

## RULES OF PROCEDURE

### INSTRUCTIONS TO THE REGISTRAR OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL of 19 September 2007

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

ON A PROPOSAL FROM THE PRESIDENT OF THE TRIBUNAL,

Having regard to the Rules of Procedure adopted on 25 July 2007 and in particular Article 19(4) thereof,

HAS LAID DOWN THE FOLLOWING:

#### INSTRUCTIONS TO THE REGISTRAR

##### *Article 1*

##### **Interpretation**

The definitions adopted in Article 1 of the Rules of Procedure shall apply equally for the purposes of these Instructions.

##### *Article 2*

##### **The tasks of the Registrar**

1. The Registrar shall be responsible for the maintenance of the register of the Tribunal and the files of pending cases, for the acceptance, transmission, service and custody of documents, for correspondence with the parties and third parties in relation to pending cases, and for the custody of the seals of the Tribunal. He shall ensure that registry charges are collected and that sums due to the Tribunal treasury are recovered. He shall be responsible for the publications of the Tribunal.

2. In carrying out the duties specified above, the Registrar may be assisted by an Assistant Registrar. In the absence of the Registrar or in the event of his being prevented from carrying out those duties, they shall be performed, where appropriate, by the Assistant Registrar who shall take the decisions reserved to the Registrar by the Rules of Procedure of the Tribunal or these Instructions or delegated to him pursuant to these Instructions.

##### *Article 3*

##### **Opening hours of the Registry**

1. The offices of the Registry shall be open to the public every working day. All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 100(2) of the Rules of Procedure shall be working days.

2. If a working day as referred to in the preceding paragraph is a holiday for the officials and servants of the institution, arrangements shall be made for a skeleton staff to be on duty at the Registry during the hours in which it is normally open to the public.

3. The Registry shall be open to the public from 9.00 a.m. to 12 noon and from 2.30 p.m. to 4.30 p.m. The offices of the Registry shall be closed to the public on Friday afternoons during the vacations provided for in Article 28 of the Rules of Procedure.

4. When the Registry is closed, procedural documents may be validly lodged with the janitor at the entrances to the buildings of the Court of Justice of the European Communities (the Thomas More and Erasmus buildings of the Court of Justice, boulevard Konrad Adenauer and rue du Fort Niedergrünewald, Luxembourg) at any time of the day or night. The janitor shall make a record, which shall constitute good evidence, of the date and time of such lodgement and shall issue a receipt upon request.

##### *Article 4*

##### **The register**

1. Judgments and orders as well as all the documents placed on the file in cases brought before the Tribunal shall be entered in the register in the order in which they are lodged, with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure, as referred to in Article 6(4) of these Instructions.

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. Entries in the register shall be numbered consecutively. They shall contain the information necessary for identifying the document, in particular the date of lodgement, the date of registration, the number of the case and the nature of the document.

5. For the purposes of the application of the preceding paragraph, the following dates shall be taken into account, depending on the circumstances,

- the date on which the procedural document was received by the Registrar or by a Registry official or employee,
- the date referred to in Article 3(4) above,
- or, in the cases provided for in the first paragraph of Article 54 of the Statute of the Court of Justice and Article 8(1) of Annex I to the Statute of the Court of Justice, the date on which the procedural document was lodged with the Registrar of the Court of Justice or with the Registrar of the Court of First Instance.

6. Where a correction is made to the register, a note to that effect shall be made therein. If the register is kept in electronic form, it shall be set up and maintained in such a way that no registration can be deleted therefrom and that following any amendment or rectification the original entry is preserved.

7. The registration number of every document drawn up by the Tribunal shall be noted on its first page. A note of the registration, indicating the registration number and the date of entry in the register, shall be made on the original of every procedural document lodged by the parties and on every copy which is notified to them. The note made on the original of the procedural document shall be signed by the Registrar.

#### Article 5

##### The case number

1. When an application initiating proceedings is registered, the case shall be given a serial number preceded by 'F-' and followed by an indication of the year. Where Article 34(6) of the Rules of Procedure applies, the indication of the year in the serial number shall correspond to the date deemed to be the date of lodging of the document for the purposes of compliance with the time limits for taking steps in proceedings.

2. Applications for interim measures, applications to intervene, applications for rectification or interpretation of judgments or orders, applications for revision or initiating third party proceedings, applications for the taxation of costs and applications for legal aid relating to pending cases shall be given the same serial number as the principal action, followed by a reference to indicate that the proceedings concerned are special forms of procedure. An action which is preceded by an application for legal aid in connection therewith shall be given

the same case number as the latter. Where the Court of First Instance refers a case back to the Tribunal following an appeal, that case shall keep the number previously given to it when it was before the Tribunal.

#### Article 6

##### The file and access to the file

1. The case file shall contain the originals, including their annexes, of the procedural documents produced by the parties, with the exception of those whose acceptance is refused pursuant to Article 8 of these Instructions, the decisions taken in the case, including any decisions relating to refusal to accept documents, preparatory reports for the hearing, minutes of the hearing, notices served by the Registrar and any other documents or correspondence to be taken into consideration in deciding the case.

2. If in doubt the Registrar shall refer the question whether a document is to be placed on the case file to the President in order for a decision to be taken.

3. The documents contained in the file shall be given a serial number.

4. By way of derogation from paragraph (1), documents drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure (see Article 4(1) of these Instructions) shall be kept in a separate part of the file.

5. The representatives of the parties to a case before the Tribunal or persons duly authorised by them may inspect the original case file, including administrative files produced before the Tribunal and documents drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure, at the Registry and may request copies or extracts of procedural documents and of the register.

6. The representatives of parties granted leave to intervene and the representatives of all the parties to joined cases shall have the same right of access to case files, subject to the provisions of Article 7 relating to the confidential treatment of certain information or documents on the file.

7. The confidential and non-confidential versions of procedural documents shall be kept in separate sections of the file. Access to the confidential section of the file shall be confined to the parties in respect of whom no confidential treatment has been ordered.

8. A document which is produced in a case and placed on the file of that case may not be taken into account for the purpose of preparing another case for hearing.

9. At the close of the proceedings, the Registrar shall arrange for the case-file to be closed and archived. The closed file shall contain a list of the documents on the file (with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 70 of the Rules of Procedure), an indication of their number, and a cover page showing the serial number of the case, the parties and the date on which the file was closed.

#### Article 7

##### **Confidential treatment**

1. Without prejudice to Article 44 of the Rules of Procedure, in respect of documents which the parties intend to produce on their own initiative or produce at the request of the Tribunal, the parties shall indicate, where appropriate, the existence of confidential information and shall lodge a version of the document from which that information has been omitted. In those circumstances, the party concerned shall simultaneously transmit to the Tribunal the relevant document in its entirety, to enable the Tribunal to check that the information omitted is indeed confidential and that the omissions are not prejudicial to the other party's right to a fair hearing or to the proper administration of justice. Where appropriate, the Tribunal shall request the production of an amended version. The full version of the document in question shall be returned by the Tribunal after examination.

2. A party may apply pursuant to Article 109(5) of the Rules of Procedure for certain information or documents on the case file to be treated as confidential in relation to an intervener or, where cases are joined in accordance with Article 46 of the Rules of Procedure, in relation to another party in a joined case. Such an application must be made in accordance with the provisions of the Practice Directions to parties.

#### Article 8

##### **Non-acceptance of documents and regularisation**

1. The Registrar shall ensure that documents placed on the file are in conformity with the provisions of the Statute of the Court of Justice, the Rules of Procedure, the Practice Directions to parties and these Instructions to the Registrar. If necessary, he shall allow the parties a period of time for making good any formal irregularities in the documents lodged. Service shall be delayed in the cases provided for by Article 36 of the Rules of Procedure. Service may be delayed in the case of other formal irregularities.

2. The Registrar shall refuse to register documents which are not provided for by the Rules of Procedure. If in doubt, or in the event of a challenge by the parties, the Registrar shall refer the matter to the President in order for a decision to be taken.

3. Without prejudice to Article 34(6) of the Rules of Procedure concerning the lodgement of documents by fax or other technical means of communication, the Registrar shall accept only documents bearing the original signature of the party's representative.

4. The Registrar shall ensure that the volume of procedural documents, including their annexes, does not exceed that which would preclude the proper administration of justice, and that they are lodged in accordance with the relevant provisions of the Practice Directions to parties.

5. Save in the cases expressly provided for by the Rules of Procedure, the Registrar shall refuse to accept pleadings or procedural documents of the parties drawn up in a language other than the language of the case. However, where duly justified, the Registrar may accept annexes in a language other than the language of the case. If in doubt, or in the event of a challenge by the parties, the Registrar shall refer the matter to the President in order for a decision to be taken.

6. Where an application to intervene originating from a third party other than a Member State is not drawn up in the language of the case, the Registrar shall require the application to be put in order before it is served on the parties. If a version of such an application drawn up in the language of the case is lodged within the period prescribed for this purpose by the Registrar, the date on which the first version, not in the language of the case, was lodged shall be taken as the date on which the document was lodged.

7. If the party concerned fails to make good the irregularity or challenges the request for regularisation, the Registrar shall refer to the matter to the President for a decision.

#### Article 9

##### **Presentation of originating applications**

1. Where the Registrar considers that an application initiating proceedings is not in conformity with Article 35(1) of the Rules of Procedure, he shall suspend service of the application in order that the Tribunal may give a decision on the admissibility of the action.

2. For the purposes of the production of the document required by Article 35(5) of the Rules of Procedure certifying that the lawyer acting for a party or assisting the party's agent is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area, reference may be made to a document previously lodged at the Registry of the Tribunal. In every case, the document to which reference may be made must have been drawn up not more than five years before the date on which the application was lodged.

*Article 10***Service**

1. The Registrar shall ensure that, where the Statute of the Court of Justice or the Rules of Procedure provide for a document to be served, a notice to be given or a communication to be made, the steps are carried out in accordance with Article 99 of the Rules of Procedure.

2. In the procedures on applications for interim measures referred to in Articles 102 to 108 of the Rules of Procedure, the Registrar may send procedural documents by all appropriate means which urgency requires, and in particular by fax; in the event of such transmission, the Registrar shall nevertheless ensure that it is followed by a dispatch in the manner prescribed by Article 99 of the Rules of Procedure.

*Article 11***Setting and extension of time limits**

1. The Registrar shall prescribe and extend, where appropriate, the time limits provided for in the Rules of Procedure in accordance with the authority accorded to him by the President.

2. Documents received at the Registry after the period prescribed for their lodgement has expired may be accepted only with the authorisation of the President.

3. The time limits provided for in the Rules of Procedure may be extended only in special circumstances. Any application to that effect must be properly reasoned and must reach the Registry in sufficient time in relation to the expiry of the time limit initially prescribed. A time limit may not be extended more than once save for exceptional reasons.

*Article 12***Hearings and minutes of hearings**

1. Before every public hearing the Registrar shall draw up a cause list in the language of the case. The cause list shall contain the date, hour and place of the hearing, the competent formation of the Tribunal, an indication of the cases which will be called and the names of the parties.

2. The cause list shall be displayed at the entrance to the courtroom.

3. The Registrar shall draw up in the respective language of each case the minutes of every hearing. Those minutes shall contain an indication of the case, the date, hour and place of

the hearing, if applicable an indication that the hearing was in camera, the names of the Judges and the Registrar present, the names and capacities of the representatives of the parties present, the surnames, forenames, status and permanent addresses of applicants in person, if applicable, and of the witnesses or experts examined, an indication of the evidence or documents produced at the hearing and, insofar as is necessary, the statements made at the hearing and the decisions pronounced at the hearing by the Tribunal or the President. The minutes shall be sent to the parties.

*Article 13***Witnesses and experts**

1. The Registrar shall take the measures necessary for giving effect to orders requiring the taking of expert opinion or the examination of witnesses.

2. The Registrar shall obtain from witnesses evidence of their expenses and loss of earnings and from experts a fee note accounting for their expenses and services.

3. The Registrar shall cause sums due to witnesses and experts under the Rules of Procedure to be paid from the Tribunal's treasury. In the event of a dispute concerning such sums, the Registrar shall refer the matter to the President in order for a decision to be taken.

4. The Registrar shall arrange for the costs of examining experts or witnesses advanced by the Tribunal in a case to be demanded from the parties ordered to pay the costs. If necessary, steps shall be taken pursuant to Article 15(2) of these Instructions.

*Article 14***Originals of judgments and orders**

1. Originals of judgments and orders of the Tribunal shall be kept in chronological order in the archives of the Registry. A certified copy shall be placed on the case file.

2. At the parties' request, the Registrar shall supply them with additional certified copies of the original of a judgment or of an order.

3. A note of judgments or orders of the Court of First Instance on appeal, or of the Court of Justice in the event of a review, shall be made in the margin of the judgment or order concerned and a certified copy annexed to the original of the judgment or order appealed against.

*Article 15***Recovery of sums**

1. Where sums paid out by way of legal aid or sums advanced to witnesses or experts are recoverable by the Tribunal's treasury, the Registrar shall, by registered letter, demand payment of those sums from the party which is to bear them in accordance with the decision by which the proceedings have been closed.

2. If the sums demanded are not paid within the period prescribed by the Registrar, he may request the Tribunal to make an enforceable decision and, if necessary, require its enforcement.

*Article 16***Registry charges**

1. Where a copy of a procedural document or an extract from the case file or from the register is supplied to a party on paper at its request, the Registrar shall impose a Registry charge of EUR 3,50 per page for a certified copy and EUR 2,50 per page for an uncertified copy.

2. Where the Registrar arranges for a procedural document or an extract from the case file to be translated at the request of a party, a Registry charge of EUR 1,25 per line shall be imposed.

3. The charges referred to in this Article shall, as from 1 January 2008, be increased by 10 % each time the weighted cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10 %.

*Article 17***Publication of documents and posting of documents on the Internet**

1. The Registrar shall be responsible for the publications of the Tribunal and for posting on the Internet documents relating to the Tribunal.

2. The Registrar shall cause to be published in the *Official Journal of the European Union* the decisions provided for by the Rules of Procedure and these Instructions, as well as notices of proceedings brought and of decisions closing proceedings.

3. The Registrar shall ensure that the case law of the Tribunal is made public in accordance with any arrangements adopted by the Tribunal.

*Article 18***Advice for lawyers and agents**

1. The Registrar shall make known to the parties' representatives the Practice Directions to parties and these Instructions to the Registrar.

2. When requested by the parties' representatives, the Registrar shall provide them with information on the practice followed pursuant to the Rules of Procedure, pursuant to the Practice Directions to parties and pursuant to these Instructions to the Registrar in order to ensure that proceedings are conducted efficiently.

*Article 19***Derogations from these Instructions**

Where the special circumstances of a case and the proper administration of justice require, the Tribunal or the President may derogate from any of these Instructions.

*Article 20***Entry into force of these Instructions**

1. These Instructions to the Registrar, which are authentic in the languages referred to in Article 36(2) of the Rules of Procedure of the Court of First Instance, applicable to the Tribunal by virtue of Article 29 of its Rules of Procedure, shall be published in the *Official Journal of the European Union*.

2. They shall enter into force on the day on which the Rules of Procedure enter into force.

Done at Luxembourg, 19 September 2007.

W. HAKENBERG  
*The Registrar*

P.J. MAHONEY  
*The President*