ОБЩ СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
TRIBUNAL GENERAL DE LA UNIÓN EUROPEA
TRIBUNÁL EVROPSKÉ UNIE
DEN EUROPÆISKE UNIONS RET
GERICHT DER EUROPÄISCHEN UNION
EUROOPA LIIDU ÜLDKOHUS
ΓΕΝΙΚΟ ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
GENERAL COURT OF THE EUROPEAN UNION
TRIBUNAL DE L'UNION EUROPÉENNE
CÚIRT GHINEARÁLTA AN AONTAIS EORPAIGH
TRIBUNALE DELL'UNIONE EUROPEA
EIROPAS SAVIENĪBAS VISPĀRĒJĀ TIESA
EUROPOS SĄJUNGOS BENDRASIS TEISMAS
AZ EURÓPAI UNIÓ TÖRVÉNYSZÉKE
IL-QORTI ĠENERALI TAL-UNJONI EWROPEA
GERECHT VAN DE EUROPESE UNIE
SĄD UNII EUROPEJSKIEJ
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EUROOPAN UNIONIN YLEINEN TUOMIOISTUIN
EUROPEISKA UNIONENS TRIBUNAL

LUXEMBOURG

PRACTICE DIRECTIONS TO PARTIES

(Consolidated version*)

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* This version consolidates the Practice Directions to Parties adopted by the General Court on 5 July 2007 (OJ 2007 L 232, p. 7) and the amendments adopted on 16 June 2009 (OJ 2009 L 184, p. 8) and 17 May 2010 (OJ 2010 L 170, p. 49), respectively.

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THE GENERAL COURT

Having regard to Article 150 of its Rules of Procedure;

Whereas:

It is in the interests of the efficient conduct of proceedings before the General Court ('the Court') and the expeditious processing of cases that practice directions should be issued to the lawyers and agents of parties, dealing with the manner in which pleadings and other procedural documents relating to the written procedure are to be submitted and how best to prepare for the hearing before the Court;

The present directions reflect, explain and complement provisions in the Court's Rules of Procedure and are designed to enable lawyers and agents to allow for the constraints under which the Court operates, and particularly those attributable to translation requirements and the electronic processing of procedural documentation;

The Instructions to the Registrar dated 5 July 2007 (OJ 2007 L 232, p. 1), as amended on 17 May 2010 (OJ 2010 L 170, p. 53) ('the Instructions to the Registrar'), require the Registrar to ensure that documents placed on a case-file comply with the provisions of the Protocol on the Statute of the Court of Justice of the European Union ('the Statute'), the Rules of Procedure and these Practice Directions ('the Practice Directions') together with the Instructions to the Registrar, and, in particular, oblige him to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, that he refuse, where appropriate, to accept them if they do not comply with the provisions of the Statute or of the Rules of Procedure;

Compliance with the Practice Directions will assure lawyers and agents that the pleadings and documents lodged by them may properly be processed by the Court and will not, with respect to the matters dealt with in the Practice Directions, entail the application of Article 90(a) of the Rules of Procedure;

Following consultations with the representatives of the agents of the Member States, of the institutions acting in proceedings before the Court and of the Council of Bars and Law Societies of Europe (CCBE);

Hereby decides to adopt the following Practice Directions.

I. WRITTEN PROCEDURE

A. USE OF TECHNICAL MEANS OF COMMUNICATION

1. A copy of the signed original of a procedural document may be transmitted to the Registry in accordance with Article 43(6) of the Rules of Procedure either:

   – by fax (to fax number: (+352) 4303 2100), or

   – by email (email address: GeneralCourt.Registry@curia.europa.eu).

2. In the case of transmission by email, only a scanned copy of the signed original will be accepted. A document despatched in the form of an ordinary electronic file which is unsigned or bears an electronic signature or a facsimile signature generated by computer will not be treated as complying with Article 43(6) of the Rules of Procedure. No correspondence relating to a case which is received by the Court in the form of an ordinary email message will be taken into consideration.

   Scanned documents should ideally be scanned at a resolution of 300 dpi and submitted in PDF format (images and text) using Acrobat or Readiris 7 Pro software.

3. The lodgment of a document by fax or email will be treated as complying with the relevant time-limit only if the signed original of that document reaches the Registry prior to the expiry of the period of 10 days following such lodgment, as specified in Article 43(6) of the Rules of Procedure. The signed original must be sent without delay, immediately after the despatch of the copy, without any corrections or amendments, even of a minor nature, being made thereto. In the event of any discrepancy between the signed original and the copy previously lodged, only the date of lodgment of the signed original will be taken into consideration.

4. Where, in accordance with Article 44(2) of the Rules of Procedure, a party consents to being served by fax or other technical means of communication, the statement to that effect must specify the fax number and/or the email address to which the Registry may send that party documents to be served. The recipient's computer must be equipped with suitable software (for example, Acrobat or Readiris 7 Pro) enabling communications from the Registry, which will be transmitted in PDF format, to be read.

B. LODGMENT OF PLEADINGS

5. The following information must appear on the first page of the pleading:

   (a) the title of the pleading (application, defence, reply, rejoinder, application for leave to intervene, statement in intervention, objection of inadmissibility, observations on ....., replies to questions, etc.);

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

   (c) the names of the applicant and of the defendant;

   (d) the name of the party on whose behalf the pleading is lodged.

6. Each paragraph of the pleading must be numbered.

7. The original signature of the lawyer or agent acting for the party concerned must appear at the end of the pleading. Where more than one representative is acting for the party concerned, the signature of one representative shall be sufficient.

8. Pleadings lodged by the parties must be submitted in such a way as to enable them to be processed electronically by the Court, in particular by means of document scanning 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 must be placed together in such a way as to enable them to be easily undone. They must not be bound together or fixed to each other by any other means (e.g. glued or stapled);

   (c) the text must appear in characters of a current type with sufficient line spacing and margins to ensure that a scanned version will be legible;

   (d) the pages of the pleading must be numbered consecutively in the top right-hand corner.

   Where annexes to a pleading are produced, they must be paginated in accordance with the requirements at point 52 of the Practice Directions.

9. The first page of each copy of every procedural document required to be produced by the parties pursuant to the second subparagraph of Article 43(1) of the Rules of Procedure must be initialled by the lawyer or agent of the party concerned and certified by him as a true copy of the original document.

C. LENGTH OF PLEADINGS

10. Depending on the subject-matter and the circumstances of the case, the maximum number of pages shall be as follows:

   – 50 pages for the application and the defence;

   – 20 pages for the application and responses in intellectual property cases;

   – 15 pages for the appeal and the response;

   – 25 pages for the reply and the rejoinder;

   – 15 pages for the reply and the rejoinder in appeal cases and in intellectual property cases;

   – 20 pages for an objection of inadmissibility and observations thereon;

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

   Those maxima may be exceeded only in cases involving particularly complex legal or factual issues.

D. FORM AND CONTENT OF THE APPLICATION AND OF THE DEFENCE/RESPONSE

D.1. Direct actions

11. The Rules of Procedure contain provisions which specifically govern proceedings relating to intellectual property rights (Articles 130 to 136). The rules relating to applications and responses lodged in the context of such proceedings (D.1.2) are therefore set out separately from those relating to applications and defences lodged in the context of any other proceedings (D.1.1).

D.1.1. Application and defence (other than in intellectual property cases)

Application initiating proceedings

12. The information which is mandatory and must be included in the application initiating proceedings is prescribed under Article 44 of the Rules of Procedure.

13. For practical reasons, the following information must appear at the beginning of the application:

    (a) the name and address of the applicant;

    (b) the name and capacity of the applicant's lawyer or agent;

    (c) the identity of the party against whom the application is made;

    (d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

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

15. Legal arguments should be set forth and grouped by reference to the particular pleas in law to which they relate, and ideally each argument or group of arguments should 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.

16. 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.

17. In the case of an action for annulment, a copy of the contested measure must be annexed to the application and identified as such.

18. The documents referred to in Article 44(3) and (5)(a) and (b) of the Rules of Procedure must be produced together with the application, but separately from the documents annexed in support of the action.

19. Each application must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice prescribed by Article 24(6) of the Rules of Procedure. Since the notice is required to be published in the *Official Journal of the European Union* in all the official languages, it is requested that the summary should not exceed two pages and that it should be prepared in accordance with the model available on line on the Internet site of the Court of Justice of

the European Union. It must be produced separately from the documents annexed in support of the action and must also be sent by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.

20. All evidence offered in support must be expressly and accurately indicated, in such a way as to show clearly the facts to be proved:

    – documentary evidence offered in support must refer to the relevant document number in a schedule of annexed documents. Alternatively, if a document is not in the applicant's possession, the pleading must indicate how the document may be obtained;

    – where oral testimony is sought to be given, each proposed witness or person from whom information is to be obtained must be clearly identified.

21. If the application is lodged after the submission of an application for legal aid, the effect of which, under Article 96(4) of the Rules of Procedure, is to suspend the period prescribed for the bringing of an action, this must be pointed out at the beginning of the application initiating proceedings.

    If the application is lodged after notification of the order making a decision on an application for legal aid, reference must equally be made in the application to the date on which the order was served on the applicant.

Defence

22. The information which is mandatory and must be included in the defence is prescribed under Article 46(1) of the Rules of Procedure.

23. For practical reasons, in addition to the case-number and the name of the applicant, the following information must be included at the beginning of the defence:

    (a) the name and address of the defendant;

    (b) the name and capacity of the defendant's lawyer or agent;

    (c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

24. 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.

25. Points 15, 18 and 20 of the Practice Directions shall apply to the defence.

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

D.1.2. Application and response (in intellectual property cases)

Application initiating proceedings

27. The information which is mandatory and must be included in the application initiating proceedings is prescribed under Articles 44 and 132(1) of the Rules of Procedure.

28. For practical reasons, the following information must appear at the beginning of the application:

    (a) the name and address of the applicant;

    (b) the name and capacity of the applicant's lawyer;

    (c) the names of all parties to the proceedings before the Board of Appeal and the addresses given by them for notification purposes during those proceedings;

    (d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

29. In the case of an action for annulment, a copy of the contested measure must be annexed to the application and identified as such. Reference must be made to the date on which the decision was notified to the applicant.

30. Point 10, second indent, and points 14, 15, 16, 18, 20 and 21 of the Practice Directions shall apply to applications in intellectual property cases.

Response

31. The information which is mandatory and must be included in the response is prescribed under Article 46(1) of the Rules of Procedure.

32. In addition to the case-number and the name of the applicant, the following must appear at the beginning of the response:

    (a) the name and address of the defendant or of the intervener;

    (b) the name and capacity of the defendant's agent or of the intervener's lawyer;

    (c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

33. 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.

34. Point 10, second indent, and points 15, 18, 20 and 26 of the Practice Directions shall apply to the response.

D.2. Appeals

Notice of appeal

35. The notice of appeal must contain the statements prescribed under Article 138(1) of the Rules of Procedure.

36. The following must appear at the beginning of any notice of appeal:

    (a) the name and address of the appellant;

    (b) the name and capacity of the appellant's agent or lawyer;

(c) a reference to the decision of the Civil Service Tribunal appealed against (nature of the decision, formation of the Tribunal, date and case-number);

(d) the names of the other parties to the proceedings before the Civil Service Tribunal;

(e) a reference to the date of receipt by the appellant of the decision of the Civil Service Tribunal;

(f) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

37. The precise wording of the form of order sought by the appellant must be stated either at the beginning or at the end of the notice (Article 139(1) of the Rules of Procedure).

38. It is not generally necessary to describe the background or subject-matter of the proceedings. A reference to the decision of the Civil Service Tribunal is sufficient.

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

40. A copy of the decision of the Civil Service Tribunal appealed against shall be annexed to the notice.

41. Each notice of appeal must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice for publication prescribed by Article 24(6) of the Rules of Procedure. Since the notice is required to be published in the *Official Journal of the European Union* in all the official languages, it is requested that the summary should not exceed two pages and that it should be prepared in accordance with the model available on line on the Internet site of the Court of Justice of the European Union. It must be produced separately from the documents annexed in support of the appeal and must also be sent by email, as an ordinary electronic file, to GeneralCourt.Registry@curia.europa.eu, indicating the case to which it relates.

42. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area) must be produced together with the notice of appeal, unless the appellant is an institution of the Union or a Member State represented by an agent.

Response

43. The response must contain the statements prescribed under Article 141(2) of the Rules of Procedure.

44. In addition to the case-number and the name of the appellant, the following must appear at the beginning of each response:

(a) the name and address of the party submitting the response;

(b) the name and capacity of that party's agent or lawyer;

(c) the date of receipt of the appeal by that party;

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

45. The precise wording of the form of order sought by the party submitting the response must be stated either at the beginning or at the end of the response (Article 142(1) of the Rules of Procedure).

46. If the response seeks to set aside, in whole or in part, the decision of the Civil Service Tribunal on a plea in law which was not raised in the appeal, a reference to that effect should be included in the heading of the pleading ('response and cross-appeal').

47. Legal arguments must, as far as possible, be set forth and grouped by reference to the appellant's pleas in law and/or, as the case may be, to the pleas in law relating to the cross-appeal.

48. Since the factual and legal background is already included in the judgment under appeal, it should be repeated in the response only, in truly exceptional circumstances, in so far as its presentation in the notice of appeal is contested or requires clarification. The matter of fact or of law contested must be specified and the basis on which it is contested expressly stated.

49. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area) must be produced together with the response, unless the party producing it is an institution of the Union or a Member State represented by an agent.

E. ANNEXES TO PLEADINGS

50. Only those documents mentioned in the actual text of a pleading and which are necessary in order to prove or illustrate its contents may be submitted as annexes.

51. Annexes will be accepted only if they are accompanied by a schedule indicating, for each document annexed:

(a) the number of the annex (by reference to the pleading to which the documents are annexed, using a letter and a number: for example, Annex A.1, A.2, … for annexes to the application; B.1, B.2, … for annexes to the defence; C.1, C.2, … for annexes to the reply; D.1, D.2, ... for annexes to the rejoinder);

(b) a short description of the document (e.g. 'letter'), followed by its date, author and addressee and the number of pages;

(c) the page reference and paragraph number in the pleading where the document is mentioned and its relevance is described.

52. The documents annexed to a pleading must be paginated in the top right-hand corner, either consecutively with the pleading to which they are annexed or separately from the pleading concerned. Such pagination is intended to make it possible to ensure, by means of a page count, that all pages of the annexes have been duly scanned.

53. Where annexes are documents which themselves contain annexes, they must be arranged and numbered in such a way as to avoid all possibility of confusion and should, where necessary, be separated by dividers.

54. Each reference in the text of a pleading to a document lodged must state the relevant annex number as given in the schedule of annexes and indicate the pleading with which the annex has been lodged, in the manner described at point 51 above.

F. REGULARISATION OF PLEADINGS

F.1. Regularisation of applications

55. If an application does not comply with the following requirements set out in Article 44(3) to (5) of the Rules of Procedure, it shall not be served on the defendant and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) production of the certificate of the lawyer's authorisation to practise (Article 44(3) of the Rules of Procedure);

(b) proof of the existence in law of a legal person governed by private law (Article 44(5)(a) of the Rules of Procedure);

(c) authority (Article 44(5)(b) of the Rules of Procedure);

(d) proof that that authority has been properly conferred by someone authorised for the purpose (Article 44(5)(b) of the Rules of Procedure);

(e) production of the contested measure (action for annulment) or of the documentary evidence of the date on which the institution was requested to act (action for failure to act) (second paragraph of Article 21 of the Statute; Article 44(4) of the Rules of Procedure).

56. In intellectual property cases in which the lawfulness of a decision of a Board of Appeal of OHIM is called into question, an application which does not comply with the following requirements under Article 132 of the Rules of Procedure shall not be served on the other party/parties, and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) the names of the parties to the proceedings before the Board of Appeal and the addresses which they had given for the purposes of the notifications to be effected in the course of those proceedings (first subparagraph of Article 132(1) of the Rules of Procedure);

(b) the date on which the decision of the Board of Appeal was notified (second subparagraph of Article 132(1) of the Rules of Procedure);

(c) the contested decision annexed (second subparagraph of Article 132(1) of the Rules of Procedure).

57. If an application does not comply with the following procedural rules, service of the application shall be delayed and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) indication of the applicant's address (first paragraph of Article 21 of the Statute; Article 44(1)(a) of the Rules of Procedure; point 13(a) of the Practice Directions);

(b) original signature of the lawyer or agent at the end of the application (point 7 of the Practice Directions);

(c) numbered paragraphs (point 6 of the Practice Directions);

(d) production of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(e) sufficient number of copies of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(f) production of a schedule of annexes (Article 43(4) of the Rules of Procedure and point 51 of the Practice Directions);

(g) sufficient number of copies of the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(h) schedule of annexes with a short description of each document (point 51(b) of the Practice Directions) and page reference and paragraph number(s) (point 51(c) of the Practice Directions);

(i) sufficient number of copies of the schedule of annexes with page reference and paragraph number(s) (second subparagraph of Article 43(1) of the Rules of Procedure);

(j) sufficient number of copies of the contested measure or of the documentary evidence of the date on which the institution was requested to act (second subparagraph of Article 43(1) of the Rules of Procedure);

(k) production of a copy of the contract containing the arbitration clause (Article 44(5a) of the Rules of Procedure);

(l) sufficient number of copies of the contract containing the arbitration clause (second subparagraph of Article 43(1) of the Rules of Procedure);

(m) pagination of the application and annexes (points 8(d) and 52 of the Practice Directions);

(n) sufficient number of certified copies of the application (seven for *inter partes* intellectual property cases and six for all other cases) (second subparagraph of Article 43(1) of the Rules of Procedure);

(o) production of certified true copies of the application (second subparagraph of Article 43(1) of the Rules of Procedure; point 9 of the Practice Directions).

58. If the application does not comply with the following procedural rules, the application shall be served and a reasonable period shall be prescribed for the purposes of putting it in order:

(a) address for service (statement of an address for service and/or agreement to service by technical means of communication) (Article 44(2) of the Rules of Procedure; Article 10(3) of the Instructions to the Registrar; points 4 and 13(d) of the Practice Directions);

(b) certificate of authorisation to practise in respect of any additional lawyer (Article 44(3) of the Rules of Procedure);

(c) other than in intellectual property cases, a summary of the pleas in law and main arguments (point 19 of the Practice Directions);

(d) translation into the language of the case accompanying any document expressed in a language other than the language of the case (second subparagraph of Article 35(3) of the Rules of Procedure).

Regularisation of lengthy applications

59. An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 10 of the Practice Directions by 40% or more shall require regularisation, unless otherwise directed by the President.

An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 10 of the Practice Directions by less than 40% may require regularisation if so directed by the President.

Where an applicant is requested to put his application in order, service on the defendant of the application which requires regularisation on account of its length shall be delayed.

F.2. Regularisation of other pleadings

60. The instances of regularisation referred to above shall apply as necessary to pleadings other than the application.

G. APPLICATIONS FOR EXPEDITED PROCEDURE

61. An application in respect of which the expedited procedure is requested must not in principle exceed 25 pages. Such an application must be submitted in accordance with the requirements set out at points 12 to 19 above.

62. An application for a case to be decided by the Court under the expedited procedure, which is made by a separate document in accordance with Article 76a of the Rules of Procedure, must contain a brief statement of the reasons for the special urgency of the case and any other relevant circumstances. The provisions of Sections B and E above shall apply.

63. It is recommended that the party applying for the expedited procedure specifies in its application the pleas in law, arguments or passages of the pleading in question (application or defence) which are put forward only in the event that the case is not decided under the expedited procedure. That information, referred to in the second subparagraph of Article 76a(1) of the Rules of Procedure, must be clearly specified in the application, indicating the numbers of the paragraphs concerned.

64. It is recommended also that an abbreviated version of the relevant pleading be annexed to any application for a case to be decided under the expedited procedure which contains the information referred to at point 63 above.

Where an abbreviated version is annexed, it must comply with the following directions:

(a) the abbreviated version shall be in the same format as the original version of the pleading in question, with omitted passages being identified by the word 'omissis' in square brackets;

(b) paragraphs which are retained in the abbreviated version shall keep the same numbering as in the original version of the pleading in question;

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

(d) annexes which are retained in the abbreviated version must keep the same numbering as in the schedule of annexes in the original version of the pleading in question;

(e) the annexes referred to in the schedule accompanying the abbreviated version must be attached to that version.

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

65. Where the production of an abbreviated version of the pleading is requested by the Court under Article 76a(4) of the Rules of Procedure, the abbreviated version must be prepared in accordance with the above directions, unless otherwise specified.

66. If the applicant has not specified in its application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond to the application initiating proceedings within a period of one month.

If the applicant has specified in its application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments advanced in the application, in the light of the information provided in the application for the expedited procedure.

If the applicant has attached an abbreviated version of the application to its application for expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments contained in that abbreviated version of the application.

67. If the Court decides to reject the application for an expedited procedure before the defendant has lodged its defence, the period of one month for lodgment of the defence prescribed under the first subparagraph of Article 76a(2) of the Rules of Procedure shall be extended by a further month.

If the Court decides to reject the application for an expedited procedure after the defendant has lodged its defence within the period of one month prescribed by the first subparagraph of Article 76a(2) of the Rules of Procedure, the defendant shall be allowed a further period of one month in order to supplement his defence.

H. APPLICATIONS FOR SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

68. The application must be made by a separate document. It must be intelligible in itself, without necessitating reference to the application lodged in the main proceedings.

69. An application for suspension of operation or enforcement or for other interim measures must state, with the utmost concision, the subject-matter of the proceedings, the pleas of fact and of law on which the main action is based (establishing a prima facie case on the merits in that action) and the circumstances giving rise to urgency. It must specify the measure(s) applied for. Sections B, D and E above shall apply.

70. Because an application for interim measures requires the existence of a prima facie case to be assessed for the purposes of a summary procedure, it must not set out in full the text of the application in the main proceedings.

71. 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.

I. APPLICATIONS FOR CONFIDENTIAL TREATMENT

72. Without prejudice to the provisions of the second and third subparagraphs of Article 67(3) of the Rules of Procedure, the Court shall take into consideration only those documents which have been made available to the lawyers and agents of the parties and on which they have been given an opportunity of expressing their views (first subparagraph of Article 67(3) of the Rules of Procedure).

73. Nevertheless, a party may apply for any part of the contents of the case-file which are secret or confidential:

- to be excluded from the documents to be furnished to an intervener (Article 116(2) of the Rules of Procedure);

- not to be made available to a party in a joined case (Article 50(2) of the Rules of Procedure).

74. An application for confidential treatment shall be made by a separate document. It may not be lodged as a confidential version.

75. Such an application must specify the party in relation to whom confidentiality is requested. It must be limited to what is strictly necessary and may not in any event cover the entirety of a pleading and may only exceptionally extend to the entirety of an annexed document. It should usually be feasible to furnish a non-confidential version of a document in which passages, words or figures have been deleted without harming the interests sought to be protected.

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

77. The application must be accompanied by a non-confidential version of each pleading or document concerned with the confidential material deleted.

Applications for leave to intervene

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

    With regard to all documents that the parties may lodge subsequently, the parties must specify, in accordance with points 74 to 77 above, the information for which confidential treatment is sought, and provide, in addition to the full version of the documents lodged, a version from which the information in question has been removed. In the absence of such indication, the documents lodged will be furnished to the intervener.

Joined cases

79. Where it is envisaged that several cases will be joined, the parties are requested to state, within the period prescribed by the Registrar to that effect, whether they wish to seek confidential treatment in respect of certain information included in the documents already placed on the case-files.

    With regard to all documents that the parties may lodge subsequently, the parties must specify, in accordance with points 74 to 77 above, the information for which confidential treatment is sought, and provide, in addition to the full version of the documents lodged, a version from which the information in question has been removed. In the absence of such indication, the documents lodged will be made available to the other parties.

J. APPLICATIONS FOR LEAVE TO LODGE A REPLY IN APPEAL PROCEEDINGS

80. Under Article 143(1) of the Rules of Procedure, the President may, on application within the period prescribed by that provision, allow a reply to be submitted if it is necessary in order to enable the appellant to put forward his point of view or in order to provide a basis for the decision on the appeal.

81. Save in exceptional circumstances, such an application must not exceed 2 pages and must be confined to summarising the precise reasons for which, in the appellant's opinion, a reply is necessary. The request must be intelligible in itself, without necessitating reference to the appeal or to the response.

K. APPLICATIONS FOR HEARING OF ORAL ARGUMENT IN APPEAL PROCEEDINGS

82. The Court may decide to rule on the appeal without an oral procedure, unless one of the parties submits an application to be heard within the period prescribed under Article 146 of the Rules of Procedure.

83. The application must set out the reasons for which the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the elements of the file or arguments which that party considers it necessary to develop or disprove more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

L. APPLICATIONS FOR LEAVE TO LODGE A REPLY OR REJOINDER IN INTELLECTUAL PROPERTY CASES

84. Under Article 135(2) of the Rules of Procedure, the President may, on application within the period prescribed by that provision, allow a reply or a rejoinder to be submitted if it is necessary in order to enable the party concerned to put forward his point of view.

85. Save in exceptional circumstances, such an application must not exceed 2 pages and must be confined to summarising the precise reasons for which, in the opinion of the party concerned, a reply or a rejoinder is necessary. The request must be intelligible in itself, without necessitating reference to the main pleadings.

M. APPLICATIONS FOR HEARING OF ORAL ARGUMENT IN INTELLECTUAL PROPERTY CASES

86. The Court may decide to rule on the action without an oral procedure, unless one of the parties submits an application to be heard within the period prescribed under Article 135a of the Rules of Procedure.

87. The application must set out the reasons for which the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the elements of the file or arguments which that party considers it necessary to develop or disprove more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

N. APPLICATIONS FOR LEGAL AID

88. The use of a form in making an application for legal aid is compulsory. The form is available on the website of the Court of Justice of the European Union at www.curia.europa.eu.

    The form may also be obtained on request from the Registry of the Court (Tel: (+352) 4303 3477), either by sending an email stating the applicant's name and address to GeneralCourt.Registry@curia.europa.eu, or by writing to the following address:

    Registry of the General Court of the European Union
    Rue du Fort Niedergrünewald
    L-2925 Luxembourg

89. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration and will give rise to a reply from the Registrar reiterating that the use of the form is compulsory and attaching a copy of the form.

90. The original application for legal aid must be signed by the legal aid applicant or by his lawyer.

91. If the application for legal aid is submitted by the legal aid applicant's lawyer before the application initiating proceedings has been lodged, the application for legal aid must be accompanied by documentation certifying that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area.

92. The application form is intended to provide the Court, in accordance with Article 95(2) of the Rules of Procedure, with the information required to give an effective decision on the application for legal aid. The information required concerns:

– the legal aid applicant's economic situation;

and,

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

Together with the form, the legal aid applicant is required to produce documentary evidence to support his assertions.

93. The duly completed form and supporting documents must be intelligible in themselves without necessitating reference to any other letters lodged at the Registry by the legal aid applicant.

94. Without prejudice to the Court's power to request information or the production of further documents under Article 64 of the Rules of Procedure, the application for legal aid may not be supplemented by the subsequent lodgment of addenda. Such addenda will be returned, unless they have 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.

95. Under Article 96(4) of the Rules of Procedure, the introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action to which the application refers until the date of notification of the order making a decision on that application or, where no lawyer is designated in that order to represent the person concerned, until the date of service of the order designating the lawyer instructed to represent the legal aid applicant.

The suspension shall take effect from the date on which the form is lodged or, where the request for legal aid is submitted without using the form, from the date on which that request is lodged, provided that the form is returned within the period prescribed by the Registry to that effect in the letter referred to at point 89 above. If the form is not returned within the prescribed period, the suspension shall take effect from the date on which the form is lodged.

96. Where the form is lodged by fax or email, the signed original must reach the Registry of the Court no more than 10 days after such lodgment, in order for the date of lodgment of the fax or email to be taken into account in the suspension of the time-limit for bringing an action. If the original form is not lodged within that 10-day period, the suspension of the time-limit for bringing an action shall take effect on the date on which the original form is lodged. In the event of any discrepancy between the signed original and the copy previously lodged, only the signed original will be taken into account, and the relevant date for the purpose of suspension of the time-limit for bringing an action will be the date on which that original was lodged.

II. ORAL PROCEDURE

97. The oral procedure exists:

- where necessary, to reiterate in condensed form the position taken by the parties, emphasising the key submissions advanced in writing;
- to clarify, if necessary, certain arguments advanced during the written procedure and to submit any new arguments prompted by recent events which arose after the close of the written procedure and which could not therefore have been set out in the pleadings;
- to reply to any questions put by the Court.

98. It is for Counsel to each party to assess, in the light of the purpose of the oral procedure, as defined in point 93 above, whether oral argument is really necessary or whether it would be sufficient simply to refer to the pleadings or written observations. The oral procedure can then concentrate on the replies to questions put by the Court. If Counsel 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.

99. If a party refrains from presenting oral argument, this will never be construed as constituting acquiescence in the oral argument presented by another party where the arguments in question have already been refuted in writing. Such silence will not preclude that party from responding to the other party's submission.

100. In some cases, the Court may consider it preferable to start the oral procedure with questions put by its Members to Counsel for the parties. In that case, Counsel are requested to take this into account if they then wish to make a brief address.

101. In the interests of clarity and in order to enable the Members of the Court to understand oral submissions better, it is generally preferable for Counsel to speak freely on the basis of notes rather than to read out a written text. Counsel for the parties are also requested to simplify their presentation of the case as far as possible; a series of short sentences will always be preferable to a long, complicated sentence. It would also assist the Court if Counsel could structure their oral argument and indicate, before developing it, the structure they intend to adopt.

    If, however, the submission is prepared in writing, it is advisable to bear in mind when drafting it that it will have to be presented orally and should therefore resemble a spoken text as much as possible. To facilitate interpretation, agents and lawyers are requested to send any text or written notes for their submissions to the Directorate for Interpretation in advance either by fax ((+352) 4303 3697) or by email (interpret@curia.europa.eu).

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

102. Counsel are reminded that, depending on the case being heard, only some of the Members of the bench will 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 proceedings and of maintaining the quality of

the simultaneous interpretation, Counsel are strongly advised to speak slowly and directly into the microphone.

Where Counsel intend to cite verbatim passages from certain texts or documents, particularly passages not appearing in the documents before the Court, 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.

103. As the courtrooms are equipped with an automatic sound amplification system, Counsel must press the button on the microphone in order to switch it on and wait for the light to come on before starting to speak. The button should not be pressed while a Member of the Court or another person is speaking, in order not to cut off his or her microphone.

104. The time taken in presenting oral submissions may vary, depending on the complexity of the case and on whether or not new facts have arisen. The lawyers or agents of the main parties are requested to limit their oral submissions to 15 minutes or thereabouts for each party, and those of any intervener to 10 minutes (in joined cases, each of the main parties will be allowed 15 minutes for each case and each intervener will be allowed 10 minutes for each case), unless the Registry has indicated otherwise. These limitations apply only to the presentation of oral argument itself and not to time spent in answering questions put at the hearing.

If circumstances so require, a request for leave to exceed the speaking time normally allowed, giving reasons and indicating the speaking time considered necessary, may be made to the Registry at least 15 days (or less, in duly substantiated exceptional circumstances) before the date fixed for the hearing. When such requests are made, Counsel for the parties will be informed of the time which they will have for presenting their oral submissions.

105. Where a party is represented by more than one Counsel, no more than two of them may normally present argument and their combined speaking time must not exceed the time-limits indicated above. However, Counsel other than those who addressed the Court may answer questions from Members of the Court and reply to observations of other Counsel.

Where two or more parties are advancing the same argument before the Court (a situation which may arise where, in particular, there are interventions or where cases have been joined), their Counsel are requested to confer with each other before the hearing in order to avoid any repetition.

106. The Report for the Hearing is drawn up by the Judge-Rapporteur and provides an objective summary of the case. It does not set out every detail of the parties' arguments but is meant to enable the parties to check that their pleas and arguments have been properly understood and to facilitate study of the documents before the Court by the other Members of the bench hearing the case. However, in intellectual property cases, the Report for the Hearing is confined to setting out the pleas in law and a succinct summary of the parties' arguments.

107. The Court will make every effort to ensure that Counsel for the parties receive the Report for the Hearing at least three weeks before the hearing. The sole purpose of this document is to prepare the hearing for the oral procedure.

108. If the Report for the Hearing contains factual errors, Counsel are requested to notify them to the Registry in writing before the hearing. Similarly, if it does not correctly convey the essence of a party's argument, Counsel for that party may propose the amendments they consider appropriate.

If at the hearing Counsel submit oral observations on the Report for the Hearing, these will be recorded by the Registrar or acting Registrar.

109. The Report for the Hearing shall be made available to the public outside the courtroom on the day of the hearing.

110. When citing a judgment of the Court of Justice, the General Court or the Civil Service Tribunal, Counsel are requested to give all the references, including the names of the parties, and, where relevant, to state the number of the page of the European Court Reports (ECR) on which the passage in question appears.

111. The Court will accept documents submitted at the hearing only in exceptional circumstances and only after the parties have been heard in that regard.

112. A request to use particular technical means for the purposes of a presentation must be made in good time. Arrangements for such use of technology should be made with the Registrar, so that any technical or practical constraints can be taken into account.

III. ENTRY INTO FORCE OF THESE PRACTICE DIRECTIONS

113. The Practice Directions to Parties of 14 March 2002 (OJ 2002 L 87, p. 48) and the 'Notes for the guidance of counsel at the hearing of oral argument' are hereby revoked and replaced by these Practice Directions.

114. These Practice Directions shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.