



2024/2490

20.9.2024

DECISION OF THE COURT OF JUSTICE
of 4 September 2024
on the lodging and service of procedural documents by means of e-Curia

THE COURT OF JUSTICE,

Having regard to the Rules of Procedure and, in particular, Article 48(2) and Article 57(7) thereof,

Whereas:

- (1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.
- (2) This application, which is currently based on an electronic authentication system using a combination of a personal user identification and password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged.
- (3) In view of the success of this application and the advantages it offers, notably in terms of the rapidity with which documents are exchanged, in 2018 the courts and tribunals of the Member States, as well as persons who are neither agents nor lawyers but who are nevertheless authorised, under national procedural rules, to represent a party before the courts or tribunals of their own State, were given the opportunity to lodge or to receive procedural documents using the application.
- (4) In the interests of the proper administration of justice – and for the purpose of dealing with preliminary ruling cases only – the same opportunity must now also be given to persons authorised, under those same national procedural rules, to represent themselves before national courts or tribunals, and to courts or tribunals of non-Member States which are empowered, under EU law, to submit a request for a preliminary ruling to the Court of Justice.
- (5) Moreover, in so far as this application currently constitutes the main channel of communication between the Court of Justice and the parties to cases brought before that court, it is necessary, in the interests of increased legal certainty and transparency, to list all the potential beneficiaries of the application in a single article.

HAS DECIDED AS FOLLOWS:

Article 1

Definition

The information technology application known as ‘e-Curia’, common to the constituent courts of the Court of Justice of the European Union, allows the lodging and service of procedural documents by electronic means under the conditions laid down by this Decision.

Article 2

Access to the application

Use of this application shall require the opening of an access account and use of a personal user identification and password.

It is available to representatives of parties or of the interested persons referred to in Article 23 of the Statute (‘representative’ account), to persons acting on behalf of a court or tribunal of a Member State or on behalf of a court or tribunal of a non-Member State which is empowered to submit a request for a preliminary ruling to the Court of Justice (‘court’ account), or, in the context of preliminary ruling cases, to persons who are neither agents nor lawyers but who are nevertheless authorised, under national procedural rules, to represent themselves or to represent a party before the referring court or tribunal (‘authorised person’ account).

It is also available, on a complementary basis, to assistants mentioned by name by the holder of one of the above accounts ('assistant' account).

Article 3

Lodging of a procedural document

A procedural document lodged via e-Curia shall be deemed to be the original of that document for the purposes of Article 57(1) of the Rules of Procedure where the personal user identification and password of the representative of a party or of an interested person referred to in Article 23 of the Statute, of a person authorised to represent himself or to represent a party to the main proceedings in the context of a preliminary ruling case, or of a person acting on behalf of the referring court or tribunal have been used to effect the lodging. Use of that user identification and of that password shall constitute the signature of the document concerned.

Article 4

Annexes

A procedural document lodged via e-Curia must be accompanied by the annexes referred to therein and a schedule listing such annexes.

Article 5

Date and time of lodging

A procedural document shall be deemed to have been lodged for the purposes of Article 57(6) of the Rules of Procedure at the time of validation of the lodging of that document by the representative of a party or of an interested person referred to in Article 23 of the Statute, by the person authorised to represent himself or to represent a party to the main proceedings in the context of a preliminary ruling case, or by the person acting on behalf of the referring court or tribunal.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 6

Service of procedural documents

Procedural documents, including judgments and orders, shall be served via e-Curia on the holders of e-Curia accounts who, in a case, represent a party or an interested person referred to in Article 23 of the Statute or who act on their own behalf, on behalf of a party to the main proceedings, or on behalf of the referring court or tribunal. Those documents shall also be served on any assistants they may have.

In the cases provided for by the Statute and in the Rules of Procedure, procedural documents shall also be served via e-Curia on Member States, other States which are parties to the Agreement on the European Economic Area, non-Member States, the European Free Trade Association Surveillance Authority, and institutions, bodies, offices or agencies of the Union that have accepted this method of service.

Procedural documents may also be served in accordance with the other methods of transmission provided for by the Rules of Procedure if required because of the size or nature of the item or where the use of e-Curia is not possible for technical reasons.

Article 7

Date and time of service

The intended recipients of the documents served referred to in Article 6 shall be notified by email of any document served on them via e-Curia.

A procedural document shall be served at the time when the intended recipient requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification email was sent.

Where a party or an interested person referred to in Article 23 of the Statute is represented by more than one person or where several persons are authorised to act on behalf of a party to the main proceedings or on behalf of the referring court or tribunal, the time to be taken into account in the reckoning of time limits shall be the time when the first request for access was made, whether the person making the request was the account holder or one of his assistants.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 8

Conditions of use of the application

The Registrar shall draw up the conditions of use of e-Curia and ensure that they are observed. Any use of e-Curia contrary to those conditions may result in the deactivation of the access account concerned.

The Court of Justice shall take the necessary steps to protect e-Curia from any abuse or malicious use.

Users shall be notified by email of any action taken pursuant to this Article that prevents them from using their access account.

Article 9

Repeal

This Decision repeals and replaces the Decision of the Court of Justice of 16 October 2018 on the lodging and service of procedural documents by means of e-Curia. ⁽¹⁾

Article 10

Entry into force

This Decision shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 4 September 2024.

Registrar
A. CALOT ESCOBAR

President
K. LENAERTS

⁽¹⁾ OJ L 293, 20.11.2018, p. 36.