



## **New procedural rules adopted by the General Court**

*New Rules of Procedure and new implementing measures<sup>1</sup> intended to improve the conduct of proceedings before the General Court will enter into force on 1 July 2015*

### ***The new Rules of Procedure***

The new [Rules of Procedure of the General Court](#),<sup>2</sup> the product of work that started in 2012, will replace the Rules of Procedure of 1991. Over time, the 1991 Rules of Procedure have been amended many times to enable procedures to be adapted and improved according to need and particular developments. That piecemeal approach having reached its limits, there was a need for complete reform, which paved the way for the original text to be restructured and new provisions to be introduced. In that context, a number of objectives have been pursued.

The Rules of Procedure have been **adapted to the reality of proceedings** currently brought before the General Court by making a clear distinction between the three main types of action, each of which has its own characteristics:

- direct actions, in which preliminary issues, applications to intervene and applications for confidential treatment are especially numerous;
- actions in the field of intellectual property;
- appeals against decisions of the Civil Service Tribunal.

The efforts already undertaken over a number of years to improve the efficiency of the Court have continued at a procedural level with a view to **strengthening the Court's capacity to deal with cases within a reasonable time and in accordance with the requirements of a fair trial**, as required under the Charter of Fundamental Rights of the European Union.<sup>3</sup> Particular mention should be made in that regard of:

- the extension of the scope of the provisions relating to a single Judge so as to apply also to intellectual property cases;
- simplification in intellectual property cases of the rules relating to the determination of the language of the case and to the conduct of the written procedure (a single round of pleadings);
- simplification of the rules on intervention (there is no longer any provision for an intervention to be allowed if the application to intervene is lodged after expiry of the legal time-limit of six

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<sup>1</sup> Practice Rules for the Implementation of the Rules of Procedure of the General Court, the legal aid form and a number of aide-mémoires.

<sup>2</sup> The Court of Justice having given its assent, the draft Rules of Procedure were sent to the Council on 14 March 2014, as provided for in the fifth paragraph of Article 254 TFEU. After being approved by the Council on 10 February 2015, the Rules of Procedure were adopted by the General Court on 4 March 2015 and published in the *Official Journal of the European Union* on 23 April 2015 (OJ 2015 L 105, p. 1).

<sup>3</sup> Article 47 of the Charter.

weeks following publication of notice of the action in the Official Journal of the European Union (OJEU);

- provision for the General Court to be able to rule without an oral part of the procedure in direct actions if none of the main parties has requested a hearing;
- the possibility of the General Court ruling without an oral part of the procedure in an appeal, notwithstanding a party's request;
- clarification of the rights conferred on interveners;
- the transfer to Presidents of Chambers of certain decision-making powers previously conferred on the Chamber itself, and simplification of the form of certain decisions, with provision for additional circumstances in which a ruling is no longer given in the form of an order (for example, a stay of proceedings or joinder);
- a statement that the General Court is to decide as soon as possible on a plea of inadmissibility or of lack of competence, on an application for a declaration that there is no need to adjudicate or on any other preliminary issue, on an application to intervene and on an objection to an application for confidential treatment.

Care has been taken to ensure **consistency in the procedural provisions governing proceedings brought before the Courts of the European Union**, taking account, in particular, of the Rules of Procedure of the Court of Justice which entered into force on 1 November 2012, whilst also appreciating the specific nature of direct actions between a natural or legal person or a Member State and an institution of the European Union.

The General Court will have rules enabling it **to adopt the method of organisation it considers most appropriate depending, inter alia, on the number of Judges it comprises** and the rules intended to give practical effect to changes to the Statute relating to the creation of the **post of Vice-President of the General Court**.

**Solutions have been provided to procedural situations which have not, until now, been addressed in the Rules of Procedure**, including: the circumstances in which a case may be reassigned, modification of the form of order sought in an application while proceedings are underway, or the action to be taken after a document has been produced pursuant to a measure of inquiry ordered by the Court. In addition, specific new procedures have been established to provide a framework for the procedural treatment of confidential information or material pertaining to the security of the European Union or of its Member States or to the conduct of their international relations, and the exceptions to the adversarial principle that may arise as a result. Those rules, laid down in Article 105 of the Rules of Procedure, will not, however, take effect until after a decision of the General Court determining the security rules for protecting that information or material has been published.

**Certain provisions have also been rationalised:** removal of the formal requirement for a lawyer representing a legal person governed by private law to prove that his authority to act had been issued by someone authorised for that purpose, and the abandonment of e-mail as a method of lodging procedural documents (in order to avoid certain difficulties regularly encountered and to promote use of the e-Curia application).

Lastly, from a formal perspective **the rules have been made easier to understand**, as a result of key concepts being defined, the whole document being restructured and headings being included above each article.

### ***Implementing measures***

Pursuant to the Rules of Procedure, the Court has adopted a number of measures which will also enter into force on 1 July 2015.

In accordance with Article 224 of the new Rules of Procedure, [Practice Rules for the Implementation of the Rules of Procedure of the General Court](#) were adopted by the Court on 20 May 2015, after the Member States, the Council, the Commission, the European Parliament, OHIM and the CCBE had been consulted. Those provisions, which repeal and replace the Instructions to the Registrar of 5 July 2007<sup>4</sup> and the Practice Directions to parties before the General Court of 24 January 2012,<sup>5</sup> explain, detail and supplement certain provisions of the Rules of Procedure. They are intended, in particular, to give parties' representatives guidance on the presentation and lodging of procedural documents and items and to enable them to take account of matters which the Court must take into consideration. It should be noted that the requirements relating to third-party access to the case-file, anonymity and the omission of information vis-à-vis the public which are currently contained in the Practice Directions to parties do not appear in the Practice Rules but have been incorporated into the new Rules of Procedure themselves. Similarly, the importance of the restriction on the length of pleadings has been reinforced by the inclusion in the Rules of Procedure of a rule which, until now, has been set out in the Practice Directions to parties. The detailed rules on the application of that provision and the consequences of its repeated infringement are described in the Practice Rules.

The [legal aid form](#) prescribed by the Rules of Procedure has had to be adapted to accommodate the extension of legal aid provision to legal persons. In addition, information designed to be readily understood by anyone not represented by a lawyer has formally been given greater prominence. The new legal aid form, which will be published in the OJEU and will be available on the website of the Court of Justice of the European Union, will be required to be used from 1 July 2015.

Lastly, the **three aide-mémoires** to which reference is made in the Practice Rules are available on the website of the Court of Justice of the European Union. These are designed to assist parties' representatives and provide information on how to present and lodge an application in paper format or by means of the e-Curia application, and on the conduct of hearings.

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*Unofficial document for media use, not binding on the General Court.*

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<sup>4</sup> Instructions to the Registrar of 5 July 2007 (OJ 2007 L 232, p. 1), as amended on 17 May 2010 (OJ 2010 L 170, p. 53) and on 24 January 2012 (OJ 2012 L 68, p. 20).

<sup>5</sup> Practice Directions to parties before the General Court of 24 January 2012 (OJ 2012 L 68, p. 23).