I

(Legislative acts)

LEGISLATIVE ACTS

PRACTICE DIRECTIONS TO PARTIES CONCERNING CASES BROUGHT BEFORE THE COURT

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THE COURT OF JUSTICE,

Having regard to the Rules of Procedure and, in particular, Article 208 thereof,

Whereas:

(1) On 25 November 2013, the Court of Justice adopted, on the basis of Article 208 of its Rules of Procedure, new Practice directions to parties concerning cases brought before the Court. ([1]) Those directions were intended to give the parties and their representatives specific guidance based on the new Rules of Procedure adopted on 25 September 2012, ([2]) that took account, in particular, of the experience gained in the course of the first year of their implementation.

(2) Since the entry into force of those directions, on 1 February 2014, there have, however, been a number of important technical and legislative developments.

(3) First, parties are increasingly using electronic methods of communication for the transmission of their procedural documents, which helps to speed up case handling but, at the same time, requires further details to be provided of the procedures for such transmission and of the steps to be taken to facilitate the processing and translation of the document lodged and, if necessary, to preserve the confidentiality of the information it contains.

([1]) OJ L 31, 31.1.2014, p. 1.
([2]) OJ L 265, 29.9.2012, p. 1, as last amended on 26 November 2019 (OJ L 316, 6.12.2019, p. 103).

(4) Second, the Rules of Procedure of the Court have been amended several times since 2012, as much in order to clarify or specify the rules on parties' interventions before the Court as to reflect the changes made by the Union legislature in areas such as the protection of personal data or the handling of appeals referred to in Article 58a of the Protocol on the Statute of the Court of Justice of the European Union.

(5) In the interests of the proper administration of justice and for the purposes of greater clarity, it is appropriate, therefore, to adopt new practice directions that take these developments into account.

(6) 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. 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,

HEREBY ADOPTS THESE 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 generally 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 that party before the Court of Justice and, if permitted under national procedural rules, 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.

Costs of proceedings before the Court and legal aid

4. 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 the Court 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 or her 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.

5. A party or, in preliminary ruling proceedings, a party to the main proceedings who is wholly or in part unable to meet of 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.

6. 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 change during the proceedings.

Protection of personal data

7. In order to ensure optimal protection of personal data, in particular in connection with material published by the Court concerning the cases that are brought before it, the Court as a general rule deals with preliminary ruling cases in anonymised form. This approach means in practice that, unless there are special circumstances, the Court will redact the names of individuals mentioned in the request for a preliminary ruling and, if necessary, other information that may enable them to be identified, if the referring court or tribunal did not do so before submitting its request. All interested persons referred to in Article 23 of the Statute are requested to respect, in their written observations or oral submissions, the anonymity thus conferred.

8. The same applies in relation to appeals. Unless there are special circumstances, the Court will respect the anonymity granted by the General Court, and the parties to the proceedings are requested also to respect that anonymity in the proceedings before the Court of Justice.

9. In any event, where a party to proceedings before the Court does not wish his or her identity or certain details concerning him or her to be disclosed in a case brought before the Court — or, conversely, where that party does wish his or her identity and those details to be disclosed in the context of that case — it is open to that party to contact the Court so that the Court may decide whether or not to anonymise the relevant case, in whole or in part, or to maintain the anonymity previously conferred. To be effective, such an application must, however, be made at as early a stage 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

10. The written part of the procedure plays an essential role in the Court's understanding of the case. 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 references for a preliminary ruling 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 content of those observations and also the subsequent conduct of the procedure, although it must be borne in mind that most of the written pleadings or observations lodged during the written part of the procedure will have to be translated. Short and simple sentences should always be used, therefore, and the parties' arguments must appear in their written pleadings or observations and not in any annexes thereto, which are generally not translated.

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

11. 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.

12. 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

13. 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.

14. 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, of 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

15. 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 the 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.

16. 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

17. 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 must necessarily be 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 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

18. 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.

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

19. A direct action may also be accompanied by an application for suspension of operation of the contested 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 who has challenged the measure at issue before the Court or a 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 other party to the proceedings, and the President prescribes a short period within which that other 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 other party has been heard.

The written part of the procedure in appeals

20. 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

21. 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 cannot be brought against a measure of an institution, a body, an office or an agency of the European Union, but must be directed against the decision of the General Court ruling on the action brought against that measure. It is apparent from that point 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.

22. 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 the 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.

23. In the situations referred to in Article 58a of the Statute, the appellant must also annex to the appeal a request that the appeal be allowed to proceed, which should be no more than seven pages long and must contain all the information necessary to enable the Court to rule on whether the appeal should be allowed to proceed and to determine, where the appeal is to be allowed to proceed in part, the pleas in law of the appeal to which the response must relate.

24. The request that the appeal be allowed to proceed must, in any event, set out clearly and in detail the grounds on which the appeal is based, identify with equal clarity and detail the issue of law raised by each ground of appeal and state, specifically, how that issue is significant with respect to the unity, consistency or development of European Union law.

25. In accordance with Article 170a(1) of the Rules of Procedure, the absence of such a request renders the appeal as a whole inadmissible.

The response

26. Within a time limit of two months from the service 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

27. If, when the appeal has been served on him or her, 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

28. 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

29. 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.

30. Due to the special nature of appeals, which are restricted to the examination of questions of law, the President may also, if granting 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

31. The rules set out in points 20 to 30 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.

Confidentiality in appeals

32. As is apparent from the foregoing provisions, the appeal and the pleadings lodged subsequently are to be served on all the parties to the relevant case before the General Court, irrespective of their procedural status before that court (main party or intervener). Since appeals are, in accordance with Article 58 of the Statute, to be limited to points of law, the parties must in principle refrain from mentioning secret or confidential matters in their written pleadings. If, exceptionally, they nevertheless do so, the party relying on the confidentiality of certain matters in its written pleading is requested to submit, by a separate document, a duly reasoned request for confidential treatment (specifying both the scope of the confidentiality requested and the parties to the proceedings to whom that request relates), together with a non-confidential version of the pleading that can be served on those other parties. In the event that that request for confidentiality — the scope of which cannot, in any event, go beyond the confidential treatment already approved by the General Court in relation to an intervener — is approved in part, the party claiming that confidentiality is requested to produce, without delay, a new non-confidential version of its written pleading that can be served on the other parties to the proceedings.

Intervention in direct actions and appeals

The application to intervene

33. 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 out in Article 130(2) to (4) of those Rules.

The statement in intervention

34. If the application to intervene is granted, the intervener receives a copy of every procedural document served on the parties except, where applicable, for secret or confidential items or documents, and has one month from receipt of those items or 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 necessarily more succinct than the written pleadings of the party supported and it should not exceed 10 pages in length. Since the intervention is ancillary to the main proceedings, the intervener must refrain from repeating in that statement the pleas in law and arguments in the written pleadings of the party which the intervener 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 calls for further particulars.

Observations on the statement in intervention

35. After the statement in intervention has been lodged, the President may, if it is considered 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 certain claims made by the intervener 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 such observations in order to avoid unnecessarily prolonging the written part of the procedure.

Applications to intervene made out of time

36. 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 observations during the hearing, if it takes place.

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

37. 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 observations only orally, if a hearing is organised.

No intervention in references for a preliminary ruling

38. 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 case 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 — and any institutions, bodies, offices and agencies of the European Union called upon under the second paragraph of Article 24 of the Statute — are authorised to submit observations, written or oral, on the questions submitted to the Court by the courts and tribunals of the Member States.

The form and structure of procedural documents

39. 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 structure or their length.

40. 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. 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, in the top right-hand corner;

— the pages of the written pleadings or observations are not to exceed 1 500 characters per page, excluding spaces;

— 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, for example, glue or staples.

41. 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 or their initials (if the case has been anonymised), the written pleadings or observations are to begin with a brief summary of the schema adopted by the author or with a table of contents. Those written pleadings or observations must end with the forms of order sought by the author or, in preliminary ruling proceedings, with the author's proposed answers to the questions put by the referring court or tribunal.

42. 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 and in the interests of the parties themselves, *the written pleadings or observations must therefore be drafted in clear, concise language*, without the 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 that include parenthetical and subordinate clauses.

43. When, in their written pleadings or observations, the parties refer to a specific text or piece of legislation, of national or European Union law, *the 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 citing an extract or a passage of a judicial decision or of an Advocate General's Opinion, the parties are requested to specify both the name and number of the case concerned and the ECLI (European Case Law Identifier) of the decision or Opinion and the exact references of the extract or the passage at issue.

44. Lastly, it must be pointed out that *the 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 generally not 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.

45. If a procedural document manifestly does not comply with the above requirements and, in particular, the instructions relating to the length of that document, the Registry may request the author of the document lodged to put it in order within a short period of time.

The lodging and transmission of procedural documents

46. 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.

47. The Court's recommended method of lodging a procedural document is via the *e-Curia application*. This 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 16 October 2018 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 website (https://curia.europa.eu/jcms/jcms/P_78957/en/).

48. 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 sent 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 lodging 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 the document be sent by registered post or by express delivery, several days before the passing of the time limit prescribed for its lodgement, or that the relevant document be lodged in person at the Court Registry or, outside the opening hours of the Registry, at the reception of the Court buildings where the janitor will acknowledge receipt of the document by recording on it the date and time of lodgement.

49. Finally, at present, a copy of the signed original of a procedural document may also be transmitted to the Registry as an attachment to an *email* (ecj.registry@curia.europa.eu) or *by fax* ((+ 352) 433766). In addition to the technical limitations inherent in those two means of transmission, it should be noted that a document lodged by email or fax 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 the copy of that signed original was sent by email or fax That original must therefore be sent or delivered without delay, immediately after the dispatch of the copy, without any corrections or amendments, even of a minor nature. In the event of any discrepancies between the signed original and the copy previously transmitted, only the date on which the signed original was lodged will be taken into consideration.

50. In order to facilitate the Court's processing of the written pleadings or observations lodged and, in particular, their translation into one or more official languages of the European Union, the parties are requested — in addition to sending, within the prescribed time limits, the original of their written pleading or of their observations, that version alone being authentic — to send an editable version (word processing software such as Word, Open Office or LibreOffice) of that pleading or of those observations to the following address: editable-versions@curia.europa.eu.

III. **THE ORAL PART OF THE PROCEDURE**

51. 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

52. 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, in the case of references for a preliminary ruling, 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 added value of that hearing and its potential contribution to the outcome of the dispute or to determining the answers which the Court 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 submitted by the parties or the interested persons referred to in Article 23 of the Statute*.

The request for a hearing

53. Where those parties or those 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 of the precise reasons why they wish to be heard by the Court*. That reasoning — which is not to be confused with written pleadings or observations and must 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 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 prompt response to that notice

54. 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 case has been assigned, 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 the 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 jeopardises 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

55. 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. Agents and lawyers taking part in a hearing are therefore requested to provide their own gowns. Should the parties or their representatives not have a gown, a number of plain gowns may be made available by the Court but, since these are limited in number and in the sizes available, the parties and representatives concerned are requested to inform the Court of any such requirement in advance, in their response to the letter of notice to attend the hearing.

56. In the context of that response, and with a view to ensuring the best possible organisation of the hearing, the parties and their representatives are also requested to inform the Court of any particular measures that would facilitate their actual participation in the hearing, in particular in cases of disability or reduced mobility.

57. On account of the traffic conditions in Luxembourg and 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

58. 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

59. 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. In the light of the knowledge which the Court already has of the case following the written part of the procedure, it is not the purpose of those submissions to recall the content of the written pleadings or observations. They are intended to enable the parties or the abovementioned interested persons to respond to any requests to concentrate on specified issues in the submissions, or to answer the questions which the Court put to them before the hearing. As far as possible, participants in the hearing who are advocating the same line of argument or adopting the same position are, moreover, requested to liaise before the hearing in order to avoid unnecessary repetition.

Speaking time and its possible extension

60. 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 time 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 the reply to the letter of notice to attend the hearing.

The number of persons presenting oral argument

61. For reasons connected with the proper conduct of the hearing, the oral submissions of the parties or of the interested persons present at the hearing must, for each of them, be made by a single person. In exceptional circumstances, a second person may nevertheless be authorised to present oral argument where this is warranted by the nature or particular complexity of the case, 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. 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 language of oral submissions

62. Without prejudice to the possibility, for a Member State, of using its own official language when taking part in a hearing and the possibility, for third States, of using one of the languages mentioned in Article 36 of the Rules of Procedure when taking part in preliminary ruling proceedings or intervening in a case before the Court, the other parties to the proceedings are required to present oral argument in the language of the case, as determined in accordance with the rules laid down in Article 37 of the Rules of Procedure.

63. In preliminary ruling proceedings, the parties to the main proceedings may, exceptionally, request that the Court authorise the use of a language other than that of the referring court or tribunal for the oral part of the procedure. That request — which must be submitted in the response of the party concerned to the letter of notice to attend the hearing — must be duly substantiated and explain the reasons why the use of another language is sought and those militating in favour of that other language, of those mentioned in Article 36 of the Rules of Procedure. Under Article 37(4) of those Rules, the decision on that request is, depending on the circumstances, a matter for the President of the formation of the Court to which the case was referred or for the Court, after the other party or parties to the main proceedings and the Advocate General have been heard with respect to the request. If the request is granted, the requested language may be used by all the interested persons referred to in Article 23 of the Statute.

64. The exception referred to in the preceding point is, however, applicable only to preliminary ruling proceedings. Except in the cases referred to in point 62 of these Practice Directions, the parties to the proceedings in a direct action or an appeal are obliged to present oral argument, to make submissions in reply and to answer any questions put by the Court in the language of the case. ([3])

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

65. Without prejudice to the questions which may be asked by the members of the Court before or 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 still be required.

The third stage of the hearing: replies

66. After that exchange, the representatives of the parties or the interested persons referred to in Article 23 of the Statute 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

67. 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, the Advocate General and the interested persons referred to in Article 23 of the Statute 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 as soon as possible before the hearing to the interpretation directorate, either by email (Interpretation@curia.europa.eu) or by fax ((+ 352) 43033697). That text or those notes for the oral submissions are intended solely for the interpreters and are destroyed after the hearing. They are 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.

([3]) In the case of infringement proceedings, the defendant Member State is entitled to use, during the oral part of the procedure, a language other than that used during the written part, provided, however, that that other language is one of the official languages of that State and that a request to that effect has been submitted in good time, if possible in the response to the letter of notice to attend the hearing. If the request is granted, the requested language may be used by all the parties to the proceedings.

68. To facilitate interpretation and, therefore, comprehension of the oral submissions both by the members of the formation of the Court and the Advocate General responsible for the case and by the other parties present at the hearing, it is essential, during the hearing, to speak directly into the microphone, at a natural and unforced pace. It is helpful for the purposes of the interpretation if the person presenting oral argument states in advance the outline of his or her argument and uses short and simple sentences as a matter of course. When referring in his or her oral submissions to a decision of the Court of Justice or of the General Court, the person presenting oral argument is also requested to specify the date of that decision and the number and name of the case concerned.

The procedure following the hearing

69. 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**

70. The Practice directions to parties concerning cases before the Court of 25 November 2013 are hereby repealed and replaced by these Practice Directions.

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

Adopted at Luxembourg, 10 December 2019.