



Aide-mémoire – Hearing of oral argument

September 2024

This document, prepared by the Registry of the General Court, is a practical guide and is not exhaustive. Parties,¹ interested persons referred to in Article 23 of the Statute of the Court of Justice of the European Union ('the Statute'),² and their representatives,³ as well as, in the context of requests for a preliminary ruling, persons authorised to represent themselves or to represent a party to the main proceedings⁴ ('authorised persons'), should refer to the Rules of Procedure of the General Court ('the Rules of Procedure') and to the Practice Rules for the implementation of the Rules of Procedure of the General Court ('the Practice Rules'), both authentic texts, for full information on the procedural rules governing hearings before the General Court.

For the sake of readability, this document uses the term 'representative(s)', without further clarification, to refer to all representatives of parties and of interested persons referred to in Article 23 of the Statute, as well as authorised persons.

In the case of a hearing involving simultaneous interpretation, representatives are invited to consult the supplementary document 'Interpretation Directorate's **advice to counsel appearing before the Court**'.

In the case of a hearing conducted by **videoconference**, representatives must comply with the '**Technical requirements and practical recommendations for parties and representatives making oral submissions by videoconference**', a document drawn up jointly by the Registries of the Court of Justice and of the General Court, the

¹ Under Article 1(2)(c) of the Rules of Procedure, "party" and "parties", unless otherwise specified, means any party to the proceedings, including interveners'.

² Under Article 1(2)(e) of the Rules of Procedure, "interested persons referred to in Article 23 of the Statute" means all the parties, States, institutions, bodies, offices and agencies authorised, pursuant to that Article, to submit statements of case or written observations in the context of a reference for a preliminary ruling'.

³ Under Article 1(2)(f) of the Rules of Procedure, "representatives of the parties" means the lawyers and agents, the latter assisted, where appropriate, by an adviser or lawyer, representing the parties before the General Court in accordance with Article 19 of the Statute'.

⁴ In the context of requests for a preliminary ruling, as regards the representation and attendance of the parties to the main proceedings, the General Court will take account of the rules of procedure in force before the referring court or tribunal. According to Article 203(3) of the Rules of Procedure, the parties to the main proceedings could be permitted to bring or defend court proceedings without being represented by a lawyer or could be represented by a person authorised to represent them, other than a lawyer, where the rules in force before the referring court or tribunal so provide.

Interpretation Directorate and the Information Technology Directorate of the Court of Justice of the European Union.

Those documents are available at <https://curia.europa.eu> under 'General Court – Procedure'.

Before the hearing

1. **General calendar of hearings before the General Court:** available at <https://curia.europa.eu> under 'Judicial calendar'.
2. **Notice to attend the hearing:** without prejudice to special circumstances, representatives will be given notice to attend the hearing by the Registry at least one month before it takes place (please take note of the time of the hearing). In the case of a joint hearing, the notice will specify the cases that will be dealt with at that hearing.⁵
3. **Request for the use of technical facilities:** any request to use technical facilities for the purposes of a presentation must be made at least two weeks before the date of the hearing.⁶
4. **Location of the hearing:** hearings are held in the courtrooms of the Thémis, Erasmus and Thomas More buildings. The courtroom will be confirmed to participants in hearings on arrival by the reception staff of the Court of Justice of the European Union.
5. **Access to Court buildings:** participants in hearings must access the buildings of the Court via the entrance in Rue du Fort Niedergrünwald, L-2925 Luxembourg. Maps are available at <https://curia.europa.eu> under 'The Institution/Visiting the Court/Access map'.
6. **Parking:** for security reasons, participants in hearings may not park in the car parks of the Court and must therefore use external parking facilities.
7. **Entry to Court buildings: an identity document** must be presented to security staff. In view of the security measures in place to control access to the buildings of the Court of Justice of the European Union, it is recommended that representatives take the necessary steps to ensure that they are present in the courtroom **at least 20 minutes before the hearing is due to start.**⁷
8. With a view to ensuring the best possible organisation of the hearing, representatives are also requested to inform the General Court of any **particular measures that would facilitate their actual participation in the hearing, or the actual participation of other persons planning to participate in that hearing**, in particular in cases of disability or reduced mobility.⁸

⁵ Article 106a of the Rules of Procedure; point 201 of the Practice Rules.

⁶ Point 204 of the Practice Rules.

⁷ Point 205 of the Practice Rules.

⁸ Point 207 of the Practice Rules.

9. **Contact with the Registry:** it is necessary to **warn** the Registry of any possible **delay** or **difficulty** concerning the attendance of a representative or of other persons summoned to the hearing (telephone: (+352) 4303-1, email: GC.Registry@curia.europa.eu). Please also ensure that the Registry has **appropriate telephone numbers** to enable it to contact the representatives or persons in question.

Direct actions⁹

10. **Sending of the summary report for the hearing:** the General Court will make every effort to ensure that representatives receive a summary report for the hearing three weeks before the hearing. In the case of a joint hearing, the summary report for the hearing drawn up in the language of the case in each of the cases concerned will be served by the Registry on all other representatives to whom notice to attend that hearing has been given.¹⁰
11. If a representative intends to request a **derogation from the language arrangements** in order for a language other than the language of the case to be used at the hearing, the request must be submitted at least two weeks before the date of the hearing, in the interest of the proper organisation of that hearing.¹¹ A Member State is entitled to use its official language when intervening in a case before the General Court.¹²
12. **Participation in the hearing:** if a representative is not able to **be present at the hearing**, he must inform the General Court of this **shortly after notice to attend has been given**.¹³ If a representative that has been duly given notice to attend is not present at the hearing and there is no excuse for his absence, the hearing will proceed in his absence. In this case, the representative may be required to reimburse costs that have been unnecessarily incurred by the institution, particularly in relation to interpretation.¹⁴

⁹ The expression 'direct actions' is defined in Article 1(2)(j) of the Rules of Procedure as meaning 'all of the actions that may be brought before the General Court, with the exception of requests for a preliminary ruling'.

¹⁰ Points 210 and 211 of the Practice Rules.

¹¹ Article 45(1)(d) of the Rules of Procedure; point 215 of the Practice Rules.

¹² Article 46(4) of the Rules of Procedure.

¹³ Point 209 of the Practice Rules.

¹⁴ Article 139(a) of the Rules of Procedure.

Preliminary ruling cases¹⁵

13. The interested persons referred to in Article 23 of the Statute are required to present oral argument in the language of the case.¹⁶ If the representative of a party to the main proceedings intends to request a **derogation from the language arrangements** in order for a language other than the language of the case to be used at the hearing, the request must be submitted shortly after receipt of the notice to attend, in the interest of the proper organisation of that hearing. The derogation may be a derogation in part and may concern, inter alia, answers to any questions put at the hearing. In such cases, the initial oral submission of the representative concerned and the final reply must be made in the language of the case.¹⁷
14. A Member State is entitled to use its official language when taking part in preliminary ruling proceedings before the General Court.¹⁸ The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, are entitled to use one of the official languages of the European Union, other than the language of the case.¹⁹ They are requested to inform the Registry of the language chosen before the hearing.
15. **Participation in the hearing:** the interested persons referred to in Article 23 of the Statute **who wish to be present** at a hearing they have been given notice to attend **must inform the General Court of this shortly after notice to attend has been given**, also indicating the name of the lawyer, agent or other person who will represent them at that hearing and the speaking time the representatives wish to be allocated;²⁰ it is specified that, when several representatives act for an interested person referred to in Article 23 of the Statute, only two of them may normally present oral argument, although representatives other than those who have addressed the Court may answer questions from Members of the General Court and make final replies.²¹ If an interested person referred to in Article 23 of the Statute has confirmed his participation in the hearing and there is no excuse for his absence, the hearing will proceed in his absence. The interested person may be required to reimburse

¹⁵ The expression 'preliminary ruling cases' refers to any request from a court or tribunal of one of the Member States brought before the Court of Justice of the European Union under Article 267 TFEU and concerning the interpretation of the Treaties or the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union.

¹⁶ Point 215 of the Practice Rules.

¹⁷ Point 218 of the Practice Rules.

¹⁸ Article 46(4) of the Rules of Procedure.

¹⁹ Article 46(5) of the Rules of Procedure.

²⁰ Point 218 of the Practice Rules.

²¹ Point 229 of the Practice Rules.

costs that have been unnecessarily incurred by the institution, particularly in relation to interpretation.²²

Your arrival in the courtroom

16. **Arrive at least 20 minutes** before the hearing is due to start.²³

17. Contact the court usher so that he may:

- record attendance;
- be informed of any change of or additional representative and which representative(s) will be making oral submissions;²⁴
- be informed, if applicable, of the attendance of persons accompanying the representative(s).

18. **The Judges and the Hearing Registrar** will meet representatives, wearing court dress, 5 to 10 minutes before the hearing begins (follow the court usher's directions in that regard).²⁵ There will be no such meeting if the hearing is held by videoconference (either with the representatives present in the courtroom or with those attending remotely).

Conduct of the hearing

19. In principle, representatives are required to **present oral argument and respond to questions put by the General Court in court dress, standing behind the lectern provided for that purpose**. Each representative must bring his own gown. In the event that the representatives do not have gowns, a number of gowns may be made available by the General Court but, as these are limited in number and in terms of the sizes available, the representatives concerned are requested to inform the General Court of any such requirement in advance.²⁶

20. **The members of the bench are seated as follows** (seen from the representatives' tables looking towards the bench):

- in the centre of the bench: President of the Chamber or single Judge;
- on the left and right of the bench: Judges of the relevant formation of the court in protocol order on both sides of the President of the Chamber;

²² Article 139(a) of the Rules of Procedure.

²³ Point 205 of the Practice Rules. This enables, inter alia, the operations described in points 17 and 18 below to be carried out.

²⁴ Point 229 of the Practice Rules.

²⁵ Point 206 of the Practice Rules.

²⁶ Point 221 of the Practice Rules.

- on the far left of the bench: Advocate General, if present;
- on the far right of the bench: Hearing Registrar.

21. The representatives are seated, and other tables are arranged, as follows
(seen from the public seating area looking towards the Judges' bench):

- The tables on the far left and right of the courtroom are reserved for the General Court (the court usher is seated on the far right of the room and the Judge-Rapporteur's legal secretary and the Advocate General's legal secretary may be seated on the far left).

Direct actions

- representatives' table on the right: applicant's representative;
- representatives' table on the left: defendant's representative;
- an intervener's representative will generally be seated behind the representative of the party in whose support the intervention is made (depending on the courtroom).

Preliminary ruling cases

Representatives may freely choose which of the representatives' tables they wish to use.

22. Speakers standing behind the lectern must always use the microphone.

23. The use of audio or video recording equipment, by participants in the hearing and by the members of the public attending that hearing, to record the hearing is strictly prohibited.

24. Mobile telephones: mobile telephones and other communication devices must be switched off or set to 'flight safe' mode ('silent' mode does not prevent interference with the systems used for interpretation).

25. Conduct of the hearing and order of events (save in special cases): ²⁷

²⁷ Adjustments may be made depending on the particular features of the case(s). For example, where two or more interested persons referred to in Article 23 of the Statute are advancing the same argument before the General Court, their representatives are requested to confer with each other before the hearing in order to avoid any repetition (point 230 of the Practice Rules), and the President of the Chamber may thus decide to structure the hearing around the argument put forward by the interested persons referred to in Article 23 of the Statute. In addition, arrangements may be made in the case of joined cases or the holding of a joint hearing of two or more preliminary ruling cases (Article 214 of the Rules of Procedure).

Direct actions

- the Judges and the Hearing Registrar enter the courtroom, having been announced by the court usher (representatives, persons accompanying them and members of the public rise);
- the Judges and the Hearing Registrar take their seats on the bench (representatives, persons accompanying them and members of the public may sit);
- the President of the Chamber opens the hearing;
- the Hearing Registrar calls the case(s) in question;
- opening argument of the applicant's representative;
- where appropriate, opening argument of the representative of any intervener in support of the applicant;
- opening argument of the defendant's representative;
- where appropriate, opening argument of the representative of any intervener in support of the defendant;
- where appropriate, replies to the Judges' questions;
- closing submissions of the applicant's representative;
- where appropriate, closing submissions of the representative of any intervener in support of the applicant;
- closing submissions of the defendant's representative;
- where appropriate, closing submissions of the representative of any intervener in support of the defendant;
- the President of the Chamber closes the hearing;
- the Judges and the Hearing Registrar rise and, preceded by the court usher, withdraw to the antechamber (representatives, persons accompanying them and members of the public rise and remain standing until the doors close).

Preliminary ruling cases

- the Judges, the Advocate General and the Hearing Registrar enter the courtroom, having been announced by the court usher (representatives, persons accompanying them and members of the public rise);
- the Judges, the Advocate General and the Hearing Registrar take their seats on the bench (representatives, persons accompanying them and members of the public may sit);
- the President of the Chamber opens the hearing;
- the Hearing Registrar calls the case(s) in question;
- opening argument of the representative(s) of the applicant in the main proceedings; where there is more than one applicant, the order in

which opening arguments are made will follow, in principle, the order in which the applicants are presented in the request for a preliminary ruling;

- opening argument of the representative(s) of the defendant in the main proceedings; where there is more than one defendant, the order in which opening arguments are made will follow, in principle, the order in which the defendants are presented in the request for a preliminary ruling;
- opening argument of the representative(s) of the Member States; where there is more than one Member State, the representative(s) of the Member State from which the request for a preliminary ruling was made will present oral argument first. This will then be followed by the opening arguments of the representative(s) of the other Member States, which, in principle, will take place according to protocol order;
- where appropriate, opening argument of the representative(s) of the States, other than the Member States, which are parties to the Agreement on the European Economic Area, as well as the EFTA Surveillance Authority;
- where appropriate, opening argument of the representative(s) of non-Member States;
- opening argument of the representative(s) of the institutions, bodies, offices and agencies, according to protocol order;
- where appropriate, replies to the Judges' and, as the case may be, the Advocate General's questions;
- closing submissions of the representatives. In principle these will take place in the same order as the opening arguments;
- the President of the Chamber closes the hearing;
- the Judges, the Advocate General and the Hearing Registrar rise and, preceded by the court usher, withdraw to the antechamber (representatives, persons accompanying them and members of the public rise and remain standing until the doors close).

26. Time allowed for oral argument: for their opening argument, representatives must not exceed the time allowed as indicated in the letter of notice to attend the hearing served by the Registry. In principle, each of the main parties or interested persons referred to in Article 23 of the Statute will be allowed 15 minutes (in intellectual property cases, the other parties granted leave to intervene before the Boards of Appeal of EUIPO will also be allowed 15 minutes) and each intervener in direct actions will be allowed 10 minutes. At a hearing in joined cases or at a joint hearing, each of the main parties or interested persons referred to in Article 23 of the Statute will be allowed 15 minutes for each case

and each intervener in direct actions will be allowed 10 minutes for each case, unless the Registry has indicated otherwise.²⁸

27. **Lodging of documents:** if, exceptionally, a main party proposes to produce documents at the hearing, that party should ideally bring sufficient photocopies for the Judges sitting in the case, the Advocate General, the representative of the Registry, the other parties, the interpreters, the Judge-Rapporteur's legal secretary and the Advocate General's legal secretary.²⁹
28. **Equipment:** the representatives' tables and the lectern from behind which the representatives speak are equipped with a simultaneous interpretation system.
29. **Sound recording:** a sound recording will be made of the oral proceedings. The President of the General Court may, on a duly substantiated request, authorise a party that has participated in the written part or the oral part of the proceedings to listen, on the Court's premises, to the sound recording of the hearing in the language used by the speakers during that hearing.³⁰

²⁸ Point 227 of the Practice Rules.

²⁹ Point 233 of the Practice Rules.

³⁰ Articles 115 and 224 of the Rules of Procedure.