Consolidated version of the Rules of Procedure of the Court of Justice of 25 September 2012 *

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INTRODUCTORY PROVISIONS

Article 1 *Definitions*

1. In these Rules:

(a) provisions of the Treaty on European Union are referred to by the number of the article concerned followed by 'TEU',

(b) provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU',

(c) provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article concerned followed by 'TEAEC',

(d) 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union,

(e) 'EEA Agreement' means the Agreement on the European Economic Area, [1]

(f) 'Council Regulation No 1' means Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community. [2]

2. For the purposes of these Rules:

(a) 'institutions' means the institutions of the European Union referred to in Article 13(1) TEU and bodies, offices and agencies established by the Treaties, or by an act adopted in implementation thereof, which may be parties before the Court,

(b) 'EFTA Surveillance Authority' means the surveillance authority referred to in the EEA Agreement,

(c) '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 observations in the context of a reference for a preliminary ruling.

Article 2 *Purport of these Rules*

These Rules implement and supplement, so far as necessary, the relevant provisions of the EU, FEU and EAEC Treaties, and the Statute.

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[1] OJ L 1, 3.1.1994, p. 27.

[2] OJ, English Special Edition 1952-1958 (I), p. 59.

TITLE I

ORGANISATION OF THE COURT

Chapter 1

JUDGES AND ADVOCATES GENERAL

Article 3 *Commencement of the term of office of Judges and Advocates General*

The term of office of a Judge or Advocate General shall begin on the date fixed for that purpose in the instrument of appointment. In the absence of any provisions in that instrument regarding the date of commencement of the term of office, that term shall begin on the date of publication of the instrument in the *Official Journal of the European Union.*

Article 4 *Taking of the oath*

Before taking up his duties, a Judge or Advocate General shall, at the first public sitting of the Court which he attends after his appointment, take the following oath provided for in Article 2 of the Statute:

'I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court.'

Article 5 *Solemn undertaking*

Immediately after taking the oath, a Judge or Advocate General shall sign a declaration by which he gives the solemn undertaking provided for in the third paragraph of Article 4 of the Statute.

Article 6 *Depriving a Judge or Advocate General of his office*

1. Where the Court is called upon, pursuant to Article 6 of the Statute, to decide whether a Judge or Advocate General no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President shall invite the Judge or Advocate General concerned to make representations.

2. The Court shall give a decision in the absence of the Registrar.

Article 7 *Order of seniority*

1. The seniority of Judges and Advocates General shall be calculated without distinction according to the date on which they took up their duties.

2. Where there is equal seniority on that basis, the order of seniority shall be determined by age.

3. Judges and Advocates General whose terms of office are renewed shall retain their former seniority.

Chapter 2

PRESIDENCY OF THE COURT, CONSTITUTION OF THE CHAMBERS AND ELECTION OF THE FIRST ADVOCATE GENERAL

Article 8 *Election of the President and of the Vice-President of the Court*

1. The Judges shall, immediately after the partial replacement provided for in the second paragraph of Article 253 TFEU, elect one of their number as President of the Court for a term of three years.

2. If the office of the President falls vacant before the normal date of expiry of the term thereof, he shall be replaced for the remainder of the term.

3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges of the Court shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

4. The Judges shall then elect one of their number as Vice-President of the Court for a term of three years, in accordance with the procedures laid down in the preceding paragraph. Paragraph 2 shall apply if the office of the Vice-President of the Court falls vacant before the normal date of expiry of the term thereof.

5. The names of the President and Vice-President elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 9 *Responsibilities of the President of the Court*

1. The President shall represent the Court.

2. The President shall direct the judicial business of the Court. He shall preside at general meetings of the Members of the Court and at hearings before and deliberations of the full Court and the Grand Chamber.

3. The President shall ensure the proper functioning of the services of the institution.

Article 10 *Responsibilities of the Vice-President of the Court*

1. The Vice-President shall assist the President of the Court in the performance of his duties and shall take the President's place when the latter is prevented from acting.

2. He shall take the President's place, at his request, in performing the duties referred to in Article 9(1) and (3) of these Rules.

3. The Court shall, by decision, specify the conditions under which the Vice-President shall take the place of the President of the Court in the performance of his judicial duties. That decision shall be published in the *Official Journal of the European Union*.

Article 11 *Constitution of Chambers*

1. The Court shall set up Chambers of five and three Judges in accordance with Article 16 of the Statute and shall decide which Judges shall be attached to them.

2. The Court shall designate the Chambers of five Judges which, for a period of one year, shall be responsible for cases of the kind referred to in Article 107 and Articles 193 and 194.

3. In respect of cases assigned to a formation of the Court in accordance with Article 60, the word 'Court' in these Rules shall mean that formation.

4. In respect of cases assigned to a Chamber of five or three Judges, the powers of the President of the Court shall be exercised by the President of the Chamber.

5. The composition of the Chambers and the designation of the Chambers responsible for cases of the kind referred to in Article 107 and Articles 193 and 194 shall be published in the *Official Journal of the European Union*.

Article 12 *Election of Presidents of Chambers*

1. The Judges shall, immediately after the election of the President and Vice-President of the Court, elect the Presidents of the Chambers of five Judges for a term of three years.

2. The Judges shall then elect the Presidents of the Chambers of three Judges for a term of one year.

3. The provisions of Article 8(2) and (3) shall apply.

4. The names of the Presidents of Chambers elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 13 *Where the President and Vice-President of the Court are prevented from acting*

When the President and the Vice-President of the Court are prevented from acting, the functions of President shall be exercised by one of the Presidents of the Chambers of five Judges or, failing that, by one of the Presidents of the Chambers of three Judges or, failing that, by one of the other Judges, according to the order of seniority laid down in Article 7.

Article 14 *Election of the First Advocate General*

1. The Advocates General shall, immediately after the partial replacement provided for in the second paragraph of Article 253 TFEU, elect one of their number as First Advocate General for a term of three years.

2. If the office of the First Advocate General falls vacant before the normal date of expiry of the term thereof, he shall be replaced for the remainder of the term.

3. The elections provided for in this Article shall be by secret ballot. The Advocate General obtaining the votes of more than half of the Advocates General of the Court shall be elected. If no Advocate General obtains that majority, further ballots shall be held until that majority is attained.

4. The name of the First Advocate General elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Chapter 3

ASSIGNMENT OF CASES TO JUDGE-RAPPORTEURS AND ADVOCATES GENERAL

Article 15 *Designation of the Judge-Rapporteur*

1. As soon as possible after the document initiating proceedings has been lodged, the President of the Court shall designate a Judge to act as Rapporteur in the case.

2. For cases of the kind referred to in Article 107 and Articles 193 and 194, the Judge-Rapporteur shall be selected from among the Judges of the Chamber designated in accordance with Article 11(2), on a proposal from the President of that Chamber. If, pursuant to Article 109, the Chamber decides that the reference is not to be dealt with under the urgent procedure, the President of the Court may reassign the case to a Judge-Rapporteur attached to another Chamber.

3. The President of the Court shall take the necessary steps if a Judge-Rapporteur is prevented from acting.

Article 16 *Designation of the Advocate General*

1. The First Advocate General shall assign each case to an Advocate General.

2. The First Advocate General shall take the necessary steps if an Advocate General is prevented from acting.

Chapter 4

ASSISTANT RAPPORTEURS

Article 17 *Assistant Rapporteurs*

1. Where the Court is of the opinion that the consideration of and preparatory inquiries in cases before it so require, it shall, pursuant to Article 13 of the Statute, propose the appointment of Assistant Rapporteurs.

2. Assistant Rapporteurs shall in particular:

(a) assist the President of the Court in interim proceedings and
(b) assist the Judge-Rapporteurs in their work.

3. In the performance of their duties the Assistant Rapporteurs shall be responsible to the President of the Court, the President of a Chamber or a Judge-Rapporteur, as the case may be.

4. Before taking up his duties, an Assistant Rapporteur shall take before the Court the oath set out in Article 4 of these Rules.

Chapter 5

REGISTRY

Article 18 *Appointment of the Registrar*

1. The Court shall appoint the Registrar.

2. When the post of Registrar is vacant, an advertisement shall be published in the *Official Journal of the European Union*. Interested persons shall be invited to submit their applications within a time limit of not less than three weeks, accompanied by full details of their nationality, university degrees, knowledge of languages, present and past occupations, and experience, if any, in judicial and international fields.

3. The vote, in which the Judges and the Advocates General shall take part, shall take place in accordance with the procedure laid down in Article 8(3) of these Rules.

4. The Registrar shall be appointed for a term of six years. He may be reappointed. The Court may decide to renew the term of office of the incumbent Registrar without availing itself of the procedure laid down in paragraph 2 of this Article.

5. The Registrar shall take the oath set out in Article 4 and sign the declaration provided for in Article 5.

6. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his

office. The Court shall take its decision after giving the Registrar an opportunity to make representations.

7. If the office of Registrar falls vacant before the normal date of expiry of the term thereof, the Court shall appoint a new Registrar for a term of six years.

8. The name of the Registrar elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

Article 19 *Deputy Registrar*

The Court may, in accordance with the procedure laid down in respect of the Registrar, appoint a Deputy Registrar to assist the Registrar and to take his place if he is prevented from acting.

Article 20 *Responsibilities of the Registrar*

1. The Registrar shall be responsible, under the authority of the President of the Court, for the acceptance, transmission and custody of all documents and for effecting service as provided for by these Rules.

2. The Registrar shall assist the Members of the Court in all their official functions.

3. The Registrar shall have custody of the seals and shall be responsible for the records. He shall be in charge of the publications of the Court and, in particular, the European Court Reports.

4. The Registrar shall direct the services of the institution under the authority of the President of the Court. He shall be responsible for the management of the staff and the administration, and for the preparation and implementation of the budget.

Article 21 *Keeping of the register*

1. There shall be kept in the Registry, under the responsibility of the Registrar, a register in which all procedural documents and supporting items and documents lodged shall be entered in the order in which they are submitted.

2. When a document has been registered, the Registrar shall make a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.

3. Entries in the register and the notes provided for in the preceding paragraph shall be authentic.

4. A notice shall be published in the *Official Journal of the European Union* indicating the date of registration of an application initiating proceedings, the names of the parties or, as the case may be, initials replacing a name, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments.

5. In the cases referred to in Title III of these Rules, the notice published in the *Official Journal of the European Union* shall indicate the date of lodging of a request for a preliminary ruling, the referring court or tribunal, the names of the parties to the main proceedings or, as the case may be, initials replacing a name, as well as the questions referred to the Court.

Article 22 *Consultation of the register and of judgments and orders*

1. Anyone may consult the register at the Registry and may obtain copies or extracts on payment of a charge on a scale fixed by the Court on a proposal from the Registrar.

2. The parties to a case may, on payment of the appropriate charge, obtain certified copies of procedural documents.

3. Anyone may, on payment of the appropriate charge, also obtain certified copies of judgments and orders.

Chapter 6

THE WORKING OF THE COURT

Article 23 *Location of the sittings of the Court*

The Court may choose to hold one or more specific sittings in a place other than that in which it has its seat.

Article 24 *Calendar of the Court's judicial business*

1. The judicial year shall begin on 7 October of each calendar year and end on 6 October of the following year.

2. The judicial vacations shall be determined by the Court.

3. In a case of urgency, the President may convene the Judges and the Advocates General during the judicial vacations.

4. The Court shall observe the official holidays of the place in which it has its seat.

5. The Court may, in proper circumstances, grant leave of absence to any Judge or Advocate General.

6. The dates of the judicial vacations and the list of official holidays shall be published annually in the *Official Journal of the European Union*.

Article 25 *General meeting*

Decisions concerning administrative issues or the action to be taken upon the proposals contained in the preliminary report referred to in Article 59 of

these Rules shall be taken by the Court at the general meeting in which all the Judges and Advocates General shall take part and have a vote. The Registrar shall be present, unless the Court decides to the contrary.

Article 26 *Drawing-up of minutes*

Where the Court sits without the Registrar being present it shall, if necessary, instruct the most junior Judge for the purposes of Article 7 of these Rules to draw up minutes, which shall be signed by that Judge and by the President.

Chapter 7

FORMATIONS OF THE COURT

Section 1. Composition of the formations of the Court

Article 27 *Composition of the Grand Chamber*

1. The Grand Chamber shall, for each case, be composed of the President and the Vice-President of the Court, three Presidents of Chambers of five Judges, the Judge-Rapporteur and the number of Judges necessary to reach 15. The last-mentioned Judges and the three Presidents of Chambers of five Judges shall be designated from the lists referred to in paragraphs 3 and 4 of this Article, following the order laid down therein. The starting-point on each of those lists, in every case assigned to the Grand Chamber, shall be the name of the Judge immediately following the last Judge designated from the list concerned for the preceding case assigned to that formation of the Court.

2. After the election of the President and the Vice-President of the Court, and then of the Presidents of the Chambers of five Judges, a list of the Presidents of Chambers of five Judges and a list of the other Judges shall be drawn up for the purposes of determining the composition of the Grand Chamber.

3. The list of the Presidents of Chambers of five Judges shall be drawn up according to the order laid down in Article 7 of these Rules.

4. The list of the other Judges shall be drawn up according to the order laid down in Article 7 of these Rules, alternating with the reverse order: the first Judge on that list shall be the first according to the order laid down in that Article, the second Judge shall be the last according to that order, the third Judge shall be the second according to that order, the fourth Judge the penultimate according to that order, and so on.

5. The lists referred to in paragraphs 3 and 4 shall be published in the *Official Journal of the European Union*.

6. In cases which are assigned to the Grand Chamber between the beginning of a calendar year in which there is a partial replacement of Judges and the moment when that replacement has taken place, two substitute Judges may be designated to complete the formation of the Court for so long as the attainment of the quorum referred to in the third paragraph of Article 17 of the Statute is in doubt. Those substitute Judges shall be the two Judges appearing on the list referred to in paragraph 4 immediately after the last Judge designated for the composition of the Grand Chamber in the case.

7. The substitute Judges shall replace, in the order of the list referred to in paragraph 4, such Judges as are unable to take part in the determination of the case.

Article 28 *Composition of the Chambers of five and of three Judges*

1. The Chambers of five Judges and of three Judges shall, for each case, be composed of the President of the Chamber, the Judge-Rapporteur and the number of Judges required to attain the number of five and three Judges respectively. Those last-mentioned Judges shall be designated from the lists referred to in paragraphs 2 and 3, following the order laid down therein. The starting-point on those lists, in every case assigned to a Chamber, shall be the name of the Judge immediately following the last Judge designated from the list for the preceding case assigned to the Chamber concerned.

2. For the composition of the Chambers of five Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up in the same way as the list referred to in Article 27(4).

3. For the composition of the Chambers of three Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up according to the order laid down in Article 7.

4. The lists referred to in paragraphs 2 and 3 shall be published in the *Official Journal of the European Union*.

Article 29 *Composition of Chambers where cases are related or referred back*

1. Where the Court considers that a number of cases must be heard and determined together by one and the same formation of the Court, the composition of that formation shall be that fixed for the case in respect of which the preliminary report was examined first.

2. Where a Chamber to which a case has been assigned requests the Court, pursuant to Article 60(3) of these Rules, to assign the case to a formation composed of a greater number of Judges, that formation shall include the members of the Chamber which has referred the case back.

Article 30 *Where a President of a Chamber is prevented from acting*

1. When the President of a Chamber of five Judges is prevented from acting, the functions of President of the Chamber shall be exercised by a President of a Chamber of three Judges, where necessary according to the order laid down in Article 7 of these Rules, or, if that formation of the Court does not include a President of a Chamber of three Judges, by one of the other Judges according to the order laid down in Article 7.

2. When the President of a Chamber of three Judges is prevented from acting, the functions of President of the Chamber shall be exercised by a Judge of that formation of the Court according to the order laid down in Article 7.

Article 31 *Where a member of the formation of the Court is prevented from acting*

1. When a member of the Grand Chamber is prevented from acting, he shall be replaced by another Judge according to the order of the list referred to in Article 27(4).

2. When a member of a Chamber of five Judges is prevented from acting, he shall be replaced by another Judge of that Chamber, according to the order of the list referred to in Article 28(2). If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court who may designate another Judge to complete the Chamber.

3. When a member of a Chamber of three Judges is prevented from acting, he shall be replaced by another Judge of that Chamber, according to the order of the list referred to in Article 28(3). If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court who may designate another Judge to complete the Chamber.

Section 2. Deliberations

Article 32 *Procedures concerning deliberations*

1. The deliberations of the Court shall be and shall remain secret.

2. When a hearing has taken place, only those Judges who participated in that hearing and, where relevant, the Assistant Rapporteur responsible for the consideration of the case shall take part in the deliberations.

3. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

4. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Court.

Article 33 *Number of Judges taking part in the deliberations*

Where, by reason of a Judge being prevented from acting, there is an even number of Judges, the most junior Judge for the purposes of Article 7 of these Rules shall abstain from taking part in the deliberations unless he is the Judge-Rapporteur. In that case the Judge immediately senior to him shall abstain from taking part in the deliberations.

Article 34 *Quorum of the Grand Chamber*

1. If, for a case assigned to the Grand Chamber, it is not possible to attain the quorum referred to in the third paragraph of Article 17 of the Statute, the President of the Court shall designate one or more other Judges according to the order of the list referred to in Article 27(4) of these Rules.

2. If a hearing has taken place before that designation, the Court shall re-hear oral argument from the parties and the Opinion of the Advocate General.

Article 35 *Quorum of the Chambers of five and of three Judges*

1. If, for a case assigned to a Chamber of five or of three Judges, it is not possible to attain the quorum referred to in the second paragraph of Article 17 of the Statute, the President of the Court shall designate one or more other Judges according to the order of the list referred to in Article 28(2) or (3), respectively, of these Rules. If it is not possible to replace the Judge prevented from acting by a Judge of the same Chamber, the President of that Chamber shall so inform the President of the Court forthwith who shall designate another Judge to complete the Chamber.

2. Article 34(2) shall apply, *mutatis mutandis*, to the Chambers of five and of three Judges.

Chapter 8

LANGUAGES

Article 36 *Language of a case*

The language of a case shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish.

Article 37 *Determination of the language of a case*

1. In direct actions, the language of a case shall be chosen by the applicant, except that:

(a) where the defendant is a Member State, the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them;

(b) at the joint request of the parties, the use of another of the languages mentioned in Article 36 for all or part of the proceedings may be authorised;

(c) at the request of one of the parties, and after the opposite party and the Advocate General have been heard, the use of another of the languages mentioned in Article 36 may be authorised as the language of the case for all or part of the proceedings by way of derogation from subparagraphs (a) and (b); such a request may not be submitted by one of the institutions of the European Union.

2. Without prejudice to the provisions of paragraph 1(b) and (c), and of Article 38(4) and (5) of these Rules,

(a) in appeals against decisions of the General Court as referred to in Articles 56 and 57 of the Statute, the language of the case shall be the language of the decision of the General Court against which the appeal is brought;

(b) where, in accordance with the second paragraph of Article 62 of the Statute, the Court decides to review a decision of the General Court, the language of the case shall be the language of the decision of the General Court which is the subject of review;

(c) in the case of challenges concerning the costs to be recovered, applications to set aside judgments by default, third-party proceedings and applications for interpretation or revision of a judgment or for the Court to remedy a failure to adjudicate, the language of the case shall be the language of the decision to which those applications or challenges relate.

3. In preliminary ruling proceedings, the language of the case shall be the language of the referring court or tribunal. At the duly substantiated request of one of the parties to the main proceedings, and after the other party to the main proceedings and the Advocate General have been heard, the use of another of the languages mentioned in Article 36 may be authorised for the oral part of the procedure. Where granted, the authorisation to use that other language shall apply in respect of all the interested persons referred to in Article 23 of the Statute.

4. Requests as above may be decided on by the President; the latter may, and where he wishes to accede to a request without the agreement of all the parties must, refer the request to the Court.

Article 38 *Use of the language of the case*

1. The language of the case shall in particular be used in the written and oral pleadings of the parties, including the items and documents produced or annexed to them, and also in the minutes and decisions of the Court.

2. Any item or document produced or annexed that is expressed in another language must be accompanied by a translation into the language of the case.

3. However, in the case of substantial items or lengthy documents, translations may be confined to extracts. At any time the Court may, of its own motion or at the request of one of the parties, call for a complete or fuller translation.

4. Notwithstanding the foregoing provisions, a Member State shall be entitled to use its official language when taking part in preliminary ruling proceedings, when intervening in a case or procedure before the Court or when submitting a request or an application to the Court or bringing an action or an appeal before it. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.

5. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall be entitled to use one of the languages mentioned in Article 36, other than the language of the case, when taking part in preliminary ruling proceedings, when intervening in a case or procedure before the Court or when submitting a request or an application to the Court or bringing an appeal before it. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.

6. Non-Member States taking part in preliminary ruling proceedings pursuant to the fourth paragraph of Article 23 of the Statute shall be entitled to use one of the languages mentioned in Article 36 other than the language of the case. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.

7. Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in Article 36, the Court may authorise him to give his evidence in another language. The Registrar shall arrange for translation into the language of the case.

8. The President and the Vice-President of the Court and also the Presidents of Chambers in conducting oral proceedings, Judges and Advocates General in putting questions and Advocates General in delivering their Opinions may use one of the languages referred to in Article 36 other than the language of the case. The Registrar shall arrange for translation into the language of the case.

Article 39 *Responsibility of the Registrar concerning language arrangements*

1. The Registrar shall arrange for procedural documents lodged during the written part of the procedure to be translated into the language of the case and, as the case may be, into another language mentioned in Article 36.

2. The Registrar shall also ensure that what is said at the hearing is interpreted into the language of the case and into the other languages that are mentioned in Article 36 and are used by the parties present at the hearing or considered necessary for the efficient conduct of that hearing.

Article 40 *Languages of the publications of the Court*

Publications of the Court shall be issued in the languages referred to in Article 1 of Council Regulation No 1.

Article 41 *Authentic texts*

The texts of documents drawn up in the language of the case or, where applicable, in another language authorised pursuant to Articles 37 or 38 of these Rules shall be authentic.

Article 42 *Language service of the Court*

The Court shall set up a language service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the European Union.

TITLE II

COMMON PROCEDURAL PROVISIONS

Chapter 1

RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS

Article 43 *Privileges, immunities and facilities*

1. Agents, advisers and lawyers who appear before the Court or before any judicial authority to which the Court has addressed letters rogatory shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. Agents, advisers and lawyers shall also enjoy the following privileges and facilities:

(a) any papers and documents relating to the proceedings shall be exempt from both search and seizure. In the event of a dispute, the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the Court for inspection in the presence of the Registrar and of the person concerned;

(b) agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

Article 44 *Status of the parties' representatives*

1. In order to qualify for the privileges, immunities and facilities specified in Article 43, persons entitled to them shall furnish proof of their status as follows:

(a) agents shall produce an official document issued by the party for whom they act, who shall immediately serve a copy thereof on the Registrar;

(b) lawyers shall produce a certificate that they are authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement, and, where the party which they represent is a legal person governed by private law, an authority to act issued by that person;

(c) advisers shall produce an authority to act issued by the party whom they are assisting.

2. The Registrar of the Court shall issue them with a certificate, as required. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the duration of the proceedings.

Article 45 *Waiver of immunity*

1. The privileges, immunities and facilities specified in Article 43 of these Rules are granted exclusively in the interests of the proper conduct of proceedings.

2. The Court may waive immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 46 *Exclusion from the proceedings*

1. If the Court considers that the conduct of an agent, adviser or lawyer before the Court is incompatible with the dignity of the Court or with the requirements of the proper administration of justice, or that such agent, adviser or lawyer is using his rights for purposes other than those for which they were granted, it shall inform the person concerned. If the Court informs the competent authorities to whom the person concerned is answerable, a copy of the letter sent to those authorities shall be forwarded to the person concerned.

2. On the same grounds, the Court may at any time, having heard the person concerned and the Advocate General, decide to exclude an agent, adviser or lawyer from the proceedings by reasoned order. That order shall have immediate effect.

3. Where an agent, adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another agent, adviser or lawyer.

4. Decisions taken under this Article may be rescinded.

Article 47 *University teachers and parties to the main proceedings*

1. The provisions of this Chapter shall apply to university teachers who have a right of audience before the Court in accordance with Article 19 of the Statute.

2. They shall also apply, in the context of references for a preliminary ruling, to the parties to the main proceedings where, in accordance with the national rules of procedure applicable, those parties are permitted to bring or defend court proceedings without being represented by a lawyer, and to persons authorised under those rules to represent them.

Chapter 2

SERVICE

Article 48 *Methods of service*

1. Where the Statute or these Rules require that a document be served on a person, the Registrar shall ensure that service is effected either by electronic means or by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt, or by personal delivery of the copy against receipt.

2. The Court shall determine, by decision, the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.

3. Where the addressee has agreed that service is to be effected on him by electronic means, in accordance with the criteria determined by the Court, any procedural document, including a judgment or order of the Court, shall be served by such means. Otherwise, service shall be effected at the addressee's address for service or, if the addressee has not specified an address for service, at his address, either by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against receipt. The Registrar shall prepare and certify the copies of the documents to be served.

4. Where, for technical reasons or on account of the nature or length of the document, a procedural document cannot be transmitted by electronic

means, the document shall be served at the addressee's address for service or, if the addressee has not specified an address for service, at his address in accordance with the procedures laid down in paragraph 3 of this Article. The addressee shall be so informed by any technical or electronic means of communication available to the Court and to the addressee. Service shall then be deemed to have been effected on the addressee by registered post on the 10th day following the lodging of the registered letter at the post office of the place in which the Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being informed as referred to above, that the document to be served has not reached him.

Chapter 3

TIME LIMITS

Article 49 *Calculation of time limits*

1. Any procedural time limit prescribed by the Treaties, the Statute or these Rules shall be calculated as follows:

(a) where a time limit expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the time limit in question;

(b) a time limit expressed in weeks, months or years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the time limit is to be calculated occurred or took place. If, in a time limit expressed in months or years, the day on which it should expire does not occur in the last month, the time limit shall end with the expiry of the last day of that month;

(c) where a time limit is expressed in months and days, it shall first be calculated in whole months, then in days;

(d) time limits shall include Saturdays, Sundays and the official holidays referred to in Article 24(6) of these Rules;

(e) time limits shall not be suspended during the judicial vacations.

2. If the time limit would otherwise end on a Saturday, Sunday or an official holiday, it shall be extended until the end of the first subsequent working day.

Article 50 *Proceedings against a measure adopted by an institution*

Where the time limit allowed for initiating proceedings against a measure adopted by an institution runs from the publication of that measure, that time limit shall be calculated, for the purposes of Article 49(1)(a), from the end of the 14th day after publication of the measure in the *Official Journal of the European Union*.

Article 51 *Extension on account of distance*

The procedural time limits shall be extended on account of distance by a single period of 10 days.

Article 52 *Setting and extension of time limits*

1. Any time limit prescribed by the Court pursuant to these Rules may be extended.

2. The President and the Presidents of Chambers may delegate to the Registrar power of signature for the purposes of setting certain time limits which, pursuant to these Rules, it falls to them to prescribe, or of extending such time limits.

Chapter 4

DIFFERENT PROCEDURES FOR DEALING WITH CASES

Article 53 *Procedures for dealing with cases*

1. Without prejudice to the special provisions laid down in the Statute or in these Rules, the procedure before the Court shall consist of a written part and an oral part.

2. Where it is clear that the Court has no jurisdiction to hear and determine a case or where a request or an application is manifestly inadmissible, the Court may, after hearing the Advocate General, at any time decide to give a decision by reasoned order without taking further steps in the proceedings.

3. The President may in special circumstances decide that a case be given priority over others.

4. A case may be dealt with under an expedited procedure in accordance with the conditions provided by these Rules.

5. A reference for a preliminary ruling may be dealt with under an urgent procedure in accordance with the conditions provided by these Rules.

Article 54 *Joinder*

1. Two or more cases of the same type concerning the same subject matter may at any time be joined, on account of the connection between them, for the purposes of the written or oral part of the procedure or of the judgment which closes the proceedings.

2. A decision on whether cases should be joined shall be taken by the President after hearing the Judge-Rapporteur and the Advocate General, if the cases concerned have already been assigned, and, save in the case of references for a preliminary ruling, after also hearing the parties. The President may refer the decision on this matter to the Court.

3. Joined cases may be disjoined, in accordance with the provisions of paragraph 2.

Article 55 *Stay of proceedings*

1. The proceedings may be stayed:

(a) in the circumstances specified in the third paragraph of Article 54 of the Statute, by order of the Court, made after hearing the Advocate General;

(b) in all other cases, by decision of the President adopted after hearing the Judge-Rapporteur and the Advocate General and, save in the case of references for a preliminary ruling, the parties.

2. The proceedings may be resumed by order or decision, following the same procedure.

3. The orders or decisions referred to in paragraphs 1 and 2 shall be served on the parties or interested persons referred to in Article 23 of the Statute.

4. The stay of proceedings shall take effect on the date indicated in the order or decision of stay or, in the absence of such indication, on the date of that order or decision.

5. While proceedings are stayed time shall cease to run for the parties or interested persons referred to in Article 23 of the Statute for the purposes of procedural time limits.

6. Where the order or decision of stay does not fix the length of stay, it shall end on the date indicated in the order or decision of resumption or, in the absence of such indication, on the date of the order or decision of resumption.

7. From the date of resumption of proceedings following a stay, the suspended procedural time limits shall be replaced by new time limits and time shall begin to run from the date of that resumption.

Article 56 *Deferment of the determination of a case*

After hearing the Judge-Rapporteur, the Advocate General and the parties, the President may in special circumstances, either of his own motion or at the request of one of the parties, defer a case to be dealt with at a later date.

Chapter 5

WRITTEN PART OF THE PROCEDURE

Article 57 *Lodging of procedural documents*

1. The original of every procedural document must bear the handwritten signature of the party's agent or lawyer or, in the case of observations submitted in the context of preliminary ruling proceedings, that of the party to the main proceedings or his representative, if the national rules of procedure applicable to those main proceedings so permit.

2. The institutions shall in addition produce, within the time limits laid down by the Court, translations of any procedural document into the other languages provided for by Article 1 of Council Regulation No 1.

3. To every procedural document there shall be annexed a file containing the items and documents relied on in support of it, together with a schedule listing them.

4. Where in view of the length of an item or document only extracts from it are annexed to the procedural document, the whole item or document or a full copy of it shall be lodged at the Registry.

5. All procedural documents shall bear a date. In the calculation of procedural time limits, only the date and time of lodging of the original at the Registry shall be taken into account.

6. Without prejudice to the provisions of paragraphs 1 to 5, the date on and time at which a copy of the signed original of a procedural document, including the schedule of items and documents referred to in paragraph 3, is received at the Registry by a technical or electronic means of communication available to the Court shall be deemed to be the date and time of lodging for the purposes of compliance with the procedural time limits, provided that the signed original of the procedural document, accompanied by the annexes thereto, is lodged at the Registry no later than 10 days thereafter. Article 51 of these Rules shall not apply to the latter time limit.

7. Without prejudice to paragraphs 2 to 5, the Court shall determine, by decision, the criteria for a procedural document sent to the Registry by electronic means to be deemed to be the original of that document. That decision shall be published in the *Official Journal of the European Union*.

Article 58 *Length of procedural documents*

Without prejudice to any special provisions laid down in these Rules, the Court may, by decision, set the maximum length of written pleadings or observations lodged before it. That decision shall be published in the *Official Journal of the European Union*.

Chapter 6

THE PRELIMINARY REPORT AND ASSIGNMENT OF CASES TO FORMATIONS OF THE COURT

Article 59 *Preliminary report*

1. When the written part of the procedure is closed, the President shall fix a date on which the Judge-Rapporteur is to present a preliminary report to the general meeting of the Court.

2. The preliminary report shall contain proposals as to whether particular measures of organisation of procedure, measures of inquiry or, if appropriate, requests to the referring court or tribunal for clarification should be undertaken, and as to the formation to which the case should be assigned. It shall also contain the Judge-Rapporteur's proposals, if any, as to whether to dispense with a hearing and as to whether to dispense with an Opinion of the Advocate General pursuant to the fifth paragraph of Article 20 of the Statute.

3. The Court shall decide, after hearing the Advocate General, what action to take on the proposals of the Judge-Rapporteur.

Article 60 *Assignment of cases to formations of the Court*

1. The Court shall assign to the Chambers of five and of three Judges any case brought before it in so far as the difficulty or importance of the case or particular circumstances are not such as to require that it should be assigned to the Grand Chamber, unless a Member State or an institution of the European Union participating in the proceedings has requested that the case be assigned to the Grand Chamber, pursuant to the third paragraph of Article 16 of the Statute.

2. The Court shall sit as a full Court where cases are brought before it pursuant to the provisions referred to in the fourth paragraph of Article 16 of the Statute. It may assign a case to the full Court where, in accordance with the fifth paragraph of Article 16 of the Statute, it considers that the case is of exceptional importance.

3. The formation to which a case has been assigned may, at any stage of the proceedings, request the Court to assign the case to a formation composed of a greater number of Judges.

4. Where the oral part of the procedure is opened without an inquiry, the President of the formation determining the case shall fix the opening date.

Chapter 7

MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY

Section 1. Measures of organisation of procedure

Article 61 *Measures of organisation prescribed by the Court*

1. In addition to the measures which may be prescribed in accordance with Article 24 of the Statute, the Court may invite the parties or the interested persons referred to in Article 23 of the Statute to answer certain questions in writing, within the time limit laid down by the Court, or at the hearing. The written replies shall be communicated to the other parties or the interested persons referred to in Article 23 of the Statute.

2. Where a hearing is organised, the Court shall, in so far as possible, invite the participants in that hearing to concentrate in their oral pleadings on one or more specified issues.

Article 62 *Measures of organisation prescribed by the Judge-Rapporteur or the Advocate General*

1. The Judge-Rapporteur or the Advocate General may request the parties or the interested persons referred to in Article 23 of the Statute to submit within a specified time limit all such information relating to the facts, and all such documents or other particulars, as they may consider relevant. The replies and documents provided shall be communicated to the other parties or the interested persons referred to in Article 23 of the Statute.

2. The Judge-Rapporteur or the Advocate General may also send to the parties or the interested persons referred to in Article 23 of the Statute questions to be answered at the hearing.

Section 2. Measures of inquiry

Article 63 *Decision on measures of inquiry*

1. The Court shall decide in its general meeting whether a measure of inquiry is necessary.

2. Where the case has already been assigned to a formation of the Court, the decision shall be taken by that formation.

Article 64 *Determination of measures of inquiry*

1. The Court, after hearing the Advocate General, shall prescribe the measures of inquiry that it considers appropriate by means of an order setting out the facts to be proved.

2. Without prejudice to Articles 24 and 25 of the Statute, the following measures of inquiry may be adopted:

(a) the personal appearance of the parties;

(b) a request for information and production of documents;

(c) oral testimony;

(d) the commissioning of an expert's report;

(e) an inspection of the place or thing in question.

3. Evidence may be submitted in rebuttal and previous evidence may be amplified.

Article 65 *Participation in measures of inquiry*

1. Where the formation of the Court does not undertake the inquiry itself, it shall entrust the task of so doing to the Judge-Rapporteur.

2. The Advocate General shall take part in the measures of inquiry.

3. The parties shall be entitled to attend the measures of inquiry.

Article 66 *Oral testimony*

1. The Court may, either of its own motion or at the request of one of the parties, and after hearing the Advocate General, order that certain facts be proved by witnesses.

2. A request by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.

3. The Court shall rule by reasoned order on the request referred to in the preceding paragraph. If the request is granted, the order shall set out the facts to be established and state which witnesses are to be heard in respect of each of those facts.

4. Witnesses shall be summoned by the Court, where appropriate after the lodging of the security provided for in Article 73(1) of these Rules.

Article 67 *Examination of witnesses*

1. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in these Rules.

2. The witness shall give his evidence to the Court, the parties having been given notice to attend. After the witness has given his evidence the President may, at the request of one of the parties or of his own motion, put questions to him.

3. The other Judges and the Advocate General may do likewise.

4. Subject to the control of the President, questions may be put to witnesses by the representatives of the parties.

Article 68 *Witnesses' oath*

1. After giving his evidence, the witness shall take the following oath:

'I swear that I have spoken the truth, the whole truth and nothing but the truth.'

2. The Court may, after hearing the parties, exempt a witness from taking the oath.

Article 69 *Pecuniary penalties*

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If, without good reason, a witness who has been duly summoned fails to appear before the Court, the Court may impose upon him a pecuniary penalty not exceeding EUR 5 000 and may order that a further summons be served on the witness at his own expense.

3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath.

Article 70 *Expert's report*

1. The Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time limit within which he is to submit his report.

2. After the expert has submitted his report and that report has been served on the parties, the Court may order that the expert be examined, the parties having been given notice to attend. At the request of one of the parties or of his own motion, the President may put questions to the expert.

3. The other Judges and the Advocate General may do likewise.

4. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

Article 71 *Expert's oath*

1. After making his report, the expert shall take the following oath:

'I swear that I have conscientiously and impartially carried out my task.'

2. The Court may, after hearing the parties, exempt the expert from taking the oath.

Article 72 *Objection to a witness or expert*

1. If one of the parties objects to a witness or an expert on the ground that he is not a competent or proper person to act as a witness or expert or for any other reason, or if a witness or expert refuses to give evidence or to take the oath, the matter shall be resolved by the Court.

2. An objection to a witness or an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 73 *Witnesses' and experts' costs*

1. Where the Court orders the examination of witnesses or an expert's report, it may request the parties or one of them to lodge security for the witnesses' costs or the costs of the expert's report.

2. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The cashier of the Court may make an advance payment towards these expenses.

3. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services. The cashier of the Court shall pay witnesses and experts these sums after they have carried out their respective duties or tasks.

Article 74 *Minutes of inquiry hearings*

1. The Registrar shall draw up minutes of every inquiry hearing. The minutes shall be signed by the President and by the Registrar. They shall constitute an official record.

2. In the case of the examination of witnesses or experts, the minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the witness or expert, and by the Registrar. Before the minutes are thus signed, the witness or expert must be given an opportunity to check the content of the minutes and to sign them.

3. The minutes shall be served on the parties.

Article 75 *Opening of the oral part of the procedure after the inquiry*

1. Unless the Court decides to prescribe a time limit within which the parties may submit written observations, the President shall fix the date for the

opening of the oral part of the procedure after the measures of inquiry have been completed.

2. Where a time limit has been prescribed for the submission of written observations, the President shall fix the date for the opening of the oral part of the procedure after that time limit has expired.

Chapter 8

ORAL PART OF THE PROCEDURE

Article 76 *Hearing*

1. Any reasoned requests for a hearing shall be submitted within three weeks after service on the parties or the interested persons referred to in Article 23 of the Statute of notification of the close of the written part of the procedure. That time limit may be extended by the President.

2. On a proposal from the Judge-Rapporteur and after hearing the Advocate General, the Court may decide not to hold a hearing if it considers, on reading the written pleadings or observations lodged during the written part of the procedure, that it has sufficient information to give a ruling.

3. The preceding paragraph shall not apply where a request for a hearing, stating reasons, has been submitted by an interested person referred to in Article 23 of the Statute who did not participate in the written part of the procedure.

Article 77 *Joint hearing*

If the similarities between two or more cases of the same type so permit, the Court may decide to organise a joint hearing of those cases.

Article 78 *Participation in a hearing of oral argument by videoconference*

1. Where health, security or other serious reasons prevent the representative of a party or of an interested person referred to in Article 23 of the Statute from participating in a hearing in person, that representative may be authorised to take part in the hearing by videoconference. That rule shall also apply to the parties to the main proceedings where, in accordance with the national rules of procedure applicable, those parties are permitted to bring or defend court proceedings without being represented by a lawyer.

2. The request to participate in the hearing by videoconference shall be made by a separate document as soon as the reason for the impediment is known and shall state the precise nature of the impediment.

3. The President shall decide on the request as soon as possible.

4. The use of videoconferencing shall not be possible in the event of a decision by the Court to hear a case *in camera* pursuant to Article 79 of these Rules.

5. The technical conditions to be satisfied by those wishing to participate in a hearing by videoconference shall be laid down in the Practice Directions to parties adopted on the basis of Article 208 of these Rules.

Article 79 *Cases heard in camera*

1. For serious reasons related, in particular, to the security of the Member States or to the protection of minors, the Court may decide to hear a case *in camera*.

2. The oral proceedings in cases heard *in camera* shall not be published.

Article 80 *Conduct of the hearing*

1. The oral proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

2. The members of the formation of the Court and the Advocate General may in the course of the hearing put questions to the agents, advisers or lawyers of the parties and, in the circumstances referred to in Article 47(2) of these Rules, to the parties to the main proceedings or to their representatives.

Article 80a *Broadcasting of hearings*

1. Hearings of the Court may be broadcast. The broadcast shall take place live when it relates to the delivery of judgments or Opinions, and with a delay when it relates to oral pleadings made by the parties or by the interested persons referred to in Article 23 of the Statute in a case referred to the full Court, to the Grand Chamber, or, exceptionally, where this is justified by the importance of the case, to a Chamber of five Judges.

2. Where the Court intends to broadcast a hearing, the parties or the interested persons referred to in Article 23 of the Statute shall be so informed by the Registry when they are given notice to attend the hearing.

3. A party or an interested person referred to in Article 23 of the Statute who considers that the hearing which he has been given notice to attend should not be broadcast shall inform the Court of this as soon as possible, setting out in detail the circumstances that justify a decision not to broadcast the hearing.

4. The President shall decide on that request as soon as possible, after hearing the Judge-Rapporteur and the Advocate General.

5. The video recordings of hearings that have been broadcast shall remain available on the website of the Court of Justice of the European Union for a maximum period of one month after the close of the hearing.

6. Where a party or an interested person referred to in Article 23 of the Statute considers that the video recording of a hearing in which he took part should be removed from that website, he shall inform the Court of this as soon as possible, setting out the circumstances that justify that removal.

7. The President shall decide on that request forthwith, after hearing the Judge-Rapporteur and the Advocate General.

8. The Court shall determine, by way of decision, the rules and arrangements for implementing the broadcasting of hearings. That decision shall be published in the *Official Journal of the European Union*.

Article 81 *Close of the hearing*

After the parties or the interested persons referred to in Article 23 of the Statute have presented oral argument, the President shall declare the hearing closed.

Article 82 *Delivery of the Opinion of the Advocate General*

1. Where a hearing takes place, the Opinion of the Advocate General shall be delivered after the close of that hearing, on the date announced by the Advocate General.

2. Where no hearing takes place, the Opinion shall be delivered on the date announced by the Advocate General.

3. The President shall declare the oral part of the procedure closed after the Advocate General has delivered his Opinion.

Article 83 *Opening or reopening of the oral part of the procedure*

The Court may at any time, after hearing the Advocate General, decide to open the oral part of the procedure or order the reopening of that part, in particular if it considers that it lacks sufficient information or where a party has, after the close of that part of the procedure, submitted a new fact which is of such a nature as to be a decisive factor for the decision of the Court, or where the case must be decided on the basis of an argument which has not been debated between the parties or the interested persons referred to in Article 23 of the Statute.

Article 84 *Minutes of hearings of oral argument*

1. The Registrar shall draw up minutes of every hearing of oral argument. The minutes shall be signed by the President and by the Registrar. They shall constitute an official record.

2. The parties and interested persons referred to in Article 23 of the Statute may inspect the minutes at the Registry and obtain copies.

Article 85 *Recording of the hearing*

The President may, on a duly substantiated request, authorise a party or an interested person referred to in Article 23 of the Statute who has participated in the written or oral part of the proceedings to listen, on the Court's premises, to the soundtrack of the hearing in the language used by the speaker during that hearing.

Chapter 9

JUDGMENTS AND ORDERS

Article 86 *Date of delivery of a judgment*

The parties or interested persons referred to in Article 23 of the Statute shall be informed of the date of delivery of a judgment.

Article 87 *Content of a judgment*

A judgment shall contain:

(a) a statement that it is the judgment of the Court,

(b) an indication as to the formation of the Court,

(c) the date of delivery,

(d) the names of the President and of the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur,

(e) the name of the Advocate General,

(f) the name of the Registrar,

(g) a description of the parties or of the interested persons referred to in Article 23 of the Statute who participated in the proceedings,

(h) the names of their representatives,

(i) in the case of direct actions and appeals, a statement of the forms of order sought by the parties,

(j) where applicable, the date of the hearing,

(k) a statement that the Advocate General has been heard and, where applicable, the date of his Opinion,

(l) a summary of the facts,

(m) the grounds for the decision,

(n) the operative part of the judgment, including, where appropriate, the decision as to costs.

Article 88 *Delivery and service of the judgment*

1. The judgment shall be delivered in open court.

2. The original of the judgment shall be signed by the President, by the Judges who took part in the deliberations and by the Registrar. Where the original can no longer be signed by a Judge who took part in the deliberations, either due to his state of health or death, or due to his resignation or the expiry of his term of office, the President shall certify that that Judge took part in the deliberations.

3. The signed original of the judgment shall be sealed and deposited at the Registry. Certified copies of the judgment shall be served on the parties and, where applicable, the referring court or tribunal, the interested persons referred to in Article 23 of the Statute and the General Court.

Article 89 *Content of an order*

1. An order shall contain:

(a) a statement that it is the order of the Court,

(b) an indication as to the formation of the Court,

(c) the date of its adoption,

(d) an indication as to the legal basis of the order,

(e) the names of the President and, where applicable, the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur,

(f) the name of the Advocate General,

(g) the name of the Registrar,

(h) a description of the parties or of the interested persons referred to in Article 23 of the Statute who participated in the proceedings,

(i) the names of their representatives,

(j) a statement that the Advocate General has been heard,

(k) the operative part of the order, including, where appropriate, the decision as to costs.

2. Where, in accordance with these Rules, an order must be reasoned, it shall in addition contain:

(a) in the case of direct actions and appeals, a statement of the forms of order sought by the parties,

(b) a summary of the facts,

(c) the grounds for the decision.

Article 90 *Signature and service of the order*

The original of the order, signed by the President and by the Registrar, shall be sealed and deposited at the Registry; certified copies of the order shall be served on the parties and, where applicable, the referring court or tribunal, the interested persons referred to in Article 23 of the Statute and the General Court.

Article 91 *Binding nature of judgments and orders*

1. A judgment shall be binding from the date of its delivery.

2. An order shall be binding from the date of its service.

Article 92 *Publication in the Official Journal of the European Union*

A notice containing the date and the operative part of the judgment or order of the Court which closes the proceedings shall be published in the *Official Journal of the European Union*.

TITLE III

REFERENCES FOR A PRELIMINARY RULING

Chapter 1

GENERAL PROVISIONS

Article 93 *Scope*

The procedure shall be governed by the provisions of this Title:

(a) in the cases covered by Article 23 of the Statute,

(b) as regards references for interpretation which may be provided for by agreements to which the European Union or the Member States are parties.

Article 93a *Preliminary analysis of requests for a preliminary ruling*

1. Where the Court of Justice is seised of a request for a preliminary ruling, the Registry shall transmit that request forthwith to the President, the Vice-President and the First Advocate General.

2. If, after analysing the request for a preliminary ruling, the President, having heard the Vice-President and the First Advocate General, considers that the request comes exclusively within one or more of the specific areas referred to in the first paragraph of Article 50b of the Statute, he shall so inform the Registry, which shall forthwith transmit the request to the

Registry of the General Court. The proceedings shall then continue before the General Court in accordance with the provisions of its Rules of Procedure.

3. If, following that analysis and after hearing the Vice-President and the First Advocate General, the President considers that although the request for a preliminary ruling comes within one or more of the specific areas referred to in the first paragraph of Article 50b of the Statute, it also concerns other areas or raises independent questions relating to the interpretation of primary law, public international law, general principles of Union law or the Charter of Fundamental Rights of the European Union, within the meaning of the second paragraph of Article 50b of the Statute, he shall immediately refer the request to the Court of Justice. If the Court of Justice considers that the request comes exclusively within one or more of the specific areas referred to in the first paragraph of Article 50b of the Statute, the Registry of the Court of Justice shall transmit that request forthwith to the Registry of the General Court and the proceedings shall continue before the General Court in accordance with the provisions of its Rules of Procedure. Otherwise, the proceedings shall continue before the Court of Justice in accordance with the provisions of these Rules.

4. Where a request for a preliminary ruling is transmitted to the Registry of the General Court in accordance with paragraph 2 or 3 of this Article, that Registry shall so inform the referring court or tribunal.

Article 94 *Content of the request for a preliminary ruling*

In addition to the text of the questions referred to the Court for a preliminary ruling, the request for a preliminary ruling shall contain:

(a) a summary of the subject matter of the dispute and the relevant findings of fact as determined by the referring court or tribunal, or, at least, an account of the facts on which the questions are based;

(b) the tenor of any national provisions applicable in the case and, where appropriate, the relevant national case-law;

(c) a statement of the reasons which prompted the referring court or tribunal to inquire about the interpretation or validity of certain provisions of European Union law, and the relationship between those provisions and the national legislation applicable to the main proceedings.

Article 95 *Anonymisation and omission of personal data*

1. Where the referring court or tribunal has rendered anonymous the request for a preliminary ruling or has decided to omit data relating to natural persons or entities concerned by the main proceedings, whether parties or third parties to those proceedings, the Court shall respect that anonymisation or omission in the proceedings pending before it.

2. At the request of the referring court or tribunal, of a party to the main proceedings or of its own motion, the Court may also render anonymous the

request for a preliminary ruling or decide to omit personal data relating to one or more natural persons concerned by the main proceedings, whether parties or third parties to those proceedings.

Article 96 *Participation in preliminary ruling proceedings*

1. Pursuant to Article 23 of the Statute, the following shall be authorised to submit statements of case or written observations to the Court:

(a) the parties to the main proceedings,

(b) the Member States,

(c) the European Commission,

(d) the European Parliament, the Council and the European Central Bank, where they consider that they have a particular interest in the questions raised by the request for a preliminary ruling,

(e) the institution which adopted the act the validity or interpretation of which is in dispute,

(f) the States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, where a question concerning one of the fields of application of that Agreement is referred to the Court for a preliminary ruling,

(g) non-Member States which are parties to an agreement relating to a specific subject matter, concluded with the Council, where the agreement so provides and where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling a question falling within the scope of that agreement.

2. Non-participation in the written part of the procedure does not preclude participation in the oral part of the procedure.

3. Statements of case or written observations lodged under this Article shall be published on the website of the Court of Justice of the European Union after delivery of the judgment or service of the order closing the proceedings on the interested persons referred to in Article 23 of the Statute, unless any of those interested persons raises objections to the publication of that person's statement of case or observations. Such objections, which need not state the reasons on which they are based and which cannot be challenged before the Court of Justice or the General Court, must be communicated to the Registry, by separate document, no later than three months after the delivery of the judgment or service of the order closing the proceedings. Where an objection is communicated, reference thereto shall be made on the above website and the statement of case or observations concerned shall not be published, even in part. If the interested person subsequently withdraws the objection to the publication of the statement of case or observations, that statement of case or those observations shall be published on the website as soon as that objection is withdrawn. If the objection is communicated to the Registry after expiry of the time limit set out above, the statement of case or observations which have been published shall be removed from the website.

Article 97 *Parties to the main proceedings*

1. The parties to the main proceedings are those who are determined as such by the referring court or tribunal in accordance with national rules of procedure.

2. Where the referring court or tribunal informs the Court that a new party has been admitted to the main proceedings, when the proceedings before the Court are already pending, that party must accept the case as he finds it at the time when the Court was so informed. That party shall receive a copy of every procedural document already served on the interested persons referred to in Article 23 of the Statute.

3. As regards the representation and attendance of the parties to the main proceedings, the Court shall take account of the rules of procedure in force before the referring court or tribunal. In the event of any doubt as to whether a person may represent a party to the main proceedings or as to whether such a party may bring or defend court proceedings without a representative, the Court may obtain information from the referring court or tribunal on the national rules of procedure applicable.

Article 98 *Translation and service of the request for a preliminary ruling*

1. The requests for a preliminary ruling referred to in this Title shall be served on the Member States in the original version, accompanied by a translation into the official language of the State to which they are being addressed. Where appropriate, on account of the length of the request, such translation shall be replaced by the translation into the official language of the State to which it is addressed of a summary of that request, which will serve as a basis for the position to be adopted by that State. The summary shall include the full text of the question or questions referred for a preliminary ruling. That summary shall contain, in particular, in so far as that information appears in the request for a preliminary ruling, the subject matter of the main proceedings, the essential arguments of the parties to those proceedings, a succinct presentation of the reasons for the reference for a preliminary ruling and the case-law and the provisions of national law and European Union law relied on.

2. In the cases covered by the third paragraph of Article 23 of the Statute, the requests for a preliminary ruling shall be served on the States, other than the Member States, which are parties to the EEA Agreement and also on the EFTA Surveillance Authority in the original version, accompanied by a translation of the request, or where appropriate of a summary, into one of the languages referred to in Article 36, to be chosen by the addressee.

3. Where a non-Member State has the right to take part in preliminary ruling proceedings pursuant to the fourth paragraph of Article 23 of the Statute, the original version of the request for a preliminary ruling shall be served on it accompanied by a translation of the request, or where appropriate of a

summary, into one of the languages referred to in Article 36, to be chosen by the non-Member State concerned.

Article 99 *Reply by reasoned order*

Where a question referred to the Court for a preliminary ruling is identical to a question on which the Court has already ruled, where the reply to such a question may be clearly deduced from existing case-law or where the answer to the question referred for a preliminary ruling admits of no reasonable doubt, the Court may at any time, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, decide to rule by reasoned order.

Article 100 *Circumstances in which the Court remains seised*

1. The Court shall remain seised of a request for a preliminary ruling for as long as it is not withdrawn by the court or tribunal which made that request to the Court. The withdrawal of a request may be taken into account until notice of the date of delivery of the judgment has been served on the interested persons referred to in Article 23 of the Statute.

2. However, the Court may at any time declare that the conditions of its jurisdiction are no longer fulfilled.

Article 101 *Request for clarification*

1. Without prejudice to the measures of organisation of procedure and measures of inquiry provided for in these Rules, the Court may, after hearing the Advocate General, request clarification from the referring court or tribunal within a time limit prescribed by the Court.

2. The reply of the referring court or tribunal to that request shall be served on the interested persons referred to in Article 23 of the Statute.

Article 102 *Costs of the preliminary ruling proceedings*

It shall be for the referring court or tribunal to decide as to the costs of the preliminary ruling proceedings.

Article 103 *Rectification of judgments and orders*

1. Clerical mistakes, errors in calculation and obvious inaccuracies affecting judgments or orders may be rectified by the Court, of its own motion or at the request of an interested person referred to in Article 23 of the Statute made within two weeks after delivery of the judgment or service of the order.

2. The Court shall take its decision after hearing the Advocate General.

3. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Article 104 *Interpretation of preliminary rulings*

1. Article 158 of these Rules relating to the interpretation of judgments and orders shall not apply to decisions given in reply to a request for a preliminary ruling.

2. It shall be for the national courts or tribunals to assess whether they consider that sufficient guidance is given by a preliminary ruling, or whether it appears to them that a further reference to the Court is required.

Chapter 2

EXPEDITED PRELIMINARY RULING PROCEDURE

Article 105 *Expedited procedure*

1. At the request of the referring court or tribunal or, exceptionally, of his own motion, the President of the Court may, where the nature of the case requires that it be dealt with within a short time, after hearing the Judge-Rapporteur and the Advocate General, decide that a reference for a preliminary ruling is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules.

2. In that event, the President shall immediately fix the date for the hearing, which shall be communicated to the interested persons referred to in Article 23 of the Statute when the request for a preliminary ruling is served.

3. The interested persons referred to in the preceding paragraph may lodge statements of case or written observations within a time limit prescribed by the President, which shall not be less than 15 days. The President may request those interested persons to restrict the matters addressed in their statement of case or written observations to the essential points of law raised by the request for a preliminary ruling.

4. The statements of case or written observations, if any, shall be communicated to all the interested persons referred to in Article 23 of the Statute prior to the hearing.

5. The Court shall rule after hearing the Advocate General.

Article 106 *Transmission of procedural documents*

1. The procedural documents referred to in the preceding Article shall be deemed to have been lodged on the transmission to the Registry, by any technical or electronic means of communication available to the Court, of a copy of the signed original and the items and documents relied on in support

of it, together with the schedule referred to in Article 57(3). The original of the document and the annexes referred to above shall be sent to the Registry immediately.

2. Where the preceding Article requires that a document be served on or communicated to a person, such service or communication shall be effected by electronic means, in accordance with the criteria determined by the Court, where the addressee has agreed that service is to be effected on him by those means. Otherwise, such service or communication shall be effected by transmission of a copy of the document by any technical or electronic means of communication available to the Court and to the addressee.

Chapter 3

URGENT PRELIMINARY RULING PROCEDURE

Article 107 *Scope of the urgent preliminary ruling procedure*

1. A reference for a preliminary ruling which raises one or more questions in the areas covered by Title V of Part Three of the Treaty on the Functioning of the European Union may, at the request of the referring court or tribunal or, exceptionally, of the Court's own motion, be dealt with under an urgent procedure derogating from the provisions of these Rules.

2. The referring court or tribunal shall set out the matters of fact and law which establish the urgency and justify the application of that exceptional procedure and shall, in so far as possible, indicate the answer that it proposes to the questions referred.

3. If the referring court or tribunal has not submitted a request for the urgent procedure to be applied, the President of the Court may, if the application of that procedure appears, prima facie, to be required, ask the Chamber referred to in Article 108 to consider whether it is necessary to deal with the reference under that procedure.

Article 108 *Decision as to urgency*

1. The decision to deal with a reference for a preliminary ruling under the urgent procedure shall be taken by the designated Chamber, acting on a proposal from the Judge-Rapporteur and after hearing the Advocate General. The composition of that Chamber shall be determined in accordance with Article 28(2) on the day on which the case is assigned to the Judge-Rapporteur if the application of the urgent procedure is requested by the referring court or tribunal, or, if the application of that procedure is considered at the request of the President of the Court, on the day on which that request is made.

2. If the case is connected with a pending case assigned to a Judge-Rapporteur who is not a member of the designated Chamber, that Chamber may propose to the President of the Court that the case be assigned to that

Judge-Rapporteur. Where the case is reassigned to that Judge-Rapporteur, the Chamber of five Judges which includes him shall carry out the duties of the designated Chamber in respect of that case. Article 29(1) shall apply.

Article 109 *Written part of the urgent procedure*

1. A request for a preliminary ruling shall, where the referring court or tribunal has requested the application of the urgent procedure or where the President has requested the designated Chamber to consider whether it is necessary to deal with the reference under that procedure, be served forthwith by the Registrar on the parties to the main proceedings, on the Member State from which the reference is made, on the European Commission and on the institution which adopted the act the validity or interpretation of which is in dispute.

2. The decision as to whether or not to deal with the reference for a preliminary ruling under the urgent procedure shall be served immediately on the referring court or tribunal and on the parties, Member State and institutions referred to in the preceding paragraph. The decision to deal with the reference under the urgent procedure shall prescribe the time limit within which those parties or entities may lodge statements of case or written observations. The decision may specify the matters of law to which such statements of case or written observations must relate and may specify the maximum length of those documents.

3. Where a request for a preliminary ruling refers to an administrative procedure or judicial proceedings conducted in a Member State other than that from which the reference is made, the Court may invite that first Member State to provide all relevant information in writing or at the hearing.

4. As soon as the service referred to in paragraph 1 above has been effected, the request for a preliminary ruling shall also be communicated to the interested persons referred to in Article 23 of the Statute, other than the persons served, and the decision whether or not to deal with the reference for a preliminary ruling under the urgent procedure shall be communicated to those interested persons as soon as the service referred to in paragraph 2 has been effected.

5. The interested persons referred to in Article 23 of the Statute shall be informed as soon as possible of the likely date of the hearing.

6. Where the reference is not to be dealt with under the urgent procedure, the proceedings shall continue in accordance with the provisions of Article 23 of the Statute and the applicable provisions of these Rules.

Article 110 *Service and information following the close of the written part of the procedure*

1. Where a reference for a preliminary ruling is to be dealt with under the urgent procedure, the request for a preliminary ruling and the statements of case or written observations which have been lodged shall be served on the

interested persons referred to in Article 23 of the Statute other than the parties and entities referred to in Article 109(1). The request for a preliminary ruling shall be accompanied by a translation, where appropriate of a summary, in accordance with Article 98.

2. The statements of case or written observations which have been lodged shall also be served on the parties and other interested persons referred to in Article 109(1).

3. The date of the hearing shall be communicated to the interested persons referred to in Article 23 of the Statute at the same time as the documents referred to in the preceding paragraphs are served.

Article 111 *Omission of the written part of the procedure*

The designated Chamber may, in cases of extreme urgency, decide to omit the written part of the procedure referred to in Article 109(2).

Article 112 *Decision on the substance*

The designated Chamber shall rule after hearing the Advocate General.

Article 113 *Formation of the Court*

1. The designated Chamber may decide to sit in a formation of three Judges. In that event, it shall be composed of the President of the designated Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(2) on the date on which the composition of the designated Chamber is determined in accordance with Article 108(1).

2. The designated Chamber may also request the Court to assign the case to a formation composed of a greater number of Judges. The urgent procedure shall continue before the new formation of the Court, where necessary after the reopening of the oral part of the procedure.

Article 114 *Transmission of procedural documents*

Procedural documents shall be transmitted in accordance with Article 106.

Chapter 4

PROCEDURE FOLLOWING REFERRAL

Article 114a *Requests for a preliminary ruling referred by the General Court pursuant to the second paragraph of Article 54 of the Statute*

Where the General Court finds, pursuant to the second paragraph of Article 54 of the Statute, that it does not have jurisdiction to hear and determine a request for a preliminary ruling submitted under Article 267 TFEU, it shall refer that request to the Court of Justice. The proceedings shall then continue before the Court of Justice, in accordance with the provisions of these Rules.

Article114b *Requests for a preliminary ruling referred by the General Court pursuant to the second subparagraph of Article 256(3) TFEU*

1. Where the General Court, pursuant to the second subparagraph of Article 256(3) TFEU, refers to the Court of Justice a request for a preliminary ruling requiring a decision of principle likely to affect the unity or consistency of Union law, that request shall be dealt with expeditiously.

2. The President shall forthwith designate the Judge-Rapporteur responsible for the case and the First Advocate General shall designate an Advocate General.

3. Where the written part of the procedure has already been closed when the case is referred to the Court of Justice, the interested persons referred to in Article 23 of the Statute may submit additional statements of case or written observations on the question of principle raised by the request for a preliminary ruling, within a time limit prescribed by the President, which shall not be less than 15 days.

4. The Court of Justice shall give its ruling as soon as possible, where appropriate after hearing the oral observations of the interested persons referred to in Article 23 of the Statute and the Opinion of the Advocate General.

Chapter 5

LEGAL AID

Article 115 *Application for legal aid*

1. A party to the main proceedings who is wholly or in part unable to meet the costs of the proceedings before the Court may at any time apply for legal aid.

2. The application shall be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation.

3. If the applicant has already obtained legal aid before the referring court or tribunal, he shall produce the decision of that court or tribunal and specify what is covered by the sums already granted.

Article 116 *Decision on the application for legal aid*

1. As soon as the application for legal aid has been lodged it shall be assigned by the President to the Judge-Rapporteur responsible for the case in the context of which the application has been made.

2. The decision to grant legal aid, in full or in part, or to refuse it shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by the Chamber of three Judges to which the Judge-Rapporteur is assigned. The formation of the Court shall, in that event, be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

3. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

4. The formation of the Court shall give its decision by way of order. Where the application for legal aid is refused in whole or in part, the order shall state the reasons for that refusal.

Article 117 *Sums to be advanced as legal aid*

Where legal aid is granted, the cashier of the Court shall be responsible, where applicable within the limits set by the formation of the Court, for costs involved in the assistance and representation of the applicant before the Court. At the request of the applicant or his representative, an advance on those costs may be paid.

Article 118 *Withdrawal of legal aid*

The formation of the Court which gave a decision on the application for legal aid may at any time, either of its own motion or on request, withdraw that legal aid if the circumstances which led to its being granted alter during the proceedings.

TITLE IV

DIRECT ACTIONS

Chapter 1

REPRESENTATION OF THE PARTIES

Article 119 *Obligation to be represented*

1. A party may be represented only by his agent or lawyer.

2. Agents and lawyers must lodge at the Registry an official document or an authority to act issued by the party whom they represent.

3. The lawyer acting for a party must also lodge at the Registry a certificate that he is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement.

4. If those documents are not lodged, the Registrar shall prescribe a reasonable time limit within which the party concerned is to produce them. If the party concerned fails to produce the required documents within the time limit prescribed, the President shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with that procedural requirement renders the application or written pleading formally inadmissible. If he considers it necessary, the President may refer that question to the Court of Justice.

Chapter 2

WRITTEN PART OF THE PROCEDURE

Article 120 *Content of the application*

An application of the kind referred to in Article 21 of the Statute shall state:

(a) the name and address of the applicant;

(b) the name of the party against whom the application is made;

(c) the subject matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law;

(d) the form of order sought by the applicant;

(e) where appropriate, any evidence produced or offered.

Article 121 *Information relating to service*

1. For the purpose of the proceedings, the application shall state an address for service. It shall indicate the name of the person who is authorised and has expressed willingness to accept service.

2. In addition to, or instead of, specifying an address for service as referred to in paragraph 1, the application may state that the lawyer or agent agrees that service is to be effected on him by any technical or electronic means of communication available to the Court and to that lawyer or agent.

3. If the application does not comply with the requirements referred to in paragraphs 1 or 2, all service on the party concerned for the purpose of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the agent or lawyer of that party. By way of derogation from Article 48, service shall then be deemed to be duly effected by the lodging of the registered letter at the post office of the place in which the Court has its seat.

Article 122 *Annexes to the application*

1. The application shall be accompanied, where appropriate, by the documents specified in the second paragraph of Article 21 of the Statute.

2. An application submitted under Article 273 TFEU shall be accompanied by a copy of the special agreement concluded between the Member States concerned.

3. If an application does not comply with the requirements set out in paragraphs 1 or 2 of this Article, the Registrar shall prescribe a reasonable time limit within which the applicant is to produce the abovementioned documents. If the applicant fails to put the application in order, the President shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with these conditions renders the application formally inadmissible. If he considers it necessary, the President may refer that question to the Court of Justice.

Article 123 *Service of the application*

The application shall be served on the defendant. In cases where Article 119(4) or Article 122(3) applies, service shall be effected as soon as the application has been put in order or the President or the Court has declared it admissible notwithstanding the failure to observe the requirements set out in those two Articles.

Article 124 *Content of the defence*

1. Within two months after service on him of the application, the defendant shall lodge a defence, stating:

(a) the name and address of the defendant;

(b) the pleas in law and arguments relied on;

(c) the form of order sought by the defendant;

(d) where appropriate, any evidence produced or offered.

2. Article 121 shall apply to the defence.

3. The time limit laid down in paragraph 1 may exceptionally be extended by the President at the duly reasoned request of the defendant.

Article 125 *Transmission of documents*

Where the European Parliament, the Council or the European Commission is not a party to a case, the Court shall send to them copies of the application and of the defence, or of the plea of lack of competence or inadmissibility, as the case may be, without the annexes thereto, to enable them to assess whether the inapplicability of one of their acts is being invoked under Article 277 TFEU.

Article 126 *Reply and rejoinder*

1. The application initiating proceedings and the defence may be supplemented by a reply from the applicant and by a rejoinder from the defendant.

2. The President shall prescribe the time limits within which those procedural documents are to be produced. He may specify the matters to which the reply or the rejoinder should relate.

Chapter 3

PLEAS IN LAW AND EVIDENCE

Article 127 *New pleas in law*

1. No new plea in law may be introduced in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure.

2. Without prejudice to the decision to be taken on the admissibility of the plea in law, the President may, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, prescribe a time limit within which the other party may respond to that plea.

Article 128 *Evidence produced or offered*

1. In reply or rejoinder a party may produce or offer further evidence in support of his arguments. The party must give reasons for the delay in submitting such evidence.

2. The parties may, exceptionally, produce or offer further evidence after the close of the written part of the procedure. They must give reasons for the delay in submitting such evidence. The President may, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, prescribe a time limit within which the other party may comment on such evidence.

Chapter 4

INTERVENTION

Article 129 *Object and effects of the intervention*

1. The intervention shall be limited to supporting, in whole or in part, the form of order sought by one of the parties. It shall not confer the same procedural rights as those conferred on the parties and, in particular, shall not give rise to any right to request that a hearing be held.

2. The intervention shall be ancillary to the main proceedings. It shall become devoid of purpose if the case is removed from the register of the Court as a result of a party's discontinuance or withdrawal from the proceedings or of an agreement between the parties, or where the application is declared inadmissible.

3. The intervener must accept the case as he finds it at the time of his intervention.

4. Consideration may be given to an application to intervene which is made after the expiry of the time limit prescribed in Article 130 but before the decision to open the oral part of the procedure provided for in Article 60(4). In that event, if the President allows the intervention, the intervener may submit his observations during the hearing, if it takes place.

Article 130 *Application to intervene*

1. An application to intervene must be submitted within six weeks of the publication of the notice referred to in Article 21(4).

2. The application to intervene shall contain:

(a) a description of the case;

(b) a description of the main parties;

(c) the name and address of the intervener;

(d) the form of order sought, in support of which the intervener is applying for leave to intervene;

(e) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 40 of the Statute.

3. The intervener shall be represented in accordance with Article 19 of the Statute.

4. Articles 119, 121 and 122 of these Rules shall apply.

Article 131 *Decision on applications to intervene*

1. The application to intervene shall be served on the parties in order to obtain any written or oral observations they may wish to make on that application.

2. Where the application is submitted pursuant to the first paragraph of Article 40 of the Statute, the intervention shall be allowed by decision of the President and the intervener shall receive a copy of every procedural document served on the parties, unless the parties have, within 10 days after the service referred to in paragraph 1 has been effected, identified secret or confidential items or documents which, if communicated to the intervener, the parties claim would be prejudicial to them. In that case, the President shall decide on the application to intervene by order, after hearing the Judge-Rapporteur and the Advocate General, and the intervener shall receive a copy of every procedural document served on the parties, save, where applicable, for the secret or confidential items or documents excluded from such communication.

3. Where the application is submitted pursuant to the second paragraph of Article 40 of the Statute, the President shall decide on the application to intervene by order, after hearing the Judge-Rapporteur and the Advocate General, or shall refer the application to the Court. If the application to intervene is granted, the intervener shall receive a copy of every procedural document served on the parties, save, where applicable, for the secret or confidential items or documents excluded from such communication.

4. Where the application is submitted pursuant to the third paragraph of Article 40 of the Statute, the intervention shall be allowed by decision of the President and the intervener shall receive a copy of every procedural document served on the parties unless those parties have, within 10 days after the service referred to in paragraph 1 has been effected, put forward observations on the application to intervene or identified secret or confidential items or documents which, if communicated to the intervener, the parties claim would be prejudicial to them. In such cases, the President shall decide on the application to intervene by order, after hearing the Judge-Rapporteur and the Advocate General, and the intervener shall receive a copy of every procedural document served on the parties, save, where applicable, for the secret or confidential items or documents excluded from such communication.

Article 132 *Submission of statements*

1. The intervener may submit a statement in intervention within one month after communication of the procedural documents referred to in the

preceding Article. That time limit may be extended by the President at the duly reasoned request of the intervener.

2. The statement in intervention shall contain:

(a) the form of order sought by the intervener in support, in whole or in part, of the form of order sought by one of the parties;

(b) the pleas in law and arguments relied on by the intervener;

(c) where appropriate, any evidence produced or offered.

3. After the statement in intervention has been lodged, the President shall, where necessary, prescribe a time limit within which the parties may reply to that statement.

Chapter 5

EXPEDITED PROCEDURE

Article 133 *Decision relating to the expedited procedure*

1. At the request of the applicant or the defendant, the President of the Court may, where the nature of the case requires that it be dealt with within a short time, after hearing the other party, the Judge-Rapporteur and the Advocate General, decide that a case is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules.

2. The request for a case to be determined pursuant to an expedited procedure must be made by a separate document submitted at the same time as the application initiating proceedings or the defence, as the case may be, is lodged.

3. Exceptionally the President may also take such a decision of his own motion, after hearing the parties, the Judge-Rapporteur and the Advocate General.

Article 134 *Written part of the procedure*

1. Under the expedited procedure, the application initiating proceedings and the defence may be supplemented by a reply and a rejoinder only if the President, after hearing the Judge-Rapporteur and the Advocate General, considers this to be necessary.

2. An intervener may submit a statement in intervention only if the President, after hearing the Judge-Rapporteur and the Advocate General, considers this to be necessary.

Article 135 *Oral part of the procedure*

1. Once the defence has been submitted or, if the decision to determine the case pursuant to an expedited procedure is not made until after that pleading has been lodged, once that decision has been taken, the President shall fix a date for the hearing, which shall be communicated forthwith to the parties. He may postpone the date of the hearing where it is necessary to undertake measures of inquiry or where measures of organisation of procedure so require.

2. Without prejudice to Articles 127 and 128, a party may supplement his arguments and produce or offer evidence during the oral part of the procedure. The party must, however, give reasons for the delay in producing such further arguments or evidence.

Article 136 *Decision on the substance*

The Court shall give its ruling after hearing the Advocate General.

Chapter 6

COSTS

Article 137 *Decision as to costs*

A decision as to costs shall be given in the judgment or order which closes the proceedings.

Article 138 *General rules as to allocation of costs*

1. The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

2. Where there is more than one unsuccessful party the Court shall decide how the costs are to be shared.

3. Where each party succeeds on some and fails on other heads, the parties shall bear their own costs. However, if it appears justified in the circumstances of the case, the Court may order that one party, in addition to bearing its own costs, pay a proportion of the costs of the other party.

Article 139 *Unreasonable or vexatious costs*

The Court may order a party, even if successful, to pay costs which the Court considers that party to have unreasonably or vexatiously caused the opposite party to incur.

Article 140 *Costs of interveners*

1. The Member States and institutions which have intervened in the proceedings shall bear their own costs.

2. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall similarly bear their own costs if they have intervened in the proceedings.

3. The Court may order an intervener other than those referred to in the preceding paragraphs to bear his own costs.

Article 141 *Costs in the event of discontinuance or withdrawal*

1. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's observations on the discontinuance.

2. However, at the request of the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

3. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

4. If costs are not claimed, the parties shall bear their own costs.

Article 142 *Costs where a case does not proceed to judgment*

Where a case does not proceed to judgment the costs shall be in the discretion of the Court.

Article 143 *Costs of proceedings*

Proceedings before the Court shall be free of charge, except that:

(a) where a party has caused the Court to incur avoidable costs the Court may, after hearing the Advocate General, order that party to refund them;

(b) where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Registrar considers it excessive, be paid for by that party on the Registry's scale of charges referred to in Article 22.

Article 144 *Recoverable costs*

Without prejudice to the preceding Article, the following shall be regarded as recoverable costs:

(a) sums payable to witnesses and experts under Article 73 of these Rules;

(b) expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of agents, advisers or lawyers.

Article 145 *Dispute concerning the costs to be recovered*

1. If there is a dispute concerning the costs to be recovered, the Chamber of three Judges to which the Judge-Rapporteur who dealt with the case is assigned shall, on application by the party concerned and after hearing the opposite party and the Advocate General, make an order. In that event, the formation of the Court shall be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the dispute is brought before that Chamber by the Judge-Rapporteur.

2. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the dispute is brought before that Chamber by the Judge-Rapporteur.

3. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

Article 146 *Procedure for payment*

1. Sums due from the cashier of the Court and from its debtors shall be paid in euro.

2. Where costs to be recovered have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, the conversion shall be effected at the European Central Bank's official rates of exchange on the day of payment.

Chapter 7

AMICABLE SETTLEMENT, DISCONTINUANCE, CASES THAT DO NOT PROCEED TO JUDGMENT AND PRELIMINARY ISSUES

Article 147 *Amicable settlement*

1. If, before the Court has given its decision, the parties reach a settlement of their dispute and inform the Court of the abandonment of their claims, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 141, having regard to any proposals made by the parties on the matter.

2. This provision shall not apply to proceedings under Articles 263 TFEU and 265 TFEU.

Article 148 *Discontinuance*

If the applicant informs the Court in writing or at the hearing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 141.

Article 149 *Cases that do not proceed to judgment*

If the Court declares that the action has become devoid of purpose and that there is no longer any need to adjudicate on it, the Court may at any time of its own motion, on a proposal from the Judge-Rapporteur and after hearing the parties and the Advocate General, decide to rule by reasoned order. It shall give a decision as to costs.

Article 150 *Absolute bar to proceeding with a case*

On a proposal from the Judge-Rapporteur, the Court may at any time of its own motion, after hearing the parties and the Advocate General, decide to rule by reasoned order on whether there exists any absolute bar to proceeding with a case.

Article 151 *Preliminary objections and issues*

1. A party applying to the Court for a decision on a preliminary objection or issue not going to the substance of the case shall submit the application by a separate document.

2. The application must state the pleas of law and arguments relied on and the form of order sought by the applicant; any supporting items and documents must be annexed to it.

3. As soon as the application has been submitted, the President shall prescribe a time limit within which the opposite party may submit in writing his pleas in law and the form of order which he seeks.

4. Unless the Court decides otherwise, the remainder of the proceedings on the application shall be oral.

5. The Court shall, after hearing the Advocate General, decide on the application as soon as possible or, where special circumstances so justify, reserve its decision until it rules on the substance of the case.

6. If the Court refuses the application or reserves its decision, the President shall prescribe new time limits for the further steps in the proceedings.

Chapter 8

JUDGMENTS BY DEFAULT

Article 152 *Judgments by default*

1. If a defendant on whom an application initiating proceedings has been duly served fails to respond to the application in the proper form and within the time limit prescribed, the applicant may apply to the Court for judgment by default.

2. The application for judgment by default shall be served on the defendant. The Court may decide to open the oral part of the procedure on the application.

3. Before giving judgment by default the Court shall, after hearing the Advocate General, consider whether the application initiating proceedings is admissible, whether the appropriate formalities have been complied with, and whether the applicant's claims appear well founded. The Court may adopt measures of organisation of procedure or order measures of inquiry.

4. A judgment by default shall be enforceable. The Court may, however, grant a stay of execution until the Court has given its decision on any application under Article 156 to set aside the judgment, or it may make execution subject to the provision of security of an amount and nature to be fixed in the light of the circumstances; this security shall be released if no such application is made or if the application fails.

Chapter 9

REQUESTS AND APPLICATIONS RELATING TO JUDGMENTS AND ORDERS

Article 153 *Competent formation of the Court*

1. With the exception of applications referred to in Article 159, the requests and applications referred to in this Chapter shall be assigned to the Judge-Rapporteur who was responsible for the case to which the request or application relates, and shall be assigned to the formation of the Court which gave a decision in that case.

2. If the Judge-Rapporteur is prevented from acting, the President of the Court shall assign the request or application referred to in this Chapter to a Judge who was a member of the formation of the Court which gave a decision in the case to which that request or application relates.

3. If the quorum referred to in Article 17 of the Statute can no longer be attained, the Court shall, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, assign the request or application to a new formation of the Court.

Article 154 *Rectification*

1. Without prejudice to the provisions relating to the interpretation of judgments and orders, clerical mistakes, errors in calculation and obvious inaccuracies may be rectified by the Court, of its own motion or at the request of a party made within two weeks after delivery of the judgment or service of the order.

2. Where the request for rectification concerns the operative part or one of the grounds constituting the necessary support for the operative part, the parties, whom the Registrar shall duly inform, may submit written observations within a time limit prescribed by the President.

3. The Court shall take its decision after hearing the Advocate General.

4. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Article 155 *Failure to adjudicate*

1. If the Court has failed to adjudicate on a specific head of claim or on costs, any party wishing to rely on that may, within a month after service of the decision, apply to the Court to supplement its decision.

2. The application shall be served on the opposite party and the President shall prescribe a time limit within which that party may submit written observations.

3. After these observations have been submitted, the Court shall, after hearing the Advocate General, decide both on the admissibility and on the substance of the application.

Article 156 *Application to set aside*

1. Application may be made pursuant to Article 41 of the Statute to set aside a judgment delivered by default.

2. The application to set aside the judgment must be made within one month from the date of service of the judgment and must be submitted in the form prescribed by Articles 120 to 122 of these Rules.

3. After the application has been served, the President shall prescribe a time limit within which the other party may submit his written observations.

4. The proceedings shall be conducted in accordance with Articles 59 to 92 of these Rules.

5. The Court shall decide by way of a judgment which may not be set aside.

6. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Article 157 *Third-party proceedings*

1. Articles 120 to 122 of these Rules shall apply to an application initiating third-party proceedings made pursuant to Article 42 of the Statute. In addition such an application shall:

(a) specify the judgment or order contested;

(b) state how the contested decision is prejudicial to the rights of the third party;

(c) indicate the reasons for which the third party was unable to take part in the original case.

2. The application must be made against all the parties to the original case.

3. The application must be submitted within two months of publication of the decision in the *Official Journal of the European Union*.

4. The Court may, on application by the third party, order a stay of execution of the contested decision. The provisions of Chapter 10 of this Title shall apply.

5. The contested decision shall be varied on the points on which the submissions of the third party are upheld.

6. The original of the judgment in the third-party proceedings shall be annexed to the original of the contested decision. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested decision.

Article 158 *Interpretation*

1. In accordance with Article 43 of the Statute, if the meaning or scope of a judgment or order is in doubt, the Court shall construe it on application by any party or any institution of the European Union establishing an interest therein.

2. An application for interpretation must be made within two years after the date of delivery of the judgment or service of the order.

3. An application for interpretation shall be made in accordance with Articles 120 to 122 of these Rules. In addition it shall specify:

(a) the decision in question;

(b) the passages of which interpretation is sought.

4. The application must be made against all the parties to the case in which the decision of which interpretation is sought was given.

5. The Court shall give its decision after having given the parties an opportunity to submit their observations and after hearing the Advocate General.

6. The original of the interpreting decision shall be annexed to the original of the decision interpreted. A note of the interpreting decision shall be made in the margin of the original of the decision interpreted.

Article 159 *Revision*

1. In accordance with Article 44 of the Statute, an application for revision of a decision of the Court may be made only on discovery of a fact which is of such a nature as to be a decisive factor and which, when the judgment was delivered or the order served, was unknown to the Court and to the party claiming the revision.

2. Without prejudice to the time limit of 10 years prescribed in the third paragraph of Article 44 of the Statute, an application for revision shall be made within three months of the date on which the facts on which the application is founded came to the applicant's knowledge.

3. Articles 120 to 122 of these Rules shall apply to an application for revision. In addition such an application shall:

(a) specify the judgment or order contested;

(b) indicate the points on which the decision is contested;

(c) set out the facts on which the application is founded;

(d) indicate the nature of the evidence to show that there are facts justifying revision, and that the time limits laid down in paragraph 2 have been observed.

4. The application for revision must be made against all parties to the case in which the contested decision was given.

5. Without prejudice to its decision on the substance, the Court shall, after hearing the Advocate General, give in the form of an order its decision on the admissibility of the application, having regard to the written observations of the parties.

6. If the Court declares the application admissible, it shall proceed to consider the substance of the application and shall give its decision in the form of a judgment in accordance with these Rules.

7. The original of the revising judgment shall be annexed to the original of the decision revised. A note of the revising judgment shall be made in the margin of the original of the decision revised.

Article 159a *Manifestly inadmissible or manifestly unfounded requests and applications*

Where a request or an application referred to in this Chapter is, in whole or in part, manifestly inadmissible or manifestly unfounded, the Court may, having heard the Judge-Rapporteur and the Advocate General, at any time decide to dismiss it, in whole or in part, by reasoned order.

Chapter 10

SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 160 *Application for suspension or for interim measures*

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU or Article 157 TEAEC, shall be admissible only if the applicant has challenged that measure in an action before the Court.

2. An application for the adoption of one of the other interim measures referred to in Article 279 TFEU shall be admissible only if it is made by a party to a case before the Court and relates to that case.

3. An application of a kind referred to in the preceding paragraphs shall state the subject matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measure applied for.

4. The application shall be made by a separate document and in accordance with the provisions of Articles 120 to 122 of these Rules.

5. The application shall be served on the opposite party, and the President shall prescribe a short time limit within which that party may submit written or oral observations.

6. The President may order a preparatory inquiry.

7. The President may grant the application even before the observations of the opposite party have been submitted. This decision may be varied or cancelled even without any application being made by any party.

Article 161 *Decision on the application*

1. The President shall either decide on the application himself or refer it immediately to the Court.

2. If the President is prevented from acting, Articles 10 and 13 of these Rules shall apply.

3. Where the application is referred to it, the Court shall give a decision immediately, after hearing the Advocate General.

Article 162 *Order for suspension of operation or for interim measures*

1. The decision on the application shall take the form of a reasoned order, from which no appeal shall lie. The order shall be served on the parties forthwith.

2. The execution of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when the judgment which closes the proceedings is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision of the Court on the substance of the case.

Article 163 *Change in circumstances*

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 164 *New application*

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 165 *Applications pursuant to Articles 280 TFEU and 299 TFEU and Article 164 TEAEC*

1. The provisions of this Chapter shall apply to applications to suspend the enforcement of a decision of the Court or of any measure adopted by the Council, the European Commission or the European Central Bank, submitted pursuant to Articles 280 TFEU and 299 TFEU or Article 164 TEAEC.

2. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Article 166 *Application pursuant to Article 81 TEAEC*

1. An application of a kind referred to in the third and fourth paragraphs of Article 81 TEAEC shall contain:

(a) the names and addresses of the persons or undertakings to be inspected;

(b) an indication of what is to be inspected and of the purpose of the inspection.

2. The President shall give his decision in the form of an order. Article 162 of these Rules shall apply.

3. If the President is prevented from acting, Articles 10 and 13 of these Rules shall apply.

TITLE V

APPEALS AGAINST DECISIONS OF THE GENERAL COURT

Chapter 1

FORM AND CONTENT OF THE APPEAL, AND FORM OF ORDER SOUGHT

Article 167 *Lodging of the appeal*

1. An appeal shall be brought by lodging an application at the Registry of the Court of Justice or of the General Court. When that application is lodged at the Registry of the General Court, it shall be transmitted forthwith to the Registry of the Court of Justice.

2. As soon as it is informed of the existence of an appeal, the Registry of the General Court shall forthwith transmit to the Registry of the Court of Justice the file in the case at first instance and any procedural file of the Board of Appeal transmitted to the General Court pursuant to the provisions of the Rules of Procedure of the General Court concerning proceedings relating to intellectual property rights.

Article 168 *Content of the appeal*

1. An appeal shall contain:

(a) the name and address of the appellant;

(b) a reference to the decision of the General Court appealed against;

(c) the names of the other parties to the relevant case before the General Court;

(d) the pleas in law and legal arguments relied on, and a summary of those pleas in law;

(e) the form of order sought by the appellant.

2. Articles 119, 121 and 122(1) of these Rules shall apply to appeals.

3. The appeal shall state the date on which the decision appealed against was served on the appellant.

4. If an appeal does not comply with paragraphs 1 to 3 of this Article, the Registrar shall prescribe a reasonable time limit within which the appellant is to put the appeal in order. If the appellant fails to put the appeal in order within the time limit prescribed, the President shall, after hearing the Judge-Rapporteur and the Advocate General, decide whether the non-compliance with that formal requirement renders the appeal formally inadmissible. If he considers it necessary, the President may refer that question to the Court of Justice.

Article 169 *Form of order sought, pleas in law and arguments of the appeal*

1. An appeal shall seek to have set aside, in whole or in part, the decision of the General Court as set out in the operative part of that decision.

2. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the General Court which are contested.

Article 170 *Form of order sought in the event that the appeal is allowed*

1. An appeal shall seek, in the event that it is declared well founded, the same form of order, in whole or in part, as that sought at first instance and shall not seek a different form of order. The subject matter of the proceedings before the General Court may not be changed in the appeal.

2. Where the appellant requests that the case be referred back to the General Court if the decision appealed against is set aside, he shall set out the reasons why the state of the proceedings does not permit a decision by the Court of Justice.

Chapter 1a

PRIOR DETERMINATION AS TO WHETHER APPEALS UNDER ARTICLE 58a OF THE STATUTE SHOULD BE ALLOWED TO PROCEED

Article 170a *Request that the appeal be allowed to proceed*

1. In the situations referred to in the first and second paragraphs of Article 58a of the Statute, the appellant shall annex to the appeal a request that the appeal be allowed to proceed, setting out the issue raised by the appeal that is significant with respect to the unity, consistency or development of European Union law and containing all the information necessary to enable the Court of Justice to rule on that request. If there is no such request, the Vice-President of the Court shall declare the appeal inadmissible.

2. The request that the appeal be allowed to proceed shall not exceed seven pages and shall be drawn up taking into account all the formal requirements contained in the Practice Directions to parties concerning cases brought before the Court, adopted on the basis of these Rules.

3. If the request that the appeal be allowed to proceed does not comply with the requirements set out in the preceding paragraph, the Registrar shall prescribe a reasonable time limit within which the appellant is to put the request in order. If the appellant fails to put the request in order within the

time limit prescribed, the Vice-President of the Court shall decide, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, whether the non-compliance with that formal requirement renders the appeal formally inadmissible.

Article 170b *Decision on the request that the appeal be allowed to proceed*

1. The Court of Justice shall rule as soon as possible on the request that the appeal be allowed to proceed.

2. The decision on that request shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by a Chamber specially established for that purpose, presided over by the Vice-President of the Court and including also the Judge-Rapporteur and the President of the Chamber of three Judges to which the Judge-Rapporteur is attached at the time of his designation as Judge-Rapporteur.

3. The decision on the request that the appeal be allowed to proceed shall take the form of a reasoned order.

4. Where the Court of Justice decides that the appeal should be allowed to proceed, wholly or in part, having regard to the criteria set out in the third paragraph of Article 58a of the Statute, the proceedings shall continue in accordance with Articles 171 to 190a of these Rules. The order referred to in the preceding paragraph shall be served, together with the appeal, on the parties to the relevant case before the General Court and shall specify, where the appeal is to be allowed to proceed in part, the pleas in law or parts of the appeal to which the response must relate.

5. The General Court and, if they were not parties to the proceedings before it, the Member States, the European Parliament, the Council and the European Commission shall forthwith be informed by the Registrar of the decision that the appeal should be allowed to proceed.

Chapter 2

RESPONSES, REPLIES AND REJOINDERS

Article 171 *Service of the appeal*

1. The appeal shall be served on the other parties to the relevant case before the General Court.

2. In a case where Article 168(4) of these Rules applies, service shall be effected as soon as the appeal has been put in order or the President or the Court of Justice has declared it admissible notwithstanding the failure to observe the formal requirements laid down by that Article.

Article 172 *Parties authorised to lodge a response*

Any party to the relevant case before the General Court having an interest in the appeal being allowed or dismissed may submit a response within two months after service on him of the appeal. The time limit for submitting a response shall not be extended.

Article 173 *Content of the response*

1. A response shall contain:

(a) the name and address of the party submitting it;

(b) the date on which the appeal was served on him;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought.

2. Articles 119 and 121 of these Rules shall apply to responses.

Article 174 *Form of order sought in the response*

A response shall seek to have the appeal allowed or dismissed, in whole or in part.

Article 175 *Reply and rejoinder*

1. The appeal and the response may be supplemented by a reply and a rejoinder only where the President, on a duly reasoned application submitted by the appellant within seven days of service of the response, considers it necessary, after hearing the Judge-Rapporteur and the Advocate General, in particular to enable the appellant to present his views on a plea of inadmissibility or on new matters relied on in the response.

2. The President shall fix the date by which the reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject matter of those pleadings.

Chapter 3

FORM AND CONTENT OF THE CROSS-APPEAL, AND FORM OF ORDER SOUGHT

Article 176 *Cross-appeal*

1. The parties referred to in Article 172 of these Rules may submit a cross-appeal within the same time limit as that prescribed for the submission of a response.

2. A cross-appeal must be introduced by a document separate from the response.

Article 177 *Content of the cross-appeal*

1. A cross-appeal shall contain:

(a) the name and address of the party bringing the cross-appeal;

(b) the date on which the appeal was served on him;

(c) the pleas in law and legal arguments relied on;

(d) the form of order sought.

2. Articles 119, 121 and 122(1) and (3) of these Rules shall apply to cross-appeals.

Article 178 *Form of order sought, pleas in law and arguments of the cross-appeal*

1. A cross-appeal shall seek to have set aside, in whole or in part, the decision of the General Court.

2. It may also seek to have set aside an express or implied decision relating to the admissibility of the action before the General Court.

3. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the General Court which are contested. The pleas in law and arguments must be separate from those relied on in the response.

Chapter 4

PLEADINGS CONSEQUENT ON THE CROSS-APPEAL

Article 179 *Response to the cross-appeal*

Where a cross-appeal is brought, the appellant or any other party to the relevant case before the General Court having an interest in the cross-appeal

being allowed or dismissed may submit a response, which must be limited to the pleas in law relied on in that cross-appeal, within two months after its being served on him. That time limit shall not be extended.

Article 180 *Reply and rejoinder on a cross-appeal*

1. The cross-appeal and the response thereto may be supplemented by a reply and a rejoinder only where the President, on a duly reasoned application submitted by the party who brought the cross-appeal within seven days of service of the response to the cross-appeal, considers it necessary, after hearing the Judge-Rapporteur and the Advocate General, in particular to enable that party to present his views on a plea of inadmissibility or on new matters relied on in the response to the cross-appeal.

2. The President shall fix the date by which that reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject matter of those pleadings.

Chapter 5

APPEALS DETERMINED BY ORDER

Article 181 *Manifestly inadmissible or manifestly unfounded appeal or cross-appeal*

Where the appeal or cross-appeal is, in whole or in part, manifestly inadmissible or manifestly unfounded, the Court may at any time, acting on a proposal from the Judge-Rapporteur and after hearing the Advocate General, decide by reasoned order to dismiss that appeal or cross-appeal in whole or in part.

Article 182 *Manifestly well-founded appeal or cross-appeal*

Where the Court has already ruled on one or more questions of law identical to those raised by the pleas in law of the appeal or cross-appeal and considers the appeal or cross-appeal to be manifestly well founded, it may, acting on a proposal from the Judge-Rapporteur and after hearing the parties and the Advocate General, decide by reasoned order in which reference is made to the relevant case-law to declare the appeal or cross-appeal manifestly well founded.

Chapter 6

EFFECT ON A CROSS-APPEAL OF THE REMOVAL OF THE APPEAL FROM THE REGISTER

Article 183 *Effect on a cross-appeal of the discontinuance or manifest inadmissibility of the appeal*

A cross-appeal shall be deemed to be devoid of purpose:

(a) if the appellant discontinues his appeal;

(b) if the appeal is declared manifestly inadmissible for non-compliance with the time limit for lodging an appeal;

(c) if the appeal is declared manifestly inadmissible on the sole ground that it is not directed against a final decision of the General Court or against a decision disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility within the meaning of the first paragraph of Article 56 of the Statute.

Chapter 7

COSTS AND LEGAL AID IN APPEALS

Article 184 *Costs in appeals*

1. Subject to the following provisions, Articles 137 to 146 of these Rules shall apply, *mutatis mutandis*, to the procedure before the Court of Justice on an appeal against a decision of the General Court.

2. Where the appeal is unfounded or where the appeal is well founded and the Court itself gives final judgment in the case, the Court shall make a decision as to the costs.

3. When an appeal brought by a Member State or an institution of the European Union which did not intervene in the proceedings before the General Court is well founded, the Court of Justice may order that the parties share the costs or that the successful appellant pay the costs which the appeal has caused an unsuccessful party to incur.

4. Where the appeal has not been brought by an intervener at first instance, he may not be ordered to pay costs in the appeal proceedings unless he participated in the written or oral part of the proceedings before the Court of Justice. Where an intervener at first instance takes part in the proceedings, the Court may decide that he shall bear his own costs.

Article 185 *Legal aid*

1. A party who is wholly or in part unable to meet the costs of the proceedings may at any time apply for legal aid.

2. The application shall be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation.

Article 186 *Prior application for legal aid*

1. If the application is made prior to the appeal which the applicant for legal aid intends to commence, it shall briefly state the subject of the appeal.

2. The application for legal aid need not be made through a lawyer.

3. The introduction of an application for legal aid shall, with regard to the person who made that application, suspend the time limit prescribed for the bringing of the appeal until the date of service of the order making a decision on that application.

4. The President shall assign the application for legal aid, as soon as it is lodged, to a Judge-Rapporteur who shall put forward, promptly, a proposal as to the action to be taken on it.

Article 187 *Decision on the application for legal aid*

1. The decision to grant legal aid, in whole or in part, or to refuse it shall be taken, on a proposal from the Judge-Rapporteur and after hearing the Advocate General, by the Chamber of three Judges to which the Judge-Rapporteur is assigned. In that event, the formation of the Court shall be composed of the President of that Chamber, the Judge-Rapporteur and the first Judge or, as the case may be, the first two Judges designated from the list referred to in Article 28(3) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur. It shall consider, if appropriate, whether the appeal is manifestly unfounded.

2. If the Judge-Rapporteur is not a member of a Chamber of three Judges, the decision shall be taken, under the same conditions, by the Chamber of five Judges to which he is assigned. In addition to the Judge-Rapporteur, the formation of the Court shall be composed of four Judges designated from the list referred to in Article 28(2) on the date on which the application for legal aid is brought before that Chamber by the Judge-Rapporteur.

3. The formation of the Court shall give its decision by way of order. Where the application for legal aid is refused in whole or in part, the order shall state the reasons for that refusal.

Article 188 *Sums to be advanced as legal aid*

1. Where legal aid is granted, the cashier of the Court shall be responsible, where applicable within the limits set by the formation of the Court, for costs involved in the assistance and representation of the applicant before the Court. At the request of the applicant or his representative, an advance on those costs may be paid.

2. In its decision as to costs the Court may order the payment to the cashier of the Court of sums advanced as legal aid.

3. The Registrar shall take steps to obtain the recovery of these sums from the party ordered to pay them.

Article 189 *Withdrawal of legal aid*

The formation of the Court which gave a decision on the application for legal aid may at any time, either of its own motion or on request, withdraw that legal aid if the circumstances which led to its being granted alter during the proceedings.

Chapter 8

OTHER PROVISIONS APPLICABLE TO APPEALS

Article 190 *Other provisions applicable to appeals*

1. Articles 127, 129 to 136, 147 to 150, 153 to 155 and 157 to 166 of these Rules shall apply to the procedure before the Court of Justice on an appeal against decisions of the General Court.

2. By way of derogation from Article 130(1), an application to intervene shall, however, be made within one month of the publication of the notice referred to in Article 21(4).

3. Article 95 shall apply, *mutatis mutandis*, to the procedure before the Court of Justice on an appeal against decisions of the General Court.

4. Where, in proceedings concerning an appeal against a decision of the General Court, a party applies for confidential treatment, vis-à-vis an intervener before the General Court, of material produced before the Court of Justice which has already been treated as confidential vis-à-vis that intervener in the proceedings at first instance, the same confidential treatment shall be maintained for the purposes of the proceedings before the Court of Justice.

Article 190a *Treatment of information or material produced before the General Court in accordance with Article 105 of its Rules of Procedure*

1. Where an appeal is brought against a decision of the General Court adopted in proceedings in which information or material has been produced by a main party in accordance with Article 105 of the Rules of Procedure of the General Court and has not been communicated to the other main party, the Registry of the General Court shall make that information or material available to the Court of Justice, on the conditions laid down in the decision referred to in paragraph 11 of that Article.

2. The information or material referred to in paragraph 1 shall not be communicated to the parties to the proceedings before the Court of Justice.

3. The Court of Justice shall ensure that the confidential matters contained in the information or material referred to in paragraph 1 are not disclosed in the decision which closes the proceedings or in any Opinion of the Advocate General.

4. The information or material referred to in paragraph 1 shall be returned to the party that produced it before the General Court as soon as the decision closing the proceedings before the Court of Justice has been served, save where the case is referred back to the General Court. In the latter case, the information or material concerned shall again be made available to the General Court, on the conditions laid down in the decision referred to in paragraph 5.

5. The Court of Justice shall adopt, by decision, the security rules for protecting the information or material referred to in paragraph 1. That decision shall be published in the *Official Journal of the European Union*.

TITLE VI

REVIEW OF DECISIONS OF THE GENERAL COURT

Article 191 *Reviewing Chamber*

A Chamber of five Judges shall be designated for a period of one year for the purpose of deciding, in accordance with Articles 193 and 194 of these Rules, whether a decision of the General Court is to be reviewed in accordance with Article 62 of the Statute.

Article 192 *Information and communication of decisions which may be reviewed*

1. As soon as the date for the delivery or signature of a decision to be given under Article 256(2) or (3) TFEU is fixed, the Registry of the General Court shall inform the Registry of the Court of Justice.

2. The decision shall be communicated to the Registry of the Court of Justice immediately upon its delivery or signature, as shall the file in the case, which shall be made available forthwith to the First Advocate General.

Article 193 *Review of decisions given on appeal*

1. The proposal of the First Advocate General to review a decision of the General Court given under Article 256(2) TFEU shall be forwarded to the President of the Court of Justice and to the President of the reviewing Chamber. Notice of that transmission shall be given to the Registrar at the same time.

2. As soon as he is informed of the existence of a proposal, the Registrar shall communicate the file in the case before the General Court to the members of the reviewing Chamber.

3. As soon as the proposal to review has been received, the President of the Court shall designate the Judge-Rapporteur from among the Judges of the reviewing Chamber on a proposal from the President of that Chamber. The composition of the formation of the Court shall be determined in accordance with Article 28(2) of these Rules on the day on which the case is assigned to the Judge-Rapporteur.

4. That Chamber, acting on a proposal from the Judge-Rapporteur, shall decide whether the decision of the General Court is to be reviewed. The decision to review the decision of the General Court shall indicate only the questions which are to be reviewed.

5. The General Court, the parties to the proceedings before it and the other interested persons referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice to review the decision of the General Court.

6. Notice of the date of the decision to review the decision of the General Court and of the questions which are to be reviewed shall be published in the *Official Journal of the European Union*.

Article 193a *No proposal to review*

If, on the expiry of the period referred to in the second paragraph of Article 62 of the Statute, no proposal to review the decision of the General Court has been made by the First Advocate General, the Registrar shall forthwith so inform the General Court, which shall so inform the referring court or tribunal and the interested persons referred to in Article 23 of the Statute.

Article 194 *Review of preliminary rulings*

1. The proposal of the First Advocate General to review a decision of the General Court given under Article 256(3) TFEU shall be forwarded to the President of the Court of Justice and to the President of the reviewing Chamber. Notice of that transmission shall be given to the Registrar at the same time.

2. As soon as he is informed of the existence of a proposal, the Registrar shall communicate the file in the case before the General Court to the members of the reviewing Chamber.

3. The Registrar shall also inform the General Court, the referring court or tribunal, the parties to the main proceedings and the other interested persons referred to in the second paragraph of Article 62a of the Statute of the existence of a proposal to review.

4. As soon as the proposal to review has been received, the President of the Court shall designate the Judge-Rapporteur from among the Judges of the reviewing Chamber on a proposal from the President of that Chamber. The composition of the formation of the Court shall be determined in accordance with Article 28(2) of these Rules on the day on which the case is assigned to the Judge-Rapporteur.

5. That Chamber, acting on a proposal from the Judge-Rapporteur, shall decide whether the decision of the General Court is to be reviewed. The decision to review the decision of the General Court shall indicate only the questions which are to be reviewed.

6. The General Court, the referring court or tribunal, the parties to the main proceedings and the other interested persons referred to in the second paragraph of Article 62a of the Statute shall forthwith be informed by the Registrar of the decision of the Court of Justice as to whether or not the decision of the General Court is to be reviewed.

7. Notice of the date of the decision to review the decision of the General Court and of the questions which are to be reviewed shall be published in the *Official Journal of the European Union*.

Article 195 *Judgment on the substance of the case after a decision to review*

1. The decision to review a decision of the General Court shall be served on the parties and other interested persons referred to in the second paragraph of Article 62a of the Statute. The decision served on the Member States, and the States, other than the Member States, which are parties to the EEA Agreement, as well as the EFTA Surveillance Authority, shall be accompanied by a translation of the decision of the Court of Justice in accordance with the provisions of Article 98 of these Rules. The decision of the Court of Justice shall also be communicated to the General Court and, if applicable, to the referring court or tribunal.

2. Within one month of the date of service referred to in paragraph 1, the parties and other interested persons on whom the decision of the Court of

Justice has been served may lodge statements or written observations on the questions which are subject to review.

3. As soon as a decision to review a decision of the General Court has been taken, the First Advocate General shall assign the review to an Advocate General.

4. The reviewing Chamber shall rule on the substance of the case, after hearing the Advocate General.

5. It may, however, request the Court of Justice to assign the case to a formation of the Court composed of a greater number of Judges.

6. Where the decision of the General Court which is subject to review was given under Article 256(2) TFEU, the Court of Justice shall make a decision as to costs.

TITLE VII

REQUESTS FOR OPINIONS

Article 196 *Written part of the procedure*

1. In accordance with Article 218(11) TFEU, a request for an Opinion may be made by a Member State, by the European Parliament, by the Council or by the European Commission.

2. A request for an Opinion may relate both to whether the envisaged agreement is compatible with the provisions of the Treaties and to whether the European Union or any institution of the European Union has the power to enter into that agreement.

3. It shall be served on the Member States and on the institutions referred to in paragraph 1, and the President shall prescribe a time limit within which they may submit written observations.

Article 197 *Designation of the Judge-Rapporteur and of the Advocate General*

As soon as the request for an Opinion has been submitted, the President shall designate a Judge-Rapporteur and the First Advocate General shall assign the case to an Advocate General.

Article 198 *Hearing*

The Court may decide that the procedure before it shall also include a hearing.

Article 199 *Time limit for delivering the Opinion*

The Court shall deliver its Opinion as soon as possible, after hearing the Advocate General.

Article 200 *Delivery and service of the Opinion*

1. The Opinion shall be delivered in open court.

2. The original of the Opinion shall be signed by the President, by the Judges who took part in the deliberations and by the Registrar. Where the original can no longer be signed by a Judge who took part in the deliberations, either due to his state of health or death, or due to his resignation or the expiry of his term of office, the President shall certify that that Judge took part in the deliberations.

3. The signed original of the Opinion shall be sealed and deposited at the Registry. Certified copies of the Opinion shall be served on all the Member States and on the institutions referred to in Article 196(1).

TITLE VIII

PARTICULAR FORMS OF PROCEDURE

Article 201 *Appeals against decisions of the arbitration committee*

1. An application initiating an appeal under the second paragraph of Article 18 TEAEC shall state:

(a) the name and permanent address of the applicant;

(b) the description of the signatory;

(c) a reference to the arbitration committee's decision against which the appeal is made;

(d) the names of the respondents;

(e) a summary of the facts;

(f) the grounds on which the appeal is based and arguments relied on, and a brief statement of those grounds;

(g) the form of order sought by the applicant.

2. Articles 119 and 121 of these Rules shall apply to the application.

3. A certified copy of the contested decision shall be annexed to the application.

4. As soon as the application has been lodged, the Registrar of the Court shall request the arbitration committee registry to transmit to the Court the file in the case.

5. Articles 123 and 124 of these Rules shall apply to this procedure. The Court may decide that the procedure before it shall also include a hearing.

6. The Court shall give its decision in the form of a judgment. Where the Court sets aside the decision of the arbitration committee it may refer the case back to the committee.

Article 202 *Procedure under Article 103 TEAEC*

1. Four certified copies shall be lodged of an application under the third paragraph of Article 103 TEAEC. The application shall be accompanied by the draft of the agreement or contract concerned, by the observations of the European Commission addressed to the State concerned and by all other supporting documents.

2. The application and annexes thereto shall be served on the European Commission, which shall have a time limit of 10 days from such service to submit its written observations. This time limit may be extended by the President after the State concerned has been heard.

3. Following the lodging of such observations, which shall be served on the State concerned, the Court shall give its decision promptly, after hearing the Advocate General and, if they so request, the State concerned and the European Commission.

Article 203 *Procedures under Articles 104 TEAEC and 105 TEAEC*

Applications under the third paragraph of Article 104 TEAEC and the second paragraph of Article 105 TEAEC shall be governed by the provisions of Titles II and IV of these Rules. Such applications shall also be served on the State to which the respondent person or undertaking belongs.

Article 204 *Procedure provided for by Article 111(3) of the EEA Agreement*

1. In the case governed by Article 111(3) of the EEA Agreement, the matter shall be brought before the Court by a request submitted by the Contracting Parties which are parties to the dispute. The request shall be served on the other Contracting Parties, on the European Commission, on the EFTA Surveillance Authority and, where appropriate, on the other interested persons on whom a request for a preliminary ruling raising the same question of interpretation of European Union legislation would be served.

2. The President shall prescribe a time limit within which the Contracting Parties and the other interested persons on whom the request has been served may submit written observations.

3. The request shall be made in one of the languages referred to in Article 36 of these Rules. Article 38 shall apply. The provisions of Article 98 shall apply *mutatis mutandis*.

4. As soon as the request referred to in paragraph 1 of this Article has been submitted, the President shall designate a Judge-Rapporteur. The First Advocate General shall, immediately afterwards, assign the request to an Advocate General.

5. The Court shall, after hearing the Advocate General, give a reasoned decision on the request.

6. The decision of the Court, signed by the President, the Judges who took part in the deliberations and the Registrar, shall be served on the Contracting Parties and on the other interested persons referred to in paragraphs 1 and 2.

Article 205 *Settlement of the disputes referred to in Article 35 TEU in the version in force before the entry into force of the Treaty of Lisbon*

[Repealed]

Article 206 *Requests under Article 269 TFEU*

1. Four certified copies shall be submitted of a request under Article 269 TFEU. The request shall be accompanied by any relevant document and, in particular, any observations and recommendations made pursuant to Article 7 TEU.

2. The request and annexes thereto shall be served on the European Council or on the Council, as appropriate, each of which shall have a non-extendible time limit of 10 days from such service to submit its written observations. Article 51 shall not apply to that time limit.

3. The request and annexes thereto shall also be communicated to the Member States other than the State in question, to the European Parliament and to the European Commission.

4. Following the lodging of the observations referred to in paragraph 2, which shall be served on the Member State concerned and on the States and institutions referred to in paragraph 3, the Court shall give its decision within a time limit of one month from the lodging of the request and after hearing the Advocate General. At the request of the Member State concerned, the European Council or the Council, or of its own motion, the Court may decide that the procedure before it shall also include a hearing, which all the States and institutions referred to in this Article shall be given notice to attend.

FINAL PROVISIONS

Article 207 *Supplementary rules*

Subject to the provisions of Article 253 TFEU and after consultation with the Governments concerned, the Court shall adopt supplementary rules concerning its practice in relation to:

(a) letters rogatory;

(b) applications for legal aid;

(c) reports by the Court of perjury by witnesses or experts, delivered pursuant to Article 30 of the Statute.

Article 208 *Implementing rules*

The Court may, by a separate act, adopt practice rules for the implementation of these Rules.

Article 209 *Repeal*

These Rules replace the Rules of Procedure of the Court of Justice of the European Communities adopted on 19 June 1991, as last amended on 24 May 2011 (*Official Journal of the European Union,* L 162 of 22 June 2011, p. 17).

Article 210 *Publication and entry into force of these Rules*

These Rules, which are authentic in the languages referred to in Article 36 of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following their publication.

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