



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

2019



This practical guidance is addressed to lawyers seeking to use the e-Curia electronic filing system of the Court of Justice and the General Court 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 information published on the website of the Court of Justice of the European Union, and it focuses on helping lawyers avoid surprises and understand the various choices they will need to make.

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WHAT IS e-CURIA?

The electronic filing system

- The IT application 'e-Curia', which is common to the Court of Justice and the General Court, is an online system enabling procedural documents to be lodged and served electronically. e-Curia was introduced in 2011 and, **as of 1 December 2018, its use has become mandatory in proceedings before the General Court**
- e-Curia is common to the Court of Justice and the General Court. However, it is still **optional in proceedings before the Court of Justice**
- The use of e-Curia requires the opening of an access account and use of a personal user ID and password
- 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 as well as to other representatives of the parties in the case of preliminary references by national courts (Article 267 TFEU)
- Although e-Curia is not a genuine electronic docket offering access to all relevant documents in current or past cases, it enables the lawyers representing the parties in a current case to consult the documents that have previously been lodged by or served on them by e-Curia

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
- The use of the representative's personal user ID and password for the lodging of a procedural document shall constitute the signature of the document concerned. Since documents lodged by e-Curia do not need to contain a handwritten signature, the drafting process can continue longer, without the need to print or transmit the paper document to be signed. Once the PDF is generated, its lodging only requires connecting by computer to the application and entering the password to confirm its submission, which can be done from anywhere



- The filing of documents by e-Curia does 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), thus avoiding the paper document production process, worries about certification, and worries about the additional 10-day time limit
- The positive feedback received from users, the advantages of the immediacy of electronic transfers and the enhanced efficiency resulting from the abandonment of managing both paper and digital formats has now led the General Court to move to paperless procedures except in very specific situations (see below)

Things to keep in mind

- You need to register at least three weeks before you wish to start using e-Curia – signing up is not a quick process (see below, section “Sending in your application for an access account and supporting documents by post”)
- Service of a document **is deemed to occur** in any event on the seventh day, counting from the date when the system sends an e-mail indicating that a document is available in the account – although in practice it is possible to establish effective safeguards to avoid surprises in this respect, as discussed below
- The e-Curia portal is occasionally off-line for a short period of time, due to the need for maintenance operations of the system, which however are announced to users well in advance by appropriate warnings in the system
- Where the system happens to be off-line for technical reasons, lawyers need to be ready at the last moment to inform the Registry of the Court of Justice or of the General Court, and to lodge their procedural documents by any appropriate means available (see below, section “Dealing with technical impossibility of using e-Curia”)
- e-Curia’s security is based on https, which some lawyers may consider insufficient protection against data theft for very sensitive documents. In the special case of information or material pertaining to the security of the Union or that of one or more of its Member States or to the conduct of their international relations, lodging is prescribed by specific decisions (Decision (EU) 2016/2386 of the Court of Justice and Decision 2016/2387 of the General Court), which both exclude digital transmission

Most common mistakes

In order to assist users, and to avoid unwanted surprises, this section of the Guide highlights the most common mistakes made by users of the e-Curia application:

- When accepting the terms and conditions of use, users must sign the paper format of these terms and conditions by hand. If this is not complied with, registration as a user cannot proceed
- When filling out the form on the website of the Court of Justice, make sure that the e-mail address you provide is your main e-mail address at work, which you regularly consult during the day – because the e-mail address you enter on this initial form is the address to which your user ID, password and the all-important e-Curia case notifications will be sent. Under no circumstances should you give an e-mail address that is shared with other people, since this is the address to which your e-Curia user ID and password will be sent



- Users need to update their data when changes occur. For example, if the user has a new e-mail address, or a new contact phone number, this must be updated, otherwise the Registry will not be in a position to contact him or her if there are, for example, urgent problems with his or her pleadings. Note that the application allows you to manually enter the e-mail address, whereas a change of phone number must be requested from Technical Support or the Registry
- 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, served on you after the opening of their account. The details of “assistant accounts” need to be kept under review and updated as appropriate (otherwise named assistants will continue to have access to documents even after circumstances have changed)
- When registration has been completed, the user will receive two e-mails. The first will contain a user ID, while the second e-mail will contain a temporary password. There may be a delay of a few minutes between receiving the user ID and the second e-mail with the password. Users should wait, check in their “spam” folder if necessary, and only contact the Registry if the second e-mail does not arrive after a reasonable time. In addition, please note that the initial passwords are temporary: users will need to change them and create their own passwords
- The user will be requested to send a **paper copy** of his or her identity card or passport together with a document confirming that he or she is authorised to practice before a court of an EU Member State or EEA country. Please ensure that the copies are clear (both image and text) and of a high-quality standard. If they are not, they will be returned, and new supporting papers will be requested
- As far as the General Court is concerned, any transmission of documents through an alternative means (lodging of a paper version or transmission by post, e-mail or fax) because of technical problems of e-Curia must be followed by a **lodging of exactly the same document by e-Curia** as soon as the technical impediment ceases. Note that this does not apply to lodging before the Court of Justice, since alternative means of exchanging documents are still possible

#2

HOW DOES e-CURIA WORK?

Lodging documents

- Once you have access to e-Curia, you can lodge documents 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 e-mail system) and validating them by entering your password. A procedural document is deemed to have been lodged at the time of validation of lodging
- The maximum size of individual files is 30 MB
- You will be asked to lodge the main document separately, and then the annexes (unlimited number of files, each with a maximum size of 30 MB), and then any cover letter you choose to add
- Any annexes to a procedural document that are mentioned in the body of that document and by their nature cannot be lodged by e-Curia – such as CDs, DVDs, USB sticks or samples of shoes, pens, watches, etc. in intellectual property cases – may be sent separately by post or hand-delivered to the Registry, provided that they are expressly mentioned as annexes to be lodged separately in the schedule of annexes at the end of the document lodged by e-Curia, **with a clear mention in that schedule that those annexes will be lodged separately. They must reach the Registry no later than 10 days after the lodging of the procedural document by e-Curia**
- 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 e-mail immediately. This confirmation is generated in the preferred language, as chosen by the user in his or her “personal details”
- 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 using the online form available by clicking on “Contact Technical Support” within the general menu of e-Curia
- However, if you do not receive an on-screen confirmation that your document has been lodged – or if the e-Curia portal has been taken down completely for technical reasons (see below, section “Dealing with technical impossibility of using e-Curia”) – you will immediately need to switch to another means of transferring or lodging documents (i.e. lodging of a paper version or transmission by post, e-mail or fax as far as the Court of Justice is concerned, or transmission by post, e-mail or fax followed by lodging with e-Curia in the case of the General Court)



Service of documents

- Where the Court of Justice or the General Court wishes to serve documents on you, including judgments and orders, e-Curia will automatically send an e-mail to the address you provided at the time of your registration to the service (see below), informing you 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. If you do not access the documents within seven days of the e-mail being sent, they are deemed served and any consequent time limits will start running – you will be sent a further e-mail informing you of the deemed service at the end of the seventh day
- Below you will find various techniques that can be used to avoid surprises in this respect

Consulting documents

- You can consult all documents previously lodged by you or served on you by e-Curia in any proceedings
- 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, registered post or hand delivery)
- Moreover, where several lawyers are representing one party in the same proceedings, each of them can only consult on his/her individual e-Curia account the document(s) he him/she herself lodged, and not the document(s) lodged by another member of the defence team
- Documents remain within e-Curia until three months after the end of the proceedings before the relevant Court, so if you are using e-Curia as a convenient archive remember to download all the documents at the end of the case

#3

REGISTERING FOR e-CURIA

Think early about registering

- e-Curia is the only means of exchange between the parties and the General Court. Accordingly, lawyers who do not have an account yet should register as soon as possible
- As mentioned above, in order to avoid any difficulties, you need to register at least three weeks before you wish to start using e-Curia
- 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 ID 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

Filling out the form on the website of the Court of Justice

- The first step is to fill out a simple electronic form on the website of the Court of Justice (<https://curia.europa.eu>), 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, in the User Guide or on the e-Curia webpage, of key aspects such as requesting access to the system
- You will be asked to confirm that you have taken note of the e-Curia Conditions of Use
- When you click on "Validate", your form will be used to generate the account request form that you will have to print and sign by hand – there is no confirmation screen available to correct your details once you have clicked on "Validate". For the sake of clarity, at this stage there is no electronic submission of the account request form, but only an electronic pre-filling of all the fields of the form for the system to be able to generate and send the pdf version of the account request form



Sending in your application for an access account and supporting documents by post

- The system will send you by email a PDF document containing your contact details and restating the e-Curia Conditions of Use
- You need to print this document and sign it by hand, confirming acceptance of the Conditions of Use, and then send it with the requested supporting documents **in paper format** to the Registry of the General Court or the Registry of the Court of Justice – it does not matter which court you send the document to
- The requested supporting documents are a readable 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 – hence the importance of obtaining the certificate from your Bar or Law Society as soon as it occurs to you that you might want to register for e-Curia, as mentioned above
- Under a **special procedure, applicable only to the lodging of procedural documents with the General Court**, where you have not taken the requisite steps to open an account under the standard procedure in good time before the expiry of a time limit for lodging a procedural document, you may still open an account on a provisional basis in order to lodge that document as a matter of urgency. The creation of the provisional account must then be validated by the Registry. To do this, you must complete the account request form online, print it, date it, sign it by hand and send the paper version by registered post or have it physically delivered (e.g. by courier) to the Registry of the General Court (Rue du Fort Niedergrünwald, L-2925 Luxembourg), together with the necessary supporting documents. If the paper version of the form and the supporting documents do not reach the Registry of the General Court within 10 days of the date on which the procedural document was lodged via the e-Curia provisional account, the Court will declare the procedural document lodged via e-Curia **inadmissible**. This time limit may not be extended and no extension on account of distance applies

Getting online

- Once it has verified from the documents you submitted that you are entitled to represent parties under Article 19 of the Statute of the Court of Justice, the Court will send you your User ID and password for access to e-Curia in two separate e-mails as well as instructions on how to change the password
- 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 immediately take the opportunity to explore your personal settings within e-Curia, as discussed below

#4

MANAGING RISK AND CONVENIENCE WITHIN e-CURIA

Making sure you see incoming e-mails

- Even if you have not noticed an incoming document, it will be deemed served on you seven days after the notification e-mail was sent to you by e-Curia
- This is a fundamental rule: it is set out in the decisions of the Courts on the lodging and service of procedural documents by means of 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 e-mail address on the original electronic form requesting access, then the e-Curia notification e-mails will be sent to that address
- If you did not do this, you can change your main e-mail 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 e-mail addresses to which your e-Curia case notifications will be sent, and it is recommended that you do so
- One of these additional e-mail addresses should be a personal e-mail address that you have, which will ensure that you will receive the e-Curia notification even if your work e-mail system suffers a technical failure
- Using a personal e-mail 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 receiving e-mails, remember that you can always log on to e-Curia and check whether you have any documents waiting for you – and indeed, you undertake to do this regularly when you sign the Conditions of Use



Sharing the burden of watching for e-mails

- Where the Power of Attorney (POA) is conferred on more than one lawyer, more people will receive notification e-mails – for example, if you have three lawyers (who all are on e-Curia) on the POA, each with three e-Curia e-mail addresses, that means that nine e-mails will be sent out by e-Curia. 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 e-mail, and each of them will be able to accept service. **The relevant time for calculating the time limits will then be the time when the first request for access is made.** 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, if you are not the first one
- Specifically, if your e-mail server technology permits it, you can create a special e-mail account that acts as a circulation list, replicating incoming e-mails 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 e-mail is intended for you because your individual e-mail address will be the first one in the “To” line
- If your e-mail 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 contains 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 (see above, section “Sharing the burden of watching for e-mails”)
- 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



Dealing with technical impossibility of using e-Curia

- Although e-Curia has become the sole means of correspondence between the parties' representatives and the General Court Registry, alternative means of lodging documents can still be used in proceedings before the General Court in case of technical impossibility of using e-Curia
- In these cases, the user must immediately notify the Registry of the General Court by e-mail (at gc.registry@curia.europa.eu) or fax (+352 4303 2100) indicating the type of document, the time limit for the lodging and the nature of the technical problem incurred, for verification by the staff of the institution of whether the reported problem is due to the unavailability of e-Curia. If the representative is bound to comply with a time limit, he or she shall transmit a copy of the document to the Registry of the General Court by any appropriate means (lodging of a paper version or transmission by post, email or fax). E-mail is certainly the most convenient way of performing both operations, since the PDF version of the documents to be lodged via e-Curia can be attached to the same message and since it is also possible to include, for instance, screenshots showing the nature of the problem. Any transmission of documents through an alternative means (lodging of a paper version or transmission by post, e-mail or fax) because of technical problems of e-Curia must be followed by a lodging by e-Curia **as soon as the technical impediment ceases (you must lodge exactly the same document)**
- In these cases, the General Court will give a ruling on the acceptance of a document lodged by e-Curia after the prescribed time limit, taking into consideration the information provided by the lawyer lodging that document to prove that it was technically impossible to lodge that document by e-Curia before expiration of the prescribed time limit
- As far as the Court of Justice is concerned, however, the use of an alternative means to transmit the document (by e-mail to the address ecj.registry@curia.europa.eu or by fax to the number +352 433766) should not be followed by a subsequent lodging on e-Curia
- Please note that, if you switch to the e-mail 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). Also, 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 Court of Justice by telephone to verify whether this is really 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 e-mail 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: remember that the document is deemed to have been served as soon as 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
- Where the use of e-Curia is technically impossible and if urgency so requires, the Registrar transmits the procedural documents by any means appropriate. As far as the General Court is concerned, that transmission must be followed by service by e-Curia as soon as it is technically possible to use that application again



For further information

- Decisions of the General Court of 11 July 2018 ([OJ L 240/72](#)) and of the Court of Justice of 16 October 2018 ([OJ L 293/36](#)), on the lodging and service of procedural documents by means of e-Curia
- [e-Curia User Guide](#)
- [Conditions of Use of e-Curia](#)
- [Aide-mémoire – Application](#)
- Decisions (EU) [2016/2386](#) of the Court of Justice concerning the security rules applicable to information or material produced before the General Court in accordance with Article 105 of its Rules of Procedure, and [2016/2387](#) of the General Court concerning the security rules applicable to information or material produced in accordance with Article 105(1) or (2) of the Rules of Procedure