

# RULES OF PROCEDURE

## SUPPLEMENTARY RULES OF THE COURT OF JUSTICE

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THE COURT OF JUSTICE,

Having regard to Article 207 of the Rules of Procedure <sup>(1)</sup>,

Having regard to Article 46(3) of the act concerning the conditions of accession to the European Union of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded <sup>(2)</sup>,

Having regard to Article 45 of the act concerning the conditions of accession to the European Union of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community <sup>(3)</sup>,

Whereas:

- (1) On 25 September 2012 the Court adopted new Rules of Procedure containing various amendments, both of substance and of form, in relation to the previous Rules, which they repealed. Those amendments concern, in particular, the terminology used in the new Rules of Procedure and the procedure followed when legal aid is granted. Those alterations must, therefore, be reflected in the wording of the Supplementary Rules.
- (2) In consequence of several Member States' designation of new authorities responsible for the handling of the matters referred to in Articles 2, 4 and 6 of the Supplementary Rules and of the accession to the European Union of the Republic of Bulgaria and Romania on 1 January 2007 and of the Republic of Croatia on 1 July 2013, it would furthermore appear necessary to bring up to date the lists in the three annexes to those Rules.

With the Council's approval given on 17 December 2013,

HAS ADOPTED THESE SUPPLEMENTARY RULES:

#### CHAPTER I

#### **Letters rogatory**

##### *Article 1*

1. Letters rogatory shall be issued in the form of an order which shall contain the names, forenames, description and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their agents, lawyers or advisers, indicate their addresses for service and briefly describe the subject-matter of the proceedings.
2. Notice of the order shall be served on the parties by the Registrar.

##### *Article 2*

1. The Registrar shall send the order to the competent authority named in Annex I of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official languages of the Member State to which it is addressed.
2. The authority named pursuant to paragraph 1 shall pass on the order to the judicial authority which is competent according to its national law.
3. The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to paragraph 1 the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar of the Court.
4. The Registrar shall be responsible for the translation of the documents into the language of the case.

<sup>(1)</sup> OJ L 265, 29.9.2012, p. 1, as amended on 18 June 2013 (OJ L 173, 26.6.2013, p. 65).

<sup>(2)</sup> OJ L 157, 21.6.2005, p. 203.

<sup>(3)</sup> OJ L 112, 24.4.2012, p. 21.

*Article 3*

The Court shall defray the expenses occasioned by the letters rogatory without prejudice to the right to charge them, where appropriate, to the parties.

## CHAPTER II

**Legal aid***Article 4*

1. The Court, by any order by which it decides that a person is entitled to receive legal aid, shall order that a lawyer be appointed to act for him.
2. If the person does not indicate his choice of lawyer, or if the Court considers that his choice is unacceptable, the Registrar shall send a copy of the order and of the application for legal aid to the authority named in Annex II, being the competent authority of the State concerned.
3. The Court, in the light of the suggestions made by that authority, shall of its own motion appoint a lawyer to act for the person concerned.

*Article 5*

The Court shall adjudicate on the lawyer's expenses and fees; on request, an advance on those expenses and fees may be paid.

## CHAPTER III

**Reports of perjury by a witness or expert***Article 6*

The Court, after hearing the Advocate General, may decide to report to the competent authority referred to in Annex III of the Member State whose courts have penal jurisdiction any case of perjury on the part of a witness or expert before the Court.

*Article 7*

The Registrar shall be responsible for communicating the decision of the Court. The decision shall set out the facts and circumstances on which the report is based.

**Final provisions***Article 8*

These Supplementary Rules replace the Supplementary Rules of 4 December 1974 (OJ L 350, 28.12.1974, p. 29), as most recently amended on 21 February 2006 (OJ L 72, 11.3.2006, p. 1).

*Article 9*

1. These Rules, which shall be authentic in the languages referred to in Article 36 of the Rules of Procedure, shall be published in the *Official Journal of the European Union*.
2. These Rules shall enter into force on the date of their publication.

Done at Luxembourg, 14 January 2014.

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## ANNEX I

## List referred to in Article 2(1)

**Belgium**

Service public fédéral Justice – Federale Overheidsdienst Justitie

**Bulgaria**

Министър на правосъдието

**Czech Republic**

Ministr spravedlnosti

**Denmark**

Justitsministeriet

**Germany**

Bundesministerium der Justiz

**Estonia**

Justiitsministeerium

**Ireland**

Minister for Justice and Equality

**Greece**

Υπουργείο Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων

**Spain**

Ministerio de Justicia

**France**

Ministère de la justice

**Croatia**

Ministarstvo pravosuđa

**Italy**

Ministero della Giustizia

**Cyprus**

Υπουργός Δικαιοσύνης και Δημόσιας Τάξεως

**Latvia**

Latvijas Republikas Tieslietu ministrija

**Lithuania**

Lietuvos Respublikos teisingumo ministerija

**Luxembourg**

Parquet général

**Hungary**

Közigazgatási és Igazságügyi Minisztérium

**Malta**

Avukat Ġenerali

**Netherlands**

Minister van Veiligheid en Justitie

**Austria**

Bundesministerium für Justiz

**Poland**

Ministerstwo Sprawiedliwości

**Portugal**

Ministro da Justiça

**Romania**

Ministerul Justiției

**Slovenia**

Ministrstvo za pravosodje

**Slovakia**

Minister spravodlivosti

**Finland**

Oikeusministeriö

**Sweden**

Regeringskansliet Justitiedepartementet

**United Kingdom**

Secretary of State for the Home Department

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## ANNEX II

## List referred to in Article 4(2)

**Belgium**

Service public fédéral Justice – Federale Overheidsdienst Justitie

**Bulgaria**

Министър на правосъдието

**Czech Republic**

Česká advokátní komora

**Denmark**

Justitsministeriet

**Germany**

Bundesrechtsanwaltskammer

**Estonia**

Justiitsministeerium

**Ireland**

Minister for Justice and Equality

**Greece**

Υπουργείο Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων

**Spain**

Consejo General de la Abogacía Española

**France**

Ministère de la justice

**Croatia**

Ministarstvo pravosuđa

**Italy**

Ministero della Giustizia

**Cyprus**

Υπουργός Δικαιοσύνης και Δημόσιας Τάξεως

**Latvia**

Latvijas Republikas Tieslietu ministrija

**Lithuania**

Lietuvos Respublikos teisingumo ministerija

**Luxembourg**

Ministère de la justice

**Hungary**

Közigazgatási és Igazságügyi Minisztérium

**Malta**

Segretarju Parlamentari għall-Gustizzja

**Netherlands**

Algemene Raad van de Nederlandse Orde van Advocaten

**Austria**

Bundesministerium für Justiz

**Poland**

Ministerstwo Sprawiedliwości

**Portugal**

Ministro da Justiça

**Romania**

Uniunea Națională a Barourilor din România

**Slovenia**

Ministrstvo za pravosodje

**Slovakia**

Slovenská advokátska komora

**Finland**

Oikeusministeriö

**Sweden**

Sveriges advokatsamfund

**United Kingdom**

The Law Society, London (for applicants residing in England or Wales)

The Law Society of Scotland, Edinburgh (for applicants residing in Scotland)

The Law Society of Northern Ireland, Belfast (for applicants residing in Northern Ireland)

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## ANNEX III

## List referred to in Article 6

**Belgium**

Service public fédéral Justice – Federale Overheidsdienst Justitie

**Bulgaria**

Върховна касационна прокуратура на Република България

**Czech Republic**

Nejvyšší státní zastupitelství

**Denmark**

Justitsministeriet

**Germany**

Bundesministerium der Justiz

**Estonia**

Riigiprokuratuur

**Ireland**

The Office of the Attorney General

**Greece**

Υπουργείο Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων

**Spain**

Consejo General del Poder Judicial

**France**

Ministère de la justice

**Croatia**

Zamjenik Glavnog državnog odvjetnika

**Italy**

Ministero della Giustizia

**Cyprus**

Γενικός Εισαγγελέας της Δημοκρατίας

**Latvia**

Latvijas Republikas Ģenerālprokuratūra

**Lithuania**

Lietuvos Respublikos generalinė prokuratūra

**Luxembourg**

Parquet général

**Hungary**

Közgazgatási és Igazságügyi Minisztérium



**Malta**

Avukat Ġenerali

**Netherlands**

Minister van Veiligheid en Justitie

**Austria**

Bundesministerium für Justiz

**Poland**

Ministerstwo Sprawiedliwości

**Portugal**

Ministro da Justiça

**Romania**

Parchetul de pe lângă Înalta Curte de Casație și Justiție

**Slovenia**

Ministrstvo za pravosodje

**Slovakia**

Minister spravodlivosti

**Finland**

Keskusrikospoliisi

**Sweden**

Åklagarmyndigheten

**United Kingdom**

Her Majesty's Attorney General (for witnesses or experts residing in England or Wales)

Her Majesty's Advocate General (for witnesses or experts residing in Scotland)

Her Majesty's Attorney General (for witnesses or experts residing in Northern Ireland)

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