



2024/2094

12.8.2024

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE
[2024/2094]

THE COURT OF JUSTICE,

Having regard to the Treaty on the Functioning of the European Union, and in particular the sixth paragraph of Article 253 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 63 thereof,

Whereas it is appropriate to set out, in the Rules of Procedure, the detailed rules for the implementation of Regulation (EU, Euratom) 2024/2019 of the European Parliament and of the Council of 11 April 2024 amending Protocol No 3 on the Statute of the Court of Justice of the European Union⁽¹⁾, and to set out, in particular, the procedures for the initial handling of requests for a preliminary ruling referred to the Court of Justice under Article 267 of the Treaty on the Functioning of the European Union in order to determine which court has jurisdiction to deal with them,

Whereas it is necessary also to insert in these Rules the requisite provisions to ensure that requests for a preliminary ruling handled by the General Court that are referred to the Court of Justice, in accordance with the second subparagraph of Article 256(3) of the Treaty on the Functioning of the European Union, on the ground that they require a decision of principle likely to affect the unity or consistency of Union law, are dealt with in a timely manner,

Whereas it is appropriate to supplement the provisions of the Rules of Procedure to provide for the General Court, the referring court or tribunal and the interested persons referred to in Article 23 of the Statute to be informed if the First Advocate General has made no proposal to review a decision of the General Court by the end of the one-month period referred to in the second paragraph of Article 62 of the Statute,

Whereas these Rules should also be supplemented in order to take into account the experience gained during the health crisis and provision should be made for parties or their representatives to be able to make oral submissions by videoconference in certain circumstances and subject to certain legal and technical conditions,

Whereas it is appropriate, moreover, to insert a provision concerning the broadcasting of hearings before the Court of Justice in order to allow Union citizens and the courts or tribunals that referred a request for a preliminary ruling to the Court of Justice to follow those hearings remotely, without having to travel to Luxembourg, while ensuring that the parties to the proceedings are given appropriate information and the opportunity to put forward, where appropriate, reasons why a specific hearing should not be broadcast,

Whereas in order to provide proper guidance to courts and tribunals and Union citizens on the meaning and scope of the answers given by the Court of Justice to the questions referred to it for a preliminary ruling, it is appropriate, in the same vein, to ensure that the written observations submitted by an interested person referred to in Article 23 of the Statute are made available online within a reasonable time after the case has been closed, unless that person raises objections to the publication of those observations,

⁽¹⁾ OJ L 2024/2019, 12.8.2024, ELI: <http://data.europa.eu/eli/reg/2024/2019/oj>.

Whereas, lastly, it is necessary to clarify or refine the scope of certain provisions of the Rules of Procedure relating to, inter alia, the determination of the participants in preliminary ruling proceedings, developments with regard to Union rules on the protection of personal data and the methods of lodging and service of procedural documents, following recent technological developments,

With the approval of the Council given on 21 June 2024,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of 25 September 2012 ^(*) are hereby amended as follows:

- (1) Article 48 is replaced by the following:

'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.'

- (2) Article 57 is amended as follows:

- (a) Paragraph 2 is deleted.
- (b) Paragraphs 3 to 8 are renumbered as paragraphs 2 to 7.
- (c) The new paragraph 2 is amended as follows:

'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.'

(*) OJ L 265, 29 September 2012, p. 1, as amended on 18 June 2013 (OJ L 173, 26 June 2013, p. 65), 19 July 2016 (OJ L 217, 12 August 2016, p. 69), 9 April 2019 (OJ L 111, 25 April 2019, p. 73) and 26 November 2019 (OJ L 316, 6 December 2019, p. 103).

- (d) The new paragraph 6 is amended as follows:

‘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.’

- (e) The new paragraph 7 is amended as follows:

‘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*.’

- (3) Article 78, the content of which is now in the new Article 80(1), is replaced by the following:

‘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.’

- (4) Article 80 is replaced by the following:

‘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.’

- (5) The following Article is inserted after Article 80:

‘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*.

(6) Article 82 is amended as follows:

(a) Paragraph 1 is amended as follows:

‘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.’

(b) A new paragraph 2 is inserted after paragraph 1. It is worded as follows:

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

(c) The current paragraph 2 is renumbered as paragraph 3.

(7) The following Article is inserted after Article 93:

‘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.'

(8) Article 95 is replaced by the following:

'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.'

(9) Article 96 is amended as follows:

(a) The first sentence of paragraph 1 is amended as follows:

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

(b) A new point (d) is inserted after point (c). It is worded as follows:

'(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,'

(c) The current points (d) to (f) are renumbered as points (e) to (g).

(d) A new paragraph is inserted after paragraph 2. It is worded as follows:

'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.'

(10) Article 97(3) is replaced by the following:

'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.'

- (11) Article 106 is replaced by the following:

‘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.’

- (12) The following Chapter, entitled ‘Procedure following referral’, is inserted in Title III, after Article 114:

‘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.

Article 114b

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.’

- (13) Chapter 4 of Title III is renumbered as Chapter 5 of Title III.

- (14) Article 121(2) is replaced by the following:

‘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.’

- (15) Article 125 is replaced by the following:

‘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.’

- (16) The following Article is inserted after Article 193:

‘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 2

These amendments to the Rules of Procedure, 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 month following that of their publication.

Adopted at Luxembourg, 2 July 2024.

A. CALOT ESCOBAR
Registrar

K. LENAERTS
The President