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# Aide-mémoire – Hearing of oral argument

April 2023

This document, prepared by the Registry of the General Court, is a practical guide and is not exhaustive. Parties should refer to the Rules of Procedure of the General Court and the Practice Rules for the Implementation of the Rules of Procedure of the General Court, both authentic texts, for full information on the procedural rules governing hearings before the General Court.

In the case of a hearing involving simultaneous interpretation, the parties' representatives are invited to consult the supplementary document '**Advice to counsel** from the Interpretation Directorate'. In the case of a hearing conducted by videoconference, representatives must follow closely the '**Practical recommendations for representatives making oral submissions by videoconference**', prepared by the Registry of the General Court, the 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, the parties 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.
3. **Dispatch of the summary report for the hearing:** the Court will make every effort to ensure that the parties receive a summary report for the hearing three weeks before the hearing. In the event 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 parties to whom notice to attend that hearing has been given.
4. **Participation in the hearing:** any party that will not be present at the hearing must inform the Court **as soon as possible**. It is also 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](mailto:GC.Registry@curia.europa.eu)). Please ensure that the Registry has **appropriate telephone numbers** to enable it to contact the representatives. If the representative of a party that has been duly given notice to attend is not present at the hearing and there is no excuse for his or her absence, the hearing will proceed in his or her absence. The representative may also be required to reimburse costs that have been unnecessarily incurred by the institution, particularly in relation to interpretation.
5. **Request for the use of technical facilities:** any request to use technical facilities for the purposes of a presentation must be made as soon as possible and at least two weeks before the date of the hearing.
6. **Location of the hearing:** hearings are held in the courtrooms of the Thémis, Erasmus and Thomas More buildings (entrance in Rue du Fort Niedergrünwald, L-2925 Luxembourg). The courtroom will be confirmed to representatives on arrival by the reception staff of the Court of Justice of the European Union.
7. **Map of Court buildings:** maps are available at <https://curia.europa.eu> under 'The Institution/Visiting the Court/Access map'.
8. **Parking:** for security reasons, representatives and anyone accompanying them may not park in the car parks of the Court and must therefore use external parking facilities.

9. **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 in good time.

## Your arrival in the courtroom

10. **At least 15 minutes** before the hearing is due to start.
11. Contact the court usher so that he or she may:
  - record attendance;
  - be informed of any change of or additional representative and which representative(s) will be making oral submissions;
  - be informed, if applicable, of the attendance of persons accompanying the representative(s).
12. **The Judges and the Hearing Registrar** meet representatives, wearing court dress, 5 to 10 minutes before the hearing begins (follow the court usher's directions in that regard). There is no 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

13. Representatives are required (subject to exceptions) to **present oral argument in court dress, standing behind the lectern provided for that purpose**. Each representative must bring his or her own gown.
14. The parties are seated as follows (seen from the public seating area looking towards the Judges' bench):
  - table on the right: applicant's representative;
  - 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).

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 may be seated on the far left).

15. The members of the bench are seated as follows (seen from the parties' 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;
  - on the far right of the bench: Hearing Registrar.
16. Speakers standing behind the lectern must always use the **microphone**; it can be switched on and off using the button at the base of the microphone.
17. The use of audio or video recording equipment to record the hearing is strictly prohibited.
18. **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).
19. Order of events (save in special cases):
- 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;
  - closing submissions of the representative of any intervener in support of the applicant;
  - closing submissions of the defendant's representative;
  - 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).

20. **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 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 will be allowed 10 minutes. At a hearing in joined cases or at a joint hearing, each of the main parties will be allowed 15 minutes for each case and each intervener will be allowed 10 minutes for each case, unless the Registry has indicated otherwise.
21. **Lodging of documents:** if, exceptionally, a main party proposes to produce evidence at the hearing, that party should ideally bring sufficient photocopies for the Judges sitting in the case, the Registry, the other parties, the interpreters and the Judge-Rapporteur's legal secretary.
22. **Equipment:** the lectern from behind which the representatives speak is equipped with a simultaneous interpretation system.
23. **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.