) or in the manner laid down by their national law.

3. Where the national law provides the opportunity to make, in judicial proceedings, a solemn affirmation equivalent to an oath as well as or instead of taking an oath, the witnesses and experts may make such an affirmation under the conditions and in the form prescribed in their national law.

Where their national law provides neither for taking an oath nor for making a solemn affirmation, the procedure described in the first paragraph shall be followed.

Article 64
Perjury

1. The Tribunal may decide to report to the competent authority, referred to in Annex III to the Rules supplementing the Rules of Procedure of the Court of Justice, of the Member State whose courts have criminal jurisdiction any case of perjury on the part of a witness or expert before the Tribunal, account being taken of the provisions of Article 63.

2. The Registrar shall be responsible for communicating the decision of the Tribunal. The decision shall set out the facts and circumstances on which the report is based.

Article 65
Objection

1. If one of the parties objects to a witness or to an expert on the ground that he is not a competent or proper person to act as witness or expert or for any other reason, or if a witness or expert refuses to give evidence, to take the oath or to make a solemn affirmation equivalent thereto, the Tribunal shall adjudicate by way of reasoned order.

2. An objection to a witness or to an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 66
Reimbursement of expenses – Compensation or fees

1. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The cashier of the Tribunal may make a payment to them towards these expenses in advance.

2. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services. The cashier of the Tribunal shall pay witnesses and experts their compensation or fees after they have carried out their respective duties or tasks.

Article 67
Letters rogatory

1. The Tribunal may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts.

2. Letters rogatory shall be issued in the form of an order which shall contain the name, forenames, description and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their representatives, indicate their addresses and briefly describe the subject-matter of the proceedings.

3. The Registrar shall send the order to the competent authority named in Annex I to the Rules supplementing the Rules of Procedure of the Court of Justice of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official language or languages of the Member State to which it is addressed.

The authority named pursuant to the first subparagraph shall pass on the order to the judicial authority which is competent according to its national law.

The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to the first subparagraph the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar.

The Registrar shall be responsible for the translation of the documents into the language of the case.

4. The Tribunal shall defray the expenses occasioned by the letters rogatory without prejudice to the right to charge them, where appropriate, to the parties.

Chapter 4

THE AMICABLE SETTLEMENT OF DISPUTES

Article 68
Measures

1. The Tribunal may, at all stages of the procedure, examine the possibilities of an amicable settlement of the dispute between the applicant and the defendant, propose one or more solutions capable of putting an end to the dispute and adopt appropriate measures with a view to facilitating such settlement.

It may, amongst other things:

– ask the parties or third parties to supply information or particulars;

– ask the parties or third parties to produce documents;

– invite to meetings the parties' representatives, the parties themselves or any official or other servant of the institution empowered to negotiate an agreement.

2. Paragraph 1 shall apply to proceedings for interim measures also.

3. The Tribunal may instruct the Judge-Rapporteur, assisted by the Registrar, to seek the amicable settlement of a dispute or to implement the measures which it has adopted to that end.

Article 69
Agreement of the parties

1. Where the applicant and the defendant come to an agreement before the Tribunal or the Judge-Rapporteur as to the solution putting an end to the dispute, the terms of that agreement may be recorded in minutes signed by the President or the Judge-Rapporteur and

by the Registrar. The agreement as entered in the minutes shall constitute an official record.

The case shall be removed from the register by reasoned order of the President.

At the request of the applicant and defendant, the President shall set out the terms of the agreement in the order removing the case from the register.

2. Where the applicant and the defendant notify the Tribunal that they have reached an agreement out of court as to the resolution of the dispute and state that they abandon all claims, the President shall order the case to be removed from the register.

3. The President shall give a decision as to costs in accordance with the agreement or, failing that, at his discretion.

Article 70

Amicable settlement and contentious proceedings

No opinion expressed, suggestion made, proposal put forward, concession made or document drawn up for the purposes of the amicable settlement may be relied on as evidence by the Tribunal or the parties in the contentious proceedings.

Chapter 5

STAY OF PROCEEDINGS AND DECLINING OF JURISDICTION IN FAVOUR OF THE COURT OF JUSTICE AND THE GENERAL COURT

Article 71

Conditions and procedure for staying of proceedings

1. Without prejudice to Articles 117(4), 118(4) and 119(4), proceedings may be stayed:

(a) where the Tribunal and either the General Court or the Court of Justice are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called in question, until the judgment of the General Court or the Court of Justice has been delivered;

(b) where an appeal is brought before the General Court against a decision of the Tribunal disposing of the substantive issues in part only, disposing of a procedural issue concerning a plea of lack of competence or inadmissibility or dismissing an application to intervene;

(c) at the joint request of the parties;

(d) in other particular cases where the proper administration of justice so requires.

2. The decision to stay the proceedings shall be made by reasoned order of the President after hearing the parties; the President may refer the matter to the Tribunal.

3. Any decision ordering the resumption of proceedings before the end of the stay or as referred to in Article 72(2) shall be adopted in accordance with the same procedure.

Article 72

Duration and effects of a stay of proceedings

1. The stay of proceedings shall take effect on the date indicated in the order of stay or, in the absence of such an indication, on the date of that order.

2. Where the order of stay does not fix the length of the stay, it shall end on the date indicated in the order of resumption or, in the absence of such indication, on the date of the order of resumption.

3. While proceedings are stayed time shall, except for the purposes of the time-limit prescribed in Article 109(1) for an application to intervene, cease to run for the purposes of procedural time-limits.

Time shall begin to run afresh from the beginning for the purposes of the time-limits from the date on which the stay of proceedings comes to an end.

Article 73

Declining of jurisdiction

1. In accordance with Article 8(2) of Annex I to the Statute, where the Tribunal finds that the action before it falls within the jurisdiction of the Court of Justice or of the General Court, it shall refer that action to the Court of Justice or to the General Court.

2. The Tribunal shall make its decision by way of reasoned order.

Chapter 6

DISCONTINUANCE, NO NEED TO ADJUDICATE AND PRELIMINARY ISSUES

Article 74

Discontinuance

If the applicant informs the Tribunal, in writing or at the hearing, that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 89(5).

Article 75

No need to adjudicate

If the Tribunal finds that an action has become devoid of purpose and that there is no longer any need to adjudicate on it, it may at any time, of its own motion, after hearing the parties, adopt a reasoned order.

Article 76

Action manifestly bound to fail

Where it is clear that the Tribunal has no jurisdiction to take cognisance of an action or of certain of the claims therein or where the action is, in whole or in part, manifestly inadmissible or manifestly lacking any foundation in law, the Tribunal may, without taking further steps in the proceedings, give a decision by way of reasoned order.

Article 77

Absolute bar to proceeding

The Tribunal may at any time, of its own motion, after hearing the parties, decide whether there exists any absolute bar to proceeding with an action. If the Tribunal considers that it possesses sufficient information, it may, without taking further steps in the proceedings, give a decision by way of reasoned order.

Article 78

Application for a decision not going to the substance of the case

1. A party applying to the Tribunal for a decision on admissibility, on lack of competence or other preliminary plea not going to the substance of the case shall make the application by a separate document within a month of service of the application.

The application must contain the pleas of fact and law relied on and the form of order sought by the applicant; any supporting documents must be annexed to it.

2. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party may lodge a document containing the form of order sought and the arguments of fact and law relied on.

Unless the Tribunal otherwise decides, the remainder of the proceedings shall be oral.

3. The Tribunal shall decide on the application by way of reasoned order or reserve its decision for the final judgment.

If the Tribunal refuses the application or reserves its decision, the President shall prescribe new time-limits for further steps in the proceedings.

4. The Tribunal shall refer the case to the Court of Justice or to the General Court if the case falls within the jurisdiction of either of those Courts.

Chapter 7

JUDGMENTS AND ORDERS

Article 79
Judgments

A judgment shall contain:

- the statement that it is the judgment of the Tribunal,
- the date of its delivery,
- the names of the President and the Judges taking part in it, with an indication as to the name of the Judge-Rapporteur,
- the name of the Registrar,
- the description of the parties,
- the names of the parties' representatives,
- a statement of the forms of order sought by the parties,
- a summary of the facts,
- the grounds for the decision,
- the operative part of the judgment, including the decision as to costs.

Article 80
Delivery of judgment

1. The judgment shall be delivered in open court. Due notice shall be given to the parties of the date of delivery.

2. The original of the judgment, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be sealed and deposited at the Registry; the Registrar shall ensure that each of the parties is served with a certified copy of the judgment.

3. The Registrar shall record on the original of the judgment the date on which it was delivered.

Article 81
Orders

1. Every order shall contain:

– the statement that it is the order of the Tribunal, the President of the Tribunal or of the formation of the court,

– the date of its adoption,

– the names of the President and, where appropriate, the Judges taking part in its adoption, with an indication as to the name of the Judge-Rapporteur,

– the name of the Registrar,

– the description of the parties,

– the names of the parties' representatives,

– the operative part of the order, including, where appropriate, the decision as to costs.

2. Where, in accordance with these Rules, an order must be reasoned, it shall in addition contain:

– a statement of the forms of order sought by the parties,

– a summary of the facts,

– the grounds for the decision.

Article 82
Adoption of orders

The original of the order, signed by the President, shall be sealed and deposited at the Registry; the Registrar shall ensure that each of the parties is served with a certified copy of the order.

Article 83
Binding effect

1. Subject to the provisions of Article 12(1) of Annex I to the Statute, judgments shall be binding from the date of their delivery.

2. Orders shall be binding from the date of their service, save as otherwise provided in these Rules and in Article 12(1) of Annex I to the Statute.

Article 84
Rectification of decisions

1. The Tribunal may, by way of order, of its own motion or on application by a party made within a month after the decision to be rectified has been served, after hearing the parties, rectify clerical mistakes, errors in calculation and obvious slips in it.

2. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Article 85

Omission of any decision as to costs

1. If the Tribunal should omit to give a decision on costs, any party may within a month after service of the decision apply to the Tribunal to supplement its decision.

2. The application shall be served on the opposite party and the President shall prescribe a period within which that party may present written observations.

3. After these observations have been presented, the Tribunal shall decide at the same time on the admissibility and on the substance of the application.

Chapter 8

COSTS

Article 86

Decision as to costs

A decision as to costs shall be given in the final judgment or in the order which closes the proceedings.

Article 87

Allocation of costs – General rules

1. Without prejudice to the other provisions of this Chapter, the unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

2. If equity so requires, the Tribunal may decide that an unsuccessful party is to pay only part of the costs or even that he is not to be ordered to pay any.

Article 88

Unreasonable or vexatious costs

A party, even if successful, may be ordered to pay some or all of the costs, if this appears justified by the conduct of that party, including before the proceedings were brought, especially if he has made the other party incur costs which are held to be unreasonable or vexatious.

Article 89
Allocation of costs – Special cases

1. Where there are several unsuccessful parties the Tribunal shall decide how the costs are to be shared.

2. Where each party succeeds on some and fails on other heads, the Tribunal may order that the costs be shared or that each party bear its own costs.

3. If costs are not applied for, the parties shall bear their own costs.

4. Interveners shall bear their own costs.

5. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the observations of the other party on the discontinuance. However, upon application by the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

6. Where a case does not proceed to judgment, the costs shall be in the discretion of the Tribunal.

7. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement

Article 90
Costs of enforcing a judgment

Costs necessarily incurred by a party in enforcing a judgment or order of the Tribunal shall be refunded by the opposite party on the scale in force in the State where the enforcement takes place.

Article 91
Recoverable costs

Without prejudice to the provisions of Article 94, the following shall be regarded as recoverable costs:

(a) sums payable to witnesses and experts under Article 66;

(b) expenses incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of the representative, if they are essential.

Article 92
Dispute as to costs

1. If there is a dispute concerning the amount and nature of the costs to be recovered, the Tribunal shall, on application by the party concerned and after hearing the opposite party, give its decision by way of reasoned order.

In accordance with Article 11(2) of Annex I to the Statute, no appeal may lie from that order.

2. The parties may, for the purposes of enforcement, apply for a copy of the order.

Article 93
Payment

1. Sums due from the cashier of the Tribunal and from debtors of the Tribunal shall be paid in euro.

2. Where expenses to be recovered have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, conversions of currency shall be made at the official rates of exchange of the European Central Bank on the day of payment.

Article 94
Court costs

Proceedings before the Tribunal shall be free of charge, except that:

(a) where a party has caused the Tribunal to incur avoidable costs, in particular where the action is manifestly an abuse of process, the Tribunal may order that party to refund them in whole or in part, but the amount of that refund may not exceed EUR 2 000;

(b) where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Registrar considers it excessive, be paid for by that party on the scale of charges in force referred to in Article 20.

Chapter 9

LEGAL AID

Article 95
Substantive conditions

1. In order to ensure effective access to justice, legal aid shall be granted for proceedings before the Tribunal in accordance with the following rules.

Legal aid shall cover, in whole or in part, the costs involved in legal assistance and representation by a lawyer in proceedings before the Tribunal. The cashier of the Tribunal shall be responsible for those costs.

2. Any natural person who, because of his financial situation, is wholly or partly unable to meet the costs referred to in paragraph 1 shall be entitled to legal aid.

The financial situation shall be assessed, taking into account objective factors such as income, capital and the family situation.

3. Legal aid shall be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded.

Article 96
Formal conditions

1. An application for legal aid may be made before or after the action has been brought.

The application need not be made through a lawyer.

2. The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation.

If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard.

3. The Tribunal may provide, in accordance with Article 120, for the compulsory use of a form in making an application for legal aid.

Article 97
Procedure

1. Before giving its decision on an application for legal aid, the Tribunal shall invite the other party to submit its written observations unless it is already apparent from the information produced that the conditions laid down in Article 95(2) have not been satisfied or that those laid down in Article 95(3) have been satisfied.

2. The decision on the application for legal aid shall be taken by way of an order by the President of the Tribunal or, if the case has already been assigned to a Chamber, by its President. He may refer the matter to the Tribunal.

An order refusing legal aid shall state the reasons on which it is based.

3. In any order granting legal aid a lawyer shall be designated to represent the person concerned.

If the person has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar shall send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant shall be designated having regard to the suggestions made by that authority.

An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 95(1), having regard to his financial situation.

4. The introduction of an application for legal aid shall suspend the period prescribed for the bringing of the action until the date of notification of the order making a decision on that application or, in the cases referred to in the second subparagraph of paragraph 3, of the order designating the lawyer instructed to represent the applicant.

5. If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned. He may refer the matter to the Tribunal.

An order withdrawing legal aid shall contain a statement of reasons.

6. No appeal shall lie from orders made under this article.

Article 98

Advances – Responsibility for costs

1. Where legal aid is granted, the President may, on application by the lawyer of the person concerned, decide that an amount by way of advance should be paid to the lawyer.

2. Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall fix the lawyer's disbursements and fees which are to be paid by the cashier of the Tribunal by way of a reasoned order from which no appeal shall lie. He may refer the matter to the Tribunal.

3. Where, in the decision closing the proceedings, the Tribunal has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the Tribunal any sums advanced by way of aid.

In the event of challenge or if the party does not comply with a demand by the Registrar to refund those sums, the President shall rule by way of reasoned order from which no appeal shall lie. The President may refer the matter to the Tribunal.

4. Where the recipient of the aid is unsuccessful, the Tribunal may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more

parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the Tribunal by way of legal aid.

Chapter 10

SERVICE

Article 99
Service

1. Where these Rules require a document to be served on a person, the Registrar shall ensure that service is effected:

– where the addressee has an address for service in the place where the Tribunal has its seat, by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt, or

– where, in accordance with Article 35(3) or the second subparagraph of Article 39(1), the addressee has agreed that service is to be effected on him by a technical means of communication available to the Tribunal, by such means.

The Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with the second subparagraph of Article 34(1).

2. Where technical reasons connected with, in particular, the length of the document so require, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in the first indent of paragraph 1. The addressee shall be so advised by telefax or other technical means of communication available to the Tribunal. Service shall then be deemed to have been effected on the addressee by registered post on the 10th day following the lodging of the registered letter at the post office of the place where the Tribunal has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being advised by telefax or another technical means of communication, that the document to be served has not reached him.

3. The Tribunal may by decision determine the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.

Chapter 11

TIME-LIMITS

Article 100

Reckoning of time-limits – Single period of extension on account of distance

1. Any period of time prescribed by the Treaties, the Statute or these Rules for the taking of any procedural step shall be reckoned as follows:

(a) Where a period expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;

(b) A period expressed in weeks, months or years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months or in years, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;

(c) Where a period is expressed in months and days, it shall first be reckoned in whole months, then in days;

(d) Periods shall include official holidays, Sundays and Saturdays;

(e) Periods shall not be suspended during the judicial vacations.

2. If the period would otherwise end on a Saturday, Sunday or official holiday, it shall be extended until the end of the first following working day.

The list of official holidays drawn up by the Court of Justice and published in the *Official Journal of the European Union* shall apply to the Tribunal.

3. The prescribed time-limits shall be extended on account of distance by a single period of 10 days.

Article 101

Extension – Delegation of power of signature

1. Any time-limit prescribed pursuant to these Rules may be extended by whoever prescribed it.

2. The President may delegate power of signature to the Registrar for the purpose of fixing certain time-limits which, pursuant to these Rules, it falls to the President to prescribe, or of extending such time-limits.

TITLE 3

SPECIAL FORMS OF PROCEDURE

Chapter 1

SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 102

Application for interim measures

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU and Article 157 TEAEC, shall be admissible only if the applicant is challenging that measure in proceedings before the Tribunal.

An application for the adoption of any other interim measure referred to in Article 279 TFEU shall be admissible only if it is made by a party to a case before the Tribunal and relates to that case.

Those applications may be presented as soon as the complaint provided for in Article 90(2) of the Staff Regulations has been submitted, in the conditions fixed in Article 91(4) of those Regulations.

2. An application of a kind referred to in the previous paragraph shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measures applied for.

3. The application shall be made by a separate document and in accordance with the provisions of Articles 34 and 35.

Article 103

Powers of the President of the Tribunal

1. The President of the Tribunal shall decide the applications submitted pursuant to Article 102(1).

2. If the President of the Tribunal is absent or prevented from dealing with any such application, he shall be replaced by another Judge in the conditions fixed by a decision adopted by the Tribunal and published in the *Official Journal of the European Union*.

Article 104
Procedure

1. The application shall be served on the opposite party, and the President of the Tribunal shall prescribe a short period within which that party may submit written or oral observations.

2. The President of the Tribunal shall, where appropriate, prescribe measures of organisation of procedure and measures of inquiry.

3. The President of the Tribunal may grant the application even before the observations of the opposite party have been submitted. This decision may subsequently be varied or cancelled, even of the President's own motion.

Article 105
Decision on interim measures

1. The decision on the application shall take the form of a reasoned order.

2. Enforcement of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when final judgment is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision on the substance of the case by the Tribunal.

Article 106
Change in circumstances

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 107
Further application

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 108
Suspension of enforcement

The provisions of this Chapter shall apply to applications to suspend the enforcement of an act of an institution, submitted pursuant to Articles 280 TFEU and 299 TFEU and Article 164 TEAEC.

The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Chapter 2

INTERVENTION

Article 109
Application to intervene

1. Any application to intervene must be made within four weeks of the date of publication of the notice referred to in Article 37(2).

2. The application to intervene shall contain:

(a) the description of the case;

(b) the description of the parties;

(c) the name and address of the intervener;

(d) the intervener's address for service at the place where the Tribunal has its seat or an indication of the technical means of communication available to the Tribunal by which his representative agrees to accept service;

(e) the form of order sought by the intervener, in support of or opposing the form of order sought by the applicant;

(f) a statement of the circumstances establishing the right to intervene pursuant to the second paragraph of Article 40 of the Statute or on the basis of a specific provision.

3. Articles 34 and 35 shall apply.

4. The intervener shall be represented in accordance with Article 19 of the Statute.

5. The application to intervene shall be served on the parties, so as to permit them an opportunity to submit their written or oral observations and to indicate to the Registry, where appropriate, those documents which they consider to be secret or confidential and which, in consequence, they do not wish to be communicated to the interveners.

6. The President shall decide on the application to intervene by way of order or shall refer it to the Tribunal. The order must be reasoned if the application is dismissed.

Article 110
Conditions for intervention

1. If an intervention is allowed, the President shall prescribe a period within which the intervener may submit a statement in intervention.

2. The intervener shall receive a copy of all the pleadings served on the parties. The President may, however, on application by one of the parties, omit secret or confidential documents.

3. The statement in intervention shall contain:

(a) a statement of the form of order sought by the intervener;

(b) the pleas in law and arguments relied on by the intervener;

(c) where appropriate, the nature of any evidence offered.

4. The statement in intervention is admissible only if it is made in support, in whole or in part, of the form of order sought by one of the parties.

5. After the statement in intervention has been lodged, the President shall prescribe a time-limit within which the parties may reply in writing to that statement or shall invite them to present their replies during the oral procedure.

6. For the purposes of these Rules, the intervener shall be treated as a party, save as otherwise provided.

Article 111

Invitation to intervene

1. At any stage in the proceedings the President may, after hearing the parties, invite any person, any institution or any Member State concerned by the outcome of the dispute to inform the Tribunal if he or it wishes to intervene in the proceedings. The notice referred to in Article 37(2) shall be mentioned in the invitation.

2. If the person, institution or Member State concerned informs the Tribunal within the period prescribed by the President that he or it wishes to intervene, the President shall inform the parties so as to permit them to indicate to the Registry, where appropriate, those documents which they consider to be secret or confidential and which, in consequence, they do not wish to be communicated to the person, institution or Member State concerned.

The provisions of Article 110(2) shall apply.

3. The person, institution or Member State concerned shall present its statement in intervention within a month of the communication of the pleadings.

The provisions of Articles 34, 35, 109(2)(a) to (e) and (4) and 110(3) to (6) shall apply.

Chapter 3

APPEALS AND CASES REFERRED BACK AFTER DECISION SET ASIDE

Article 112

Conditions for appeals against decisions of the Tribunal

On the conditions laid down in Articles 9 to 12 of Annex I to the Statute, an appeal may be brought before the General Court against judgments or orders of the Tribunal.

Article 113

Referral back after setting aside – Assignment of the case referred back

1. Where, after setting aside a judgment or order of the Tribunal, the General Court refers the case back to the Tribunal by virtue of Article 13 of Annex I to the Statute, the Tribunal shall be seised of the case by the judgment so referring it.

2. The President of the Tribunal shall assign the case either to the formation of the court which gave the decision which has been set aside or to another formation of the court.

However, where the decision set aside was given by a single Judge, the President of the Tribunal shall assign the case to a Chamber sitting with three Judges of which that Judge is not a member.

Article 114

Procedure for examining cases referred back

1. Within two months from the service upon him of the judgment of the General Court the applicant may lodge a statement of written observations.

2. In the month following the communication to it of that statement, the defendant may lodge a statement of written observations. The time allowed to the defendant for lodging that statement may in no case be less than two months from the service upon it of the judgment of the General Court.

3. In the month following the simultaneous communication to the intervener of the observations of the applicant and the defendant, the intervener may lodge a statement of written observations. The time allowed to the intervener for lodging it may in no case be less than two months from the service upon him or it of the judgment of the General Court.

4. By way of derogation from Article 114(1) to (3), where the written procedure before the Tribunal had not been completed when the judgment referring the case back to the Tribunal was delivered, it shall be resumed, at the stage which it had reached, by means of measures of organisation of procedure adopted by the Tribunal.

5. The Tribunal may, if the circumstances so justify, allow supplementary statements of written observations to be lodged.

6. The procedure shall be conducted in accordance with the provisions of Title 2 of these Rules.

Article 115
Costs

The Tribunal shall decide on the costs relating to the proceedings instituted before it and to the proceedings on the appeal before the General Court.

Chapter 4

JUDGMENTS BY DEFAULT AND APPLICATIONS TO SET THEM ASIDE

Article 116
Procedure

1. If a defendant on whom an application initiating proceedings has been duly served fails to lodge a defence to the application in the proper form within the time prescribed, the applicant may apply to the Tribunal for judgment by default.

The application shall be served on the defendant. The Tribunal may decide to open the oral procedure on the application.

2. Before giving judgment by default the Tribunal shall consider whether the application initiating proceedings is admissible, whether the appropriate formalities have been complied with, and whether the application appears well founded. It may order a preparatory inquiry.

3. A judgment by default shall be enforceable.

The Tribunal may, however, grant a stay of enforcement until it has given its decision on any application under paragraph 4 to set aside the judgment, or it may make enforcement subject to the provision of security of an amount and nature to be fixed in the light of the circumstances; this security shall be released if no such application is made or if the application fails.

4. Application may be made to set aside a judgment by default.

The application to set aside the judgment must be made within one month from the date of service of the judgment.

It must be lodged in the form prescribed by Articles 34 and 35.

5. After the application has been served, the President of the formation of the court shall prescribe a period within which the other party may submit his written observations.

The proceedings shall be conducted in accordance with the provisions of Title 2 of these Rules.

6. The Tribunal shall decide by way of a judgment which may not be set aside. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Chapter 5

EXCEPTIONAL REVIEW PROCEDURES

Article 117
Third-party proceedings

1. In accordance with Article 42 of the Statute, third-party proceedings may be brought against a decision rendered without the third party's having been heard, where the decision is prejudicial to his rights.

If the contested decision has been published in the *Official Journal of the European Union*, the application must be lodged within two months of the publication.

2. Articles 34 and 35 shall apply to an application initiating third-party proceedings. In addition such an application shall:

(a) specify the decision contested;

(b) state how that decision is prejudicial to the rights of the third party;

(c) indicate the reasons for which the third party was unable to take part in the original case before the Tribunal.

The application must be made against all the parties to the original case.

The application initiating third-party proceedings shall be assigned to the formation of the court which delivered the contested decision.

3. The contested decision shall be varied on the points on which the submissions of the third party are upheld.

The original of the judgment in the third-party proceedings shall be annexed to the original of the contested decision. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested decision.

4. Where an appeal before the General Court and an application initiating third-party proceedings before the Tribunal contest the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings until the General Court has delivered its judgment.

5. The Tribunal may, on application by the third party, order a stay of enforcement of the contested decision. The provisions of Title 3, Chapter 1, shall apply.

Article 118

Interpretation of decisions of the Tribunal

1. In accordance with Article 43 of the Statute, if the meaning or scope of a decision is in doubt, the Tribunal may construe it on application by any party or any institution establishing an interest therein.

Applications for interpretation shall not be subject to any condition as to time-limits.

2. Articles 34 and 35 shall apply to an application for interpretation. In addition such an application shall:

(a) specify the decision in question;

(b) indicate the passages of which interpretation is sought.

The application must be made against all the parties to the case in which the decision of which interpretation is sought was given.

The application for interpretation shall be assigned to the formation of the court which gave the decision which is the subject of the application.

3. The Tribunal shall give its decision by way of judgment after having given the parties an opportunity to submit their observations.

The original of the interpreting judgment shall be annexed to the original of the decision interpreted. A note of the interpreting judgment shall be made in the margin of the original of the decision interpreted.

4. Where an appeal before the General Court and an application for interpretation before the Tribunal concern the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings until the General Court has delivered its judgment.

Article 119

Revision

1. In accordance with Article 44 of the Statute, an application for revision of a decision of the Tribunal may be made only on discovery of a fact which is of such a nature as to be a decisive factor and which, before the decision was delivered or adopted, was unknown to the Tribunal and to the party claiming the revision.

Without prejudice to the period of 10 years prescribed in the third paragraph of Article 44 of the Statute, an application for revision shall be made within three months of the date on which the facts on which the application is based came to the applicant's knowledge.

2. Articles 34 and 35 shall apply to an application for revision. In addition such an application shall:

(a) specify the decision contested;

(b) indicate the points on which the decision is contested;

(c) set out the facts on which the application is based;

(d) indicate the nature of the evidence to show that there are facts justifying revision, and that the time-limits laid down in paragraph 1 of this article have been observed.

The application must be made against all the parties to the case in which the contested decision was given.

The application for revision shall be assigned to the formation of the court which gave the contested decision.

3. The Tribunal shall give its decision by way of judgment on the admissibility of the application in the light of the parties' written observations.

If the Tribunal finds the application admissible, the remainder of the procedure shall be oral, unless the Tribunal otherwise decides. It shall give its decision by way of judgment.

The original of the revising judgment shall be annexed to the original of the decision revised. A note of the revising judgment shall be made in the margin of the original of the decision revised.

4. Where an appeal before the General Court and an application for revision before the Tribunal concern the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings until the General Court has delivered its judgment.

FINAL PROVISIONS

Article 120
The Tribunal's Practice Directions

The Tribunal may issue practice directions relating, in particular, to the preparations for and conduct of hearings before it, to the amicable settlement of disputes and to the presentation and lodging of pleadings and written observations.

Article 121
Publication of the Rules of Procedure

These Rules, which are authentic in the languages of the case mentioned in the Rules of Procedure of the General Court, shall be published in the *Official Journal of the European*

Union. They shall enter into force on the first day of the third month following the date of their publication.

Article 122

Transitional provisions relating to costs

The provisions of Title 2, Chapter 8, on costs shall apply only to cases brought before the Tribunal from the date on which these Rules enter into force.

The relevant provisions of the Rules of Procedure of the General Court on the subject shall continue to apply mutatis mutandis to cases pending before the Tribunal before that date.

Done at Luxembourg, 25 July 2007

W. Hakenberg	P.J. Mahoney
The Registrar	*The President*

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AMENDMENTS TO THE RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth paragraph of Article 257 thereof,

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

Having regard to Article 7(1) of Annex I to the Protocol on the Statute of the Court of Justice of the European Union,

Having regard to the agreement of the Court of Justice,

Whereas certain provisions of the Rules of Procedure should be amended to allow the lodging and service of procedural documents by electronic means, without the need for those procedural steps to be confirmed by post or by the physical delivery of such documents,

With the Council's approval given on 13 May 2011,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the European Union Civil Service Tribunal of 25 July 2007 (OJ L 225 of 29 August 2007, p. 1, with corrigendum OJ L 69 of 13 March 2008, p. 37) [1] are hereby amended as follows:

1. In the first sentence of Article 99(2), the words 'or where the document to be served is a judgment or an order' shall be deleted.

2. A third paragraph shall be added to Article 99, worded as follows:

'The Tribunal may by decision determine the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.'

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages referred to in Article 35(1) of the Rules of Procedure of the General Court of the European Union, applicable to the Civil Service Tribunal by virtue of Article 7(2) of Annex I to the Protocol on the Statute of the Court of Justice, 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.

Luxembourg, 18 May 2011.

[1] Amended on 14 January 2009 (OJ L 24 of 28 January 2009, p. 10) and 17 March 2010 (OJ L 92 of 13 April 2010, p. 17).

DECISION OF THE CIVIL SERVICE TRIBUNAL

No 3/2011

taken at the Plenary Meeting on 20 September 2011

on the lodging and service of procedural documents by means of e-Curia

(2011/C 289/08)

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

Having regard to the Rules of Procedure and, in particular, Articles 34(7) and 99(3) thereof,

Whereas:

(1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.

(2) This application, which is based on an electronic authentication system using a combination of a user identification and a password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged,

HAS DECIDED AS FOLLOWS:

Article 1

The information technology application known as 'e-Curia', common to the three constituent courts of the Court of Justice of the European Union, allows the lodging and service of procedural documents by electronic means under the conditions laid down by this Decision.

Article 2

Use of this application shall require a personal user identification and password.

Article 3

A procedural document lodged by means of e-Curia shall be deemed to be the original of that document for the purposes of the first subparagraph of Article 34(1) of the Rules of Procedure where the representative's user identification and password have been used to effect that lodgment. Such identification shall constitute the signature of the document concerned.

Article 4

A document lodged by means of e-Curia must be accompanied by the Annexes referred to therein and a schedule listing such Annexes.

It shall not be necessary to lodge certified copies of a document lodged by means of e-Curia or of any Annexes thereto.

Article 5

A procedural document shall be deemed to have been lodged for the purposes of Article 34(3) of the Rules of Procedure at the time of the representative's validation of lodgment of that document.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 6

Procedural documents, including judgments and orders, shall be served on the parties' representatives by means of e-Curia where they have expressly accepted this method of service or, in the context of a case, where they have consented to this method of service by lodging a procedural document by means of e-Curia.

Procedural documents shall also be served by means of e-Curia on Member States, other States which are parties to the Agreement on the European Economic Area and institutions, bodies, offices or agencies of the Union that have accepted this method of service.

Article 7

The intended recipients of the documents served referred to in Article 6 shall be notified by e-mail of any document served on them by means of e-Curia.

A procedural document shall be served at the time when the intended recipient (representative or his assistant) requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification e-mail was sent.

Where a party is represented by more than one agent or lawyer, the time to be taken into account in the reckoning of time-limits shall be the time when the first request for access was made.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 8

The Registrar shall draw up the conditions of use of e-Curia and ensure that they are observed. Any use of e-Curia contrary to those conditions may result in the deactivation of the access account concerned.

The Tribunal shall take the necessary steps to protect e-Curia from any abuse or malicious use.

Users shall be notified by e-mail of any action taken pursuant to this Article that prevents them from using their access account.

Article 9

This decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 20 September 2011.

Registrar	*President*
W. HAKENBERG	P. MAHONEY

II

(Non-legislative acts)

RULES OF PROCEDURE

INSTRUCTIONS TO THE REGISTRAR OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

of 11 July 2012

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

ON A PROPOSAL FROM THE PRESIDENT OF THE TRIBUNAL,

Having regard to the Rules of Procedure adopted on 25 July 2007, as subsequently amended, and in particular Article 19(4) thereof,

HAS LAID DOWN THE FOLLOWING

INSTRUCTIONS TO THE REGISTRAR

Article 1

Interpretation

The definitions adopted in Article 1 of the Rules of Procedure shall apply equally for the purposes of these Instructions.

Article 2

The tasks of the Registrar

1. The Registrar shall be responsible for the maintenance of the register of the Tribunal and the files of pending cases, for the acceptance, transmission, service and custody of documents, for correspondence with the parties and third parties in relation to pending cases, and for the custody of the seals of the Tribunal. He shall ensure that registry charges are collected and that sums due to the Tribunal treasury are recovered. He shall be responsible for the publications of the Tribunal.

2. In carrying out the duties specified above, the Registrar may be assisted by an Assistant Registrar. In the absence of the Registrar or in the event of his being prevented from carrying out those duties, they shall be performed, where appropriate, by the Assistant Registrar who shall take the decisions reserved to the Registrar by the Rules of Procedure of the Tribunal or these Instructions or delegated to him pursuant to these Instructions.

Article 3

Opening hours of the Registry

1. The offices of the Registry shall be open every working day. All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 100(2) of the Rules of Procedure shall be working days.

2. If a working day as referred to in the preceding paragraph is a holiday for the officials and servants of the institution, arrangements shall be made for a skeleton staff to be on duty at the Registry during the hours in which it is normally open to the public.

3. The Registry shall be open to the public from 9.00 a.m. to 12 noon and from 2.30 p.m. to 4.30 p.m. The offices of the Registry shall be closed to the public on Friday afternoons during the vacations provided for in Article 28 of the Rules of Procedure.

4. The offices of the Registry shall be open only to the lawyers and agents of the Member States and of the institutions of the Union or to persons duly authorised by them, and to persons making an application for legal aid.

5. When the Registry is closed, procedural documents may be validly lodged with the janitor at the entrances to the *Palais* of the Court of Justice of the European Union, rue du Fort Niedergrünewald, or rue Charles Léon Hammes, Luxembourg, at any time of the day or night. The janitor shall make a record, which shall constitute good evidence, of the date and time of such lodgment and shall issue a receipt upon request.

Article 4

The register

1. Judgments and orders as well as all the procedural documents placed on the file in cases brought before the Tribunal shall be entered in the register in the order in which they are lodged, with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure, as referred to in Article 6(4) of these Instructions.

2. A note of the registration, including the registration number and the date of entry in the register, shall be made by the Registrar on the original of every procedural document or on the version deemed to be the original of that document in accordance with Article 3 of the decision of the Tribunal of 20 September 2011 on the lodging and service of procedural documents by means of e-Curia (OJ 2011 C 289, p. 11) ('the e-Curia decision'), and, if a party so requests, on any copy submitted for the purpose. The note made on the original of the procedural document must be signed by the Registrar.

3. Entries in the register and the notes provided for in the preceding paragraph shall be authentic.

4. Entries in the register shall be numbered consecutively. They shall contain the information necessary for identifying the procedural document, in particular the date of lodgment, the date of registration, the number of the case and the nature of the document.

5. For the purposes of the application of the preceding paragraph, the following dates shall be taken into account, depending on the circumstances,

— the date on which the procedural document was received by the Registrar or by a Registry official or employee,

— the date referred to in Article 3(5) above,

— the date referred to in Article 5 of the e-Curia decision, or

— in the cases provided for in the first paragraph of Article 54 of the Statute and Article 8(1) of Annex I to the Statute, the date on which the procedural document was lodged with the Registrar of the Court of Justice or with the Registrar of the General Court of the European Union.

6. Where a correction is made to the register, a note to that effect shall be made therein. The register kept in electronic form shall be set up and maintained in such a way that no registration can be deleted therefrom and that following any amendment or rectification the original entry is preserved.

Article 5

The number in the list

1. When an application initiating proceedings is registered, the case shall be given a serial number preceded by 'F-' and followed by an indication of the year. Where Article 34(6) of the Rules of Procedure applies, the indication of the year in the number in the list shall correspond to the date deemed to be the date of lodging of the document for the purposes of compliance with the time-limits for taking steps in proceedings.

2. Applications for interim measures, applications for rectification or interpretation of judgments or orders, applications for revision or initiating third-party proceedings, applications for the taxation of costs and applications for legal aid relating to pending cases shall be given the same serial number as the principal action, followed by a reference to indicate that the proceedings concerned are special forms of procedure. An action which is preceded by an application for legal aid in connection therewith shall be given the same case number as the latter. Where the General Court of the European Union refers a case back to the Tribunal following an appeal, that case shall keep the number previously given to it when it was before the Tribunal, followed by a reference to indicate the referral.

Article 6

The file and access to the file

1. The case-file shall contain the procedural documents, where applicable together with their annexes, bearing the note referred to in Article 4(2) of these Instructions, with the exception of those whose acceptance is refused pursuant to Article 8 of these Instructions, the decisions taken in the case, including any decisions relating to refusal to accept documents, preparatory reports for the hearing, minutes of the hearing, notices served by the Registrar and any other documents or correspondence to be taken into consideration in deciding the case.

2. If in doubt the Registrar shall refer the question of the placing of a procedural document on the case-file to the President in order for a decision to be taken.

3. The documents contained in the file shall be given a serial number.

4. By way of derogation from paragraph (1), procedural documents drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure (see Article 4(1) of these Instructions) shall be kept in a separate part of the file.

5. The representatives of the parties to a case before the Tribunal or persons duly authorised by them may inspect the case-file, including administrative files produced before the Tribunal and procedural documents drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure, at the Registry and may request copies or extracts of procedural documents and of the register.

6. The representatives of parties granted leave to intervene and the representatives of all the parties to joined cases shall have the same right of access to case-files, subject to the provisions of Article 7 relating to the confidential treatment of certain information or documents on the file.

7. The confidential and non-confidential versions of procedural documents shall be kept in separate sections of the file. Access to the confidential section of the file shall be confined to the parties in respect of whom no confidential treatment has been ordered.

8. A procedural document which is produced in a case and placed on the file of that case may not be taken into account for the purpose of preparing another case for hearing.

9. At the close of the proceedings, the Registrar shall arrange for the case-file to be closed and archived. The closed file shall contain a list of the procedural documents on the file (with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure), an indication of their number, and a cover page showing the case number in the list, the parties and the date on which the file was closed.

Article 7

Confidential treatment

1. Without prejudice to Article 44 of the Rules of Procedure, in respect of procedural documents which the parties intend to produce on their own initiative or produce at the request of the Tribunal, the parties shall indicate, where appropriate, the existence of confidential information and shall lodge a version of the document from which that information has been omitted. In those circumstances, the party concerned shall simultaneously transmit to the Tribunal the relevant document in its entirety, to enable the Tribunal to check that the information omitted is indeed confidential and that the omissions are not prejudicial to the other party's right to a fair hearing or to the proper administration of justice. Where appropriate, the Tribunal shall request the production of an amended version. The full version of the document in question shall be returned by the Tribunal after examination.

2. A party may apply pursuant to Article 109(5) of the Rules of Procedure for certain information on the case-file to be treated as confidential in relation to an intervener or, where cases are joined in accordance with Article 46 of the Rules of Procedure, in relation to another party in a joined case. Such an application must be made in accordance with the provisions of the Practice Directions to parties.

Article 8

Non-acceptance of procedural documents and regularisation

1. The Registrar shall ensure that procedural documents placed on the file are in conformity with the provisions of the Statute, the Rules of Procedure, the Practice Directions to parties and these Instructions to the Registrar. If necessary, he shall allow the parties a period of time for making good any formal irregularities in the procedural documents lodged. Service shall be suspended in the cases provided for by Article 36 of the Rules of Procedure. Service may be suspended in the case of other formal irregularities.

2. The Registrar shall refuse to register procedural documents which are not provided for by the Rules of Procedure. If in doubt, or in the event of a challenge by the parties, the Registrar shall refer the matter to the President in order for a decision to be taken.

3. Without prejudice to Article 34(6) of the Rules of Procedure and to the e-Curia decision, the Registrar shall accept only documents bearing the original handwritten signature of the party's representative.

4. The Registrar shall ensure that the volume of procedural documents, including their annexes, does not exceed that which would preclude the proper administration of justice, and that they are lodged in accordance with the relevant provisions of the Practice Directions to parties.

5. Save in the cases expressly provided for by the Rules of Procedure, the Registrar shall refuse to accept pleadings or procedural documents of the parties drawn up, even in part, in a language other than the language of the case. However, where duly justified, the Registrar may provisionally accept annexes in a language other than the language of the case. If in doubt, or in the event of a challenge by the parties, the Registrar shall refer the matter to the President in order for a decision to be taken.

6. Where an application to intervene originating from a third party other than a Member State is not drawn up in the language of the case, the Registrar shall require the application to be put in order before it is served on the parties. If a version of such an application drawn up in the language of the case is lodged within the period prescribed for this purpose by the Registrar, the date on which the first version, not in the language of the case, was lodged shall be taken as the date on which the document was lodged.

7. If the party concerned fails to make good the irregularity or challenges the request for regularisation, the Registrar shall refer the matter to the President for a decision.

Article 9

Presentation of originating applications

1. Where the Registrar considers that an application initiating proceedings is not in conformity with Article 35(1) of the Rules of Procedure, he shall suspend service of the application in order that the Tribunal may give a decision on the admissibility of the action.

2. For the purposes of the production of the document required by Article 35(5) of the Rules of Procedure certifying that the lawyer acting for a party or assisting the party's agent is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area, reference may be made to a document previously lodged at the Registry of the Tribunal. In every case, the document to which reference may be made must have been drawn up not more than five years before the date on which the application was lodged.

Article 10

Service

1. The Registrar shall ensure that, where the Statute or the Rules of Procedure provide for a document to be served, a notice to be given or a communication to be made, the steps are carried out in accordance with Article 99 of the Rules of Procedure.

2. In the procedures on applications for interim measures referred to in Articles 102 to 108 of the Rules of Procedure, the Registrar may send procedural documents by all appropriate means which urgency requires.

Article 11

Setting and extension of time-limits

1. The Registrar shall prescribe and extend, where appropriate, the time-limits provided for in the Rules of Procedure in accordance with the authority accorded to him by the President.

2. Procedural documents received at the Registry after the period prescribed for their lodgment has expired may be accepted only with the authorisation of the President.

3. The time-limits provided for in the Rules of Procedure may be extended only in special circumstances. Any application to that effect must be properly reasoned and must reach the Registry in sufficient time in relation to the expiry of the time-limit initially prescribed. A time-limit may not be extended more than once save for exceptional reasons.

Article 12

Hearings and minutes of hearings

1. Before every public hearing the Registrar shall draw up a cause list in the language of the case. The cause list shall contain the date, hour and place of the hearing, the competent formation of the Tribunal, an indication of the cases which will be called and the names of the parties.

2. The cause list shall be displayed at the entrance to the courtroom.

3. The Registrar shall draw up in the respective language of each case the minutes of every hearing. Those minutes shall contain an indication of the case, the date, hour and place of the hearing, if applicable an indication that the hearing was in camera, the names of the Judges and the Registrar present, the names and capacities of the representatives of the parties present, the surnames, forenames, status and permanent addresses of applicants in person, if applicable, and of the witnesses or experts examined, an indication of the evidence or procedural documents produced at the hearing and, in so far as is necessary, the statements made at the hearing and the decisions pronounced at the hearing by the Tribunal or the President. The minutes shall be sent to the parties.

Article 13

Witnesses and experts

1. The Registrar shall take the measures necessary for giving effect to orders requiring the taking of expert opinion or the examination of witnesses.

2. The Registrar shall obtain from witnesses evidence of their expenses and loss of earnings and from experts a fee note accounting for their expenses and services.

3. The Registrar shall cause sums due to witnesses and experts under the Rules of Procedure to be paid from the Tribunal's treasury. In the event of a dispute concerning such sums, the Registrar shall refer the matter to the President in order for a decision to be taken.

4. The Registrar shall arrange for the costs of examining experts or witnesses advanced by the Tribunal in a case to be demanded from the parties ordered to pay the costs. If necessary, steps shall be taken pursuant to Article 15(3) of these Instructions.

Article 14

Originals of judgments and orders

1. Originals of judgments and orders of the Tribunal shall be kept in chronological order in the archives of the Registry. A certified copy shall be placed on the case-file.

2. At the parties' request, the Registrar shall supply them with additional certified copies of the original of a judgment or of an order.

3. A note of judgments or orders of the General Court of the European Union on appeal, or of the Court of Justice in the event of a review, shall be made in the margin of the judgment or order concerned and a certified copy annexed to the original of the judgment or order appealed against.

Article 15

Recovery of sums

1. Where sums paid out by way of legal aid, sums advanced to witnesses or experts, or sums payable by the parties pursuant to Article 94 of the Rules of Procedure are recoverable by the Tribunal's treasury, the Registrar shall, by registered letter with a form for acknowledgement of receipt, demand payment of those sums from the party which is to bear them in accordance with the decision by which the proceedings have been closed.

2. Service shall then be deemed to have been effected on the addressee by registered post on the 10th day following the lodging of the registered letter at the post office of the place where the Tribunal has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date.

3. If the sums demanded are not paid within the period prescribed by the Registrar, he may request the Tribunal to make an enforceable decision and, if necessary, require its enforcement.

Article 16

Registry charges

1. Where a copy of a procedural document or an extract from the case-file or from the register is supplied to a party on paper at its request, the Registrar shall impose a Registry charge of EUR 3,50 per page for a certified copy and EUR 2,50 per page for an uncertified copy.

2. Where the Registrar arranges for a procedural document or an extract from the case-file to be translated at the request of a party, a Registry charge of EUR 1,25 per line shall be imposed.

3. The charges referred to in this Article shall, as from 1 January 2008, be increased by 10% each time the weighted cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10 %.

Article 17

Publication of documents and posting of documents on the Internet

1. The Registrar shall be responsible for the publications of the Tribunal and for posting on the Internet documents relating to the Tribunal.

2. The Registrar shall cause to be published in the *Official Journal of the European Union* the decisions provided for by the Rules of Procedure and these Instructions, as well as notices of proceedings brought and of decisions closing proceedings.

3. The Registrar shall ensure that the case-law of the Tribunal is made public in accordance with any arrangements adopted by the Tribunal.

Article 18

Advice for lawyers and agents

1. The Registrar shall make known to the parties' representatives the Practice Directions to parties and these Instructions to the Registrar.

2. When requested by the parties' representatives, the Registrar shall provide them with information on the practice followed pursuant to the Rules of Procedure, the Practice Directions to parties, these Instructions to the Registrar, the e-Curia decision and the e-Curia Conditions of Use in order to ensure that proceedings are conducted efficiently.

Article 19

Derogations from these Instructions

Where the special circumstances of a case and the proper administration of justice require, the Tribunal or the President may derogate from any of these Instructions.

Article 20

Entry into force of these Instructions

1. These Instructions to the Registrar, which are authentic in the languages referred to in Article 36(2) of the Rules of Procedure of the General Court of the European Union, applicable to the Tribunal by virtue of Article 29 of its Rules of Procedure, shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.

2. The Instructions to the Registrar of 19 September 2007 (OJ 2007 L 249, p. 3) are hereby repealed and replaced by these Instructions to the Registrar.

Done at Luxembourg, 11 July 2012.

W. HAKENBERG
Registrar

S. VAN RAEPENBUSCH
President

PRACTICE DIRECTIONS TO PARTIES ON JUDICIAL PROCEEDINGS BEFORE THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

of 11 July 2012

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THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

having regard to Article 120 of its Rules of Procedure;

Whereas:

it is in the interests of the proper administration of justice that practice directions be issued to the parties' representatives, dealing with the manner in which procedural documents are to be submitted so as to ensure the efficient conduct of the hearing;

compliance with these directions reduces the number of requests for regularisation and the risk of inadmissibility as a result of failure to comply with the rules as to form;

proceedings before the Civil Service Tribunal are subject to language arrangements appropriate to a multilingual Union;

it is in the interests of the parties to proceedings before the Civil Service Tribunal that the Tribunal provide concise responses to matters on which the parties' representatives wish to be better informed, and provide guidance to enable them to draft their procedural documents appropriately;

it is in the interests of the efficient conduct of proceedings before the Civil Service Tribunal that practice directions be given to persons concerned regarding the submission of applications for legal aid and the conduct of the oral procedure;

HEREBY DECIDES TO ADOPT THE FOLLOWING PRACTICE DIRECTIONS:

I. INTERPRETATION

1. The definitions adopted in Article 1 of the Rules of Procedure shall apply equally for the purposes of these Practice Directions.

II. GENERAL PROVISIONS RELATING TO THE LODGING AND SERVICE OF PROCEDURAL DOCUMENTS

2. The lodging and service (transmission) of procedural documents between the parties and the Tribunal may be effected:

— by exclusively electronic means using the e-Curia application, or

— by dispatch in paper format.

A. **Electronic transmission by means of e-Curia**

3. Electronic transmission by means of e-Curia is characterised by:

(a) the creation of a personal access account to which a party's representative may have access using a username and secure password;

(b) the fact that no procedural documents or annexes thereto are sent by the parties in paper format; a document shall be deemed to be the original if it is received at the Tribunal by means of e-Curia, and there is no need for it to bear the representative's handwritten signature or for certified copies to be sent;

(c) service of the procedural documents of the other parties as well as of the decisions of the Tribunal and of all other correspondence by means of e-Curia; service shall be effected upon access to the document being obtained via the e-Curia application, failing which, it shall be deemed to have been effected on the expiry of the seventh day following the day on which the notification email was sent;

(d) the fact that the applicable legislation is defined in: the decision of the Civil Service Tribunal, adopted in accordance with Article 34(7) of the Rules of Procedure, of 20 September 2011 (OJ 2011 C 289, p. 11) on the lodging and service of procedural documents by means of e-Curia; the Conditions of Use of e-Curia; and the e-Curia User Manual, which also explains how to proceed in the case of an assistant (all those documents are available on the website www.curia.europa.eu).

B. **Transmission in paper format**

4. Transmission in paper format entails:

(a) the need for all procedural documents and annexes thereto to be lodged in paper format, duly signed by the representative; each procedural document and any annexes thereto must be accompanied by seven sets of certified copies; for the purposes of compliance with time-limits, copies sent by fax before the paper version is sent shall be taken into account if the original paper document is received at the Tribunal within 10 days of dispatch of the fax (see point 36 et seq. of these Practice Directions);

(b) service of the procedural documents of the other parties as well as of the decisions of the Tribunal and of all correspondence between the Registry and the parties by the preferred method of service: by registered post with a form for acknowledgement of receipt (in which case service shall be deemed to have been effected by the lodging of the registered letter at the post office in Luxembourg), by fax or by e-Curia.

III. WRITTEN PROCEDURE

A. **Application**

1. *Lodging the application*

5. Every application shall be addressed to the **Registry** of the Tribunal. It must comply with the provisions of Article 34 of the Rules of Procedure.

6. The **information** to be included in the application and the documents required to be annexed to it are listed in Article 35(1), (2), (3) and (5) of the Rules of Procedure.

7. Article 35(5) and the third subparagraph of Article 39(1) of the Rules of Procedure concern the certificate required to be lodged at the Registry by the applicant's **lawyer** and by any lawyer who may be assisting the defendant's agent. It should be noted that the principle of compulsory representation before the Tribunal is laid down by Article 19 of the Statute. With the exception of the Member States, other States which are parties to the EEA Agreement (Norway, Iceland and Liechtenstein) and the institutions of the European Union, which are represented by their agents, the parties must therefore be represented by a lawyer authorised to practise before a court of a Member State or of another State party to the EEA Agreement. However, the obligation to be represented by a lawyer does not apply to the procedure for obtaining legal aid (see, in that regard, Chapter E of Title III of these Practice Directions).

8. In addition, although no written instructions from the applicant to the lawyer representing him are required on lodging the application, any **change** in the number or identity of lawyer(s) (e.g. replacement of one lawyer by another, presence of an additional lawyer, withdrawal of instructions from one of the lawyers who made the application) must be notified to the Registry in writing without delay. In the event of one lawyer being replaced by another, written authorisation is required in respect of the new lawyer.

9. The applicant's **lawyer** should state clearly on the first page of the application his **address**, the **name of his chambers or practice**, where appropriate, his telephone and fax numbers and email address. Any subsequent changes in that information must be notified to the Tribunal without delay. Under no circumstances can the applicant's own address be accepted as an address for service.

10. An application lodged by means of e-Curia need not necessarily bear a handwritten **signature**. However, in the case of an application lodged in paper format, the handwritten signature of the lawyer must be legible and appear at the end of the application. The absence of a signature cannot be rectified. A copy, such as a stamp, facsimile signature, photocopy, etc. will not be accepted. In the case of more than one representative, the signature of one of them will be sufficient. The signature by proxy of a person other than the applicant's representative(s) will not be accepted, even where that signatory is a member of the same chambers or practice as the representative(s).

2. *Mandatory information and rules on presentation of the application*

11. The **language of the case** shall be the language chosen for the drafting of the application, in accordance with Article 29 of the Rules of Procedure, which, in relation to language arrangements, refers to Article 35 of the Rules of Procedure of the General Court of the European Union.

12. In the interests both of the parties themselves and of the proper administration of justice, procedural documents should be as concise as possible having regard to the nature of the facts and complexity of the issues raised. Accordingly, an application should not, in principle, exceed **30 pages** (A4 format, font size 12 in a font equivalent to 'Times New Roman', 1.5 line spacing and margins of at least 2.5 cm), depending on the circumstances of the case. Authorisation to exceed those maxima will be given only in cases involving particularly complex legal or factual issues.

13. The **form of order sought** must be precisely worded and set out at the beginning or end of the application, and its heads of claim must be numbered.

14. The **paragraphs** of the text must be numbered consecutively.

15. In order to facilitate subsequent use of the application by the Tribunal, it is necessary, where there are **10 or more applicants**, to append to the application a list of all their names and addresses, produced using word-processing software, which must be sent to the Registry by email to tfp.greffe@curia.europa.eu at the same time as the application, the case to which the list relates being clearly indicated.

16. An application must be accompanied by a **summary** of the dispute, designed to facilitate the drafting of the notice prescribed by Article 37(2) of the Rules of Procedure, which will be prepared by the Registry. It must be produced separately from the annexes mentioned in the text of the application. That summary, to be contained in a document produced using word-processing software, should not be more than two pages long and must also be sent by email to tfp.greffe@curia.europa.eu, indicating clearly the case to which it relates. In principle, the summary will be available in its entirety on a special page on the website www.curia.europa.eu, to enable any person concerned to make enquiries. Accordingly, the summary of the case must satisfy certain requirements as to style which will be indicated on the relevant page of that website.

17. An application made pursuant to Article 44(4) of the Rules of Procedure for the name of the applicant or of other persons, or certain information, to be omitted from the publications relating to a case (**anonymity**), must be made by separate document and must state adequate reasons.

18. If the application is lodged after the submission of an application for **legal aid** (see Chapter E of Title III of these Practice Directions), the effect of which, under Article 97(4) of the Rules of Procedure, is to suspend the period prescribed for the bringing of an action, this must be pointed out at the beginning of the application. If the application is lodged after notification of the order making a decision on an application for legal aid, reference must equally be made in the application to the date on which the order was served on the applicant.

19. An application lodged by means of e-Curia shall be submitted in the form of files. To assist the Registry in handling the application, it is recommended that the practical guidance given in the e-Curia User Manual (see point 3(d) of these Practice Directions) be followed, viz:

    (a) files must include names identifying the document (Application, Annexes Part 1, Annexes Part 2, Covering letter, etc.);

    (b) the text of the application can be saved in PDF (image and text) direct from the word-processing software, without the need for digitisation.

20. An application lodged in paper format must be submitted in such a way as to enable it to be processed electronically by the Tribunal, in particular by means of **digitisation** of documents and character recognition. Accordingly, in addition to the requirements set out in point 12 of these Practice Directions, the following requirements must be complied with:

    (a) the text must be easily legible and appear on one side of the page only ('recto', not 'recto verso');

    (b) documents must not be bound together or fixed to each other by any other means (e.g. glued or stapled).

21. The pages of the application and annexes must in addition be **numbered consecutively** in the top right-hand corner, including any annexes and page dividers.

22. In accordance with the second subparagraph of Article 34(1) of the Rules of Procedure, the application and any annexes lodged in paper format must, in the same way as other procedural documents, be submitted together with five paper **copies** for the Tribunal and a copy for every other party to the proceedings (thus normally **seven** paper copies). The first page of each set of copies must be endorsed by the lawyer to the effect that the **copies are certified true copies** of the original, and must bear his signature or initials.

23. As regards the **annexes**, the parties should be rigorous in their selection of documents relevant for the purposes of the proceedings, in view of the material and linguistic constraints on the Tribunal and the parties. In particular, information to which the Tribunal has access (e.g. case-law of the Courts of the European Union cited in procedural documents) is not to be produced. The following formal requirements must be complied with:

(a) annexes must be numbered and contain a reference to the pleading to which they are attached (e.g. Annex A.1, A.2 etc. in an application; Annex B.1, B.2 etc. in a defence; Annex C.1, C.2 etc. in a reply; Annex D.1, D.2 etc. in a rejoinder). In the case of more than three annexes, they should preferably be lodged with page dividers;

(b) annexes must be readily legible. An annex will not be accepted if the print quality is inadequate;

(c) annexes must be drawn up in the language of the case or be accompanied by a translation. Annexes which do not satisfy those requirements cannot in principle be accepted (see Article 29 of the Rules of Procedure which, in relation to language arrangements, refers to Article 35(3) of the Rules of Procedure of the General Court of the European Union). Under Article 8(5) of the Instructions to the Registrar, a derogation from that rule is possible only where it is duly justified;

(d) annexes must be preceded by a schedule of annexes containing, in respect of each document annexed, the number (e.g. A.1), an indication of the nature of the document (e.g. 'letter of … from X to Z'), the page reference and paragraph number in the application where the document is mentioned (e.g. 'p. 7, para. 17'), the number of pages of the document, and the page reference (within the consecutively numbered set of documents) for the first page of the particular document annexed. An example of a schedule of annexes is included in the model application available on the website www.curia.europa.eu;

(e) annexes to an application lodged by means of e-Curia must be contained in one or more files separate from the file containing the application. One file may in principle contain all the annexes. It is not desirable for there to be one file per annex;

(f) annexes to an application lodged by means of e-Curia, mentioned in the body of that application, which by their nature cannot be lodged by e-Curia, may be sent separately in paper format in accordance with Article 34(1) of the Rules of Procedure, provided that they are mentioned in the schedule of annexes to the application lodged by e-Curia. The schedule of annexes must identify which annexes are to be lodged separately. Those annexes must reach the Registry no later than 10 days after the lodging of the application by e-Curia.

3. *Putting the application in order*

24. In order to give parties the opportunity to make good any formal irregularities in an application, it is necessary, in certain circumstances, to **put the application in order**. In accordance with Article 36 of the Rules of Procedure and Article 8(1) of the Instructions to the Registrar, the Registrar **will always require** an application to be put in order where any of the following has not been provided, which could lead to the rejection of the application as being inadmissible:

— the name and address of the applicant (Article 35(1)(a) of the Rules of Procedure);

— the description and address of the lawyer representing the applicant (Article 35(1)(b) of the Rules of Procedure);

— designation of the party against whom the application is made (Article 35(1)(c) of the Rules of Procedure);

— production of the **act of which annulment is sought**, the **complaint** for the purposes of Article 90(2) of the Staff Regulations of Officials of the European Union ('the Staff Regulations') and the decision **responding to the complaint**, together with the dates on which the complaint was submitted and the decision notified (Article 35(2) of the Rules of Procedure). The applicant is required to provide a clear explanation of the reasons for any failure to produce those documents (e.g. the fact that the administration did not reply to the complaint within the period prescribed by the Staff Regulations);

— production of a certificate of the lawyer's authority to practise (Article 35(5) of the Rules of Procedure).

25. Under Article 8(1) of the Instructions to the Registrar, a **request** for an application to be put in order **may also be made**, depending on the circumstances of the case, where an application is not in conformity with these Practice Directions.

26. The Registrar shall prescribe a period within which the applicant is to put the application in order, in accordance with Article 36 of the Rules of Procedure.

27. In the cases referred to in point 24 above, the application **will not be served** on the defendant **in its unaltered state**. Where the application is put in order within the prescribed period, the procedure will take its normal course. If the applicant fails to put the application in order, the Tribunal shall decide whether the application is admissible.

28. In the cases referred to in point 25 above, the Registrar shall decide **whether or not service should be suspended**. If the applicant fails to put the application in order or challenges the request for regularisation, the Registrar shall refer the matter to the President for a decision, in accordance with Article 8(7) of the Instructions to the Registrar.

4. *Interim measures*

29. An application to suspend the operation of the contested measure and for other **interim measures** must be made in accordance with the provisions of Article 102 of the Rules of Procedure.

B. **Defence and other procedural documents relating to the written procedure**

30. The guidance notes provided in Chapter A of this title in relation to applications shall **apply *mutatis mutandis*** to other procedural documents sent to the Tribunal.

31. The information required to be included in the **defence** is set out in Article 39(1) of the Rules of Procedure. The authority given by the defendant institution to its agent(s) and/or to a lawyer in accordance with the first paragraph of Article 19 of the Statute must be produced together with the defence, but separately from any annexes.

32. The number of pages of a **defence** is subject to the same limit as an application, namely, in principle, **30 pages. Other** procedural documents must be less than **15 pages**. The requirements set out in point 12 of these Practice Directions shall apply.

33. The institutions shall attach systematically to the defence copies of any **measures of general application** referred to in their observations which are not published in the *Official Journal of the European Union*, unless copies of those measures have already been placed in the case-file.

34. In addition, the following **information** must appear on the first page of any procedural document:

(a) the category of document (defence, reply, rejoinder, application for leave to intervene, statement in intervention, plea of inadmissibility, observations on …, replies to questions, etc.);

(b) the case number in the list (F-…/…) where this has already been communicated by the Registry.

35. The rules, referred to in Chapter A of this title, governing the circumstances in which a request is or may be made to **put** an application **in order** shall apply *mutatis mutandis* to the defence and to other procedural documents.

C. **Sending an original paper document preceded by a fax**

36. The **originals** of all procedural documents and, more generally, any correspondence sent to the Tribunal, including applications for extensions of time, which are not transmitted to the Tribunal by means of e-Curia, must be lodged at the Registry in paper format.

In order to comply with procedural time-limits, a copy of a document may be sent to the Registry of the Tribunal by fax (fax number: + 352 4303 4453) before the original document is lodged (as allowed under Article 34(6) of the Rules of Procedure).

In that case, the first page of the original document must be marked 'Previously sent by fax on …', so that corresponding documents can be readily identified.

37. Under Article 34(6) of the Rules of Procedure, where a procedural document includes **annexes**, the copy sent to the Tribunal by fax may comprise only the document itself and the schedule of annexes.

38. The lodging of a pleading or a procedural document by fax will be treated as **complying with the relevant procedural time-limit** only if the signed original of that document reaches the Registry no more than 10 days after such lodging, as specified in Article 34(6) of the Rules of Procedure. It should be borne in mind that the extension on account of distance of 10 days provided for under Article 100(3) of the Rules of Procedure does not apply to that time-limit.

39. The signed **original** of any procedural document shall be sent without delay, immediately after the dispatch by fax, without any corrections or amendments. In the event of any discrepancy between the signed original and the copy previously lodged, only the date on which the signed original was lodged will be taken into consideration for the purposes of compliance with procedural time-limits.

D. **Applications for confidential treatment**

40. Without prejudice to the provisions of Article 44(2) and (3) of the Rules of Procedure, the Tribunal shall take into consideration only those documents which have been **made available** to the parties' representatives and on which they have been given an opportunity of expressing their views (Article 44(1) of the Rules of Procedure).

41. Nevertheless, a party may apply for any part of the contents of the case-file which are **secret or confidential**:

— not to be made available to a party in a joined case (Article 46(3) of the Rules of Procedure);

— to be omitted from the documents served on an intervener (Article 110(2) of the Rules of Procedure).

42. Any application for confidential treatment made pursuant to Article 46(3) or Article 110(2) of the Rules of Procedure must be made **by separate document**.

43. Such an application must be specific and the confidential treatment sought must be **limited** to what is strictly necessary. It may not in any event cover the entirety of a procedural document and may only exceptionally extend to the entirety of an annexed document.

44. An application for confidential treatment must **accurately** identify the particulars or passages concerned and briefly state the reasons for which each of those particulars or passages is regarded as secret or confidential.

45. The application must be accompanied by a **non-confidential version** of each pleading or procedural document concerned, with the confidential material deleted. If the application concerns only an annex to a procedural document, the whole of that document must be annexed to the application for confidentiality. If lodged by means of e-Curia, the annex to which an application for confidential treatment relates must be sent in a separate file.

E. **Applications for legal aid**

46. Under Article 95 et seq. of the Rules of Procedure, legal aid may be granted in order to ensure effective access to justice. Without prejudice to Article 19 of the Statute, such an application need not, in accordance with the second subparagraph of Article 96(1) of the Rules of Procedure, be made through a lawyer.

47. The use of the form annexed to these Practice Directions is compulsory in making an application for legal aid. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration and will give rise to a reply from the Registrar reiterating that the use of the form is compulsory and attaching a copy of the form. The form can be downloaded from the website www.curia.europa.eu.

48. The form, together with supporting documents, must be duly completed and signed by the applicant for legal aid or by his lawyer. However, where the application for legal aid is lodged by means of e-Curia by the applicant's lawyer, the lawyer's signature shall not be required.

49. Only the lawyer representing the party seeking legal aid shall be authorised to lodge the application for legal aid by means of e-Curia.

IV. ORAL PROCEDURE

A. **Location**

50. The **notice to attend** the public hearing always states the date, time, place and courtroom in which the hearing is to be held. If, for specific reasons (for example, if the Tribunal has summoned, to give evidence, a person who cannot express himself in the language of the case), one of the parties considers it essential that **interpreters** be present, for the whole hearing or for specific purposes, a reasoned request to that effect must be sent to the Tribunal as soon as the notice to attend the hearing is received, so that any change of courtroom or the presence of interpreters can be organised as quickly as possible.

51. A **map of the buildings** of the Court of Justice and of available car parks may be found on the website www.curia.europa.eu.

52. As a **security** measure, access to the buildings is controlled. Parties and their representatives are requested to produce their identity card, passport, professional card or some other form of photo identification. It is prudent, therefore, to arrive in good time.

B. **Preparation for the hearing**

53. The representatives of the parties are given notice to attend the hearing by the Registry a few weeks before it takes place. Requests to postpone the date of a hearing are granted only in very exceptional circumstances. Such requests must state adequate reasons, valid for all the party's representatives, accompanied by appropriate supporting documents, and submitted to the Tribunal without delay.

54. In good time before the hearing, the parties receive the **preparatory report for the hearing** drawn up by the judge-rapporteur. That report normally describes the subject-matter of the proceedings, the forms of order sought, the aspects on which the parties are requested to concentrate in their oral arguments, the issues of fact and of law which need to be explored in greater depth etc., and indicates the time allowed for the opening arguments of the parties' representatives. The Tribunal may also indicate its intention to examine the possibilities of an amicable settlement of the dispute at the hearing.

55. If the representative of a party intends not to be present at the hearing, he is requested to notify the Tribunal of this without delay. In those circumstances, the hearing will take place in his **absence**. This will also apply should the Tribunal find that a party is absent from the hearing without due notification.

56. If the representative of a party wishes to be **replaced** by a qualified person not initially instructed by his client, he shall notify the Tribunal of this without delay and ensure that written **authorisation** for that person, signed by the client, and, where appropriate, certification of the rights of audience held by the lawyer or adviser standing in for him have been submitted prior to the hearing.

C. **Conduct of the hearing**

57. The parties' representatives are required to appear before the Tribunal in their **robes**. The Tribunal always has some plain robes available should they be needed; the court usher at the hearing should be asked about this.

58. A few minutes **before** the start of the hearing, the parties' representatives are escorted by the court usher to the area to the rear of the courtroom to meet the judges hearing the case in order to settle arrangements for the conduct of the hearing.

59. Everyone present must stand when the members of the Tribunal enter the courtroom. The hearing then **begins** with the Registrar calling the case.

60. As the judges have perused the written observations, the parties' representatives are requested not to repeat in their oral arguments the content of the procedural documents exchanged, but to **concentrate** on the issues referred to in the preparatory report for the hearing and to answer the judges' questions. The same applies, where appropriate, to the parties themselves, if they have been asked to address the Tribunal. As the aim of the hearing is to clarify the issues of fact and of law required in order for judgment to

be given on the case, the conduct of the hearing must facilitate a dialogue between the judges and the parties and their representatives.

61. In any event, the parties' representatives have the opportunity to put forward an **opening argument**, for which the preparatory report for the hearing gives guidance as to the time allowed (normally **20 minutes**). That period does not include the time used to answer the questions put by the judges or to reply to the other party's oral submissions.

62. As the courtrooms are equipped with an automatic amplification system, each person addressing the Tribunal is requested to press the button on the **microphone** before starting to speak. The parties' representatives are likewise requested, when **citing** a court judgment, to give the number of the case cited, the names of the parties and the date of the judgment or order.

63. It must be borne in mind that **documents** must be lodged before the Tribunal during the written procedure. The Tribunal can accept documents submitted at the hearing only in very exceptional circumstances. The same rule applies to any evidence offered in support at the hearing. If applicable, it is prudent to bring sufficient copies.

D. **Specific features of simultaneous interpretation**

64. In cases in which simultaneous interpretation is required, parties' representatives are reminded that it is generally preferable to **speak freely** on the basis of notes rather than to read out a text. Likewise, a series of short sentences is preferable to a long, complicated construction.

65. If, however, oral submissions are prepared **in writing**, it is advisable when drafting the text to take account of the fact that it must be presented orally and should therefore resemble an oral address as closely as possible.

66. In order to facilitate **interpretation**, the parties' representatives are requested to send any written text or reference documents for their oral submissions, their notes or any other reference documents, to the interpreting department in advance, so that the interpreters may include it in their preparatory study of the file (Interpreting Directorate, fax number: (+352) 4303 3697; email address: interpret@curia.europa.eu). That text will not, of course, be forwarded to the other parties or to members of the bench.

E. **Amicable settlement**

67. At the request of the parties' representatives or on its own initiative, the Tribunal may decide to **suspend** the hearing for a short time where the parties' representatives wish to discuss a proposal for amicable settlement with their clients or with the other party's representative, if necessary before one or more judges. Should a discussion in camera be desired, a separate room can be made available. Any requests to this effect should be addressed to the Registrar or to the court usher.

F. **End of the hearing**

68. The presiding member of the bench announces the end of the hearing. The parties subsequently receive brief **minutes** of the hearing and are subsequently notified in writing of the next steps to be taken in the proceedings, in particular of the date of delivery of the judgment.

V. ENTRY INTO FORCE OF THESE DIRECTIONS

69. These Practice Directions shall be published in the *Official Journal of the European Union* and shall enter into force on the day following their publication.

70. The Practice Directions to Parties of 25 January 2008 (OJ 2008 L 69, p. 13) are hereby revoked and replaced by these Practice Directions.

71. For the assistance of the parties, the Registry of the Tribunal also makes various checklists and models available on the website www.curia.europa.eu.

Done at Luxembourg, 11 July 2012.

W. HAKENBERG
Registrar

S. VAN RAEPENBUSCH
President

ANNEX

GUIDE FOR LEGAL AID APPLICANTS AND COMPULSORY FORM

EUROPEAN UNION
CIVIL SERVICE TRIBUNAL

APPLICATION FOR LEGAL AID

GUIDE FOR APPLICANTS AND COMPULSORY FORM

I. GUIDE FOR LEGAL AID APPLICANTS [1]

A. **Legal background**

1. *Jurisdiction of the Tribunal*

Admissibility of actions before the Tribunal

Legal aid applicants should note the following provisions:

— Article 270 TFEU, applicable to the EAEC Treaty pursuant to Article 106a thereof, and Article 1 of Annex I to the Statute of the Court of Justice of the European Union, concerning the jurisdiction of the Tribunal;

— Articles 90 and 91 of the Staff Regulations, which specify a number of requirements as to the admissibility of actions before the Tribunal.

2. *Legal background in relation to legal aid*

The rules concerning legal aid are contained in the Rules of Procedure.

In particular, they provide as follows:

a. Requirements for the grant of legal aid

— Any natural person who, because of his financial situation, is wholly or partly unable to meet the costs involved in legal assistance and representation by a lawyer in proceedings before the Tribunal is to be entitled to legal aid (first subparagraph of Article 95(2) of the Rules of Procedure).

— The financial situation is to be assessed, taking into account objective factors such as income, capital and the family situation (second subparagraph of Article 95(2) of the Rules of Procedure).

— The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation (first subparagraph of Article 96(2) of the Rules of Procedure).

— An application for legal aid may be made before or after the action has been brought. The application need not be made through a lawyer (Article 96(1) of the Rules of Procedure).

— If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard (second subparagraph of Article 96(2) of the Rules of Procedure).

— Legal aid is to be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded (Article 95(3) of the Rules of Procedure).

[1] This guide is an integral part of the legal aid application form. The information which it contains is taken from the Rules of Procedure of the Civil Service Tribunal and the Practice Directions to Parties.

— If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned (Article 97(5) of the Rules of Procedure).

— The Tribunal may provide, in accordance with Article 120 of the Rules of Procedure, for the compulsory use of a form in making an application for legal aid (Article 96(3) of the Rules of Procedure). The Tribunal has taken the opportunity to do so in the Practice Directions to Parties.

b. Procedure

— If the person concerned has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar is to send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned, mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by that authority (second subparagraph of Article 97(3) of the Rules of Procedure).

— The introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action until the date of notification of the order making a decision on that application or, where that order does not designate a lawyer to represent the person concerned, until the date of notification of the order designating a lawyer to represent the applicant (Article 97(4) of the Rules of Procedure).

c. Partial legal aid

An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 95(1) of the Rules of Procedure, having regard to his financial situation (third subparagraph of Article 97(3) of the Rules of Procedure).

d. Responsibility for costs

— Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall fix the lawyer's disbursements and fees which are to be paid by the cashier of the Tribunal by way of a reasoned order from which no appeal shall lie (Article 98(2) of the Rules of Procedure).

— Where, in the decision closing the proceedings, the Tribunal has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the Tribunal any sums advanced by way of aid (Article 98(3) of the Rules of Procedure).

— Where the recipient of the aid is unsuccessful, the Tribunal may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the Tribunal by way of legal aid (Article 98(4) of the Rules of Procedure).

B. **Procedure for submission of an application for legal aid**

In accordance with point 47 of the Practice Directions to Parties, every application for legal aid must be submitted using the form below. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration.

As stated in point 49 of the Practice Directions to Parties, an application for legal aid lodged by means of e-Curia may be lodged only by the lawyer representing the party seeking legal aid.

In the case of transmission in paper format, dispatch of the original application may be preceded by dispatch by fax. The date on which the fax is sent will then be taken into account for the purposes of the suspension of the time-limit for bringing proceedings, provided that the original is received at the Tribunal within 10 days of dispatch of the fax.

The original of the application for legal aid must be signed by the applicant himself or by his lawyer, failing which the application will not be taken into consideration and the document will be returned. However, where the applicant's lawyer lodges the application for legal aid by means of e-Curia, the lawyer's signature is not required.

If the application for legal aid is submitted by the applicant's lawyer before the application initiating proceedings is lodged, the legal aid application must be accompanied by documents certifying that the lawyer is authorised to practise before a court of a Member State or of another State party to the EEA Agreement.

C. **Effect of proper lodging of an application for legal aid before the action has been brought**

Where an application for legal aid is properly lodged before the action has been brought, the period prescribed for the bringing of the action will be suspended until the date of notification of the order making a decision on that application or of the order designating a lawyer to represent the applicant for legal aid. Time for the purposes of bringing an action will not run, therefore, while the application for legal aid is being considered by the Tribunal. It is prudent to submit such an application in good time in order to ensure that the remaining period within which an action may be brought is not too short.

D. **Contents of the application for legal aid and supporting documents**

1. *Applicant's financial situation*

The application must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation.

Documents may include, for example:

— certificates issued by social security or unemployment benefit authorities;

— declarations of income or tax notices;

— salary slips;

— bank statements.

Sworn statements made and signed by the applicant himself are not sufficient proof that he is wholly or partly unable to meet the costs of the proceedings.

The information given on the form concerning the applicant's financial situation and the documents lodged in support of the information provided should give a complete picture of his financial situation.

Applicants should note that they should not confine themselves to providing the Tribunal with details of their resources; they should also provide the Tribunal with information which will enable the Tribunal to assess the capital held.

An application which does not establish to the requisite legal standard the applicant's inability to meet the costs of the proceedings will be rejected.

The applicant is required to notify the Tribunal at the earliest possible opportunity of any change in his financial situation which might justify the application of Article 97(5) of the Rules of Procedure, according to which, if the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned.

2. *Subject-matter of the proposed action, facts of the case and arguments in support of the action*

If the application for legal aid is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments which he intends to put forward in support of his action. The form includes a section for that purpose.

A copy of any supporting document that is relevant for the purposes of assessing whether the proposed action is admissible and well founded must be annexed to the form; for example:

— if applicable, the measure which the applicant seeks to have annulled;

— if applicable, the complaint within the meaning of Article 90(2) of the Staff Regulations and the decision responding to the complaint, together with the dates on which the complaint was submitted and the decision notified;

— if applicable, the request within the meaning of Article 90(1) of the Staff Regulations and the decision responding to the request, together with the dates on which the request was submitted and the decision notified;

— correspondence with the prospective defendant.

3. *Other useful information*

No original documents will be returned. The applicant is therefore advised to supply photocopies of supporting documents.

An application may not be supplemented by the subsequent lodging of addenda. Such addenda will be returned, unless they have been lodged at the request of the Tribunal. It is essential, therefore, to supply all necessary information on the form and to attach copies of any documentary proof of the information supplied. In exceptional cases, documents intended to establish that the legal aid applicant is wholly or partly unable to meet the costs of the proceedings may nevertheless be accepted subsequently, subject to the delay in their production being justified.

If the space available in any section of the form is insufficient, that section may be completed on a separate page attached to the application.

II. LEGAL AID APPLICATION FORM

APPLICATION FOR LEGAL AID

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

APPLICANT

Ms ☐	Mr ☐	
Surname (at birth):		
Married name, if applicable:		
Forename(s):		
Date of birth (dd / mm / yyyy): ...../...../.....		
Place of birth:		
Address:		
Postcode:	Town/City:	
Country:		
Telephone (optional):		
Fax (optional):		
Email (optional):		
Occupation or current position:		

PROPOSED ACTION

If this application for legal aid is made before an action has been brought, state the name of the party against whom you propose to bring the action:

Describe the subject-matter of the action which you wish to bring, the facts of the case and the arguments in support of the action:

APPLICANT'S FINANCIAL SITUATION

A. FINANCIAL RESOURCES

— The resources which will be taken into account are those which you have declared to the national authorities in respect of the period from 1 January to 31 December of last year (or the period in respect of which you are legally obliged to declare your resources) (Table 1).

— If there has been a significant change in your financial situation since last year, you are also required to specify your resources for the period from 1 January of this year (or from the beginning of the current financial period) until the date of your application (Table 2).

1. **Table 1: Resources in the reference period**

		Your resources	Resources of your spouse or cohabitee	Resources of any other person who normally lives with you (child or other dependant). Specify: .....
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is ticked, please provide details of means of support below:

2. **Table 2: Resources in the current financial period**

		Your resources	Resources of your spouse or cohabitee	Resources of any other person who normally lives with you (child or other dependant). Specify: .....
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is ticked, please provide details of means of support below:

B. CAPITAL

State the nature and value of any movable property (shares, liabilities, capital, etc.) and the address and value of any immovable property (buildings, land, etc.), including non-income-producing property, which you own:

C. OUTGOINGS

Complete the following table with details of persons who are dependent on you or who normally live with you (e.g. children):

Surname(s) and forename(s)	Relationship to you (e.g.: son, nephew, mother)	Date of birth (dd / mm / yyyy)
.....	.....	...../...../.....
.....	.....	...../...../.....
.....	.....	...../...../.....
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State the amount(s) of any maintenance payments which you make to third parties:

State the amount of rent payable on your main residence or the amount of any repayments which you make to banks or other banking institutions under the terms of any loan incurred for the purpose of acquiring your main residence:

D. MISCELLANEOUS

In the following section you may include any additional information about your circumstances – resources or outgoings (e.g.: repayments of loans other than those incurred for the purpose of acquiring your main residence, etc.):

PROPOSED LEGAL REPRESENTATION

You may indicate to the Tribunal the name of a lawyer who will represent you, by completing the following section.

If you do not complete the following section, the Tribunal will invoke the second subparagraph of Article 97(3) of its Rules of Procedure, which provides that the lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by the competent authority of the Member State concerned, mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice.

Title (e.g. Maître) and name:	
Address:	
Postcode:	Town/City: .....
Country:	
Telephone:	
Fax (optional):	
Email (optional):	

SOLEMN DECLARATION

I, the undersigned, hereby declare that the information given in this application for legal aid is correct and complete:

Date: ...../...../.....	Signature of the applicant/applicant's lawyer:

LIST OF SUPPORTING DOCUMENTS

Supporting documents to enable your financial situation to be assessed:

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If the action has not yet been brought, supporting documents relevant for the purposes of assessing whether the proposed action is admissible and well founded:

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Criteria for the assignment of cases to Chambers

(2011/C 311/04)

On 10 October 2011, in accordance with Article 4 of Annex I to the Statute of the Court of Justice and Article 12 of the Rules of Procedure, the Tribunal decided to assign cases, as soon as the application has been lodged, to the First, Second and Third Chambers in turn depending on the order in which they are lodged at the Registry and without prejudice to Articles 13, 14 and 46(2) of the Rules of Procedure.

The President of the Tribunal may derogate from the above rules on assignment for reasons of connections between cases and to ensure a balanced and coherent workload within the Tribunal.

COURT OF JUSTICE

DECISION OF THE PRESIDENT OF THE COURT OF JUSTICE RECORDING THAT THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL HAS BEEN CONSTITUTED IN ACCORDANCE WITH LAW

THE PRESIDENT OF THE COURT OF JUSTICE,

Having regard to Article 225a of the Treaty establishing the European Community,

Having regard to Article 140b of the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal ([1]), and in particular Article 4 thereof,

Whereas

(1) The Judges of the Civil Service Tribunal appointed by Council Decision 2005/577/EC, Euratom of 22 July 2005 appointing Judges of the European Union Civil Service Tribunal ([2]) have taken oath before the Court of Justice.

(2) In accordance with Article 3 of Decision 2005/577/EC, Euratom, for the purposes of appointing the first President of the Civil Service Tribunal, the procedure laid down in Article 4(1) of Annex I to the Statute of the Court of Justice is to apply.

(3) Following that procedure the Judges of the Civil Service Tribunal have appointed the President of that Tribunal.

(4) The Civil Service Tribunal has appointed its Registrar who has taken the oath provided for.

(5) The Civil Service Tribunal is accordingly in a position to carry out the judicial duties entrusted to it,

([1]) OJ L 333, 9.11.2004, p. 7.

([2]) OJ L 197, 28.7.2005, p. 28.

DECLARES

That the Civil Service Tribunal is duly constituted;

And that Article 1 of Annex I to the Protocol on the Statute of the Court of Justice shall enter into force on the day of the publication of this decision in the *Official Journal of the European Union*.

Done at Luxembourg, 2 December 2005.

The President of the Court

Version 10/2012

Model Application *

Sent by means of e-Curia / Sent in paper format [where relevant: previously sent by fax]

[Place], [Date]

TO THE PRESIDENT AND MEMBERS
OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

APPLICATION

submitted, pursuant to Article 270 TFEU and to Article 91 of the Staff Regulations of Officials of the European Union,

by

Mr/Ms [first name and SURNAME], official [or: member of the temporary/contract/auxiliary staff/retired, …] of the [Institution/Agency] [or: candidate in EPSO competition ……], residing at [town, country],

represented by [first name and SURNAME of lawyer(s)], whose business address is [name and address of chambers or practice, including telephone and fax numbers, and email address], *only where the application is sent in paper format:* who will accept service of procedural documents by fax at: [fax number] / by means of e-Curia

– applicant –

v

[defendant Institution/Agency, including address]

– defendant –

for annulment of the decision … [briefly describe the subject-matter of the application]

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* N.B. : This model, the use of which is not compulsory, is intended as a drafting guide. For any additional information, please refer to the Tribunal's Rules of Procedure, the Instructions to the Registrar of the Tribunal, and the Practice Directions to parties on proceedings before the Civil Service Tribunal. See also the Application Checklist.

I. INTRODUCTION

1. The applicant is an official of …

2. The applicant seeks, in essence, …

II. LEGAL BACKGROUND

3.

III. STATEMENT OF THE FACTS GIVING RISE TO THE ACTION

4.

IV. ADMISSIBILITY [*indicate the various stages of the pre-litigation procedure*]

5.

V. LAW

6.

7.

FIRST PLEA IN LAW, ALLEGING …

8.

9.

SECOND PLEA IN LAW, ALLEGING …

10.

11.

VI. FORM OF ORDER SOUGHT

12. For the reasons set out above, the applicant claims that the European Union Civil Service Tribunal should:

(1) annul the decision …;

(2) [form of order sought as to costs].

[*If transmitted in paper format:* signature(s) of lawyer(s) (handwritten and legible); *if transmitted by means of e-Curia*: no signature required]

Summary of the application

brought by Mr / Ms X against institution Y on (date)

[See point 16 of the Practice Directions to parties – This summary must be submitted in the form of a separate document produced using word-processing software, and sent by email to tfp.greffe@curia.europa.eu]

Membership of Bar/Law Society

Schedule of annexes

to the application brought by Mr / Ms X against institution Y on …

No	Description of document	Language	Page reference and paragraph number in the pleading where the annex is mentioned	Total number of pages of each annex (excluding dividers)	Page reference (within consecutively numbered documents) for first page of annex
A. 1	Contested decision of the appointing authority/ authority authorised to conclude contracts, received by the applicant on …		p. 2, para. 3	5	p. 27
A. 2	Complaint lodged on ….		p. 5, para. 15	6	p. 32
A. 3	Decision rejecting the complaint, received on …		p. 7, para. 17	7	p. 38
etc.					

Version 10/2012

Checklist: Application *

General information:

☐ **Transmission to the Tribunal:**

- **either electronically only, by means of e-Curia:** using an access account with a username and secure password (for details see www.curia.europa.eu); no need for paper copies;
- **or in paper format:** address for any postal communication: European Union Civil Service Tribunal, Court of Justice of the EU, rue du Fort Niedergrünewald, L-2925 Luxembourg. For lodging of documents by hand during the Registry's opening hours (09.00 hrs to midday and 14.30 hrs to 16.30 hrs, Monday to Friday; closed on Friday afternoons during the judicial vacations), note that the Tribunal is located at: ALLEGRO Building, 35A Avenue J.F. Kennedy, L-1855 Luxembourg. Outside the Registry's opening hours, documents can be lodged at any time of day or night with the janitors of the Court buildings in rue du Fort Niedergrünewald.

  With this method of transmission: possibility of **prior dispatch of the application by fax** in order to comply with the time-limit, provided that the unaltered original is received at the Registry no later than 10 days after the fax has been dispatched.

  With this method of transmission: **paper copies required,** i.e. **seven** complete paper sets of the **application** and all **annexes**; first page of each set to be endorsed 'certified copy' and signed/initialled by the lawyer.

☐ **Length of the application: in principle, not to exceed 30 pages** (excluding annexes). If that limit is exceeded, the Tribunal will request that the irregularity be made good.

☐ **Pagination:** the pages of the application and annexes together, to be numbered consecutively in the top right-hand corner.

☐ **Language of the case:** language in which the whole application has been drawn up, without exception.

First page of the application:

☐ **Applicant:** name (Mr/Ms) – post held – address (town, country). If the application is lodged by 10 or more applicants, a document produced using word-processing software and containing a list of all applicants to be sent to the Registry by email (tfp.greffe@curia.europa.eu).

☐ **Defendant:** name and address of the defendant institution or agency to be specified.

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* N.B.: The checklists are practical guides and are not exhaustive. For further information, please refer to the Tribunal's Rules of Procedure, the Instructions to the Registrar of the Tribunal, and the Practice Directions to parties on proceedings before the Tribunal. See also the model application.

☐ **Lawyer:** status – name – chambers or practice – address and, preferably, telephone and fax numbers, email address.

☐ **Where the application is transmitted in paper format: indication in the application of the preferred method of transmission of documents by the Tribunal:** fax (state fax number), e-Curia, or registered post with a form for acknowledgment of receipt to the lawyer's address, in which case service is deemed to have been effected by the lodging of the letter at the post office in Luxembourg. If no indication is given, the postal method will be used.

Where the application is transmitted by means of e-Curia: no such indication required; the Tribunal will, in turn, use the same means of transmission. Service is then effected when access to the document is obtained via e-Curia, failing which, it is deemed to have been effected on the expiry of the seventh day following the day on which the notification email was sent.

Structure of the application:

☐ **Subject-matter of the dispute:** brief description of the subject-matter of the application.

☐ **Structured presentation:** legal background – facts – admissibility – substance of the case, presenting and clarifying the various pleas in law individually (see model application).

☐ **Numbered paragraphs.**

☐ **Form of order sought (and heads of claim numbered) at the beginning or end.**

☐ **Where the application is transmitted in paper format: signature of the lawyer (handwritten and legible)** at the end of the document (no stamp, photocopy, etc. or signature by proxy). In the case of multiple representatives, the signature of one representative is sufficient.

Where the application is transmitted by means of e-Curia, no signature required; electronic transmission constitutes the signature.

Mandatory annexes:

☐ **Summary** of the pleas in law and main arguments (1 to 2 pages) to facilitate drafting of notice for the *Official Journal of the European Union* and for reproduction on the website www.curia.europa.eu. At the same time, to be sent by email, in a document produced using word-processing software, to tfp.greffe@curia.europa.eu.

☐ Document certifying **the lawyer's membership of a Bar or Law Society.**

☐ **The contested measure.**

☐ **Complaint** pursuant to Article 90(2) of the **Staff Regulations of Officials of the EU**, stating the date on which it was lodged.

☐ Either the decision **expressly rejecting** the complaint, stating the date of notification, or information about its **implied rejection.**

Other annexes:

☐ **Rigorous selection** of relevant documents; documents must be **legible.**

☐ **Preceded by a schedule of annexes** (see model application).

☐ Submission, if more than three annexes, with **dividers.**

☐ All annexes to be in the **language of the case** (with translations, where necessary): exceptions must be requested and duly justified to the Tribunal. Documents in English or French normally accepted, unless opposed by the other party or the Tribunal decides otherwise.

☐ Where appropriate, by separate document, a duly reasoned **application for anonymity** (see Article 44(4) of the Rules of Procedure).

Version 10/2012

Checklist: Defence *

General information:

☐ **Transmission to the Tribunal:**

- **either electronically only, by means of e-Curia:** using an access account with a username and secure password (for details see www.curia.europa.eu); no need for paper copies;

- **or in paper format:** address for any postal communication: European Union Civil Service Tribunal, Court of Justice of the EU, rue du Fort Niedergrünewald, L-2925 Luxembourg. For lodging of documents by hand during the Registry's opening hours (09.00 hrs to midday and 14.30 hrs to 16.30 hrs, Monday to Friday; closed on Friday afternoons during the judicial vacations), note that the Tribunal is located at: ALLEGRO Building, 35A Avenue J.F. Kennedy, L-1855 Luxembourg. Outside the Registry's opening hours, documents can be lodged at any time of day or night with the janitors of the Court buildings in rue du Fort Niedergrünewald.

  With this method of transmission: possibility of **prior dispatch of the defence by fax** in order to comply with the time-limit, provided that the unaltered original is received at the Registry no later than 10 days after the fax has been dispatched.

  With this method of transmission: **paper copies required,** i.e. **seven** complete paper sets of the **defence** and all **annexes**; first page of each set to be endorsed 'certified copy' and signed/initialled by the representative.

☐ **Length of the defence: in principle, not to exceed 30 pages** (excluding annexes). If that limit is exceeded, the Tribunal will request that the irregularity be made good.

☐ **Pagination:** the pages of the defence and annexes together, to be numbered consecutively in the top right-hand corner.

☐ **Language of the case:** defined by the application; it cannot be changed by the defendant. The entire defence must, without exception, be drawn up in that language.

☐ **Where the language of the case is a language other than French:** the Tribunal is to be sent a translation into French of any procedural document (pursuant to Article 34(2) of the Rules of Procedure) at the same time as the original is transmitted in the language of the case, or within the time-limits laid down by the Registry; address: tfp.trad@curia.europa.eu.

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* N.B.: The checklists are practical guides and are not exhaustive. For further information, please refer to the Tribunal's Rules of Procedure, the Instructions to the Registrar of the Tribunal, and the Practice Directions to parties on proceedings before the Tribunal.

First page of the defence:

☐ **Case-number in the list and names of the parties**

☐ **Representative(s) of the defendant**: status – name – address and, preferably, telephone and fax numbers, email address.

☐ **Where the defence is transmitted in paper format: indication of the preferred method of transmission of documents by the Tribunal:** courier (to an address in Luxembourg only), fax (state fax number), e-Curia, or registered post with a form for acknowledgment of receipt to the institution's address, in which case service is deemed to have been effected by the lodging of the letter at the post office in Luxembourg. If no indication is given, the postal method will be used.

Where the defence is transmitted by means of e-Curia: no such indication required; the Tribunal will, in turn, use the same means of transmission. Service is then effected when access to the document is obtained via e-Curia, failing which, it is deemed to have been effected on the expiry of the seventh day following the day on which the notification email was sent.

Structure of the defence:

☐ **Structured presentation**: legal background – facts (state clearly whether any facts included in the application are disputed) – substance of the case, presenting and clarifying the various pleas in law individually.

☐ **Numbered paragraphs.**

☐ **Form of order sought (and heads of claim numbered) at the beginning or end.**

☐ **Where the defence is transmitted in paper format: signature of the representative (handwritten and legible)** at the end of the document (no stamp, photocopy, etc. or signature by proxy). In the case of multiple representatives, the signature of one representative is sufficient.

Where the defence is transmitted by means of e-Curia, no signature required; electronic transmission constitutes the signature.

Mandatory annexes:

☐ **Authority given to the agent representing the defendant** (Article 19(1) of the Statute of the Court of Justice), if not **previously** notified.

☐ Where the agent is assisted by a lawyer: **authority** (see above) and document certifying his **membership of a Bar or Law Society**.

Other annexes:

☐ **Rigorous selection** of relevant documents; documents must be **legible.**

☐ **Preceded by a schedule of annexes** (see, *mutatis mutandis*, model application).

☐ Submission, if more than three annexes, with **dividers.**

☐ All annexes to be in the **language of the case** (with translations, where necessary): exceptions must be requested and duly justified to the Tribunal. Documents in English or French normally accepted, unless opposed by the other party or the Tribunal decides otherwise.

Version 10/2012

Checklist: Hearing of oral argument *

Before the hearing:

☐ **Notice to attend the hearing:** sent by the Registry of the Civil Service Tribunal a few weeks before the hearing.

☐ **General diary of hearings before the Tribunal**: available on the website www.curia.europa.eu under 'Calendar'.

☐ **Preparation of oral argument:** dependent on the information contained in the **preparatory report for the hearing,** sent to the parties' representatives by the Registry at the same time as the notice to attend the hearing or at a later stage.

☐ **Warn** the Registry of any **delay** or possible difficulty in relation to the attendance of a party's representative or of other persons summoned to the hearing (telephone: (+352) 43 03 44 51; fax: (+352) 43 03 44 53; email: tfp.greffe@curia.europa.eu); ensure that the Registry has **appropriate telephone numbers** to enable it to contact the parties' representatives. If a representative does not arrive in time for the hearing, it will proceed in his absence.

☐ **Location of the hearing:** stated in the notice to attend the hearing, **either the Allegro courtroom** (without technical interpretation facilities): ALLEGRO Building, 35A, Avenue J.F. Kennedy, 1st floor, L-1855 Luxembourg, or in a courtroom (with technical interpretation facilities) **in the buildings of the Court of Justice** of the EU – rue du Fort Niedergrünewald, L-2925 Luxembourg.

☐ **Map of the buildings and car parks:** can be found on the website www.curia.europa.eu under 'The Institution\Visiting the Court\Access map'.

Arrival at the hearing:

☐ **At least 15 minutes** before the scheduled time of the hearing; allow additional time for going through security.

☐ **Identity document including a photograph** to be shown to security staff.

☐ **Contact the court usher** who records attendance; inform him, if appropriate, of the presence of the applicant himself, members of the administration, etc.

☐ Approximately 5 to 10 minutes before the hearing begins, **the Judges** meet the parties' representatives in the judges' deliberation room (follow the court usher's directions).

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* N.B. : The checklists are practical guides and are not exhaustive. For further information, please refer to the Tribunal's Rules of Procedure, the Instructions to the Registrar of the Tribunal, and the Practice Directions to parties on proceedings before the Tribunal.

Conduct of the hearing:

☐ The parties' representatives **must** present **oral argument in their robes**; contact the court usher for spare robes.

☐ **The parties are seated** as follows, seen from the audience:

- table on the right: applicant's representative(s);
- table on the left: defendant's representative(s);
- table in the centre: if applicable, intervener's representative(s).

☐ Speakers must always use the **microphone**; it can be switched on and off using the red button at the base of the microphone.

☐ The use of **mobile telephones** or **laptops** is prohibited, as is the use of any electronic recording equipment.

☐ **Order of events** (save in special cases)**:**

- the President opens the hearing;
- if appropriate, delivery of judgments in other cases;
- the case in question is called by the Registrar;
- opening argument of the applicant's representative(s);
- opening argument of the defendant's representative(s);
- if appropriate, opening argument of the intervener's representative(s);
- if appropriate, replies to the Judges' questions;
- final reply of the applicant's representative(s);
- final reply of the defendant's representative(s);
- if appropriate, final reply of the intervener's representative(s);
- the President closes the hearing.

☐ **Time allowed for oral argument:** comply with the time allowed for opening argument indicated in the preparatory report for the hearing (normally 20 minutes for each party).

☐ **Aspects of oral argument:** concentrate on the aspects of oral argument indicated in the preparatory report for the hearing.

☐ **Lodging of documents** at the hearing: accepted by the Tribunal only in exceptional cases; please note that sufficient copies should be brought for all the Judges, the Registry and the other parties.

☐ **Interpreters:** if interpreters are expected to attend, any written text may be sent in advance to the interpreting department of the Court of Justice (the text will not be forwarded to the Tribunal), fax: (+352) 43 03 36 97; email: interpret@curia.europa.eu.

☐ **Amicable settlement:** if appropriate, obtain the authority to reach an amicable settlement at the hearing.

EUROPEAN UNION
CIVIL SERVICE TRIBUNAL

APPLICATION FOR LEGAL AID

GUIDE FOR APPLICANTS AND COMPULSORY FORM

I. GUIDE FOR LEGAL AID APPLICANTS [1]

A. Legal background

1. Jurisdiction of the Tribunal
Admissibility of actions before the Tribunal

Legal aid applicants should note the following provisions:

– Article 236 of the EC Treaty and Article 152 of the EAEC Treaty, and Article 1 of Annex I to the Statute of the Court of Justice, concerning the jurisdiction of the Tribunal;

– Articles 90 and 91 of the Staff Regulations, which specify a number of requirements as to the admissibility of actions before the Tribunal.

2. Legal background in relation to legal aid

The rules concerning legal aid are contained in the Rules of Procedure.

In particular, they provide as follows:

a. Requirements for the grant of legal aid

– Any natural person who, because of his financial situation, is wholly or partly unable to meet the costs involved in legal assistance and representation by a lawyer in proceedings before the Tribunal is to be entitled to legal aid (first subparagraph of Article 95(2) of the Rules of Procedure).

[1] This guide is an integral part of the legal aid application form. The information which it contains is taken from the Rules of Procedure of the Civil Service Tribunal and the Practice Directions to parties.

– The financial situation is to be assessed, taking into account objective factors such as income, capital and the family situation (second subparagraph of Article 95(2) of the Rules of Procedure).

– The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation (first subparagraph of Article 96(2) of the Rules of Procedure).

– An application for legal aid may be made before or after the action has been brought. The application need not be made through a lawyer (Article 96(1) of the Rules of Procedure).

– If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard (second subparagraph of Article 96(2) of the Rules of Procedure).

– Legal aid is to be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded (Article 95(3) of the Rules of Procedure).

– If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned (Article 97(5) of the Rules of Procedure).

– The Tribunal may provide, in accordance with Article 120 of the Rules of Procedure, for the compulsory use of a form in making an application for legal aid (Article 96(3) of the Rules of Procedure). The Tribunal has taken the opportunity to do so in the Practice Directions to parties.

b. Procedure

– If the person concerned has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar is to send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by that authority (second subparagraph of Article 97(3) of the Rules of Procedure).

– The introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action until the date of notification of the order making a decision on that application or, where that order does not designate a lawyer to represent the person concerned, until the date of notification of the order designating a lawyer to represent the applicant (Article 97(4) of the Rules of Procedure).

c. Partial legal aid

An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 95(1) of the Rules of Procedure, having regard to his financial situation (third subparagraph of Article 97(3) of the Rules of Procedure).

d. Responsibility for costs

– Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall fix the lawyer's disbursements and fees which are to be paid by the cashier of the Tribunal by way of a reasoned order from which no appeal shall lie (Article 98(2) of the Rules of Procedure).

– Where, in the decision closing the proceedings, the Tribunal has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the Tribunal any sums advanced by way of aid (Article 98(3) of the Rules of Procedure).

– Where the recipient of the aid is unsuccessful, the Tribunal may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the Tribunal by way of legal aid (Article 98(4) of the Rules of Procedure).

B. Procedure for submission of an application for legal aid

In accordance with point 42 of the Practice Directions to parties, every application for legal aid must be submitted using the form below. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration.

The application for legal aid may be lodged by fax or by email. An application lodged by either means will, however, be taken into consideration only upon receipt of the original at the Tribunal.

In the event of transmission by email, only a scanned copy of the signed original will be accepted.

The original of the application for legal aid must be signed by the applicant himself or by his lawyer, failing which the application will not be taken into consideration and the document will be returned.

If the application for legal aid is submitted by the applicant's lawyer before the application initiating proceedings is lodged, the legal aid application must be accompanied by documents certifying that the lawyer is authorised to practice before a court of a Member State or of another State party to the EEA Agreement.

C. Effect of proper lodging of an application for legal aid before the action has been brought

Where an application for legal aid is properly lodged before the action has been brought, the period prescribed for the bringing of the action will be suspended until the date of notification of the order making a decision on that application or of the order designating a lawyer to represent the applicant for legal aid. Time for bringing an action will not run, therefore, while the application for legal aid is being considered by the Tribunal.

If the original of the application for legal aid is received at the Registry of the Tribunal within a period of 10 days after the lodgment of that application by fax or email, the date of the lodgment by fax or email will be taken into account in the suspension of the time-limit for bringing an action.

If the original application for legal aid is received at the Tribunal more than 10 days after lodgment by fax or email, the date of such lodgment by fax or email will not be taken into consideration; it is the date of lodgment of the original application for legal aid that will be taken into account.

D. Contents of the application for legal aid and supporting documents

1. Applicant's financial situation

The application must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation.

Documents may include, for example:

– certificates issued by social security or unemployment benefit authorities;

– declarations of income or tax notices;

– salary slips;

– bank statements.

Sworn statements made and signed by the applicant himself are not sufficient proof that he is wholly or partly unable to meet the costs of the proceedings.

The information given on the form concerning the applicant's financial situation and the documents lodged in support of the information provided should give a complete picture of his financial situation.

Applicants should note that they should not confine themselves to providing the Tribunal with details of their resources; they should also provide the Tribunal with information which will enable the Tribunal to assess the capital held.

An application which does not establish to the requisite legal standard the applicant's inability to meet the costs of the proceedings will be rejected.

The applicant is required to notify the Tribunal at the earliest possible opportunity of any change in his financial situation which might justify the application of Article 97(5) of the Rules of Procedure, according to which, if the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, on his own motion or on application, withdraw legal aid, having heard the person concerned.

2. Subject-matter of the proposed action, facts of the case and arguments in support of the action

If the application for legal aid is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments which he intends to put forward in support of his action. The form includes a section for that purpose.

A copy of any supporting document that is relevant for the purposes of assessing whether the proposed action is admissible and well founded must be annexed to the form; for example:

– if applicable, the measure which the applicant seeks to have annulled;

– if applicable, the complaint within the meaning of Article 90(2) of the Staff Regulations and the decision responding to the complaint, together with the dates on which the complaint was submitted and the decision notified;

– if applicable, the request within the meaning of Article 90(1) of the Staff Regulations and the decision responding to the request, together with the dates on which the request was submitted and the decision notified;

– correspondence with the prospective defendant.

3. Other useful information

No original documents will be returned. The applicant is therefore advised to supply photocopies of supporting documents.

An application may not be supplemented by the subsequent lodging of addenda. Such addenda will be returned, unless they have been lodged at the request of the Tribunal. It is essential, therefore, to supply all necessary information on the form and to attach copies of any documentary proof of the information supplied. In exceptional cases, documents intended to establish that the legal aid applicant is wholly or partly unable to meet the costs of the proceedings may nevertheless be accepted subsequently, subject to the delay in their production being justified.

If the space available in any section of the form is insufficient, that section may be completed on a separate page attached to the application.

E. Address

The form may be downloaded at www.curia.europa.eu. It may also be requested from the Registry of the Civil Service Tribunal by email, post or telephone (see details below).

The duly completed and signed form, together with supporting documents, should be sent to the following address:

Registry of the Civil Service Tribunal
L-2925 Luxembourg

Tel.: (+352) 4303-1
Fax: (+352) 4303 4453
Email: tfp.greffe@curia.europa.eu

II. LEGAL AID APPLICATION FORM

APPLICATION FOR LEGAL AID

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

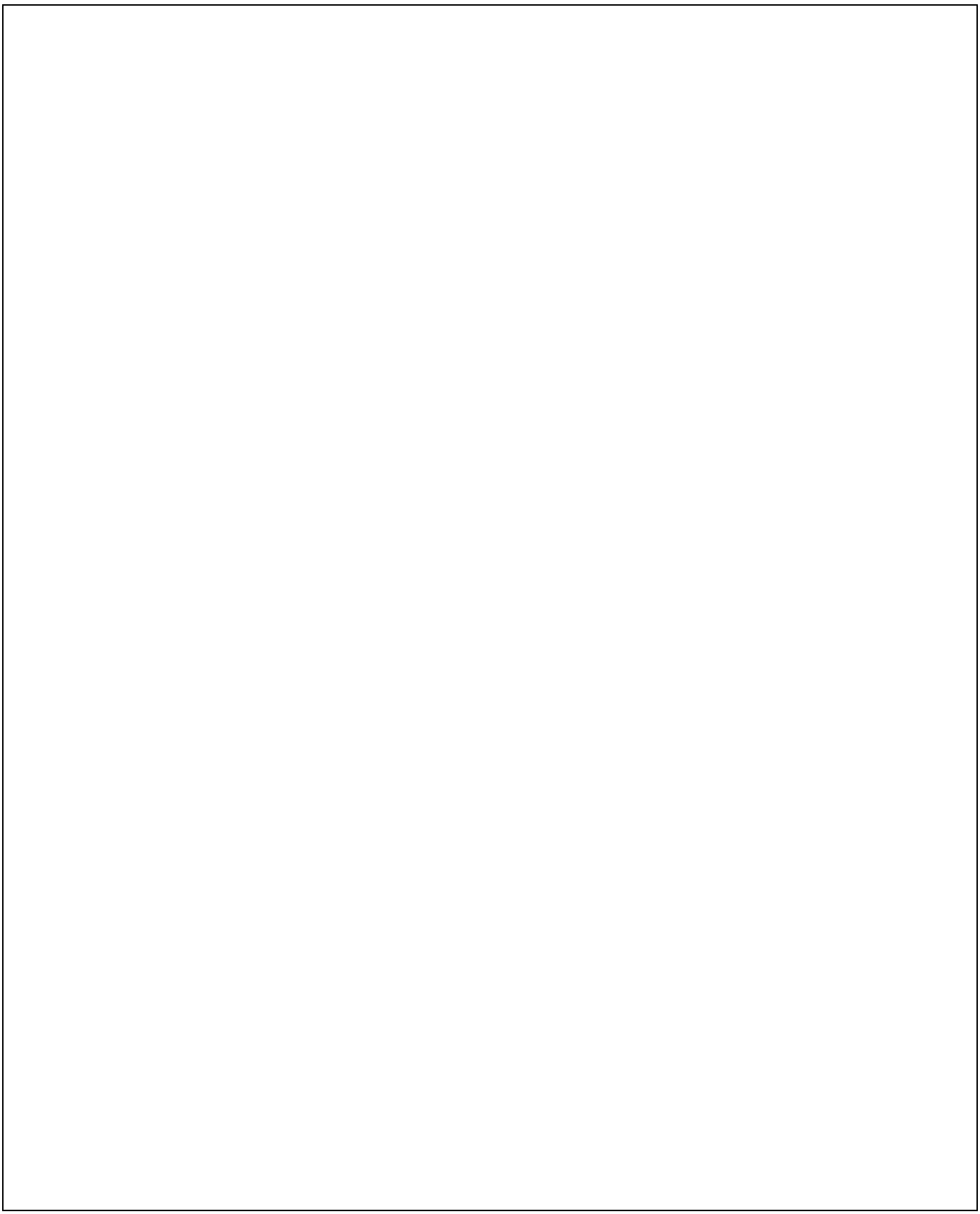
APPLICANT

Ms ☐	Mr ☐	
Surname (at birth):		
Married name, if applicable:		
First name(s):		
Date of birth (dd / mm / yyyy): .... / .... /		
Place of birth:		
Address:		
Postcode:	Town/City:	
Country:		
Telephone (optional):		
Fax (optional):		
Email (optional):		
Occupation or current position:		

PROPOSED ACTION

If this application for legal aid is made before an action has been brought, state the name of the party against whom you propose to bring the action:

Describe the subject-matter of the action which you wish to bring, the facts of the case and the arguments in support of the action:



APPLICANT'S FINANCIAL SITUATION

A. FINANCIAL RESOURCES

– The resources which will be taken into account are those which you have declared to the national authorities in respect of the period from 1 January to 31 December of last year (or the period in respect of which you are legally obliged to declare your resources) (Table 1).

– If there has been a significant change in your financial situation since last year, you are also required to specify your resources for the period from 1 January of this year (or from the beginning of the current financial period) until the date of your application (Table 2).

1. Table 1: Resources in the reference period

		Your resources	**Resources of your spouse or cohabitee**	**Resources of any other person who normally lives with you (child or other dependant). Specify:** ----------
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is marked, please provide details of means of support below:

2. Table 2: Resources in the current financial period

		Your resources	Resources of your spouse or cohabitee	Resources of any other person who normally lives with you (child or other dependant). Specify: ----------
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is marked, please provide details of means of support below:

B. CAPITAL

State the nature and value of any movable property (shares, liabilities, capital, etc.) and the address and value of any immovable property (buildings, land, etc.), including non-income-producing property, which you own:

C. OUTGOINGS

Complete the following table with details of persons who are dependent on you or who normally live with you (e.g. children):

Surname(s) and first name(s)	Relationship to you (e.g.: son, nephew, mother)	Date of birth (dd / mm / yyyy)
.....	.....	..../ ..../ .....
.....	.....	..../ ..../ .....
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State the amount(s) of any maintenance payments which you make to third parties:

State the amount of rent payable on your main residence or the amount of any repayments which you make to banks or other banking institutions under the terms of any loan incurred for the purpose of acquiring your main residence:

D. MISCELLANEOUS

In the following section you may include any additional information about your circumstances – resources or outgoings (e.g.: repayments of loans other than those incurred for the purpose of acquiring your main residence, etc.):

PROPOSED LEGAL REPRESENTATION

You may indicate to the Tribunal the name of a lawyer who will represent you, by completing the following section.

If you do not complete the following section, the Tribunal will invoke the second subparagraph of Article 97(3) of its Rules of Procedure, which provides that the lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by the competent authority of the Member State concerned mentioned in Annex II to the Rules supplementing the Rules of Procedure of the Court of Justice.

Title (e.g. Maître) and name:	
Address:	
Postcode:	Town/City: .....
Country:	
Telephone:	
Fax (optional):	
Email (optional):	

SOLEMN DECLARATION

I, the undersigned, hereby declare that the information given in this application for legal aid is correct and complete:

Date: ..... / ..... /	Signature of the applicant/applicant's lawyer:

LIST OF SUPPORTING DOCUMENTS

Supporting documents to enable your financial situation to be assessed:

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If the action has not yet been brought, supporting documents relevant for the purposes of assessing whether the proposed action is admissible and well founded:

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Summaries of applications

Point 1-A-11 of the Practice Directions to Parties, which entered into force on 01/05/2008, requires summaries of applications to be made available on a special page of the Curia Website.

Under those Directions, all applications must be accompanied by a summary of the dispute, intended to facilitate the drafting of the notice provided for by Article 37(2) of the Rules of Procedure, which will be prepared by the Registry. It should be noted that the posting of the summary on the Curia Website is not taken into account in the calculation of the time limit for the submission of an application to intervene, pursuant to Article 109(1) of the Rules of Procedure.

The summary,
- must not exceed two pages,
- must indicate clearly the case to which it relates, by identifying the parties,
- must be drafted in the language of the case (the language chosen for the application), and
- must also be sent in Word format to the following email address: tfp.greffe@curia.europa.eu

The summary of the case will be available in full in the language of the case via a link on the "Summaries of pending cases" page of this site, and the page will give the number of the case, the names of the parties and the subject matter of the case as determined by the Registry, to enable interested parties to search.

However, the Registry reserves the right to amend the summary if its content is not appropriate.

Advice to counsel appearing before the Court

The task of simultaneous interpreters in the multilingual environment of the Court of Justice of the European Union is to help you to communicate easily and fluently with the Judges and the other participants in the oral procedure. The interpreters prepare in advance for every hearing by studying the case-file in depth. However, it may be helpful to bear the following points in mind when pleading :

Reading out a written text at speed makes simultaneous interpretation into another language particularly difficult. The interpreters will be able to work much more effectively if you speak freely, at a natural and calm pace.

If you do decide to read out a written text which you have prepared, please send it if possible in advance to the Interpretation Directorate* by email. This will help the interpreters to prepare for the hearing. It goes without saying that :

your text will be used only by the interpreters and will not be communicated or disclosed to anyone else ;

at the hearing, only what you actually say when addressing the Court will be interpreted.

Even handwritten notes with references are helpful. You can always give a copy to the interpreters just before the hearing.

Please remember to quote citations, references, figures, names and acronyms clearly and slowly.

Before you speak, please remove your earphone, lower the volume, and place it away from the microphone in order to avoid any interference.

Turn off your mobile phone / PDA completely.

For more information you can consult the pages dealing with the oral procedure in the Notes for the guidance of Counsel for the Court of Justice and in the General Court Practice Directions to parties and in the Practice Directions to parties on judicial proceedings before the Civil Service Tribunal.

*Interpretation Directorate

Email: interpret@curia.europa.eu

Fax: +352/4303-3697

Telephone: +352/4303-1

Procedure - Chronology of amendments

Texts governing procedure

Amendment to the Rules of Procedure of the European Union Civil Service Tribunal, OJ 2009 L 24/10

Rules of Procedure of the European Union Civil Service Tribunal of 25 July 2007, OJ 2007 L 225/1

Notices in the Official Journal of the European Union

Council Decision of 18 January 2005 appointing members of the Committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice, OJ 2005 L 50/9

Public call for applications for the appointment of judges to the European Union Civil Service Tribunal, OJ 2010 C 163/13

Public call for applications for the appointment of a judge to the European Union Civil Service Tribunal, OJ 2009 C 53/15

Public call for applications for the appointment of judges to the European Union Civil Service Tribunal, OJ 2007 C 295/26

Public call for applications for the appointment of judges to the European Union Civil Service Tribunal, OJ 2005 C 47A/1

Election of the President of the Civil Service Tribunal, OJ 2008 C 272/2

Election of the President of the Civil Service Tribunal, OJ 2005 C 271/27

Designation of the judge to replace the President of the Tribunal for the purpose of dealing with applications for interim measures, OJ 2008 C 272/5

Designation of the judge to replace the President of the Tribunal for the purpose of dealing with applications for interim measures, OJ 2007 C 235/28

Designation of the judge to replace the President of the Tribunal for the purpose of dealing with applications for interim measures, OJ 2006 C 261/32

Designation of the judge to replace the President of the Tribunal for the purpose of dealing with applications for interim measures, OJ 2005 C 322/17

Composition of the Chambers and attachment of the Judges to Chambers, OJ 2008 C 272/3

Constitution and composition of the Chambers, election of their Presidents and attachment of the Judges to Chambers, OJ 2005 C 322/16

Criteria for the assignment of cases to chambers, OJ 2008 C 272/4

Criteria for the assignment of cases to chambers, OJ 2007 C 235/28

Criteria for the assignment of cases to chambers, OJ 2006 C 261/32

Decision No 1/2006 of the Tribunal adopted at the meeting of the full Tribunal on 15 February 2006 on the assignment of cases to Chambers, OJ 2006 C 108/30

Criteria for the assignment of cases to Chambers, OJ 2005 C 322/17