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30 September 2015

### **Anonymity in judicial proceedings before the General Court of the European Union**

Under the Rules of Procedure of the General Court, parties are afforded the possibility of being granted anonymity.

Article 66 of the Rules of Procedure of the General Court provides that, ‘[o]n a reasoned application by a party, made by a separate document, or of its own motion, the General Court may omit the name of a party to the dispute or of other persons mentioned in connection with the proceedings, or certain information, from those documents relating to a case to which the public has access if there are legitimate reasons for keeping the identity of a person or the information confidential’.

Points 68 to 70 of the Practice Rules for the implementation of the Rules of Procedure of the General Court define the scope of that article as regards anonymity and provide as follows:

- ‘68. Where a party considers that his identity should not be made public in a case brought before the Court, he may request, pursuant to Article 66 of the Rules of Procedure, that the Court “anonymise” the relevant case, in whole or in part.
69. The application for anonymity must be made by a separate document stating appropriate reasons.
70. In order to ensure that anonymity is preserved, it is recommended that the application be made at the outset of the proceedings. On account of the dissemination of information concerning the case on the internet, granting anonymity becomes much more difficult if the notice of the case concerned has already been published in the *Official Journal of the European Union*.’

In view of the development of search engines on the internet and the fact that anyone can now freely access information contained in publications relating to court proceedings, the Registrar of the General Court consistently draws the attention of representatives of parties before the General Court to Article 35(3) and Articles 79 and 122 of the Rules of Procedure of the General Court concerning the publication and the dissemination on the internet of documents relating to cases brought before the General Court, as well as to Article 66 of the aforementioned Rules of Procedure. The party’s representative will accordingly be invited to consider whether there are in his case legitimate reasons for keeping a person’s identity confidential, and, if so, to make a reasoned application for anonymity, by a separate document.

In order to be effective, any such application must be submitted to the Registry prior to the publication or the dissemination on the internet of the documents concerned.