II

(Non-legislative acts)

RULES OF PROCEDURE

PRACTICE DIRECTIONS TO PARTIES CONCERNING CASES BROUGHT BEFORE THE COURT

Table of Contents

THE COURT OF JUSTICE,

Having regard to the Rules of Procedure of 25 September 2012 [1] and, in particular, Article 208 thereof,

Whereas:

(1) On 25 September 2012, the Court of Justice, with the approval of the Council, adopted new Rules of Procedure repealing the Rules of Procedure of 19 June 1991, as last amended on 24 May 2011. The new Rules entered into force on 1 November 2012 and are intended, inter alia, to ensure that the structure and content of the Rules of Procedure of the Court are adapted to changes in its caseload and, in particular, to the increasing number of references for a preliminary ruling made by the courts and tribunals of the Member States of the European Union, while at the same time supplementing and clarifying, in several important respects, the rules applicable to the conduct of proceedings before the Court.

[1] OJ L 265, 29.9.2012, p. 1, as amended on 18 June 2013 (OJ L 173, 26.6.2013, p. 65).

(2) In the interests of the proper administration of justice and of making the Rules easier to understand, it is appropriate, therefore, to replace the practice directions relating to direct actions and appeals, adopted on the basis of the earlier Rules of Procedure, and to give the parties and their representatives practice directions based on the new Rules of Procedure that take into account, in particular, the experience gained in the course of their implementation.

(3) These new directions, which apply to all categories of cases brought before the Court, are not intended to replace the relevant provisions of the Statute and of the Rules of Procedure. Their purpose is to afford the parties and their representatives a better understanding of the implications of those provisions and to outline in greater detail the conduct of proceedings before the Court and, in particular, the constraints on the Court, particularly those associated with the processing and translation of procedural documents or the simultaneous interpretation of the observations submitted in the course of a hearing. In a context notable, on the one hand, for a constant increase in the number of cases brought before the Court and, on the other hand, for the growing complexity of their subject-matter, observing and taking into account these directions constitutes, both for the parties and for the Court, the best guarantee that the latter will be able to deal with cases with the greatest efficiency.

(4) In the interests of clarification, it is also necessary to incorporate into these new directions certain provisions of a rather more practical nature — which have until now been included in the Notes for the guidance of Counsel, the Instructions to the Registrar of the Court or letters of notice to attend a hearing — relating to the lodging and service of procedural documents and to the actual conduct of the oral part of the procedure,

HEREBY ADOPTS THE FOLLOWING PRACTICE DIRECTIONS:

I. GENERAL PROVISIONS

The stages in the procedure before the Court and their essential characteristics

1. Subject to special provisions laid down in the Protocol on the Statute of the Court of Justice of the European Union ('the Statute') or in the Rules of Procedure, the procedure before the Court is to consist, as a general rule, of a written part and an oral part. The purpose of the written part of the procedure is to put before the Court the claims, pleas and arguments of the parties to the proceedings or, in preliminary rulings, the observations which the interested persons referred to in Article 23 of the Statute intend to submit concerning the questions put by the courts and tribunals of the Member States of the European Union. The oral part, which follows it, is intended for its part to allow the Court to complete its knowledge of the case by the possible hearing of submissions from those parties or interested persons at a hearing and, if appropriate, by hearing the Opinion of the Advocate General.

Representation of the parties before the Court

2. In accordance with Article 19 of the Statute, parties to proceedings before the Court must be represented by a person who is duly authorised to represent them. With the exception of the Member States, other States which are parties to the Agreement on the European Economic Area ('the EEA Agreement'), the European Free Trade Association ('EFTA') Surveillance Authority and the institutions of the European Union, which are to be represented by an agent appointed for each case, other parties to the proceedings must be represented by a lawyer authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement. The evidence of that capacity must be capable of being produced, on request, at any stage of the proceedings. University teachers who are nationals of a Member State whose law accords them a right of audience are treated as lawyers by virtue of the seventh paragraph of Article 19 of the Statute.

3. In preliminary ruling proceedings, the Court is to take account, so far as concerns the representation of the parties to the main proceedings, of the procedural rules applicable in the court or tribunal which made the reference. Any person empowered to represent a party before that court or tribunal may therefore also represent him before the Court of Justice and, if the national procedural rules do not require parties to be represented, the parties to the main proceedings are entitled to submit their own written and oral observations. In the event of uncertainty in this respect, the Court may, at any time, request those parties, their representatives or the court or tribunal which made the reference to provide the relevant information.

4. The persons called upon to present oral argument before the Court, irrespective of their qualifications or the capacity in which they are called upon, are required to wear gowns. Where a hearing is organised, agents and lawyers taking part in that hearing are therefore requested to provide their own gowns; the Court has a number of plain gowns available for parties or representatives who have none.

Costs of proceedings before the Court and legal aid

5. Subject to the provisions set out in Article 143 of the Rules of Procedure, proceedings before the Court are to be free of charge, no charge or tax being payable to that latter on account of the initiation of proceedings or the lodging of a procedural document. The costs referred to in Article 137 et seq. of the Rules of Procedure include only 'recoverable' costs, that is, any sums payable to witnesses and experts, and expenses necessarily incurred by the parties for the purpose of the proceedings before the Court, in connection with the remuneration of their representative and the expenses of his travel to and subsistence in Luxembourg, if a hearing is organised. The Court rules on the amount of those costs and the party ordered to pay them in the judgment or order which closes the proceedings, whereas in preliminary rulings it is for the referring court or tribunal to rule on the costs of the proceedings.

6. A party or, in preliminary ruling proceedings, a party to the main proceedings who is wholly or partly unable to meet the costs of the proceedings before the Court may, at any time, apply for legal aid under the conditions provided for, respectively, in Articles 115 to 118 and 185 to 189 of the Rules of Procedure. In order for it to be possible for such applications to be considered, they must however be accompanied by all the information and supporting documents necessary to enable the Court to assess the legal aid applicant's true financial situation. Since, in preliminary rulings, the Court gives its ruling at the request of a court or tribunal of a Member State, the parties to the main proceedings must, first of all, apply for any legal aid from that court or tribunal or the competent authorities of the Member State concerned, the aid granted by the Court being only subsidiary to the aid granted at national level.

7. It is worth noting that, where it grants the application for legal aid, the Court is responsible, where applicable within the limits set by the formation of the Court, solely for costs involved in the assistance and representation before the Court of the applicant for legal aid. In accordance with the rules set out in the Rules of Procedure, those costs can be recovered subsequently by the Court in the decision ending the proceedings and ruling on costs, and the formation of the Court which gave a decision on the application for legal aid may, moreover, withdraw that legal aid at any time if the circumstances which led to its being granted alter during the proceedings.

Anonymity

8. Where a party considers it necessary that its identity or certain information concerning it should not be disclosed in a case brought before the Court, it may request that the Court 'anonymise' the relevant case, in whole or in part. To be effective, such an application must, however, be made as early as possible. On account of the increasing use of new information and communication technologies, granting anonymity becomes much more difficult if the notice of the case concerned has already been published in the *Official Journal of the European Union* or, in preliminary ruling proceedings, if the request for a preliminary ruling has already been served on the interested persons referred to in Article 23 of the Statute, about one month after the request has been lodged at the Court.

II. THE WRITTEN PART OF THE PROCEDURE

The purpose of the written part of the procedure

9. The written part of the procedure plays an essential role in the Court's understanding of the case in so far as it must allow the Court, by reading the written pleadings or observations lodged, to acquire a detailed and accurate idea of the subject-matter of the case before it and the issues raised by that case. Although this is the Court's objective when dealing with any case brought before it, the conduct and the pattern of the written part of the procedure differ depending on the nature of the action. Whereas in direct actions or appeals the parties are requested to adopt a position on the written pleadings lodged by the other parties to the proceedings, the written part of the procedure in preliminary rulings is characterised by the absence of adversarial proceedings, the interested persons referred to in Article 23 of the Statute being merely requested to submit any observations they may make on the questions referred by a national court or tribunal, without as a general rule knowing the position adopted by the other interested persons on those questions. This gives rise to different requirements as regards both the form and length of those observations and also the subsequent conduct of the procedure.

The written part of the procedure in references for a preliminary ruling

10. On account of the non-adversarial nature of preliminary ruling proceedings, the lodging of written observations by the interested persons referred to in Article 23 of the Statute does not involve any specific formalities. Where a request for a preliminary ruling is served on them by the Court, those persons may thus submit, if they wish, written observations in which they set out their point of view on the request made by the referring court or tribunal. The purpose of those observations — which must be lodged within a time-limit of two months from service of the request for a preliminary ruling (extended on account of distance by a single period of 10 days) that cannot otherwise be extended — is to help clarify for the Court the scope of that request, and above all the answers to be provided to the questions referred by the referring court or tribunal.

11. Although the statement must be complete and include, in particular, the arguments on which the Court may base its answer to the questions referred, it is not necessary, on the other hand, to repeat the factual and legal background of the dispute set out in the order for reference, unless it requires further comment. Subject to special circumstances or specific provisions of the Rules of Procedure providing for a restriction of the length of the documents because of the urgency of the case, written observations lodged in a preliminary ruling should not exceed 20 pages.

The written part of the procedure in direct actions

The application

12. On account of its adversarial nature, the written part of the procedure in direct actions follows stricter rules. These are set out in Article 119 et seq. (Title IV) of the Rules of Procedure and concern both the obligation for the parties to be represented by an agent or lawyer and the formal requirements linked to the content and the submission of written pleadings. It is apparent, in particular, from Article 120 of the Rules of Procedure, that the application initiating proceedings must, in addition to stating the name and address of the applicant and the name of the party against whom the application is made, state accurately the subject-matter of the proceedings, the pleas in law and arguments relied upon supported, as appropriate, by any evidence produced or offered, and the form of order sought by the applicant. Failure to comply with those requirements renders the application inadmissible. Unless there are special circumstances, the application should not exceed 30 pages.

13. As is apparent from Article 120(c) of the Rules of Procedure, the application must also include a summary of the pleas in law relied upon. That summary — which must not exceed two pages — is intended to facilitate the drafting of the notice, on each case brought before the Court, which must be published in the *Official Journal of the European Union* in accordance with Article 21(4) of the Rules of Procedure.

The defence

14. The defence, to which Article 124 of the Rules of Procedure relates, is essentially subject to the same formal requirements as the application and must be lodged within two months of service of that latter. That time-limit — extended on account of distance by a single period of 10 days — may otherwise be extended only exceptionally and where a duly reasoned request setting out the circumstances capable of justifying such an extension has been submitted within the prescribed time-limit.

15. Since the legal framework of the proceedings is fixed by the application, the structure of the legal argument developed in the defence must, so far as is possible, reflect that of the pleas in law or complaints put forward in the application. No new plea in law may be introduced in the course of the proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure. The factual and legal background is to be recapitulated in the defence only in so far as its presentation in the application is disputed or calls for further particulars. As in the case of the application, unless there are special circumstances the defence should not exceed 30 pages.

The reply and rejoinder

16. If they consider it necessary, the applicant and the defendant may supplement their arguments, the former by a reply and the latter by a rejoinder. Those written pleadings are subject to the same formal rules as the application and the defence but, since they are optional and supplementary, they are necessarily shorter than those documents. The framework and the pleas in law or claims at the heart of the dispute having been set out (or disputed) in depth in the application and the defence, the only purpose of the reply and the rejoinder is to allow the applicant and the defendant to make clear their position or to refine their arguments on an important issue, the President also being able, pursuant to Article 126 of the Rules of Procedure, to specify himself the matters to which those documents should relate. Except in special circumstances, a reply or a rejoinder should therefore be no more than approximately 10 pages long. Those documents must be lodged with the Registry within the time-limits set by the Court, an extension of those time-limits being granted by the President only in exceptional circumstances and on a duly reasoned request.

Request for an expedited procedure

17. Where the nature of the case requires it to be dealt with within a short time, the applicant or defendant may request the Court to deal with the case under an expedited procedure derogating from the provisions of the Rules of Procedure. Provided for in Article 133 of those Rules, that possibility is nevertheless subject to the lodging, by a separate document, of an express request to that effect setting out in detail the circumstances capable of justifying the use of such a procedure and involves, where such a request is granted, an adjustment to the written part of the procedure. The ordinary time-limits for the lodging of written pleadings are reduced, as is the length of those pleadings and, pursuant to Article 134 of the Rules of Procedure, a reply, a rejoinder or a statement in intervention can be submitted only if the President considers this to be necessary.

Application for suspension of operation or for interim measures (Interim proceedings)

18. A direct action may also be accompanied by an application for suspension of operation of a measure or by an application for interim measures, as referred to in Articles 278 and 279 respectively of the Treaty on the Functioning of the European Union ('TFEU'). In accordance with the provisions of Article 160 of the Rules of Procedure, such an application is however admissible only if it is made by the applicant having challenged the measure at issue before the Court or another party to the case before the Court and it must be made by a separate document stating the subject-matter of the proceedings and the circumstances giving rise to urgency as well as the pleas of fact and law establishing a prima facie case for the measure applied for. As a general rule, the application is then served on the opposite party, and the President is to prescribe a short period within which that party may submit written or oral observations. In cases of extreme urgency, the President may grant the application provisionally even before such observations have been submitted. In such a case, the decision closing the interim proceedings can, however, be adopted only after that party has been heard.

The written part of the procedure in appeals

19. The written part of the procedure in an appeal is similar in many respects to the conduct of that part of the procedure in direct actions. The relevant rules are in Article 167 et seq. (Title V) of the Rules of Procedure, which state both the mandatory content of the appeal and of the response and the scope of the forms of order sought.

The appeal

20. As is apparent from Articles 168 and 169 of the Rules of Procedure (which supplement, in this respect, Articles 56 to 58 of the Statute), an appeal is not brought against a measure of an institution, a body or an office or agency of the European Union, but against the decision of the General Court ruling on an action brought at first instance. It is apparent from that information that the form of order sought in the appeal must necessarily 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, and not the annulment of the measure challenged before the General Court. If they are not to be held inadmissible, the pleas in law and legal arguments relied upon in the appeal — which, unless there are special circumstances, should not exceed 25 pages — must moreover identify precisely those points in the grounds of that decision that are contested and set out in detail the reasons for which that decision is alleged to be vitiated by an error of law.

21. In order to facilitate the drawing up of the notice published in the *Official Journal of the European Union*, in accordance with Article 21(4) of the Rules of Procedure, the appellant must also attach to his appeal a summary of those pleas in law, no more than two pages long, and lodge at the Registry the necessary items and documents attesting that the requirements set out in Article 19 of the Statute and reiterated in Article 119 of the Rules of Procedure are met.

The response

22. Within a time-limit of two months from the service upon him of the appeal (extended on account of distance by a single period of 10 days), which may not otherwise be extended, any party to the case at issue before the General Court may submit a response. The content of the written pleadings is subject to the requirements fixed in Article 173 of the Rules of Procedure and, in accordance with Article 174 of those Rules, the form of order must seek to have the appeal allowed or dismissed, in whole or in part. The structure of the legal arguments in the response must, so far as is possible, reflect the pleas in law put forward by the appellant but it is not necessary to reiterate in those pleadings the factual and legal background to the proceedings, unless its presentation in the appeal is disputed or calls for further particulars. On the other hand, any challenge to the admissibility, in whole or in part, of that appeal must be included in the actual body of the response, since the possibility — provided for in Article 151 of the Rules of Procedure — of raising a plea of inadmissibility in relation to the proceedings by a separate document is not applicable to appeals. Like the appeal, and subject to special circumstances, the response should not exceed 25 pages.

The cross-appeal

23. If, when the appeal has been served on him, one of the parties to the relevant case before the General Court intends to dispute that court's decision on an aspect which was not mentioned in the appeal, that party must bring a cross-appeal against the General Court's decision. That appeal must be introduced by a separate document, within the same time-limit, which may not be extended, as the time-limit for submission of the response and meet the requirements set out in Articles 177 and 178 of the Rules of Procedure. The pleas in law and legal arguments which it contains must be separate from those relied on in the response.

The response to the cross-appeal

24. Where such a cross-appeal is brought, the applicant, 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. In accordance with Article 179 of the Rules of Procedure, those written pleadings must be submitted within a time-limit, which may not be extended, of two months from service of the cross-appeal (extended on account of distance by a single period of 10 days).

The reply and rejoinder

25. Whether in the case of a main appeal or a cross-appeal, the appeal and the response may be supplemented by a reply and a rejoinder, in particular in order to allow the parties to adopt a position on a plea of inadmissibility or new matters raised in the response. Unlike the rules applicable to direct actions, that possibility is however made subject to the express authorisation of the President of the Court. To that effect, the appellant (or the party having brought the cross-appeal) is requested to submit, within a time-limit of seven days from service of the response (or of the response to the cross-appeal), extended on account of distance by a single period of 10 days, a duly reasoned application setting out the reasons for which, in that party's opinion, a reply is necessary. That application — which should not exceed three pages — must be intelligible in itself, without necessitating reference to the appeal or to the response.

26. Due to the special nature of appeals, which are restricted to the examination of questions of law, the President may also, if he grants the application to lodge a reply, limit the number of pages and the subject-matter of that reply and of the rejoinder submitted subsequently. The observance of those instructions is an essential condition for the proper conduct of the procedure, and exceeding the number of pages authorised or referring to other questions in the reply or the rejoinder will lead to the pleadings being sent back to their author.

Appeals brought under Article 57 of the Statute

27. The rules set out in points 19 to 26 of these directions are nevertheless not applicable in their entirety to appeals brought against decisions of the General Court dismissing an application to intervene or adopted following an application for interim measures submitted under Articles 278 or 279 TFEU. Pursuant to the third paragraph of Article 57 of the Statute, such appeals are subject to the same procedure as an application for interim measures made directly to the Court. The parties are therefore set a short period for the submission of any observations on the appeal and the Court rules on that appeal without any additional written part of the procedure, or even without an oral part of the procedure.

Intervention in direct actions and appeals

The application to intervene

28. In accordance with Article 40 of the Statute, the Member States and institutions of the European Union, on the one hand, and, in the circumstances provided for in the second and third paragraphs of that article, non-Member States party to the Agreement on the EEA, the EFTA Surveillance Authority, the bodies, offices and agencies of the European Union and any other natural or legal person, on the other hand, may intervene in cases before the Court for the purposes of supporting, in whole or in part, the form of order sought by one of the parties. To be taken into account, the application to intervene must be submitted within the time-limit referred to in Article 130(1) (direct actions), or Article 190(2) (appeals) of the Rules of Procedure and meet the conditions set in Article 130(2) to (4) of those Rules.

The statement in intervention

29. If the application to intervene is granted, the intervener receives a copy of every procedural document served on the parties save, where applicable, secret or confidential items or documents, and he has one month from receipt of those documents to submit a statement in intervention. Although that statement must meet the requirements in Article 132(2) of the Rules of Procedure, its content is, however, necessarily more succinct than the written pleadings of the party supported and its length should not exceed 10 pages. Since the intervention is ancillary to the main proceedings, the intervener must refrain from repeating in his statement the pleas in law and arguments in the written pleadings of the party which he is supporting and must set out only additional pleas in law or arguments which bear out that party's submissions. Recapitulation of the factual or legal background to the case is not necessary, except in so far as its presentation in the written pleadings of the main parties is disputed or, exceptionally, calls for further particulars.

Observations on the statement in intervention

30. After the statement in intervention has been lodged, the President may, if he considers this necessary, prescribe a time-limit for the submission of brief observations on that statement. The lodging of those observations, the length of which should not exceed five pages, is nevertheless optional. The purpose of such observations is merely to enable the main parties to respond to inaccurate claims or to adopt a position on new pleas in law or arguments raised by the intervener. Where there are no such matters, it is recommended that the parties desist from lodging those observations in order to avoid unnecessarily prolonging the written part of the procedure.

Applications to intervene made out of time

31. In so far as it meets the conditions set out in Article 130(2) to (4) of the Rules of Procedure, the Court may also give consideration to an application to intervene made after the passing of the time-limit prescribed in Article 130(1) or 190(2) of the Rules of Procedure, provided, however, that that application reaches it before the decision to open the oral part of the procedure provided for in Article 60(4) of those Rules is adopted. In that case, the intervener will be able to submit his observations, if any, during the hearing, if it takes place.

Intervention in the context of an application for interim measures or an expedited procedure

32. The same is true in general in the context of an application for interim measures or where a case is to be dealt with under an expedited procedure. If there are no special circumstances warranting the lodging of written observations, the person or entity authorised to intervene in the context of such a procedure may submit his observations only orally, if a hearing is organised.

No intervention in preliminary rulings

33. The above rules on intervention are, in contrast, not applicable to references for a preliminary ruling. Due to the non-adversarial nature of that category of cases and the special function of the Court when it is called upon to give a preliminary ruling on the interpretation or validity of European Union law, only the interested persons referred to in Article 23 of the Statute are authorised to submit observations, written or oral, on the questions submitted to the Court by the courts or tribunals of the Member States.

The form and structure of procedural documents

34. Irrespective of the foregoing matters and the prerequisites relating to the content of procedural documents resulting from the provisions of the Statute and the Rules of Procedure, the written pleadings and observations lodged before the Court must meet certain additional requirements intended to facilitate the reading and processing of those documents by the Court, in particular by electronic means. Those requirements concern the form and the presentation of procedural documents as well as their length or structure.

35. As to the formal conditions, first of all, it is essential that the written pleadings or observations lodged by the parties are presented in a form in which they can be processed electronically by the Court and that, in particular, documents can be scanned and character recognition used. To that end, the following requirements must be taken into account:

— the written pleadings or observations are to be drafted on white, unlined and A4-size paper, with text on one side of the page only (recto), and not on both sides of the page (recto-verso),

— the text is to be in a commonly-used font (such as Times New Roman, Courier or Arial), in at least 12 point in the body of the text and at least 10 point in the footnotes, with 1,5 line spacing and horizontal and vertical margins of at least 2,5 cm (above, below, at the left and at the right of the page),

— all the paragraphs of the written pleadings or observations are to be numbered consecutively,

— the same is true for the pages of the written pleadings or observations, including any annexes to them and their schedule, which are to be numbered consecutively, at the top right-hand corner,

— lastly, where they are not sent to the Court by electronic means, pages of written pleadings or observations are to be assembled in such a way as to be easily separable and not permanently attached by means such as glue or staples.

36. In addition to these formal requirements, the procedural documents lodged before the Court must be drafted in a form which allows their structure and scope to be grasped from the first few pages. Besides stating, on the first page of the written pleadings or observations concerned, the title of the document, the case number (if it has already been notified by the Registry) and the parties concerned (parties to the dispute in the main proceedings, the applicant (appellant) and the defendant (respondent) or parties to the case at issue before the General Court), the written pleadings or observations lodged are to begin with a brief summary of the schema adopted by the author or by a table of contents. Those written pleadings or those observations must end with the forms of order sought by the author or, in preliminary ruling proceedings, by the answers which the author proposes to the questions of the referring court or tribunal.

37. Although the documents which are sent to the Court are not subject, as regards their content, to any requirement other than those resulting from the Statute and the Rules of Procedure, it must nevertheless be borne in mind that such documents constitute the basis for the Court's study of the file and that they must, as a general rule, be translated by the Court or the institution which produced them. In the interests of the proper conduct of the procedure as in the interests of the parties themselves, the written pleadings or observations must therefore be drafted in clear, concise language, without use of technical terms specific to a national legal system. Repetition must be avoided and short sentences must, as far as possible, be used in preference to long and complex sentences which include parenthetical and subordinate clauses.

38. When, in their written pleadings or observations, the parties refer to a specific text or piece of legislation, of national or European Union law, references to that text or legislation must be accurately cited, both so far as concerns the date of adoption and, where possible, the date of publication of that document and so far as concerns its temporal applicability. Likewise, when they cite an extract or a passage of a judgment or of an Opinion of an Advocate General, the parties are requested to specify both the name and number of the case concerned and the exact references of the extract or the passage at issue.

39. Lastly, it must be pointed out that legal argument of the parties or the interested persons referred to in Article 23 of the Statute must appear in the written pleadings or observations, and not in any attached annexes, which are not as a general rule translated. Only documents mentioned in the actual body of written pleadings or observations and necessary in order to prove or illustrate its contents may be submitted as annexes. Annexes are furthermore not accepted, pursuant to Article 57(4) of the Rules of Procedure, unless they are accompanied by a schedule of annexes. That schedule is to indicate, for each document annexed, the number of the annex, a short description of the document and the page or paragraph of the written pleadings or observations in which the document is cited and which justifies its production.

The lodging and transmission of procedural documents

40. Only the documents expressly provided for by the procedural rules may be lodged at the Registry. Those documents must be lodged within the prescribed time-limits and observing the requirements set out in Article 57 of the Rules of Procedure. Documents may be lodged electronically or by post, or delivered in person to the Court Registry or, outside the opening hours of the Registry, to the reception of the Court buildings (rue du Fort Niedergrünewald) where the janitor will acknowledge receipt of that document by recording on it the date and time of lodgement.

41. The most reliable, quickest way to lodge a procedural document is by using the *e-Curia application*. That application, common to the three constituent courts of the Court of Justice of the European Union, was introduced in 2011. It allows the lodging and service of procedural documents by exclusively electronic means, without it being necessary to provide certified copies of the document transmitted to the Court or to duplicate that transmission by sending the document by post. The procedure for access to the e-Curia application and its conditions of use are described in detail in the Decision of the Court of 13 September 2011 on the lodging and service of procedural documents by means of e-Curia and in the conditions of use to which that decision refers. Those documents are available on the Court's internet site (under 'Court of Justice — Procedure').

42. If it is not transmitted to the Court by means of the abovementioned application, a procedural document may also be sent to the Court *by post*. The envelope containing that document must be addressed to the Court Registry at the following address: Rue du Fort Niedergrünewald — L-2925 Luxembourg. In this connection, it is appropriate to mention that pursuant to Article 57(7) of the Rules of Procedure, only the date and time of lodgement of the original at the Registry are taken into consideration in the calculation of procedural time-limits. To prevent any time-barring, it is therefore strongly recommended that it be sent by registered post or by express delivery, several days before the passing of the time-limit prescribed for lodgement of the document.

43. At the present time, a copy of the signed original of a procedural document may also be transmitted to the Registry *by fax* ((+ 352 433766) or as an attachment to an *electronic mail* (ecj.registry@curia.europa.eu). However, a document lodged by either of these methods will be treated as complying with the relevant time-limit only if the signed original itself, together with the annexes and copies referred to in Article 57(2) of the Rules of Procedure, reaches the Registry at the latest 10 days after that electronic mail or telefax was sent. That original must therefore be sent without delay, immediately after the dispatch of the copy, without any corrections or amendments, even of a minor nature. In the event of any discrepancy between the signed original and the copy previously transmitted, only the date on which the signed original was lodged will be taken into consideration.

III. THE ORAL PART OF THE PROCEDURE

44. As is apparent from the fourth paragraph of Article 20 of the Statute, the oral part of the procedure essentially consists of two distinct stages: the hearing of the parties or interested persons referred to in Article 23 of the Statute and the presentation of the Advocate General's Opinion. Under the fifth paragraph of Article 20 of the Statute, the Court may nevertheless decide, where it considers that the case raises no new point of law, that the case is to be determined without hearing the Advocate General's Opinion. A hearing will not automatically be arranged.

The purpose of the hearing

45. Having regard to the importance of the written part of the procedure in cases brought before the Court and subject to the application of Article 76(3) of the Rules of Procedure, the decisive criterion for holding a hearing is not so much whether an express request has been made to that effect as the assessment made by the Court itself as to the potential contribution of that hearing to the outcome of the dispute or to determining the answers which it could provide to the questions referred by a court or tribunal of a Member State. A hearing is therefore arranged by the Court whenever it is likely to contribute to a better understanding of the case and the issues raised by it, whether or not a request to that effect has been made by the parties or the interested persons referred to in Article 23 of the Statute.

The request for a hearing

46. Where those parties or interested persons consider that a hearing must be arranged in a case, the onus is on them, in any event, as soon as they have received notification of the end of the written part of the procedure, to inform the Court by letter why they wish be heard. That reasoning — which is not to be confused with written pleadings or observations and should not exceed three pages — must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the documentary elements or arguments which that party considers it necessary to develop or disprove more fully at the hearing. It is not in itself sufficient to provide a general statement of reasons referring, for example, to the importance of the case or of the questions to be decided by the Court.

The notice to attend the hearing and the need for a rapid answer to that notice

47. When the Court decides to arrange a hearing in a particular case, it fixes the exact date and time and the parties or interested persons referred to in Article 23 of the Statute are immediately sent a letter of notice to attend by the Registry, which also notifies them of the composition of the formation to which the Court has assigned the case, of any measures of organisation of procedure decided on by the Court and, where applicable, that there is to be no Advocate General's Opinion. In order to enable the Court to arrange that hearing in the best possible conditions, the parties or abovementioned interested persons are requested to reply to the Registry's letter within a short period stating, in particular, whether they intend actually to attend the hearing and the name of the lawyer or agent who will represent them at it. A late reply to the Registry's letter of notice to attend is likely to jeopardise the proper organisation of the hearing, both from the point of view of the speaking time allocated by the Court to the party concerned and with regard to the constraints on the operation of the interpretation service.

The steps to be taken with a view to the hearing

48. On account both of the sometimes difficult traffic conditions in Luxembourg and of the security measures applicable to access to the Court buildings, it is advisable to take the steps necessary to be present in the room where the hearing will take place on the day of the hearing well before it is due to start. Before the hearing begins, the members of the formation of the Court usually hold a short meeting with the representatives of the parties or interested persons referred to in Article 23 of the Statute about the organisation of the hearing. At that meeting the Judge-Rapporteur and the Advocate General may invite those representatives to provide, at the hearing, further information on certain questions or to develop one or more specific aspects of the case at issue.

The normal procedure at a hearing

49. While the procedure at a hearing before the Court may vary depending on the circumstances of each case, in general it consists of three separate parts: the oral submissions proper, questions from the members of the Court and replies.

The first stage of the hearing: oral submissions

The purpose of the oral submissions

50. Subject to any special circumstances, the hearing usually starts with the *oral submissions* of the parties or the interested persons referred to in Article 23 of the Statute. The aim of those submissions is, firstly, to respond to any requests to concentrate on specified issues in the submissions and to answer the questions that the Court might have put to the parties or interested persons before the hearing, under Articles 61 or 62 of the Rules of Procedure, and, if applicable, then to draw attention to the points which the person presenting oral argument considers to be particularly important for the Court's decision, in particular, in preliminary ruling proceedings, having regard to the written observations submitted by the other participants in the proceedings.

51. In the light of the knowledge which the Court already has of the case following the written part of the procedure, it is not necessary, at the hearing, to recall the content of the written pleadings or observations lodged or, in particular, the factual or legal background to the case. Only the decisive points for the purposes of the Court's decision must be brought to its attention. It must none the less be stated that where, before the hearing, the Court has requested the parties or the abovementioned interested persons to concentrate in their submissions on a question or a particular aspect of the case, in general only that question or that aspect should be addressed during those submissions. As far as possible, participants in the hearing who are advocating the same line of argument or adopting the same position must also liaise before the hearing to avoid repeating arguments which have already been submitted.

Speaking time and its possible extension

52. The speaking time is fixed by the President of the formation of the Court, after consulting the Judge-Rapporteur and, if applicable, the Advocate General responsible for the case. As a general rule, the speaking time is fixed at 15 minutes, irrespective of the formation of the Court to which the case has been assigned. However, that duration may be made longer or shorter depending on the nature or the specific complexity of the case, the number and procedural status of the participants in the hearing and any measures of organisation of procedure. An extension of the speaking time allocated may, exceptionally, be granted by the President of the formation of the Court on the duly reasoned application of a party or one of the interested persons referred to in Article 23 of the Statute. To be taken into account, such an application must nevertheless be made by the party or interested person concerned in his reply to the letter of notice to attend and, in any event, reach the Court at least two weeks before the actual date of the hearing.

The number of persons presenting oral argument

53. For reasons connected with the proper conduct of the hearing, the oral submissions of the parties or the interested persons present at the hearing must, as regards each of them, be made by a single person. In exceptional circumstances, a second person may nevertheless be authorised to present oral argument where the nature or specific complexity of the case warrants this, provided a duly reasoned application to this effect has been submitted in the reply of the party or interested person concerned to the letter of notice to attend the hearing and, in any event, at least two weeks before the actual date of the hearing. If it is granted, that authorisation does not however include any extension of the speaking time, and the two persons presenting oral argument must share the speaking time allocated to the party concerned.

The second stage of the hearing: questions from members of the Court

54. Without prejudice to the questions which may be asked or the clarifications which may be sought by the members of the Court during the oral submissions, the persons presenting oral argument may be requested, at the end of the oral submissions, to answer *additional questions from the members of the Court*. The purpose of those questions is to supplement the members' knowledge of the file and to allow the persons presenting oral argument to explain or elaborate on certain points on which additional information may be required following the written part of the procedure and the oral submissions.

The third stage of the hearing: replies

55. After that exchange, the representatives of the parties or the interested persons referred to in Article 23 of the Staff Regulations finally have the opportunity, if they consider it necessary, of replying briefly. Those *replies*, of a maximum duration of five minutes each, do not constitute a second round of oral submissions. They are designed only to enable the persons presenting oral argument to react succinctly to observations made or questions put during the hearing by the other participants or by the members of the Court. If two persons have been authorised to speak for a party, only one of them is authorised to reply.

The implications and constraints of simultaneous interpretation

56. Whether in their oral submissions, their replies or their responses to questions from the Court, the persons presenting oral argument must bear in mind that very frequently the members of the formation of the Court will listen to their argument by means of simultaneous interpretation. In the interests of the proper conduct of the hearing and in order to guarantee the quality of the interpretation provided, the representatives of the parties or the interested persons referred to in Article 23 of the Statute are therefore requested, if they have a text available, however short, of notes for the oral submissions or an outline of their argument, to send it in advance to the interpretation directorate, either by fax ((+ 352 43033697), or by electronic mail (interpret@curia.europa.eu). That text or those notes for the oral submissions is intended solely for the interpreters and is neither transmitted to the members of the formation of the Court and the Advocate General responsible for the case nor included in the case file.

57. At the hearing itself, it is however inadvisable to read out a text. To facilitate interpretation, it is recommended to speak freely on the basis of properly structured notes. In any event, it is essential to speak directly into the microphone, at a natural pace and not too quickly, stating in advance the outline of the argument made and using short and simple sentences as a matter of course.

The procedure following the hearing

58. The active participation of the parties or interested persons referred to in Article 23 of the Statute comes to an end at the end of the hearing. Subject to the exceptional situation in which the oral part of the procedure is reopened, pursuant to Article 83 of the Rules of Procedure, the parties or abovementioned interested persons are no longer authorised to put forward written or oral observations, in particular in response to the Advocate General's Opinion, once the President of the formation of the Court has declared the hearing closed.

IV. FINAL PROVISIONS

59. The practice directions relating to direct actions and appeals of 15 October 2004 (OJ L 361, p. 15), as amended on 27 January 2009 (OJ L 29, p. 51), are hereby revoked and replaced by these Practice Directions.

60. These Practice Directions shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.

Adopted at Luxembourg, 25 November 2013.