

CCBE GUIDE TO USING THE ELECTRONIC FILING SYSTEM OF THE EUROPEAN UNION COURTS

This practical guidance is addressed to lawyers seeking to use the e-Curia electronic filing system of the Court of Justice, the General Court and the Civil Service Tribunal of the European Union. It has been prepared by the CCBE Permanent Delegation to the Court of Justice and the General Court of the European Union and the EFTA Court. The guidance is intended to complement the User Manual published on the Curia website of the Court of Justice, and it focuses on helping lawyers avoid surprises and understand the various choices they will need to make.

What is e-Curia and why should you use it?

The electronic filing system

- e-Curia is an online system for lodging documents with the European Union courts, and receiving service of documents
- It enables a lawyer to consult documents that have previously been lodged by or served on them by e-Curia in a current case
- e-Curia is not a genuine electronic docket, and so it does not offer access to all relevant documents in current or past cases
- The use of e-Curia is currently optional

Advantages of e-Curia

- e-Curia filing is extremely quick and simple, greatly reducing the stress of finalising documents and respecting time limits
- e-Curia enables a lawyer to lodge documents from anywhere in the world, in the office, at home or on holiday, however late in the day
- Because documents lodged by e-Curia do not need to contain a handwritten signature, the drafting process can continue until the last moment, even without the physical presence of the lawyer with a Power of Attorney from the party concerned
- Documents lodged by e-Curia do not need to be followed up by the submission of a paper original and certified copies (as is required within 10 days for lodging by fax or email), thus avoiding the paper document production process, worries about certification, and worries about the additional 10 day time limit

Disadvantages of e-Curia

- Service of documents is deemed to occur in any event seven days after a notification email has been sent, although in practice it is possible to establish effective safeguards to avoid surprises in this respect, as discussed below in this note
- The e-Curia portal is occasionally off-line for technical reasons, and thus lawyers need to be ready at the last moment to email or fax their document instead (after having signed it)
- e-Curia's security is based on https, which some lawyers may consider insufficient protection against data theft for very sensitive documents – in that case, they may prefer to lodge such documents by hand instead, although this will not preclude the Court from serving the document by e-Curia on other lawyers in the case



How does e-Curia work?

Lodging documents

- Once you have access to e-Curia, you can lodge documents in proceedings before any of the three European Union courts, simply by uploading them from your computer onto the e-Curia portal (in the same way as you would upload an attachment to a web-based email system), and validating them by entering your password
- The maximum size of individual files is 30 MB
- You will be asked to lodge the main document separately, and then the annexes (bundled together in as many files of up to 30 MB each, as you need), and then any cover letter you choose to add

Service of documents

- When the court wishes to serve documents on you, e-Curia will automatically send you an email to the address you will have provided at the time of your registration to the service (see below), stating that there is a document in the relevant case waiting for service on e-Curia
- You then log on to e-Curia using your password, and access the document, which can be viewed on screen, printed and/or downloaded onto your computer
- By accessing the documents you accept service

For further information

- video demonstrations of various aspects of e-Curia, available at http://curia.europa.eu/jcms/jcms/P_78957/
- e-Curia User Manual, available at https://curia.europa.eu/e-Curia/help/e-Curia_UserGuide_EN.pdf
- e-Curia: Conditions of Use applicable to parties' representatives, available at <http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-10/en08602.pdf>
- e-Curia: Conditions of Use applicable to assistants, available at <http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-10/en08603.pdf>
- decisions of the three European Union courts on the lodging and service of procedural documents by means of e-Curia, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:289:0007:0008:EN:PDF>, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:289:0009:0010:EN:PDF>, and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:289:0011:0012:EN:PDF>

- If you do not access the documents within seven days of the email being sent, they are deemed served and any consequent time limits will start running – you will be sent a further email informing you of the deemed service
- There are various techniques that can be used to avoid surprises in this respect, and they are discussed below

Consulting documents

- You can consult all documents previously lodged by you or served on you by e-Curia in a particular case
- You cannot as such access documents lodged by or served on other parties, and you cannot access documents that were not lodged by or served on you other than by e-Curia (that is, by fax, email or by hand delivery)
- Documents remain within e-Curia until three months after the end of the proceedings before the Court concerned, so if you are using e-Curia as a convenient archive remember to download all the documents at the end of the case

Assistant accounts

- If you wish, you can create one or more «assistant accounts» for colleagues who will then be able to load documents onto e-Curia ready for you to lodge them, as well as to access your documents

Registering for e-Curia

Think early about registering

- You need to think about this at least three weeks before you will need to lodge your first document – signing up is not a quick process
- You will need a recent letter or certificate from your bar or law society confirming that you are authorised to practice before a court of an EU Member State or an EEA country (a CCBE card is also sufficient), and so you need to factor in the time it will take to obtain this and to start the process of doing so as early as possible
- Use of e-Curia is available to all representatives qualifying under Article 19 of the Statute of the Court of Justice, and thus extends also to agents of Member States and EU institutions.

Filling out the form on the Curia website

- The first step is to fill out a simple electronic form on the Curia website of the Court of Justice, which involves little more than the submission of contact details
- This form can be found by clicking on the e-Curia banner on the welcome page of the Court's website, and then clicking where indicated to request the creation of an e-Curia account under the heading «New user?»
- If instead, you click the question mark on the e-Curia banner, you will be taken to a description of e-Curia which includes video demonstrations of key aspects such as requesting access to the system
- Once in the form, make sure that the email address you give is your main work email address that you regularly consult during the day – because the email address you enter on this initial form is the address to which User ID, password and the all-important e-Curia case notifications will ultimately be sent
- Whatever you do, do not give an email address that is shared with other people – because this is the address to which your e-Curia user ID and password will be sent
- You will be asked to confirm that you have read and accept the e-Curia Conditions of Use
- When you click on «Validate» to confirm your acceptance of the Conditions of Use, your form will be submitted to the Court without any further warning – there is no possibility to check and correct your details once you have clicked on «Validate»

Sending in your paper documents by post

- The Court will send to your email address a PDF document containing your contact details and restating the e-Curia Conditions of Use
- You need to print out this document and sign it, again confirming acceptance of the Conditions of Use, and then send it with the requested supporting documents to the registry of any of the three European Union courts – it really does not matter to which one you send the document
- The requested supporting documents are a copy of your identity card or passport, and a copy of the document confirming that you are authorised to practice before a court of an EU Member State or an EEA country
- This is when you will be grateful for having followed the advice set out above to obtain the certificate from your bar or law society as soon as it occurs to you that you might want to register for e-Curia

Getting online

- Once it has verified from the documents you submitted that you are entitled to represent parties under Article 19 of the Statute, the Court will send you by separate emails your User ID and password for access to e-Curia
- You can now go online and access e-Curia through the banner on the Curia website of the Court of Justice
- You may wish to take the opportunity already to explore your personal settings within e-Curia, as discussed below



Managing risk and convenience within e-Curia

Making sure you see incoming emails

- Even if you have not noticed an incoming document, it will be deemed served on you seven days after the notification email was sent to you by e-Curia
- This is a fundamental rule of e-Curia – it is set out in the original decisions of the Courts establishing e-Curia, and it is the reason why you were asked twice to confirm that you unconditionally accept the Conditions of Use
- If as recommended you provided your main work email address on the original electronic form requesting access, then the e-Curia notification emails will be sent to that address
- If you did not do this, you can change your main email address by clicking on «Change my personal details» in the General Menu within e-Curia
- Using this «Change my personal details» function, you can also provide two additional email addresses to which your e-Curia case notifications will be sent, and it is recommended that you do so
- One of these additional email addresses should be a personal email address that you have, which will ensure that you will receive the e-Curia notification even if your work email system suffers a technical failure
- Using a personal email address in this way does not risk disclosing confidential information, because the e-Curia notifications use standard form, generic text with the only case-specific information being the case number (even the names of the parties are not mentioned)
- If you have any concerns about receipt of emails, remember that you can always log on to e-Curia and check whether you have any documents waiting for you – and indeed, you undertook to do this regularly when you signed the Conditions of Use

Sharing the burden of watching for emails

- By increasing the number of lawyers on the Power of Attorney, you can increase the number of people who will receive notification emails – for example, if you have three lawyers (who all are on e-Curia) on the POA, each with three e-Curia email addresses, that means that nine emails will be sent out by e-Curia
- You can also use one of your two additional email addresses in the e-Curia system to share the burden with your colleagues
- Specifically, if your email server technology permits it, you can create a special email account that acts as a circulation list, replicating incoming emails into the in-boxes of legal and other colleagues with whom you regularly work
- By creating a circulation list in this way, you can set up a system under which you and your colleagues all watch out for each other at times of sickness, holidays, travel or other absences – they will know that an e-Curia email is intended for you because your individual email address will be the first one in the «To» line
- If your email server technology permits, you might even add to the circulation list a special account that is accessible only by your IT administrator, which serves as a comprehensive archive of all the Curia notifications received – for use in the event that forensic proof of the date of receipt ever becomes necessary

Controlling acceptance of service

- The welcome page of the e-Curia portal will contain a statement informing you of any documents waiting for service, and if you click on the link provided you will be taken to a page that contains the number of the case concerned and the date on which the document was made available – no information is provided about the nature or content of the document itself
- You should understand that if you then click on the link to «Access documents» this constitutes service of the document on you – so if you are not ready to accept service and start any consequent time limit running, do not click on the link
- You should also be aware that any person capable of accessing that document can cause service of the document to occur if they are the first person to do so

- Specifically, where a party is represented by more than one lawyer, documents will be made available by e-Curia to each of those lawyers (who are on the e-Curia system), each of them will receive their own notification email, and each of them will be able to accept service
- Moreover, if you have set up an assistant account, for example for your secretary, to enable them to prepare and load documents onto e-Curia ready for you to lodge them, you should be aware that your secretary is also able to access incoming documents intended for you – and if they are the first person to do so, then service of the document will occur
- In such situations, you need to have all the lawyers agree in advance who will access the document first – otherwise it may be served and consequent time limits start running without you being aware
- You also need to give clear instructions to anyone without an assistant account, as to whether and when they may access documents intended for you

Dealing with technical problems

- e-Curia provides reassurance by immediately generating an on-screen confirmation of documents lodged, which you can download and print, and which will in any event be sent to you by email
- Complete reassurance can be obtained by comparing the hash value generated by e-Curia and shown on the screen when you uploaded the document ready for lodging, with the hash value shown on the confirmation document
- If you have any concerns, you can immediately send a message to the e-Curia team by using the online form available by clicking on «Contact Technical Support» within the General Menu of e-Curia
- However, if you are not confident that your document has actually been lodged – or if the e-Curia portal has been taken down completely for some technical reason – it is advisable immediately to switch to another means of lodging documents
- In practice, this means immediately sending the main document (including the list of annexes, but not necessarily the annexes themselves) by email or fax to the registry of the relevant court, as set out below:
- Court of Justice: ecj.registry@curia.europa.eu or fax + 352 433766
- General Court: generalcourt.registry@curia.europa.eu or fax + 352 4303 2100
- Civil Service Tribunal: tfp.greffe@curia.europa.eu or fax + 352 4303 4453
- If you switch to the email or fax method of lodging documents, you absolutely must remember first to sign the main document you are lodging (this is necessary for lodging to be effective under those methods, unlike lodging using e-Curia)
- If you think that your attempt to lodge the document by e-Curia may actually have succeeded, you should then contact the registry of the relevant court by telephone to verify whether this is the case – if the registry does not provide the confirmation you seek, do not forget to lodge the original signed paper document and certified copies within 10 days as required under the email and fax methods of lodging
- In the event that you have problems opening up a document that is being served on you by e-Curia, do not ignore those problems – because service has already occurred when you clicked the «Access documents» link
- As a first step, try to access the document by going into e-Curia using a different computer, remembering that this may now need to be done using the «Consult the history of documents accepted» link in the Actions menu
- If you still cannot access the document, click on «Contact Technical Support» in the General Menu and explain the situation in the electronic form provided
- You should also telephone the registry of the Court concerned to ask for their help – e-Curia internally records attempts to access documents and so the registry may be able to confirm the situation and, if needed, fax or email you the document concerned in any event