

COURT OF JUSTICE OF THE EUROPEAN UNION

DECISION OF THE COURT OF JUSTICE

of 13 September 2011

on the lodging and service of procedural documents by means of e-Curia

(2011/C 289/06)

THE COURT OF JUSTICE,

Having regard to the Rules of Procedure and, in particular, Articles 37(7) and 79(3) thereof,

Whereas:

- (1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.
- (2) This application, which is based on an electronic authentication system using a combination of a user identification and a password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged,

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

Use of this application shall require a personal user identification and password.

Article 3

A procedural document lodged by means of e-Curia shall be deemed to be the original of that document for the purposes of the first subparagraph of Article 37(1) of the Rules of Procedure where the representative's user identification and password have been used to effect that lodgment. Such identification shall constitute the signature of the document concerned.

Article 4

A document lodged by means of e-Curia must be accompanied by the Annexes referred to therein and a schedule listing such Annexes.

It shall not be necessary to lodge certified copies of a document lodged by means of e-Curia or of any Annexes thereto.

Article 5

A procedural document shall be deemed to have been lodged for the purposes of Article 37(3) of the Rules of Procedure at the time of the representative's validation of lodgment of that document.

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

Article 6

Procedural documents, including judgments and orders, shall be served on the parties' representatives by means of e-Curia where they have expressly accepted this method of service or, in the context of a case, where they have consented to this method of service by lodging a procedural document by means of e-Curia.

Procedural documents shall also be served by means of e-Curia on Member States, other States which are parties to the Agreement on the European Economic Area and institutions, bodies, offices or agencies of the Union that have accepted this method of service.

Article 7

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

A procedural document shall be served at the time when the intended recipient (representative or his assistant) requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification e-mail was sent.

Where a party is represented by more than one agent or lawyer, the time to be taken into account in the reckoning of time-limits shall be the time when the first request for access was made.

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

Article 8

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

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

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

Article 9

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

Done at Luxembourg, 13 September 2011.

Registrar

A. CALOT ESCOBAR

President

V. SKOURIS
