



Reports of Cases

ORDER OF THE GENERAL COURT (Appeal Chamber)

12 December 2013

Case T-436/13 P

Luigi Marcuccio

v

European Commission

(Appeal — Appeal submitted by fax within the prescribed period — Lawyer's signature on the fax different from that on the original of the appeal lodged by post — Original lodged out of time — Appeal out of time — Manifest inadmissibility)

Appeal: against the order of the Civil Service Tribunal of the European Union (First Chamber) of 28 May 2013 in Case F-67/11 *Marcuccio v Commission* [2013] ECR-SC, and seeking to have that order set aside.

Held: The appeal is dismissed. Mr Luigi Marcuccio is to bear his own costs.

Summary

Judicial proceedings — Application initiating proceedings — Formal requirements — Application lodged by fax within the time-limit for bringing proceedings — Lawyer's hand-written signature different from that on the original application sent by post — Consequence — Date of receipt of the fax not taken into account for assessing whether the time-limit for bringing proceedings has been met

(Statute of the Court of Justice, Art. 21; Rules of Procedure of the General Court, Art. 43(6))

Pursuant to Article 43(6) of the Rules of Procedure of the General Court, the date on which a copy of the signed original of a pleading is received at the Registry of the Court by fax or by any other technical means of communication is to be deemed to be the date of lodgment for the purposes of compliance with procedural time-limits only if the signed original of the pleading is lodged at the Registry no later than 10 days thereafter.

Where the signature of the lawyer representing an appellant at the bottom of the faxed appeal is not the same as the signature on the original appeal lodged subsequently, the date of receipt of the faxed appeal cannot be taken into account for the purpose of assessing whether the time-limit for bringing an appeal has been met. It follows that, in accordance with Article 43(6) of the Rules of Procedure of the General Court, only the date of receipt of the signed original must be taken into account for the purpose of assessing compliance with that time-limit.

(see paras 6, 8-9)

See:

29 November 2011, T-345/11 *ENISA v EDPS*, not published in the ECR, paras 15 to 17; 3 October 2012, T-360/10 *Tecnimed v OHIM — Ecobrand (ZAPPER-CLICK)*, not published in the ECR, paras 15 to 17, and the case-law cited therein; T-229/13 P *Marcuccio v Commission* [2013] ECR-SC, paras 14 and 15