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CCBE

La Présidente
The President

Emmanuel Coulon
Registrar of the General Court
Rue du Fort Niedergriinewald
L-2925 LUXEMBOURG

Emmanuel.Coulon@curia.europa.eu

Brussels, 12 May 2015

Re: Practice Rules for the Implementation of the Rules of Procedure of the General Court

Dear Mr Coulon,

I am writing to you regarding your letter of 21 April concerning draft *'Practice Rules for the Implementation of the Rules of Procedure of the General Court*'. For various reasons and certain time restraints which we have already drawn to your attention, we have to limit our comments to certain parts of the draft Practice Rules (PR). Overall, our impression is that the PR faithfully apply the Rules of Procedure albeit that the Rules of Procedure themselves do not take account of many points raised by the CCBE when they were in draft. To take one example, our view is that complex cases would benefit from active case management which has not been introduced and yet has been tried and tested to good effect in certain national courts. We hope that there can continue to be a dialogue on the issues raised in the CCBE comments on the draft Rules of Procedure which the Court did not feel able to introduce in the Rules of Procedure at this time.

We would also like to discuss with the Court how the Practice Rules will be applied (whether they will be applied in a soft, moderate or strict fashion). This is an important point for the CCBE as the purpose of case management decisions to ensure efficient progress of the case must be balanced against the risk of injustice if there were an excessively strict application of procedural rules. This is a matter which the CCBE would like to return to during the next meeting with the Court.

Comments:

- There is a limitation of the maximum number of pages regarding the appeal cases in point 117 with a notice (similar to the one in the draft Rules of Procedure) that the authorisation to exceed those maximum lengths will be given only in cases involving particularly complex legal or factual issues (point 118 of PR). However, in case of the reply and the rejoinder in appeal cases the maximum length in the PR is 10 pages instead of 15 pages in the Practice Directions currently in force (point 15).
- In point 183 there is a rule that the parties shall be given notice to attend the hearing by the Registry no later than one month before it takes place (there does not appear to be a similar rule in the Practice Directions currently in force). The practice of the Court has been frequently to give longer notice than this which assists all parties.

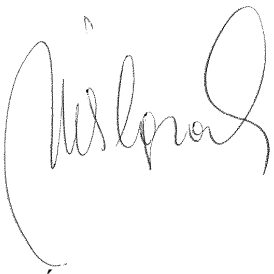
Lawyers are frequently involved in other cases, almost all of which are fixed more than one month in advance. The Registry would be encouraged to provide maximum notice and to rely upon the one month period only for cases fixed at short notice.

- Regarding the points on confidentiality, the CCBE is concerned that, although what is in the Rules appears reasonable, dealing with confidentiality is currently a cumbersome and time-consuming process in which the case often remains blocked for periods of time. Again the cases where confidentiality presents real issues should in our view be the subject of active case management.

- Regarding the hearing before the General Court, the CCBE understands that, with regard to the revised Rules of Procedure, the hearing is no longer automatic but that it must be requested by the parties within three weeks of the notice of the close of the written procedure (before this rule applied only to IP cases and appeals and in other cases there was automatically a hearing). This change was somewhat acceptable as Article 106 of the Rules of Procedure specify that as long as a request with "*reasons* " is made, the parties have a right to a hearing. However, the CCBE observes that, from reading the proposed Practice Rules, this seems to be less automatic than the provision in the Rules of Procedure. The CCBE would therefore propose to delete the last two sentences of Section 179.

We hope our comments are of assistance.

Yours sincerely,



Maria Ślązak
CCBE President

PRACTICE RULES FOR THE IMPLEMENTATION OF THE RULES OF PROCEDURE OF THE GENERAL COURT

THE GENERAL COURT,

Having regard to Article 224 of its Rules of Procedure,

[Recitals to be added]

HAS ADOPTED THESE PRACTICE RULES:

I. THE REGISTRY

A. Tasks of the Registrar

1. The Registrar shall be responsible for the maintenance of the register of the General Court ('the Court') and the files of pending cases, for the acceptance, transmission, service and custody of documents, for correspondence with the parties, applicants for leave to intervene and applicants for legal aid, and for the custody of the seals of the Court. He shall ensure that Registry charges are collected and that sums due to the cashier of the Court are recovered. He shall be in charge of the publications of the Court and of the dissemination on the Internet site of the Court of Justice of the European Union of documents concerning the Court.

2. In carrying out the duties specified in point 1 above, the Registrar shall be assisted by one or more Deputy Registrars. If the Registrar is prevented from acting, those duties shall be performed by one of the Deputy Registrars, according to seniority, who shall take the decisions reserved to the Registrar by the Rules of Procedure of the General Court or these Practice Rules, or delegated to him pursuant to these Practice Rules.

B. Opening hours of the Registry

3. 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 58(3) of the Rules of Procedure shall be working days.

4. If a working day as referred to in the previous point 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.

5. 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.

6. The Registry shall be open half an hour before the commencement of a hearing to the representatives of the parties who have been given notice to attend that hearing.

7. Outside the Registry's opening hours, procedural documents may be validly lodged with the janitor at the entrances to the buildings of the Court of Justice of the European Union 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.

C. Register

8. All documents placed on the file in cases brought before the Court shall be entered in the register.

9. Information or material produced pursuant to Article 105(1) or (2) of the Rules of Procedure, the treatment of which shall be governed by the decision adopted by the Court under Article 105(11) of the Rules of Procedure, shall also be entered in the register.

10. 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.

11. 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 the original entry is preserved.

12. The registration number of every document issued by the Court shall be noted on its first page.

13. The note of the registration, including the registration number, the date of lodgment 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, [1] as well as on every copy which is served on them. This note shall be made in the language of the case.

14. For the purposes of establishing the date of lodgment referred to in point 13 above, the following dates shall be taken into account, depending on the circumstances: the date

[1] 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) ('the decision of the Court of 14 September 2011').

on which the procedural document was received by the Registry, the date referred to in Article 5 of the decision of the Court of 14 September 2011, the date referred to in point 7 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 in Article 8(1) of the Annex 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 Civil Service Tribunal.

D. Case number

15. 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.

16. Applications for interim measures, applications to intervene, applications for rectification or interpretation, applications for the Court to remedy a failure to adjudicate, applications for revision, applications for the Court 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.

17. 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.

18. An action which is preceded by an application for legal aid in connection therewith shall be given the same case number as the latter.

19. Where the Court of Justice refers a case back to the Court following the setting aside or review of a decision, that case shall be given the number previously allocated to it when it was before the Court, followed by a specific reference.

20. 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 66 of the Rules of Procedure, in the publications of the Court and in the documents of the Court on the Internet site of the Court of Justice of the European Union.

E. Case-file and inspection of the case-file

E.1. Maintenance of the case-file

21. The case-file shall contain: the procedural documents (where applicable together with the annexes thereto) which will be taken into account in the determination of the case, bearing the note referred to in point 13 above, signed by the Registrar; the

correspondence with the parties; where applicable, the report for the hearing, minutes of the hearing and minutes of the inquiry hearing, and the decisions taken in the case.

22. The documents placed on the case-file shall be given a serial number.

23. The confidential and non-confidential versions of procedural documents and of the annexes thereto shall be filed separately in the case-file.

24. Documents relating to the special forms of procedure referred to in point 16 above shall be filed separately in the case-file.

25. A procedural document and annexes thereto which are 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.

26. At the close of the proceedings before the Court, the Registry shall arrange for the case-file to be closed and archived. The closed file shall contain a list of all the documents on the case-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.

27. The treatment of information or material produced pursuant to Article 105(1) or (2) of the Rules of Procedure shall be governed by the decision adopted by the Court under Article 105(11) of the Rules of Procedure.

E.2. Inspection of the case-file

28. The representatives of the main parties to a case before the Court may inspect the case-file, including administrative files produced before the Court, at the Registry and may request copies of procedural documents or extracts of the case-file and of the register.

29. The representatives of the parties granted leave to intervene pursuant to Article 144 of the Rules of Procedure shall have the same right of inspection of the case-file as the main parties, subject to Article 144(5) and (7) of the Rules of Procedure.

30. In joined cases, the representatives of all parties shall have the right to inspect the files in the cases concerned by the joinder, subject to Article 68(4) of the Rules of Procedure.

31. Any person having made an application for legal aid pursuant to Article 147 of the Rules of Procedure without the assistance of a lawyer shall have the right to inspect the file relating to the legal aid.

32. Authorisation to inspect the confidential version of procedural documents and of any annexes thereto shall be granted only to the parties in respect of whom no confidential treatment has been ordered.

F. Originals of judgments and orders

33. 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.

34. At the parties' request, the Registrar shall supply them with a copy of the original of a judgment or of an order, if necessary in a non-confidential version.

35. The Registrar may supply uncertified copies of judgments and orders to third parties who so request, provided that those decisions are not already publicly accessible and do not contain confidential information.

36. Orders rectifying a judgment or an order, judgments or orders interpreting a judgment or an order, judgments given on applications to set aside judgments by default, judgments given and orders made in third-party proceedings or on applications for revision and judgments or orders of 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.

G. Translations

37. The Registrar shall, in accordance with Article 47 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 45(1) 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 44 of the Rules of Procedure, is necessary, the Registrar shall also arrange for such a translation to be made.

H. Witnesses and experts

38. The Registrar shall take the measures necessary for giving effect to orders requiring the taking of expert opinion or the examination of witnesses.

39. 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.

40. The Registrar shall cause sums due to witnesses and experts under the Rules of Procedure to be paid by the cashier of the Court. 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.

I. Registry's scale of charges

41. Where an extract from the register is supplied in accordance with Article 37 of the Rules of Procedure, 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.

42. Where a copy of a procedural document or an extract from the case-file is supplied to a party on paper at his request in accordance with Article 38(1) of the Rules of Procedure, 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.

43. Where an authenticated copy of an order or of a judgment is, for the purposes of enforcement, supplied to a party at his request in accordance with Article 38(1) or Article 170 of the Rules of Procedure, the Registrar shall impose a Registry charge of EUR 3.50 per page.

44. Where an uncertified copy of a judgment or of an order is supplied in accordance with point 35 above to a third party at his request, the Registrar shall impose a Registry charge of EUR 2.50 per page.

45. Where, at the request of a party, the Registrar arranges for a procedural document or an extract from the case-file to be translated, the size of which is considered in accordance with Article 139(b) of the Rules of Procedure to be excessive, a Registry charge of EUR 1.25 per line shall be imposed.

46. Where a party or an applicant for leave to intervene has repeatedly failed to comply with the requirements of the Rules of Procedure or of these Practice Rules, the Registrar shall impose a Registry charge, in accordance with Article 139(c) of the Rules of Procedure, which may not exceed EUR 7 000 (2 000 times the charge of EUR 3.50 referred to in points 41 to 43 above).

J. Recovery of sums

47. Where sums paid out by way of legal aid, sums paid to witnesses or experts, or avoidable costs, within the meaning of Article 139(a) of the Rules of Procedure, incurred by the Court are recoverable by the cashier of the Court, the Registrar shall demand payment of those sums from the party who is to bear them.

48. If the sums referred to in point 47 above are not paid within the period prescribed by the Registrar, he may request the Court to make an enforceable order and, if necessary, require its enforcement.

49. Where Registry charges are recoverable by the cashier of the Court, the Registrar shall demand payment of those sums from the party or the third party who is to bear them.

50. If the sums referred to in point 49 above are not paid within the period prescribed by the Registrar, he may adopt an enforceable decision under Article 35(4) of the Rules of Procedure and, if necessary, require its enforcement.

K. Publications and posting of documents on the Internet

51. The Registrar shall cause to be published in the *Official Journal of the European Union* the names of the President and of the Vice-President of the Court and of the Presidents of Chambers who have been elected by the Court, the composition of the Chambers and the criteria applied in the allocation of cases to them, the criteria applied in order to complete the formation of the Court or to attain the quorum, as the case may be, where a member of the formation of the Court is prevented from acting, the name of the Registrar and of any Deputy Registrar(s) elected by the Court, and the dates of the judicial vacations.

52. The Registrar shall cause to be published in the *Official Journal of the European Union* the decisions referred to in Article 11(3), Article 57(4), Article 74 and Article 105(11) of the Rules of Procedure.

53. The Registrar shall cause to be published in the *Official Journal of the European Union* the legal aid form.

54. The Registrar shall cause to be published in the *Official Journal of the European Union* notices of proceedings brought and of decisions closing proceedings, save in the case of decisions closing proceedings adopted before the application has been served on the defendant.

55. The Registrar shall ensure that the case-law of the Court is made public in accordance with arrangements adopted by the Court. Information concerning those arrangements shall be available on the Internet site of the Court of Justice of the European Union.

II. GENERAL PROVISIONS ON PROCEDURES FOR DEALING WITH CASES

A. Service

56. Service shall be effected by the Registry in accordance with Article 57 of the Rules of Procedure.

57. The copy of the document to be served shall be accompanied by a letter specifying the case number, the register number and a brief indication of the nature of the document.

58. Where a document is served in accordance with Article 57(2) of the Rules of Procedure, the addressee shall be informed of such service by the transmission by e-Curia or by fax of a copy of the letter accompanying the document to be served and drawing his attention to the provisions of Article 57(2) of the Rules of Procedure.

59. The proof of service shall be kept on the case-file.

60. Where, owing to its size, only one copy of the full version of an annex to a procedural document is produced in accordance with Article 72(4) of the Rules of Procedure, the Registrar shall inform the parties accordingly and indicate to them that the item is available to them at the Registry for inspection.

61. If service of the application on the defendant is attempted unsuccessfully, the Registrar shall prescribe a time-limit within which the applicant is to supply a new address for service or to ask whether the applicant will agree to use, at his own expense, the services of a judicial officer for the purpose of re-serving the application.

B. Time-limits

62. As regards Article 58(1)(a) and (b) of the Rules of Procedure, where a time-limit is expressed in weeks, months or years, it shall expire at the end of the day which, in the last week, month or year indicated in the time-limit, is the same day of the week, or falls on the same date, as the day on which the time-limit began to run, that is the day on which the event which started time running occurred, or the action which started time running took place, and not the following day.

63. 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.

64. In accordance with Article 62 of the Rules of Procedure, procedural documents or items received at the Registry after the time-limit prescribed for their lodgment has expired may be accepted only with the authorisation of the President.

65. 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 time-limit prescribed.

66. A time-limit may not be extended more than once save for exceptional reasons.

C. Anonymity

67. Where a party considers that his identity should not be made public in a case brought before the Court, he may request, pursuant to Article 66 of the Rules of Procedure, that the Court 'anonymise' the relevant case, in whole or in part.

68. The application for anonymity must be made by a separate document stating appropriate reasons.

69. In order to ensure that anonymity is preserved, it is recommended that the application be made at the outset of the proceedings. On account of the dissemination of information concerning the case on the Internet, granting anonymity becomes much more difficult if the notice of the case concerned has already been published in the *Official Journal of the European Union*.

D. Omission of information vis-à-vis the public

70. In accordance with Article 66 of the Rules of Procedure, a party may submit an application for the identity of third parties mentioned in connection with the proceedings or certain confidential information to be omitted from those documents relating to the case to which the public has access.

71. The application for omission must be made by a separate document. It must accurately identify the information concerned and state the reasons for which each item of information is regarded as confidential.

72. In order to ensure that the information concerned is not disclosed to the public, it is recommended that the application be made at the outset of the proceedings, or when lodging the procedural document containing the information concerned, or immediately after becoming aware of that procedural document, as the case may be. On account of the dissemination of information concerning the case on the Internet, omitting information vis-à-vis the public becomes much more difficult if the notice of the case concerned has already been published in the *Official Journal of the European Union*, or where the decision of the Court taken in the course of proceedings or closing them has been made available on the Internet site of the Court of Justice of the European Union.

III. PROCEDURAL DOCUMENTS AND THE ANNEXES THERETO

A. Lodging of procedural documents and annexes

A.1. By e-Curia

73. The lodging of procedural documents by exclusively electronic means shall be permitted using the e-Curia application (https://curia.europa.eu/e-Curia) in compliance with the decision of the Court of 14 September 2011 and the Conditions of use of the e-Curia application. Those documents shall be available on the Internet site of the Court of Justice of the European Union.

74. If the e-Curia application is used, a paper version of the procedural document and certified copies of that document should not be sent to the Court by post.

75. 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 73(2) 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.

76. Without prejudice to specific rules, these Practice Rules shall be applicable to procedural documents lodged by means of the e-Curia application.

A.2. By fax

77. A full copy of the original of a procedural document bearing the handwritten signature of the representative, including the schedule of annexes, may be transmitted to the Registry in accordance with Article 73(3) of the Rules of Procedure by fax to fax number (+352) 4303 2100.

78. The date on which a procedural document is lodged by fax shall be deemed to be the date of lodgment for the purposes of compliance with a time-limit only if the original document bearing the handwritten signature of the representative that was transmitted by fax is lodged at the Registry no later than 10 days thereafter, as prescribed under Article 73(3) of the Rules of Procedure.

79. The original document bearing the handwritten signature of the representative must be sent without delay, immediately after its dispatch by fax, without any corrections or amendments, even of a minor nature, being made thereto.

80. In the event of any discrepancy between the original document bearing the handwritten signature of the representative and the copy previously received at the Registry by fax, the date on which that original signed document is lodged shall be deemed to be the date of receipt.

81. In accordance with Article 73(2) of the Rules of Procedure, the original of every procedural document bearing the handwritten signature of the representative must be accompanied by the adequate number of certified copies.

82. Where, in accordance with Article 77(1) of the Rules of Procedure, a party consents to being served by fax, the statement to that effect must specify the fax number for the purpose of service by the Registry. A single fax number must be stated, failing which regularisation will be required.

A.3. By post

83. Procedural documents may be lodged by post at the following address:

Registry of the General Court of the European Union

Rue du Fort Niedergrünewald

L-2925 Luxembourg

84. In accordance with Article 73(2) of the Rules of Procedure, the original of every procedural document bearing the handwritten signature of the representative must be accompanied by the adequate number of certified copies.

B. Non-acceptance of procedural documents and items

85. The Registrar shall refuse to enter in the register and to place on the case-file procedural documents and, where appropriate, items 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.

86. Without prejudice to Article 73(3) of the Rules of Procedure and to Article 3 of the decision of the Court of 14 September 2011, the Registrar shall accept only procedural documents bearing the original handwritten signature of the lawyer or agent of the party concerned.

87. The Registrar may request the lodgment of a lawyer's or agent's specimen handwritten signature, if necessary certified as a true specimen, in order to enable him to verify that Article 73(1) of the Rules of Procedure has been complied with.

88. Save in the cases expressly provided for by the Rules of Procedure and subject to points 107 and 108 below, the Registrar shall refuse to enter in the register and to place on the case-file procedural documents or items drawn up in a language other than the language of the case.

89. Where a party challenges the Registrar's refusal to enter a procedural document or an item in the register and to place it on the case-file, the Registrar shall submit that issue to the President for a decision on whether the document or item in question is to be accepted.

C. Presentation of procedural documents and annexes

C.1. Procedural documents

90. The following information must appear on the first page of each procedural document:

(a) the case number (T-.../..), where it has already been notified by the Registry;

(b) the title of the procedural document (application, defence, response, reply, rejoinder, application to intervene, statement in intervention, plea of inadmissibility, observations on …, replies to questions, etc.);

(c) the names of the applicant, of the defendant, of the intervener, if any, and 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 procedural document is lodged.

91. Each paragraph of the procedural document must be numbered consecutively.

92. Subject to Article 3 of the decision of the Court of 14 September 2011, each procedural document shall be required to bear a handwritten signature for the purposes of authenticating the author of the procedural document. The handwritten signature is also intended to ensure that the signatory accepts responsibility for the content of that procedural document. For those reasons, in procedural documents not lodged by means of the e-Curia application,

– the handwritten signature of the party's representative must appear at the end of the procedural document;

– the handwritten signature must not appear on its own on the last page of the procedural document;

– procedural documents signed *per procurationem* or in the name of a firm of lawyers cannot be accepted.

93. Where more than one representative is acting for the party concerned, the handwritten signature of the procedural document by one representative shall be sufficient.

94. The first page of each copy of the original of every procedural document bearing the handwritten signature of the representative of the party concerned that is not lodged by means of the e-Curia application and that is required to be produced by the parties pursuant to Article 73(2) of the Rules of Procedure must be endorsed with the words 'certified copy', initialled underneath by the representative.

95. Procedural documents must be submitted in such a way as to enable them to be processed electronically by the Court and, in particular, enabling their digitisation and character recognition. 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) documents produced in paper format must be assembled in such a way as to be easily separable (not bound together or permanently attached by other means, such as glue or staples);

    (c) the text must be in a commonly-used font (such as Times New Roman, Courier or Arial) in at least 12 point in the body of the text and at least 10 point in the footnotes, with 1.5 line spacing, and upper, lower, left and right margins of at least 2.5 cm;

    (d) the pages of each procedural document must be numbered consecutively.

C.2. Schedule of annexes

96. The schedule of annexes must appear at the end of the procedural document. Annexes submitted without a schedule of annexes will not be accepted.

97. The schedule of annexes must indicate, for each item annexed:

    (a) the number of the annex (by reference to the procedural document to which the items 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 or to the response; C.1, C.2, ... for annexes to the reply; D.1, D.2, ... for annexes to the rejoinder);

    (b) a short description of the annex (for example: 'letter', followed by its date, author and addressee and the number of pages);

    (c) the page numbers of the first and last pages of each annex, according to the consecutive page numbering of the annexes (for example: pages 43 to 49 of the annexes);

    (d) the page reference and paragraph number in the procedural document where that item is mentioned and its relevance is described.

98. In order to ensure optimal handling by the Registry, it is recommended that any annexes that are in colour be clearly indicated as such in the schedule of annexes.

C.3. Annexes

99. Only those items mentioned in the actual text of a procedural document which are referred to in the schedule of annexes and which are necessary in order to prove or illustrate its contents may be submitted as annexes to a procedural document.

100. Items annexed to a procedural document must be submitted in such a way as to enable them to be processed electronically by the Court and to avoid any possibility of confusion. Accordingly, the following requirements must be complied with:

    (a) each annex must be numbered in accordance with point 97(a) above;

    (b) the use of dividers must be avoided, but it is recommended that each annex be introduced by means of a specific cover page in simple A4 paper format;

    (c) where annexes are documents which themselves contain annexes, they must be arranged and numbered in such a way as to avoid any possibility of confusion;

    (d) items annexed to a procedural document must be paginated in the top right-hand corner, in ascending order. Those items must be paginated consecutively but separately from the procedural document to which they are annexed;

    (e) the annexes must be easily legible.

101. Each reference to an item 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 (for example: Annex A.1 to the application).

D. Presentation of files lodged by e-Curia

102. Procedural documents and annexes thereto lodged by means of the e-Curia application shall be presented in the form of files. In order to assist the Registry in handling them, it is recommended to follow the practical guidance given in the e-Curia User Manual available online on the Internet site of the Court of Justice of the European Union, namely:

    – files must include names identifying the procedural document (Pleading, Annexes Part 1, Annexes Part 2, Covering letter, etc.);

    – the text of the procedural document can be saved in PDF directly from the word-processing software without the need for 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 obligatory to create one file per annex. It is recommended that annexes be added in ascending order when they are lodged, and that they be sufficiently clearly named (for example: Annexes 1 to 3, Annexes 4 to 6, etc.).

E. Regularisation of procedural documents and annexes

E.1. General

103. The Registrar shall ensure that procedural documents placed on the case-file and the annexes thereto are in conformity with the provisions of the Statute and the Rules of Procedure, and with these Practice Rules.

104. If necessary, he shall allow the parties a period of time for making good any formal irregularities in the procedural documents lodged.

105. In the event of any repeated failure to comply with the requirements of the Rules of Procedure or of these Practice Rules, requiring regularisation to be sought, the Registrar will request the party or applicant for leave to intervene to pay the costs involved in the requisite processing thereof by the Court, in accordance with Article 139(c) of the Rules of Procedure.

106. Where annexes are still not submitted in accordance with the provisions of the Rules of Procedure or of these Practice Rules after requests for regularisation have been made, the Registrar shall refer the matter to the President for a decision on whether to refuse to accept those annexes.

107. Where material annexed to a procedural document is 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. If the irregularity is not made good, the annexes in question shall be removed from the case-file.

108. 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 time-limit 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 procedural document was lodged.

E.2. Regularisation of applications

109. If an application does not comply with the requirements specified in Annex 1 to these Practice Rules, the Registry shall not serve it and a reasonable time-limit shall be prescribed for the purposes of putting it in order. Failure to put the application in order may result in the action being dismissed as inadmissible, in accordance with Article 78(5), Article 177(7) and Article 194(6) of the Rules of Procedure.

110. If an application does not comply with the procedural rules specified in Annex 2 to these Practice Rules, service of the application shall be delayed and a reasonable time-limit shall be prescribed for the purposes of putting the application in order.

111. If an application does not comply with the procedural rules specified in Annex 3 to these Practice Rules, the application shall be served and a reasonable time-limit shall be prescribed for the purposes of putting it in order.

E.3. Regularisation of other procedural documents

112. The instances of regularisation referred to in points 109 to 111 above shall apply as necessary to procedural documents other than the application.

IV. THE WRITTEN PART OF THE PROCEDURE

A. Length of written pleadings

A.1. Direct actions

113. In direct actions within the meaning of Article 1 of the Rules of Procedure, the maximum number of pages [2] shall be as follows:

– 50 pages for the application and for the defence;

– 25 pages for the reply and for the rejoinder;

– 20 pages for a plea of inadmissibility and for observations thereon;

– 20 pages for a statement in intervention and 15 pages for observations thereon.

114. Authorisation to exceed those maximum lengths will be given only in cases involving particularly complex legal or factual issues.

A.2. Intellectual property cases

115. In intellectual property cases, the maximum number of pages [3] shall be as follows:

– 20 pages for the application and for responses;

– 15 pages for the cross-claim and for responses thereto;

– 10 pages for a plea of inadmissibility and for observations thereon;

– 10 pages for a statement in intervention and 5 pages for observations thereon.

116. Authorisation to exceed those maximum lengths will be given only in cases involving particularly complex legal or factual issues.

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[2] The text must be presented in accordance with the requirements set out in point 95(c) of these Practice Rules.

[3] The text must be presented in accordance with the requirements set out in point 95(c) of these Practice Rules.

A.3. Appeals

117. In appeal cases, the maximum number of pages [4] shall be as follows:

– 15 pages for the appeal and for the response;

– 10 pages for the reply and for the rejoinder;

– 15 pages for the cross-appeal and for responses thereto;

– 10 pages for the reply and for the rejoinder following a cross-appeal;

– 10 pages for a statement in intervention and 5 pages for observations thereon.

118. Authorisation to exceed those maximum lengths will be given only in cases involving particularly complex legal or factual issues.

A.4. Regularisation of excessively long pleadings

119. A pleading comprising a number of pages which exceeds by 40% or more the maximum number of pages prescribed in points 113, 115 or 117 above, as the case may be, shall require regularisation, unless otherwise directed by the President.

120. A pleading comprising a number of pages which exceeds by less than 40% the maximum number of pages prescribed in points 113, 115 or 117 above, as the case may be, may require regularisation if so directed by the President.

121. Where a party is requested to put his pleading in order on account of its excessive length, service of the pleading which requires regularisation on account of its length shall be delayed.

B. Structure and content of written pleadings

B.1. Direct actions

1) Application initiating proceedings

122. The mandatory information to be included in the application initiating proceedings is prescribed by Article 76 of the Rules of Procedure.

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[4] The text must be presented in accordance with the requirements set out in point 95(c) of these Practice Rules.

123. The application must also contain the statement referred to in Article 77(1) of the Rules of Procedure.

124. The introductory part of the application should be followed by a brief account of the facts giving rise to the dispute.

125. 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.

126. 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.

127. The documents referred to in Article 51(2) and (3) and Article 78 of the Rules of Procedure must be produced together with the application.

128. For the purposes of the production of the document required by Article 51(2) of the Rules of Procedure certifying that the lawyer representing 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.

129. 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 79 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 not exceed two pages and that it be prepared in accordance with the model available online on the Internet site of the Court of Justice of the European Union.

130. The summary of the pleas in law and main arguments relied on must be produced separately from the body of the application and the annexes mentioned in the application.

131. The summary of the pleas in law and main arguments relied on must, if not lodged by means of the e-Curia application, be sent by e-mail, as an ordinary electronic file produced using word-processing software, to GC.Registry@curia.europa.eu, indicating the case to which it relates.

132. If the application is lodged after the submission of an application for legal aid, the effect of which, under Article 147(7) of the Rules of Procedure, is to suspend the time-limit prescribed for the bringing of an action, this must be stated at the beginning of the application initiating proceedings.

133. If the application is lodged after service of the order making a decision on an application for legal aid or, where no lawyer is designated in that order to represent the applicant for legal aid, after service of the order designating the lawyer instructed to

represent the applicant for legal aid, reference must also be made in the application to the date on which the order was served on the applicant.

134. In order to facilitate formal preparation of the application, the parties' representatives are invited to consult the following documents, available on the Internet site of the Court of Justice of the European Union: 'Aide-mémoire: Application lodged in paper format' and 'Aide-mémoire: Application lodged by means of e-Curia'.

2) Defence

135. The mandatory information to be included in the defence is prescribed by Article 81(1) of the Rules of Procedure.

136. 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.

137. Any fact alleged by the other party which is contested must be specified and the basis on which it is contested expressly stated.

138. Since the legal framework of the proceedings is fixed by the application, the legal arguments developed in the defence must, so far as is possible, be set out and grouped by reference to the pleas in law or complaints put forward in the application.

139. Points 123, 127 and 128 above shall apply to the defence.

3) Reply and rejoinder

140. Where there is a second exchange of pleadings, the main parties may supplement their legal arguments with a reply or a rejoinder, as the case may be.

141. The framework and the pleas in law or complaints at the heart of the dispute having been set out (or disputed) in depth in the application and the defence, the only purpose of the reply and the rejoinder shall be to allow the applicant and the defendant to make clear their position or to refine their arguments on an important issue, and to respond to new matters raised in the defence and in the reply. The President may also, pursuant to Article 83(3) of the Rules of Procedure, himself specify the matters to which those procedural documents should relate.

B.2. Intellectual property cases

1) Application initiating proceedings

142. The mandatory information to be included in the application initiating proceedings is prescribed by Article 177(1) of the Rules of Procedure.

143. The application must also contain the statement referred to in Article 77(1) of the Rules of Procedure and the information referred to in Article 177(2) and (3) of the Rules of Procedure.

144. The documents referred to Article 177(3) to (5) of the Rules of Procedure must be produced together with the application.

145. Points 124 to 126, 128 and 132 to 134 above shall apply to applications in intellectual property cases.

2) Response

146. The mandatory information to be included in the response is prescribed by Article 180(1) of the Rules of Procedure.

147. The response must also contain the statement referred to in Article 77(1) of the Rules of Procedure.

148. 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.

149. The documents referred to Article 177(4) and (5) of the Rules of Procedure must be produced together with the response lodged by the intervener, in so far as those documents have not already been lodged in accordance with Article 173(5) of the Rules of Procedure.

150. Points 128, 137 and 138 above shall apply to the response.

3) Cross-claim and responses to the cross-claim

151. If, when the application has been served on him, a party to the proceedings before the Board of Appeal other than the applicant intends to challenge the contested decision on a point not raised in the application, that party must introduce a cross-claim when lodging his response. That cross-claim must be introduced by a separate document and meet the requirements set out in Articles 183 and 184 of the Rules of Procedure.

152. Where such a cross-claim is made, the other parties to the proceedings may submit a pleading in response confined to the form of order sought, the pleas in law and the arguments relied on in the cross-claim.

B.3. Appeals

1) Appeal

153. The appeal must contain the information prescribed by Article 194(1) of the Rules of Procedure.

154. The appeal must also contain the information referred to in Article 77(1) and Article 194(2) of the Rules of Procedure.

155. 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 appeal. In accordance with Article 195(1) of the Rules of Procedure, the form of order sought must necessarily seek the setting aside, in

whole or in part, of the decision of the Civil Service Tribunal as set out in the operative part of that decision.

156. It will not generally be necessary to describe the background or subject-matter of the proceedings. A reference to the decision of the Civil Service Tribunal shall be sufficient.

157. It is recommended that the pleas in law be summarised at the beginning of the appeal. Legal arguments should be set out and grouped by reference to the particular grounds of appeal to which they relate, in particular the errors of law relied on.

158. The pleas in law and legal arguments relied on in the appeal must identify the grounds of the decision of the Civil Service Tribunal that are contested by specifying the points at issue in that decision, and set out in detail the reasons for which that decision is alleged to be vitiated by an error of law.

159. The documents referred to in Article 194(3) and (4) of the Rules of Procedure must, where applicable, be produced together with the appeal.

160. Each 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 79 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 not exceed two pages and that it be prepared in the language of the case in accordance with the model available online on the Internet site of the Court of Justice of the European Union.

161. The summary of the pleas in law and main arguments relied on must be produced separately from the body of the appeal and the annexes mentioned in the appeal.

162. The summary of the pleas in law and main arguments relied on must, if not lodged by means of the e-Curia application, be sent by e-mail, as an ordinary electronic file produced using word-processing software, to GC.Registry@curia.europa.eu, indicating the case to which it relates.

163. Point 128 above shall apply to appeals in appeal cases.

2) Response

164. The response must contain the information prescribed by Article 199(1) of the Rules of Procedure.

165. The response must also contain the information referred to in Article 77(1) of the Rules of Procedure.

166. 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. In accordance with Article 200 of the Rules of Procedure, the form of order sought must seek to have the appeal allowed or dismissed, in whole or in part.

167. Legal arguments must, so far as is possible, be set out and grouped by reference to the pleas in law put forward by the appellant.

168. Since the factual and legal background will already be included in the judgment or order under appeal, it should be repeated in the response only in truly exceptional circumstances, in so far as its presentation in the 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.

169. Any challenge to the admissibility, in whole or in part, of the appeal must be included in the actual body of the response, since the possibility — provided for in Article 130 of the Rules of Procedure — of raising a plea of inadmissibility in relation to the proceedings by a separate document is not applicable to appeals.

170. The documents referred to in Article 194(3) and (4) of the Rules of Procedure must, where applicable, be produced together with the response.

171. Point 128 above shall apply to responses lodged in appeal cases.

3) Cross-appeal and responses to the cross-appeal

172. If, when the appeal has been served on him, one of the parties to the relevant case before the Civil Service Tribunal intends to challenge the Civil Service Tribunal's decision on an aspect not mentioned in the appeal, that party must bring a cross-appeal against the Civil Service Tribunal's decision. That cross-appeal must be introduced by a separate document and meet the requirements set out in Articles 203 and 204 of the Rules of Procedure. The pleas in law and legal arguments which it contains must be separate from those relied on in the response.

173. Where such a cross-appeal is brought, the appellant, or any other party to the relevant case before the 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.

4) Reply and rejoinder

174. Whether in the case of a main appeal or a cross-appeal, the appeal and the response may be supplemented by a reply and a rejoinder, in particular in order to allow the parties to present their views on a plea of inadmissibility or on new matters relied on in the response.

175. In accordance with Article 201(1) and Article 206(1) of the Rules of Procedure, that possibility is subject to the express authorisation of the President on application by the appellant or the party who brought the cross-appeal.

176. Save in exceptional circumstances, such an application must not exceed 2 pages and must be confined to summarising the precise reasons for which a reply is necessary.

The request must be intelligible in itself, without necessitating reference to the appeal or to the response.

177. Due to the special nature of appeals, which are restricted to the examination of questions of law, the President may, if he grants the application to lodge a reply, limit the number of pages and the subject-matter of that reply and of the rejoinder submitted subsequently. The observance of those instructions is an essential condition for the efficient conduct of the proceedings.

V. THE ORAL PART OF THE PROCEDURE

A. Requests for a hearing

A.1. Requests for a hearing in direct actions and in intellectual property cases

178. As is apparent from Article 106 of the Rules of Procedure, the Court shall arrange a hearing either of its own motion or at the request of a main party.

179. A main party who wishes to present oral argument must submit a reasoned request for a hearing, within three weeks after service on the parties of notification of the close of the written part of the procedure. That reasoning — which is not to be confused with written pleadings or observations and should not exceed three pages — 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 case-file or arguments which that party considers it necessary to develop or refute more fully at a hearing. It shall not be sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

180. If no reasoned request is submitted by a main party within the prescribed time-limit, the Court may decide to rule on the action without an oral part of the procedure.

A.2. Requests for a hearing in appeal proceedings

181. As is apparent from Article 12(2) of Annex I to the Statute and Article 207(1) of the Rules of Procedure, a party to the appeal proceedings who wishes to present oral argument must submit a reasoned request for a hearing, within three weeks after service on the parties of notification of the close of the written part of the procedure. That reasoning — which is not to be confused with written pleadings or observations and should not exceed three pages — 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 case-file or arguments which that party considers it necessary to develop or refute more fully at a hearing. It shall not be sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

182. However, the Court may, if it considers that it has sufficient information available to it from the material in the file, decide to rule on the appeal without an oral part of the procedure. In appeal cases, the Court may proceed without arranging a hearing notwithstanding the submission of a reasoned request by a party to the appeal proceedings.

B. Preparation for the hearing

183. The parties shall be given notice to attend the hearing by the Registry no later than one month before it takes place, provided always that, where the circumstances so require, a shorter period of notice may apply.

184. In accordance with Article 107(2) of the Rules of Procedure, requests for an adjournment of the hearing shall be granted only in exceptional circumstances. Such requests may be lodged only by the main parties, must state adequate reasons, be accompanied by appropriate supporting documents, and be submitted to the Court as soon as possible after notice to attend has been given.

185. If the representative of a party intends not to be present at the hearing, he is requested to inform the Court as soon as possible after notice to attend has been given.

186. The Court will make every effort to ensure that the parties' representatives receive a summary report for the hearing three weeks before the hearing. The purpose of the summary report for the hearing is to enable the parties to prepare for the hearing.

187. The summary report for the hearing, drawn up by the Judge-Rapporteur, shall be confined to setting out the pleas in law and a succinct summary of the parties' arguments.

188. Any observations the parties may wish to make on the summary report for the hearing may be made at the hearing. In such cases, a reference to such observations shall be recorded in the minutes of the hearing.

189. The summary report for the hearing shall be made available to the public outside the courtroom on the day of the hearing, unless the case is to be heard in camera.

190. Before every public hearing the Registrar shall cause the following information to be displayed outside the courtroom in the language of the case: the date and time of the hearing, the competent formation of the Court, the case(s) which will be called and the names of the parties.

191. A request to use particular technical means for the purposes of a presentation must be made two weeks before the date of the hearing. Arrangements for such use of technology should be made with the Registry, so that any technical or practical constraints can be taken into account. Supporting material for such presentations shall not be placed on the case-file, unless the President otherwise decides.

192. In view of the security measures in place to control access to the buildings of the Court of Justice of the European Union, it is recommended that the parties' representatives take the necessary steps to ensure that they are present in the courtroom at least 15 minutes before the hearing is due to start, as the members of the formation of the Court will normally wish to discuss the organisation of the hearing with them.

193. In order to prepare for their participation in a hearing, the parties' representatives are invited to consult the following document, which is available on the Internet site of the Court of Justice of the European Union: 'Aide-mémoire: Hearing of oral argument'.

C. Conduct of the hearing

194. The parties' representatives shall be required to appear before the Court in their gowns.

195. The purpose of the hearing shall be:

- 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 part of the procedure and to submit any new material arising from events occurring after the close of the written part of the procedure and which therefore could not have been set out in the pleadings;

- to reply to any questions put by the Court.

196. It will be for each party to assess, in the light of the purpose of the hearing, as defined in point 195 above, whether oral argument is really necessary or whether it would be sufficient simply to refer to the written observations or pleadings. The hearing 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.

197. Where, before the hearing, the Court has invited the parties, in accordance with Article 89(4) of the Rules of Procedure, to concentrate in their oral pleadings on one or more specified issues, those issues must be addressed as a matter of priority in the oral submissions.

198. If a party refrains from presenting oral argument, this shall not constitute acquiescence in the oral argument presented by another party where the arguments in question have already been refuted in writing. Such silence shall not preclude that party from responding to the other party's submission.

199. In the interests of clarity and in order to enable the Members of the Court to understand oral submissions better, it will generally be 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 and to use short sentences. It would also assist the Court if representatives could structure their oral argument and indicate, before developing it, the structure they intend to adopt.

200. 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. Each of the main parties will

be allowed 15 minutes and each intervener will be allowed 10 minutes to present oral submissions (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 shall apply only to the oral submissions themselves and not to the time required to answer questions put at the hearing or for final replies.

201. 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 two weeks (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.

202. When several representatives act for a party, only two of them may normally present oral argument, and their combined speaking time must not exceed the time-limits indicated in point 200 above. However, representatives other than those who addressed the Court may answer questions from Members of the Court and make a final reply to observations of other representatives.

203. 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 are joined), their representatives are requested to confer with each other before the hearing in order to avoid any repetition.

204. 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).

205. In accordance with Article 85(3) of the Rules of Procedure, the main parties may, exceptionally, produce further evidence at the hearing. In such cases, the other parties will be heard on the admissibility and content thereof. It would be prudent to bring sufficient copies where appropriate.

D. Interpretation

206. In order to facilitate interpretation, parties' representatives are requested to send any text or written notes for their submissions to the Interpretation Directorate in advance either by fax ((+352) 4303 3697) or by e-mail (interpret@curia.europa.eu).

207. Any notes for submissions thus transmitted will be treated in the strictest confidence. In order to avoid any misunderstanding, the name of the party must be stated. Notes for submissions will not be placed on the case-file.

208. 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 hearing and of maintaining the quality of the simultaneous interpretation, representatives are strongly advised to speak slowly and directly into the microphone.

209. 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.

E. Minutes of the hearing

210. 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, time and place of the hearing; an indication, where applicable, that the case was heard in camera; the names of the Judges and the Registrar present; the names and status of the parties' representatives present; a reference to any observations on the summary report for the hearing; the surnames, forenames, status and permanent addresses of any witnesses or experts examined; an indication, where applicable, of the procedural documents or items 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.

VI. CONFIDENTIAL TREATMENT

A. General

211. In accordance with Article 64 and subject to the provisions of Article 68(4), Article 104, Article 105(8) and Article 144(7) of the Rules of Procedure, the Court shall take into consideration only those procedural documents and items which have been made available to the representatives of the parties and on which they have been given an opportunity of expressing their views.

212. It follows that, without prejudice to the provisions of Articles 103 to 105 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.

213. Nevertheless, a main party may apply for certain confidential information on the case-file to be excluded from the documents to be communicated to an intervener in accordance with Article 144(7) of the Rules of Procedure.

214. Each party may also apply for certain information in the files concerned by the joinder to be excluded from the files to be examined by a party to the joined cases in accordance with Article 68(4) of the Rules of Procedure.

B. Confidential treatment where an application to intervene has been made

215. Where an application to intervene is made in a case, the main parties are requested to state, within the time-limit prescribed by the Registrar to that effect, whether they wish to seek confidential treatment in respect of certain information included in the procedural documents already placed on the case-file.

216. The main parties must submit simultaneously with any procedural document or item that they may lodge subsequently any application for confidential treatment that may be required in respect of the procedural document or item concerned. In the absence of such an application, the procedural documents and items lodged will be communicated to the intervener.

217. Any application for confidential treatment must be made by a separate document. It may not be lodged as a confidential version and must not, therefore, contain confidential information.

218. An application for confidential treatment must specify the party in relation to whom confidentiality is requested.

219. An application for confidential treatment 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 procedural document and items in which certain passages, words or figures have been deleted without affecting the interests it is sought to protect.

220. An application for confidential treatment must accurately identify the particulars or passages to be excluded and state the reasons for which each of those particulars or passages is regarded as confidential. Failure to provide such information may result in the application being refused by the Court.

221. On lodging an application for confidential treatment in respect of one or more procedural documents, a party must produce a full non-confidential version of each procedural document and item concerned, with the confidential particulars or passages removed.

222. Where an application for confidential treatment does not comply with points 217, 218 and 221 above, 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 requirements of these Practice Rules, it will not be possible for it to be properly processed, and a copy of every procedural document and item concerned will be communicated to the intervener.

C. Confidential treatment where cases are joined

223. Where it is envisaged that several cases will be joined, the parties are requested to state, within the time-limit prescribed by the Registrar to that effect, whether they wish to seek confidential treatment in respect of certain information included in the procedural documents and material already placed on the files of the cases concerned by the joinder.

224. The parties must submit simultaneously with any procedural document or item that they may lodge subsequently any application for confidential treatment that may be required in respect of the procedural document or item concerned. In the absence of such an application, the procedural documents and items lodged will be made available to the other parties in the joined cases.

225. Points 217 to 222 above shall apply to applications for confidential treatment submitted where cases are joined.

D. Confidential treatment under Article 103 of the Rules of Procedure

226. The Court may, pursuant to the measures of inquiry referred to in Article 91 of the Rules of Procedure, order a party to produce information or material relating to the case. In accordance with Article 92(3) of the Rules of Procedure, such production may

be ordered only where the party concerned has not complied with a measure of organisation of procedure previously adopted to that end, or where expressly requested by the party concerned by the measure and that party explains the need for such a measure to be in the form of an order for a measure of inquiry.

227. Where a main party submits in his response to an application for a measure of organisation of procedure that certain information or material is confidential and he therefore objects to its transmission or proposes that a measure of inquiry be adopted, the Court shall, if it considers that that information or material may be relevant in order for it to rule in the case, order its production by means of an order for a measure of inquiry under Article 91(b) of the Rules of Procedure. The treatment of confidential information or material thus produced before the Court shall be governed by Article 103 of the Rules of Procedure. The regime in question does not provide for any derogation from the principle of the adversarial nature of the proceedings, but lays down the rules for the implementation of that principle.

228. In accordance with that provision, the Court shall examine the relevance of the information or material to the outcome of the proceedings and verify the confidential nature of that information or material. If it considers that the information concerned is both relevant to the outcome of the proceedings and confidential, the Court shall weigh that confidentiality against the requirements linked to the right to effective judicial protection, particularly observance of the adversarial principle, and, after weighing up those matters, will have two options.

229. The Court may decide that the information or material must be brought to the attention of the other main party, notwithstanding its confidential nature. In that respect, the Court may, by way of a measure of organisation of procedure, request the representatives of the parties other than the party who produced the confidential information to give an undertaking to preserve the confidentiality of the document or item by not communicating to their respective clients the information that is to be disclosed to them.

230. Alternatively, the Court may decide not to communicate the confidential information, whilst nevertheless ensuring that the other main party is provided with non-confidential information so that he can, to the greatest extent possible, make his views known in compliance with the adversarial principle. The Court shall then order the main party who produced the confidential information to communicate certain particulars in such a way as to enable the preservation of the confidentiality of the information to be reconciled with the adversarial nature of the proceedings. It will, for example, be possible for the information to be transmitted in summarised form. If the Court considers that the other main party cannot properly exercise his rights of defence, it may make one or more orders, until it considers that the proceedings can properly be continued on an adversarial basis.

231. Where the Court considers that the communication of information to the other main party in accordance with the procedures prescribed by the order made under Article 103(3) of the Rules of Procedure has enabled that party to present his views effectively, the confidential information or material which has not been brought to the

attention of that party shall not be taken into consideration by the Court and shall be returned to the main party who produced it.

E. Confidential treatment under Article 104 of the Rules of Procedure

232. In the context of its review of the legality of a measure adopted by an institution denying access to a document, the Court may, by way of a measure of inquiry under Article 91(c) of the Rules of Procedure, order that the document be produced.

233. The document produced by the institution shall not be communicated to the other parties, as the action would otherwise be devoid of purpose.

F. Confidential treatment under Article 105 of the Rules of Procedure

234. In accordance with Article 105(1) and (2) of the Rules of Procedure, a main party to the proceedings may, on his own initiative or following a measure of inquiry ordered by the Court, produce information or material pertaining to the security of the European Union or to that of one or more of its Member States or to the conduct of their international relations. Article 105(3) to (10) lays down the procedural rules applicable to such information or material.

235. In view of the sensitive, confidential nature of information or material pertaining to the security of the Union or to that of one or more of its Member States or to the conduct of their international relations, the application of the body of rules established by Article 105 of the Rules of Procedure requires a suitable security framework to be set up in order to ensure a high level of protection for that information or material. That framework shall be documented in the decision of the Court taken under Article 105(11) of the Rules of Procedure.

236. According to Article 227(3) of the Rules of Procedure, the provisions of Article 105 shall apply only from the entry into force of the decision referred to in Article 105(11).

VII. LEGAL AID

237. In accordance with Article 147(2) of the Rules of Procedure, the use of a form in making an application for legal aid shall be compulsory. The form is available on the Internet site of the Court of Justice of the European Union.

238. An applicant for legal aid who is not represented by a lawyer when the legal aid form is lodged may lodge the duly completed and signed paper form at the Registry by post or by hand, where appropriate after transmission of a copy of the original of that form by fax. In the event of transmission by fax, points 77 to 80 above shall apply.

239. Where the applicant for legal aid is represented by a lawyer when the legal aid form is lodged, the form shall be lodged in accordance with Article 72(1) of the Rules of Procedure, taking into account the requirements of points 73 to 84 above.

240. The legal aid form is intended to provide the Court, in accordance with Article 147(3) and (4) 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 financial situation

and,

– where the action has not yet been brought, the subject-matter of that action, the facts of the case and the arguments relating thereto.

241. The legal aid applicant shall be required to produce, together with the legal aid form, documentary evidence to support the assertions referred to in point 240 above.

242. Where applicable, the documents referred to in Article 51(2) and (3) and Article 78(3) of the Rules of Procedure must be produced together with the legal aid form.

243. Where the applicant for legal aid is represented by a lawyer when the legal aid form is lodged, the form must also contain the statement referred to in Article 77(1) of the Rules of Procedure.

244. The duly completed legal aid form and supporting documents must be intelligible in themselves.

245. Without prejudice to the Court's power to request information or the production of further documents under Articles 89 and 90 of the Rules of Procedure, the application for legal aid may not be supplemented by the subsequent filing of additional material. Such material shall be rejected, 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.

246. Under Article 147(7) of the Rules of Procedure, the introduction of an application for legal aid shall suspend the time-limit prescribed for the bringing of the action to which the application refers until the date of service of the order making a decision on that application or, where no lawyer is designated in that order to represent the applicant for legal aid, until the date of service of the order designating the lawyer instructed to represent him.

247. Since the lodging of an application for legal aid has the effect of suspending the time-limit prescribed for bringing an action until service of the order referred to in point 246 above, the remaining period within which the application initiating proceedings may be lodged may be very short. Recipients of legal aid who are duly represented by a lawyer are therefore advised to pay particular attention to compliance with the legal time-limit.

VIII. URGENT PROCEDURES

A. Expedited procedure

A.1. Request for an expedited procedure

248. In accordance with Article 152(1) of the Rules of Procedure, a request for an expedited procedure must be made by a separate document lodged simultaneously with the application initiating the proceedings or the defence, as the case may be, and contain a statement of reasons specifying the particular urgency of the case and any other relevant circumstances.

249. In order to facilitate immediate processing by the Registry, the request for an expedited procedure must state on the first page that it is lodged under Articles 151 and 152 of the Rules of Procedure.

250. The 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 in points 122 to 133 above.

251. It is recommended that the party applying for the expedited procedure specify in his request 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 Article 152(2) of the Rules of Procedure, must be clearly specified in the request, indicating the numbers of the paragraphs concerned.

A.2. Abridged version

252. It is recommended that an abridged version of the relevant pleading be annexed to any request for an expedited procedure which contains the information referred to in point 251 above.

253. Where an abridged version is annexed, it must comply with the following directions:

(a) the abridged 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 abridged version shall keep the same numbering as in the original version of the pleading in question;

(c) if the abridged version does not refer to all the annexes to the original version of the pleading in question, the schedule of annexes accompanying the abridged version shall identify each annex omitted by the word ‘omissis’;

(d) annexes which are retained in the abridged 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 abridged version must be attached to that version.

254. In order to ensure that it is dealt with as expeditiously as possible, the abridged version must comply with the above directions.

255. Where the production of an abridged version of the pleading is requested by the Court under Article 151(3) of the Rules of Procedure, the abridged version must be prepared in accordance with the above directions, unless otherwise specified.

A.3. Defence

256. If the applicant has not specified in his request for an expedited procedure the pleas in law, arguments or passages of the application initiating the proceedings 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 the proceedings within a period of one month.

257. If the applicant has specified in his request for an expedited procedure the pleas in law, arguments or passages of the application initiating the proceedings 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 request for the expedited procedure.

258. If the applicant has attached an abridged version of the application initiating proceedings to his request for an expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments contained in that abridged version of the application.

259. If the Court decides to refuse the request for an expedited procedure before the defendant has lodged his defence, the period of one month for the lodging of the defence prescribed by Article 154(1) of the Rules of Procedure shall be extended by a further month.

260. If the Court decides to refuse the request for an expedited procedure after the defendant has lodged his defence within the period of one month prescribed by Article 154(1) of the Rules of Procedure, the defendant shall be allowed a further period of one month from the date of service of the decision refusing the request for an expedited procedure, in order to supplement his defence.

A.4. Oral part of the procedure

261. Under the expedited procedure, since the written part of the procedure is in principle limited to one exchange of pleadings, the emphasis shall be on the oral part of the procedure and a hearing shall be organised promptly after the written part of the procedure has been closed. The Court may nevertheless decide to rule without an oral part of the procedure where the main parties indicate, within a period prescribed by the President, that they have decided not to participate in a hearing and the Court considers that it has sufficient information available to it from the material in the file in the case.

262. Where the Court has not authorised the lodging of a statement in intervention, the intervener may submit his observations only orally, if a hearing is organised.

B. Suspension of operation or enforcement and other interim measures

263. In accordance with Article 156(4) of the Rules of Procedure, an application for suspension of operation or enforcement or other interim measures must be made by a separate document. It must be intelligible in itself, without necessitating reference to the application lodged in the main proceedings, including the annexes thereto.

264. In order to facilitate immediate processing by the Registry, the application for suspension of operation or enforcement or other interim measures must state on the first page that it is lodged under Article 156 of the Rules of Procedure. In addition, it is recommended that such an application be lodged by means of the e-Curia application or, if transmitted by fax, that it be accompanied by all the annexes, including the documents referred to in Article 78 of the Rules of Procedure.

265. The application for suspension of operation or enforcement or 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. It must also contain all the evidence and offers of evidence available to justify the grant of interim measures.

266. Since 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.

267. 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.

IX. ENTRY INTO FORCE OF THESE PRACTICE RULES

268. The Instructions to the Registrar of 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), and the Practice Directions to parties before the General Court of 24 January 2012 (OJ 2012 L 68, p. 23) are hereby repealed and replaced by these Practice Rules.

269. These Practice Rules shall be published in the *Official Journal of the European Union*. They shall enter into force on the first day of the first month following their publication.

Done at Luxembourg, on xxx.

E. COULON — Registrar

M. JAEGER — President

ANNEXES

Annex 1: Requirements non-compliance with which is grounds for not serving the application (point 109 of these Practice Rules)

Failure to put the following points in order may result in the action being dismissed as inadmissible, in accordance with Article 78(5), Article 177(7) and Article 194(6) of the Rules of Procedure.

	Direct actions	Intellectual property cases	Appeals
a)	production of the certificate of the lawyer's authorisation to practise (Article 51(2) of the Rules of Procedure)	production of the certificate of the lawyer's authorisation to practise (Article 51(2) of the Rules of Procedure)	production of the certificate of the lawyer's authorisation to practise (Article 51(2) of the Rules of Procedure)
b)	production of proof of the existence in law of a legal person governed by private law (Article 78(3) of the Rules of Procedure)	production of proof of the existence in law of a legal person governed by private law (Article 177(4) of the Rules of Procedure)	production of proof of the existence in law of a legal person governed by private law (Article 194(3) of the Rules of Procedure)
c)	production of authority to act if the party represented is a legal person governed by private law (Article 51(3) of the Rules of Procedure)	production of authority to act if the party represented is a legal person governed by private law (Article 51(3) of the Rules of Procedure)	production of authority to act if the party represented is a legal person governed by private law (Article 51(3) of the Rules of Procedure)
d)	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 78(1) of the Rules of Procedure)	production of the contested decision of the Board of Appeal (Article 177(3) of the Rules of Procedure)	

e)	production of a copy of the contract containing the arbitration clause (Article 78(2) of the Rules of Procedure)		
f)		indication of the name(s) of the party/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 (Article 177(2) of the Rules of Procedure)	
g)		indication of the date on which the decision of the Board of Appeal was notified (Article 177(3) of the Rules of Procedure)	indication of the date of service of the decision of the Civil Service Tribunal that is the subject of the appeal (Article 194(2) of the Rules of Procedure)

Annex 2: Procedural rules non-compliance with which justifies delaying service (point 110 of these Practice Rules)

	Application lodged in paper format (after prior dispatch by fax, where applicable)	Application lodged by e-Curia
a)	indication of the applicant's permanent address (first paragraph of Article 21 of the Statute; Article 76(a), Article 177(1)(a) and Article 194(1)(a) of the Rules of Procedure)	indication of the applicant's permanent address (first paragraph of Article 21 of the Statute; Article 76(a), Article 177(1)(a) and Article 194(1)(a) of the Rules of Procedure)
b)	indication of the address of the applicant's representative (Article 76(b), Article 177(1)(b) and Article 194(1)(b) of the Rules of Procedure)	indication of the address of the applicant's representative (Article 76(b), Article 177(1)(b) and Article 194(1)(b) of the Rules of Procedure)
c)	new original of the application the length of which will have been reduced (points 119 and 120 of these Practice Rules)	new original of the application the length of which will have been reduced (points 119 and 120 of these Practice Rules)
d)	new original of the application with identical content but with numbered paragraphs (point 91 of these Practice Rules)	new original of the application with identical content but with numbered paragraphs (point 91 of these Practice Rules)
e)	new, paginated original of the application with identical content (point 95(d) of these Practice Rules)	new, paginated original of the application with identical content (point 95(d) of these Practice Rules)
f)	new original of the application with identical content, in which the representative's handwritten signature appears at the end (point 92 of these Practice Rules)	
g)	production of a schedule of annexes containing the mandatory information (Article 72(3) of the Rules of Procedure; point 97 of these Practice Rules)	production of a schedule of annexes containing the mandatory information (Article 72(3) of the Rules of Procedure; point 97 of these Practice Rules)
h)	production of a sufficient number of copies of the schedule of annexes containing the mandatory information (Article 73(2) of the Rules of Procedure)	

i)	production of the annexes mentioned in the application but not produced (Article 72(3) of the Rules of Procedure)	production of the annexes mentioned in the application but not produced (Article 72(3) of the Rules of Procedure)
j)	production of a sufficient number of copies of the annexes mentioned in the application (Article 73(2) of the Rules of Procedure)	
k)	production of paginated annexes (point 100(d) of these Practice Rules)	production of paginated annexes (point 100(d) of these Practice Rules)
l)	production of numbered annexes (point 100(a) of these Practice Rules)	production of numbered annexes (point 100(a) of these Practice Rules)
m)	production of a sufficient number of certified copies of the application (Article 73(2) of the Rules of Procedure, points 81, 82 and 94 of these Practice Rules)	

Annex 3: Procedural rules non-compliance with which does not prevent service (point 111 of these Practice Rules)

a)	choice of methods of service, namely acceptance of service by e-Curia or by fax (stating a single fax number) (Article 77(1) of the Rules of Procedure; point 82 of these Practice Rules)
b)	production of the certificate of any additional lawyer's authorisation to practise (Article 51(2) of the Rules of Procedure)
c)	in cases other than intellectual property cases, production of the summary of pleas in law and main arguments (points 129 to 131 and 160 to 162 of these Practice Rules)
d)	production of a translation into the language of the case of material drawn up in a language other than the language of the case (Article 46(2) of the Rules of Procedure; point 107 of these Practice Rules)