



# Aide-mémoire – Application

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, authentic texts, for full information on the procedural rules.

## General information

1. **Address of the e-Curia application:** <https://curia.europa.eu/e-Curia>
2. **Model applications:** model applications for direct actions and intellectual property cases are available on the internet site of the Court of Justice of the European Union under 'General Court/Procedure'.
3. **Preparation of the application:** the text of the application, including the schedule of annexes, can be saved in PDF format directly from word-processing software, without the need for scanning.
4. **Preparation of the annexes:** the annexes must be contained in one or more files separate from the file containing the text of the application and the schedule of annexes. A file may contain several annexes. It is not obligatory to create one file per annex. It is recommended that annexes be added in ascending order when they are lodged, and that they be sufficiently clearly named (for example: Annexes A.1 to A.3, Annexes A.4 to A.6, etc.).

## PRESENTATION OF THE APPLICATION

**Presentation of pages:** A4 format

**Text:** in a commonly used font (such as Times New Roman, Courier or Arial) in at least 12 point, with single line spacing, and upper, lower, left and right margins of at least 2.5cm

**Footnotes:** in a commonly used font (such as Times New Roman, Courier or Arial) in at least 10 point, with single line spacing. The main purpose of a footnote is to include references to documents cited in the application. It is not the purpose of a footnote to develop the pleas in law or arguments put forward by the applicant in the application.

**Pagination:** consecutive

**Paragraph numbering:** paragraphs must be numbered consecutively in ascending order

Maximum **number of pages:**

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- **50** pages for the application in a direct action other than an action brought pursuant to Article 270 TFEU or relating to an intellectual property case;
  - **30** pages for the application in an action brought pursuant to Article 270 TFEU;
  - **20** pages for the application in an intellectual property case

## CONTENT OF THE APPLICATION

**Title of the pleading: 'Application'**

**Identity of the applicant(s):** name(s) and address(es) of the applicant(s)

**Identity of the representative(s):** name(s) – status – address

**Identity of the defendant:**

*For direct actions:* specify the defendant institution, body, office or agency or, if the action is based on an arbitration clause, the natural or legal person, as the case may be

*For intellectual property cases:* specify the defendant Office (European Union Intellectual Property Office or the Community Plant Variety Office), the name(s) of any other party to the proceedings before the Board of Appeal, the address(es) given by that party/those parties for the purposes of notifications before the Office, that is to say, the name and address of the representative of that party/those parties, and the date of notification of the decision of the Board of Appeal

## STRUCTURE OF THE APPLICATION

- Introduction:** subject matter of the dispute, type of action, basis
- Brief account of the facts and relevant provisions essential for understanding the pleas in law of the action**
- Legal arguments** set out and grouped by reference to the pleas in law to which they relate (admissibility and, as the case may be, substance) **with a heading for each plea in law put forward**
- Form of order sought:** precise wording thereof (at the beginning or at the end of the application)

## PRESENTATION OF ANNEXES

The parties should be rigorous in their selection of relevant documents for the purposes of the proceedings. Case-law of the Courts of the European Union and acts published in the *Official Journal of the European Union* that are cited in the procedural documents should not be produced, except for the measure whose annulment is sought.

- Schedule of annexes** at the end of the application indicating (i) the number of the annex, (ii) a short description of the annex, (iii) the page numbers of the first and last pages of the annex, according to the consecutive page numbering, and (iv) the number of the paragraph in which the annex is mentioned for the first time
- Numbering of annexes:** using a letter and a number. For annexes to the application, Annex A.1, A.2, ...
- Pagination of annexes:** consecutively from the first page of the first annex, including cover pages and any annexes to the annexes
- Annexes in the language of the case** (a translation may be requested by the Court if not supplied)

## MANDATORY ANNEXES

- Any lawyer representing a party or assisting an agent** must produce a certificate that he or she is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area unless that certificate has already been lodged for the purpose of opening an account giving access to e-Curia
  
- If the applicant is a legal person governed by private law, the lawyer must in addition produce:**
  - proof of the existence in law of that legal person (extract from the register of companies, firms or associations or any other official document)and
  - an authority to act.
  
- The representative must produce one of the following, as appropriate:
  - **the measure whose annulment is sought** (action for annulment), including where that measure has been published in the *Official Journal of the European Union*or
  - **documentary evidence of the date on which the institution was requested to act** (action for failure to act)or
  - **the complaint within the meaning of Article 90(2) of the Staff Regulations** and the **decision responding** to that complaint (action brought pursuant to Article 270 TFEU)or
  - **the contract** containing the arbitration clause establishing the Court's jurisdiction (action brought under an arbitration clause).

## SUMMARY OF THE PLEAS IN LAW AND MAIN ARGUMENTS

- For all cases, except for intellectual property cases, the representative must lodge a **summary of the pleas in law and main arguments** to facilitate the drafting of the notice in the *Official Journal of the European Union*.

It is requested that the summary:

- be produced separately from the body of the application and the annexes mentioned in the application;
- not exceed two pages;
- be prepared in the language of the case;
- accord with the model available on the internet site of the Court of Justice of the European Union under 'General Court/Procedure';
- be sent via e-Curia when lodging the application.