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Contents

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

RULES OF PROCEDURE

RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

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RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth paragraph of Article 257 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 ([1]), and in particular Article 62c thereof and Article 7(1) of Annex I thereto,

Whereas:

(1) It is necessary to take account of the recasting of the Rules of Procedure of the Court of Justice, adopted on 25 September 2012 ([2]), while taking into consideration the specific nature of disputes referred to the Civil Service Tribunal.

(2) In addition, the application of the Rules of Procedure of the Civil Service Tribunal, adopted on 25 July 2007 ([3]), has demonstrated the need to adapt a number of its provisions.

(3) In particular, in the light of the experience gained, it is necessary, in addition, to supplement or clarify certain rules applicable, inter alia, to confidentiality and anonymity.

(4) In order to maintain the Tribunal's capacity, in the face of an increasing caseload, to dispose within a reasonable period of time of the cases brought before it, it is also necessary to continue the efforts made to reduce the duration of proceedings before it, in particular by limiting, where necessary, the length of procedural documents, except where an exception is justified by the special features of the case, and by strengthening the rules relating to the reimbursement of costs incurred by the Tribunal where an action is manifestly an abuse of process.

(5) In the interests of making the Rules applied by the Tribunal easier to understand, it is, lastly, necessary to review the structure of the Rules of Procedure, to clarify certain rules or their applicability, inter alia, so far as concerns measures of organisation of procedure, measures of inquiry, applications to set aside judgments by default and third-party proceedings, and to remove certain rules which have become outdated or were not applied,

With the agreement of the Court of Justice,

With the approval of the Council given on 14 April 2014,

HAS ADOPTED THESE RULES OF PROCEDURE:

INTRODUCTORY PROVISION

Article 1

Definitions

1. In these Rules:

(a) provisions of the Treaty on European Union are referred to by the number of the article concerned followed by 'TEU';

(b) provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU';

([1]) As amended, most recently, by Regulation (EU, Euratom) No 741/2012 of the European Parliament and of the Council of 11 August 2012 (OJ L 228, 23.8.2012, p. 1).
([2]) OJ L 265, 29.9.2012, p. 1.
([3]) OJ L 225, 29.8.2007, p. 1, with corrigenda at OJ L 69, 13.3.2008, p. 37 and at OJ L 162, 22.6.2011, p. 20, with the amendments of 14 January 2009, published at OJ L 24, 28.1.2009, p. 10, of 17 March 2010, published at OJ L 92, 13.4.2010, p. 17, and of 18 May 2011, published at OJ L 162, 22.6.2011, p. 19.

(c) provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article concerned followed by 'TEAEC';

(d) 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union;

(e) 'Staff Regulations' means the Regulation laying down the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the European Union.

2. For the purposes of these Rules:

(a) 'Tribunal' means the European Union Civil Service Tribunal or, for cases dealt with by a Chamber or a single Judge, that Chamber or that Judge;

(b) 'President of the Tribunal' means the President of that court exclusively, 'President' meaning the President of the formation of the court;

(c) 'Plenary meeting' means the collegial body composed of the Judges of the Tribunal, competent to rule on any administrative issue and on judicial issues relating to the assignment of cases to the various formations of the court or cross-cutting judicial issues, without, in the latter case, binding those formations;

(d) 'institutions' means the institutions of the European Union referred to in Article 13(1) TEU and bodies, offices and agencies established by the Treaties, or by an act adopted in implementation thereof, which may be parties before the Tribunal.

TITLE 1

ORGANISATION OF THE TRIBUNAL

CHAPTER 1

President and Members of the Tribunal

Article 2

Judges' term of office

1. The term of office of a Judge shall begin on the date laid down in his instrument of appointment.

2. In the absence of any provision regarding the date, the term shall begin on the date of publication of that instrument in the *Official Journal of the European Union*.

Article 3

Taking of the oath

Before taking up his duties, a Judge shall take the following oath, provided for in Article 2 of the Statute, before the Court of Justice:

'I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court.'

Article 4

Solemn undertaking

Immediately after taking the oath, a Judge shall sign a declaration by which he gives the solemn undertaking provided for in the third paragraph of Article 4 of the Statute.

Article 5

Depriving a Judge of his office

1. Where the Court of Justice is called upon, pursuant to Article 6 of the Statute, to decide, after consulting the Tribunal, whether a Judge of the Tribunal no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President of the Tribunal shall invite the Judge concerned to make representations.

2. The Tribunal shall deliberate in the absence of the Registrar.

Voting shall be by secret ballot; the Judge concerned shall not take part in the deliberations.

3. The Tribunal shall state the reasons for its opinion.

An opinion to the effect that a Judge no longer fulfils the requisite conditions or no longer meets the obligations arising from his office must receive the votes of at least a majority of the Judges of the Tribunal. In that event, particulars of the voting shall be communicated to the Court of Justice.

Article 6

Seniority

1. The Judges shall rank in seniority as follows:

— the President of the Tribunal;

— the Presidents of the Chambers according to their seniority in office as Members of the Tribunal;

— the other Judges, according to the same seniority.

2. Where there is equal seniority in office, seniority shall be determined by age.

3. Judges whose terms of office are renewed shall retain their seniority in office.

Article 7

Election of the President of the Tribunal

1. In accordance with Article 4(1) of Annex I to the Statute, the Judges shall elect the President of the Tribunal from among their number for a term of three years. He may be re-elected.

2. If the office of President of the Tribunal falls vacant before the normal date of expiry of his term, the Tribunal shall elect a successor for the remainder thereof.

3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges of the Tribunal shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

4. The name of the President of the Tribunal shall be published in the *Official Journal of the European Union*.

Article 8

Responsibilities of the President of the Tribunal

1. The President of the Tribunal shall preside at hearings and deliberations of:

— the full court;

— the Chamber of five Judges;

— any Chamber of three Judges to which he is attached.

2. The President of the Tribunal shall direct the judicial business and ensure the proper functioning of the services of the Tribunal. He shall preside at the plenary meeting.

3. The President of the Tribunal shall represent the Tribunal.

Article 9

Replacement of the President of the Tribunal

When the President of the Tribunal is absent or prevented from acting or when the office of President is vacant, the functions of President shall be exercised according to the order of seniority laid down pursuant to Article 6.

CHAPTER 2

Formations of the court

Article 10

Formations of the court

By virtue of Article 4(2) of Annex I to the Statute, the Tribunal shall sit in full court, in a Chamber of five Judges, Chambers of three Judges or as a single Judge.

Article 11

Constitution of Chambers

1. The Tribunal shall set up Chambers of three Judges. It may set up a Chamber of five Judges.

2. The Tribunal shall decide which Judges shall be attached to the Chambers. If the number of Judges attached to a Chamber is greater than the number of Judges sitting, it shall decide how to designate the Judges taking part in the formation of the court.

3. Decisions taken in accordance with this article shall be published in the *Official Journal of the European Union*.

Article 12

Presidents of Chambers

1. In accordance with Article 4(3) of Annex I to the Statute, the Judges shall elect from among their number for a term of three years the Presidents of the Chambers of three Judges. They may be re-elected.

2. Article 7(2) to (4) shall apply.

3. The Presidents of Chambers shall direct the judicial business of their Chambers and shall preside at hearings and deliberations.

4. When the President of a Chamber is absent or prevented from acting or when the office of President is vacant, the Chamber shall be presided over by a member thereof according to the order of seniority laid down pursuant to Article 6.

5. If, exceptionally, the President of the Tribunal is called upon to complete the formation of the court, he shall preside.

Article 13

Ordinary formation of the court — Assignment of cases to Chambers

1. Without prejudice to Article 14 or Article 15, the Tribunal shall sit in Chambers of three Judges.

2. The Tribunal shall lay down criteria by which cases are to be assigned or reassigned to the Chambers, in particular on account of the connection between cases or to ensure a balanced and consistent allocation of the workload between those Chambers.

3. The decision provided for in the previous paragraph shall be published in the *Official Journal of the European Union*.

Article 14

Referral of a case to the full court or to the Chamber of five Judges

1. Whenever the difficulty of the questions of law raised or the importance of the case or special circumstances so justify, a case may be referred to the full court or to the Chamber of five Judges.

2. The decision to refer shall be taken by the Tribunal in plenary formation on a proposal by the Chamber hearing the case or by any member of the Tribunal. It may be taken at any stage of the proceedings.

Article 15

Referral of a case to a single Judge

1. Cases assigned to a Chamber of three Judges may be heard and determined by the Judge-Rapporteur sitting as a single Judge where, having regard to the lack of difficulty of the questions of law or fact raised, to the limited importance of the case and to the absence of other special circumstances, they are suitable for being so heard and determined.

Referral to a single Judge shall not be possible in cases which raise issues as to the legality of an act of general application, unless the Court of Justice, the General Court or the Tribunal has already given a ruling on those issues.

2. The decision to refer shall be taken unanimously, the parties having been heard, by the Chamber before which the case is pending. It may be taken at any stage of the proceedings.

3. If the single Judge to whom the case has been referred is absent or prevented from acting, the President shall designate another Judge to replace that Judge.

4. The single Judge shall refer the case back to the Chamber if he finds that the conditions set out in paragraph 1 are no longer satisfied.

5. In cases heard by a single Judge, the powers of the President shall be exercised by that Judge.

CHAPTER 3

Registry and administrative services

Section 1

The Registry

Article 16

Appointment of the Registrar

1. The Tribunal shall appoint the Registrar.

2. When the post of Registrar is vacant, an advertisement shall be published in the *Official Journal of the European Union*. Interested persons shall be invited to submit their applications within a time-limit of not less than three weeks, accompanied by full details of their university degrees, knowledge of languages, present and past professional occupations, experience, if any, in judicial and international fields, and their nationality.

3. Two weeks before the date fixed for making the appointment, the President of the Tribunal shall inform the Judges of the applications which have been submitted for the post.

4. The vote shall take place in accordance with the procedure laid down in Article 7(3).

5. The Registrar shall be appointed for a term of six years. He may be reappointed. The Tribunal may decide to renew the term of office of the incumbent Registrar without availing itself of the procedure laid down in paragraphs 2 and 3 of this Article. In that case, the procedure laid down in paragraph 4 shall apply.

6. Before he takes up his duties, the Registrar shall take before the Tribunal the oath set out in Article 3 and sign the declaration provided for in Article 4.

7. The name of the Registrar shall be published in the *Official Journal of the European Union*.

Article 17

Vacancy of the office of Registrar

1. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his office. The Tribunal shall take its decision after giving the Registrar an opportunity to make representations.

2. If the office of Registrar falls vacant before the normal date of expiry of the term thereof, the Tribunal shall appoint a new Registrar for a term of six years.

Article 18

Deputy Registrar

The Tribunal may, following the procedure laid down in respect of the Registrar, appoint a Deputy Registrar to assist the Registrar and to take his place if he is absent or prevented from acting.

Article 19

Absence or inability to act of the Registrar

1. Where the Registrar is absent or prevented from acting and where the Deputy Registrar, if any, is absent or so prevented, or where their posts are vacant, the President of the Tribunal shall designate an official or servant to carry out the duties of Registrar.

2. Where the Tribunal sits without the Registrar being present it shall, if necessary, instruct a Judge, designated in accordance with the reverse order of seniority to that referred to in Article 6, to draw up minutes. The minutes shall be signed by this Judge and by the President.

Article 20

Responsibilities of the Registrar

1. Under the authority of the President of the Tribunal, the Registrar shall be responsible for the Registry; he shall, inter alia, be responsible for the acceptance, transmission and custody of all documents and for effecting service as provided for by these Rules.

2. The Registrar shall assist the Members of the Tribunal in the performance of their functions. Subject to Articles 5, 17(1) and 29, the Registrar shall attend the sittings of the Tribunal and prepare minutes of them.

3. The Registrar shall have custody of the seals and shall be responsible for the records. He shall be in charge of the publications of the Tribunal and, in particular, the European Court Reports.

4. With the assistance of the services of the institution and under the authority of the President of the Tribunal, the Registrar shall be responsible for the administration of the Tribunal and shall oversee the implementation of corresponding revenue and expenditure.

Article 21

Keeping of the register

1. There shall be kept in the Registry, under the responsibility of the Registrar, a register in which all procedural documents shall be entered in the order in which they are submitted. Entries in the register and the notes made by the Registrar on the originals or on any copy submitted for the purpose shall be authentic.

2. Documents drawn up for the purposes of an amicable settlement within the meaning of Article 90 shall be registered separately by the Registry.

Article 22

Consultation of the file and of the register

1. Without prejudice to Articles 44(3), 47 and 87(3), any party to proceedings may:

— consult at the Registry the case-file and the extracts from the register concerning his case;

— obtain, on payment of a charge on a scale fixed by the Tribunal on a proposal from the Registrar, additional copies of the procedural documents, of their annexes, of orders and judgments, and copies of other items of evidence in the file and extracts from the register; those copies shall be, where necessary, certified copies.

2. No third party, private or public, may consult a case-file without the express authorisation of the President of the Tribunal, after the parties have been heard. That authorisation may be granted, in whole or in part, only upon written request accompanied by a detailed explanation of the third party's legitimate interest in inspecting the file. The inspection may only be carried out at the Registry.

Any third party may obtain, on payment of the appropriate charge, copies of judgments and orders. Those copies shall be certified copies where there is a legitimate interest justifying this.

Any person having a duly substantiated interest may be authorised by the President of the Tribunal to consult the register at the Registry and obtain copies or extracts on payment of the appropriate charge.

On the issue of copies of judgments or orders, and on the grant of the authorisation referred to in the first or third subparagraph of this paragraph, account shall be taken, if necessary, of Articles 44(3), 47, 48 and 87(3) and of decisions taken on the basis of those articles.

Section 2

The administrative services

Article 23

Officials and other servants

The officials and other servants whose task is to assist directly the President of the Tribunal, the Judges and the Registrar shall be appointed in accordance with the Staff Regulations. They shall be responsible to the Registrar, under the authority of the President of the Tribunal.

CHAPTER 4

The functioning of the Tribunal

Article 24

Dates, times and location of the sittings of the Tribunal

1. The dates and times of the sittings of the Tribunal shall be fixed by the President.

2. The Tribunal may choose to hold one or more specific sittings in a place other than that in which it has its seat.

Article 25

Calendar of the Tribunal's judicial business

1. The judicial year shall begin on 1 October of each calendar year and end on 30 September of the following year.

2. The dates of the judicial vacations and the list of official holidays drawn up by the Court of Justice and published in the *Official Journal of the European Union* shall apply to the Tribunal.

3. During the vacations, the functions of President of the Tribunal shall be exercised at the place where the Tribunal has its seat either by the President of the Tribunal or by a President of Chamber or other Judge invited by the President to take his place. In a case of urgency, the President may convene the Judges.

4. The Tribunal may, in proper circumstances, grant leave of absence to any Judge.

Article 26

Quorum

Sittings of the Tribunal shall be valid only if the following quorum is observed:

— five Judges for the full court;

— three Judges for the Chamber of five Judges or for the Chambers of three Judges, in accordance with the second paragraph of Article 17 of the Statute.

Article 27

Absence or inability to act of a Judge

1. If, because a Judge is absent or prevented from acting, the quorum is not attained, the President shall adjourn the sitting until the Judge is no longer absent or prevented from acting.

2. In order to attain a quorum in a Chamber, the President may also, if the proper administration of justice so requires, complete the formation of the court with another Judge of the same Chamber or, failing that, propose that the President of the Tribunal should designate a Judge from another Chamber. The replacement Judge shall be designated by turn according to the reverse order to that provided for in Article 6.

3. If the formation of the court is completed pursuant to paragraph 2 after the hearing, the oral part of the procedure shall be reopened, unless the Tribunal decides, with the agreement of the parties and in order to be able to rule on the case within a reasonable period, not to organise a new hearing. The reopening of the oral part of the procedure shall be obligatory where the absence or inability to act concerns more than one Judge who has participated in the hearing.

Article 28

Absence or inability to act, before the hearing, of a Judge of the Chamber of five Judges

If, in the Chamber of five Judges, a Judge is absent or prevented from acting before the hearing, the President of the Tribunal shall designate another Judge according to the reverse order of seniority to that referred to in Article 6. If the number of five Judges cannot be restored, the hearing may nevertheless be held, provided that the quorum is attained.

Article 29

Procedures concerning deliberations

1. The deliberations of the Tribunal shall be and shall remain secret.

2. Without prejudice to Article 27(3), when a hearing has taken place, only those Judges who participated in that hearing shall take part in the deliberations.

3. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

4. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Tribunal.

5. Where the deliberations of the Tribunal concern questions of its own administration, the Registrar shall be present, unless the Tribunal decides to the contrary.

Article 30

Number of Judges taking part in the deliberations

In accordance with the first paragraph of Article 17 of the Statute and the first paragraph of Article 5 of Annex I to the Statute, if, in the Chamber of five Judges or in the full court, there is an even number of Judges, as a result of a Judge's being absent or prevented from acting, the Judge who is the first in the reverse order to that provided for in Article 6 shall abstain from taking part in the deliberations, unless he is the Judge-Rapporteur. In that last case, the Judge who ranks immediately after him in that reverse order shall abstain from taking part in the deliberations.

TITLE 2

PROCEDURAL PROVISIONS

CHAPTER 1

General provisions

Section 1

Agents, advisers and lawyers

Article 31

Status of agent, adviser or lawyer

1. Pursuant to the first paragraph of Article 19 of the Statute, the agents, advisers or lawyers acting on behalf of a Member State or an institution are required to furnish proof of their status by lodging at the Registry an official document or an authority to act issued by the party whom they are representing or assisting.

2. Pursuant to the first, third and fourth paragraphs of Article 19 of the Statute, lawyers are required to furnish proof of their status by lodging at the Registry a certificate that they are 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.

Article 32

Privileges, immunities and facilities

1. Agents, advisers and lawyers who appear before the Tribunal or before any judicial authority to which it has addressed letters rogatory shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. Agents, advisers and lawyers shall also enjoy the following privileges and facilities:

(a) all papers and documents relating to the proceedings shall be exempt from both search and seizure. In the event of a dispute, the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the Tribunal for inspection in the presence of the Registrar and of the person concerned;

(b) agents, advisers and lawyers shall be entitled to travel in the course of their duty without hindrance.

3. Agents, advisers and lawyers shall be entitled to the privileges, immunities and facilities specified in paragraphs 1 and 2, provided they observe beforehand the formalities set out in Article 31. The Registrar of the Tribunal shall issue them with a certificate, as required. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.

Article 33

Waiver of immunity

1. The privileges, immunities and facilities specified in Article 32 are granted exclusively in the interests of the proper conduct of proceedings.

2. The Tribunal may waive immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

The Tribunal shall decide after hearing the agent, adviser or lawyer concerned.

Article 34

Exclusion from the proceedings

1. If the Tribunal considers that the conduct of an agent, adviser or lawyer before the Tribunal is incompatible with the dignity of the Tribunal or with the requirements of the proper administration of justice, or that such agent, adviser or lawyer is using his rights for purposes other than those for which they were granted, it shall inform the person concerned. The President of the Tribunal may inform the competent authorities to whom the person concerned is answerable; a copy of the letter sent to those authorities shall be forwarded to the person concerned.

2. On the same grounds, the Tribunal may at any time, having heard the person concerned, decide to exclude an agent, adviser or lawyer from the proceedings by reasoned order. That order shall have immediate effect.

3. Where an agent, adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another agent, adviser or lawyer.

4. Decisions taken under this Article may be rescinded.

Article 35

University teachers

The provisions of this Section shall apply to university teachers who have a right of audience before the Tribunal in accordance with Article 19 of the Statute.

Section 2

Service of documents

Article 36

Service of documents

1. Where these Rules require that a document be served on a person, the Registrar shall ensure that service is effected at that person's address for service either by dispatch by registered post with a form for acknowledgement of receipt or by personal delivery against a receipt. The Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with the second subparagraph of Article 45(2).

2. Where the addressee has agreed that service is to be effected on him by telefax, any procedural document, including a judgment or order of the Tribunal, shall be served by the transmission of a copy of the document by such means.

3. Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has not specified an address for service, at his address in accordance with the procedures laid down in paragraph 1 of this Article. The addressee shall be so informed by telefax. 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 Tribunal 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 by telefax, that the document to be served has not reached him.

4. The Tribunal may, by decision, determine 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*.

Section 3

Time-limits

Article 37

Calculation of time-limits

1. Any procedural time-limit prescribed by the Treaties, the Statute, the Staff Regulations or these Rules shall be calculated as follows:

(a) where a time-limit expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the time-limit in question;

(b) a time-limit expressed in weeks, months or years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the time-limit is to be calculated occurred or took place. If, in a time-limit expressed in months or years, the day on which it should expire does not occur in the last month, the time-limit shall end with the expiry of the last day of that month;

(c) where a time-limit is expressed in months and days, it shall first be calculated in whole months, then in days;

(d) time-limits shall include Saturdays, Sundays and the official holidays referred to in Article 25(2);

(e) time-limits shall not be suspended during the judicial vacations.

2. If the time-limit, extended in accordance with Article 38, would otherwise end on a Saturday, Sunday or an official holiday, it shall be extended until the end of the first subsequent working day.

Article 38

Extension on account of distance

The prescribed time-limits shall be extended on account of distance by a single period of 10 days.

Article 39

Setting and extension of time-limits

1. Dates or time-limits by which procedural documents must be lodged which are not fixed by the Staff Regulations or by these Rules shall be prescribed by the President. They may also be extended by him.

By way of derogation from the first subparagraph, the dates or time-limits by which replies to measures of organisation of procedure prescribed by the Judge-Rapporteur under Article 69(2) must be lodged shall be fixed and, if appropriate, extended by the Judge-Rapporteur.

2. The President, or the Judge-Rapporteur in the case referred to in the second subparagraph of paragraph 1, may delegate power to the Registrar for the purpose of fixing or extending certain time-limits which, pursuant to these Rules, it falls to the President or Judge-Rapporteur to prescribe or extend.

3. The Tribunal shall decide, after hearing the parties, whether the failure to observe dates or time-limits which are not fixed by the Staff Regulations or by these Rules renders the procedural document or reply at issue inadmissible.

The preceding subparagraph shall apply to the failure to observe the time-limit prescribed in the first subparagraph of Article 88(3) for the lodging of the statement in intervention.

Section 4

Procedures for dealing with cases

Article 40

Procedures for dealing with cases

1. Without prejudice to the special provisions laid down in the Statute or in these Rules, the procedure before the Tribunal shall consist of a written part and an oral part.

2. By way of derogation from paragraph 1, a case may be dealt with under one of the procedures referred to in Chapter 4 of this title. The Tribunal may also, at any time, attempt to facilitate the amicable settlement of the dispute.

Article 41

Order in which cases are to be dealt with

1. The Tribunal shall deal with the cases before it in the order in which they become ready for examination.

2. The President may in special circumstances, after hearing the parties, direct that a particular case be given priority, in particular where that case may be treated as a test case among a group of cases raising, in a similar factual context, one or more identical questions of law.

The President shall if necessary refer the matter to the President of the Tribunal.

3. The President may, after hearing the parties, in special circumstances, in particular with a view to facilitating an amicable settlement of the dispute, either on his own initiative or at the request of one of the parties, defer a case to be dealt with later.

Article 42

Conditions and procedure for staying of proceedings

1. Without prejudice to Articles 125(5), 126(4) and 127(6), proceedings may be stayed:

(a) where the Tribunal and either the General Court or the Court of Justice are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called into question;

(b) where an appeal is brought before the General Court against a decision of the Tribunal disposing of the substantive issues in part only, disposing of a procedural issue concerning a plea of lack of competence or inadmissibility or dismissing an application to intervene;

(c) where the Tribunal is seised of cases raising, in a similar factual context, one or more identical questions of law and one or more of those cases may be treated as test cases;

(d) at the request of the parties or of one of them;

(e) in other particular cases where the proper administration of justice so requires.

2. The President shall decide, after hearing the parties. He may refer the matter to the Tribunal. In the event of an objection, a decision on the staying of proceedings shall be made by reasoned order.

3. Any decision ordering the resumption of proceedings before the end of the stay or as referred to in Article 43(3) shall be adopted in accordance with the same procedure.

Article 43

Duration and effects of a stay of proceedings

1. The stay of proceedings shall take effect on the date indicated in the decision or order of stay or, in the absence of such indication, on the date of that decision or that order.

2. While proceedings are stayed time shall cease to run for the purposes of procedural time-limits, except for the time-limit prescribed in Article 86(1) for an application to intervene.

3. Where the decision or order of stay does not fix the length of stay, it shall end on the date indicated in the decision or order of resumption or, in the absence of such indication, on the date of the decision or order of resumption.

4. From the date of resumption of proceedings following a stay, the suspended procedural time-limits shall be replaced by new time-limits and time shall begin to run from the date of that resumption.

Article 44

Joinder, disjoinder and separation

1. Two or more cases may be joined, on account of the connection between them, for the purposes of the written or oral part of the procedure or of the decision which closes the proceedings.

A decision on whether cases should be joined shall be taken at any time by the President, after hearing the parties. In the event of an objection, that decision shall take the form of a reasoned order. The President may refer that matter to the Tribunal.

2. In accordance with the provisions of the second subparagraph of paragraph 1, the President may disjoin previously joined cases or separate the case of one or more applicants who, together with others, have brought a group action.

3. The representatives of the parties to the joined cases may examine at the Registry the procedural documents served on the parties in the other cases concerned. The President may, however, on application by a party, without prejudice to Article 47(1) and (2), exclude secret or confidential documents from that examination.

Section 5

Procedural and other documents and items of evidence

Article 45

Lodging of procedural documents

1. All procedural documents shall bear a date. In the calculation of procedural time-limits, only the date and time of lodging of the original at the Registry shall be taken into account.

To every procedural document there shall be annexed a file containing the items of evidence and documents relied on in support of it, together with a schedule listing them.

Where in view of the length of an item of evidence or document only extracts from it are annexed to the procedural document, the whole item of evidence or document or a full copy of it shall be lodged at the Registry.

The institutions shall in addition produce, within time-limits laid down by the Tribunal, translations of the procedural documents of which they are the author into the other languages provided for by Article 1 of Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community.

2. The original paper version of every procedural document must bear the handwritten signature of the party's agent or lawyer.

The original, accompanied by all annexes referred to therein, shall be submitted together with five copies for the Tribunal and a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.

By way of derogation from the second sentence of the first subparagraph of paragraph 1, the date on and time at which a copy of the signed original of a procedural document, including the schedule of items of evidence and documents referred to in the second subparagraph of paragraph 1 is received at the Registry by telefax 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 and copies referred to in the second subparagraph of paragraph 1, is lodged at the Registry no later than 10 days after the copy of the original was received. Article 38 shall not apply to this period of 10 days.

3. The Tribunal shall, by decision, determine 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*.

Article 46

Length of procedural documents

Without prejudice to any special provisions laid down in these Rules, the Tribunal may, by decision adopted in accordance with Article 132, set the maximum length of procedural documents lodged before it. That decision shall be published in the *Official Journal of the European Union*.

Article 47

Confidentiality of documents and items of evidence

1. Subject to Article 44(3) and Article 87(3), the Tribunal shall take into consideration only those documents and items of evidence which have been made available to the agents, advisers or lawyers of the parties and on which they have been given an opportunity of expressing their views.

2. Where it is necessary for the Tribunal to verify the confidentiality, in respect of one or more parties, of a document that may be relevant in order to rule in a case, that document shall not be communicated to the parties before such verification is completed.

3. Where a document to which access has been denied by an institution has been produced before the Tribunal in proceedings relating to the legality of that denial, that document shall not be communicated to the other parties.

Article 48

Anonymity

1. The applicant shall be informed, as soon as the action has been brought, that the Tribunal's decisions are published on the internet. On a reasoned application or of its own motion, the Tribunal shall omit the name of the applicant and, if necessary, other information from the publications of the Tribunal, if there are legitimate reasons for that anonymity.

The first subparagraph shall apply to interveners who are natural persons.

2. On a reasoned application by a party or of its own motion, the Tribunal may omit the names of other persons or entities mentioned in connection with the proceedings, or certain information concerning them, from documents issued by the Tribunal, if there are legitimate reasons for keeping the identity of those persons or entities or the information confidential.

CHAPTER 2

Ordinary procedure

Section 1

Written part of the procedure

Article 49

General rule

The written part of the procedure shall comprise the lodging of the application and of the defence and, in the circumstances provided for in Article 55, the lodging of a reply and a rejoinder.

Article 50

Application

1. An application of the kind referred to in Article 21 of the Statute shall state:

(a) the name and address of the applicant;

(b) the professional capacity and address of the signatory;

(c) the name of the party against whom the application is made;

(d) the subject-matter of the proceedings and the form of order sought by the applicant;

(e) a clear summary of the relevant facts presented in chronological order, and a separate, precise and structured summary of the pleas in law and arguments of law relied on;

(f) where appropriate, any evidence offered.

2. To the application there shall be annexed, where appropriate:

(a) the act of which annulment is sought;

(b) the complaint within the meaning of Article 90(2) of the Staff Regulations and the decision responding to the complaint together with an indication of the dates on which the complaint was submitted and the decision notified.

3. For the purposes of the proceedings, the application shall state:

— an address for service and the name of the person authorised to accept service; or

— the agreement of the applicant's lawyer to receive service of documents by the electronic means referred to in Article 36(4) or by telefax; or

— the three methods of service of documents referred to above.

4. If the application does not comply with the requirements referred to in paragraph 3, for the purposes of the proceedings service on the party concerned shall be effected, until the defect has been remedied, by registered letter addressed to that party's representative. By way of derogation from Article 36(1), service shall then be deemed to have been duly effected by the lodging of the registered letter at the post office of the place where the Tribunal has its seat.

5. The applicant's lawyer must attach to the application the document referred to in Article 31(2).

6. If the application does not comply with the requirements set out in the second and third subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), in Article 46 or in paragraph 1(a), (b) and (c), in paragraph 2 or in paragraph 5 of this Article, the Registrar shall prescribe a time-limit within which the applicant is to put the application in order. If the applicant fails to put the application in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application formally inadmissible.

Article 51

Service of the application and notice in the Official Journal

1. The application shall be served on the defendant. In the cases provided for by Article 50(6), service shall be effected as soon as the application has been put in order or, failing that, as soon as the Tribunal has declared it admissible.

2. Notice shall be given in the *Official Journal of the European Union* of the date on which the application was lodged, the defendant, the subject-matter and description of the proceedings and the form of order sought by the applicant.

Article 52

First assignment of a case to a formation of the court

As soon as the application initiating proceedings has been lodged, the President of the Tribunal shall assign the case to one of the Chambers of three Judges in accordance with the criteria set out in Article 13(2).

The President of that Chamber shall propose to the President of the Tribunal, in respect of each case assigned, the designation of a Judge to act as Rapporteur. The President of the Tribunal shall decide on the proposal.

Article 53

Defence

1. Within two months after service of the application, the defendant shall lodge a defence stating:

(a) the name and address of the defendant;

(b) the professional capacity and address of the signatory;

(c) the form of order sought by the defendant;

(d) the legal context of the case, a clear summary of the relevant facts presented in chronological order, and a separate, precise and structured summary of the pleas in law and arguments of law relied on;

(e) where appropriate, any evidence offered.

2. The provisions of Article 50(3) and (4) shall apply.

3. The agent representing the defendant and the adviser or lawyer assisting him are required to lodge at the latest together with the defence the documents referred to in Article 31.

To the defence shall be annexed the texts not published in the *Official Journal of the European Union* and which form the legal context of the case, together with details of the dates on which they were adopted, on which they entered into force and, where applicable, on which they were repealed.

4. If the defence does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), in Article 46 or in paragraph 3 of this Article, the Registrar shall prescribe a time-limit within which the defendant is to put the defence in order. If the defendant fails to put the defence in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the defence formally inadmissible.

5. The time-limit laid down in paragraph 1 may, in exceptional circumstances, be extended by the President at the duly reasoned request of the defendant or of the President's own motion in the interests of the proper administration of justice.

Article 54

Transmission of documents

Where the European Parliament, the Council or the European Commission is not a party to a case, the Tribunal shall send them copies of the application and of the defence, without the annexes thereto, to enable them to assess whether the inapplicability of one of their acts is being invoked under Article 277 TFEU.

Article 55

Second exchange of pleadings

1. Pursuant to Article 7(3) of Annex I to the Statute, the Tribunal may decide, either of its own motion or on a reasoned application by the applicant, that a second exchange of pleadings is necessary to supplement the documents before the Tribunal.

2. The Tribunal may restrict the second exchange of pleadings to questions of law or of fact which it shall specify.

3. If the pleading does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), in Article 46 or in paragraph 2 of this Article, the Registrar shall prescribe a time-limit within which the party concerned is to put the pleading in order. If the party concerned fails to put the pleading in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the pleading formally inadmissible.

Section 2

Pleas in law and evidence in the course of the procedure

Article 56

New pleas in law

1. No new plea in law may be introduced after the first exchange of pleadings unless it is based on matters of law or of fact which come to light in the course of the procedure.

2. If in the course of the procedure one of the parties puts forward a new plea in law, the President may, even after the expiry of the normal procedural time-limits, acting on a report of the Judge-Rapporteur, prescribe a time-limit within which the other party may respond to that plea.

3. Consideration of the admissibility of new pleas in law shall be reserved for the final decision.

Article 57

Production or offer to produce further evidence

The parties may produce or offer further evidence in support of their arguments up until the end of the hearing, on condition that the delay in producing or offering to produce it is duly justified. The other parties shall be given an opportunity to comment.

Section 3

The preliminary report

Article 58

Preliminary report

1. When the written part of the procedure is closed, the President shall fix a date on which the Judge-Rapporteur is to present his preliminary report to the Tribunal.

2. The preliminary report shall contain proposals as to whether measures of organisation of procedure or measures of inquiry should be undertaken, as to whether to dispense with a hearing, as to the possibility of an amicable settlement of the dispute and as to whether the case should be referred to the full court, to the Chamber of five Judges or to the Judge-Rapporteur sitting as a single Judge.

3. The Tribunal shall decide what action to take on the proposals of the Judge-Rapporteur.

Section 4

Oral part of the procedure

Article 59

Holding of hearings

1. Without prejudice to the special provisions of these Rules permitting the Tribunal to adjudicate by way of order, and subject to paragraph 2, the procedure before the Tribunal shall include a hearing.

2. Where there has been a second exchange of pleadings and the Tribunal considers that it is unnecessary to hold a hearing, it may, with the agreement of the parties, decide to proceed to judgment without a hearing.

Article 60

Date of the hearing

The President shall fix the date of the hearing.

Article 61

Joint hearing

If the similarities between two or more cases so permit, the Tribunal may decide to organise a joint hearing of those cases.

Article 62

Absence of the parties from the hearing

1. The representatives of the parties who have been duly summoned to the hearing shall be required to inform the Tribunal in good time if they will be absent.

The absence, without excuse, of a party's representative who has been duly summoned shall not prevent the hearing from taking place.

2. Where the representatives of all the parties have stated that they will not be present at the hearing, the Tribunal may decide that the oral part of the procedure is closed.

Article 63

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 oral proceedings in cases heard *in camera* in accordance with Article 31 of the Statute shall not be published.

3. A party may address the Tribunal only through his agent or lawyer.

4. The President and each of the Judges may in the course of the hearing:

(a) put questions to the parties' agents, advisers or lawyers;

(b) invite the parties themselves to express their views on certain aspects of the case.

Article 64

Close or re-opening of the oral part of the procedure

1. The President shall declare the oral part of the procedure closed at the end of the hearing.

2. The Tribunal may order the reopening of the oral part of the procedure.

Article 65

Minutes of the hearing

The Registrar shall draw up minutes of every hearing. The minutes shall be signed by the President and by the Registrar. They shall constitute an official record and shall be served on the parties.

Article 66

Recording of the hearing

The President may, on a duly substantiated request, authorise a party to listen, on the Tribunal's premises, to the sound-track of the hearing in the language used by the speaker during that hearing.

CHAPTER 3

Measures of organisation of procedure and measures of inquiry

Section 1

Objectives

Article 67

Objectives

The purpose of measures of organisation of procedure and measures of inquiry shall be to ensure that cases are prepared for hearing under the best possible conditions, to ensure efficient conduct of the written and oral part of the procedure and to facilitate the taking of evidence and the resolution of disputes.

Section 2

Measures of organisation of procedure

Article 68

Purpose

Measures of organisation of procedure may, in particular, consist of:

(a) putting questions to the parties;

(b) inviting the parties to make written or oral submissions on certain aspects of the proceedings and, in particular, to clarify the forms of order they are seeking and their pleas in law and arguments or to clarify the points at issue;

(c) asking the parties for information or particulars;

(d) asking the parties to produce documents or any items of evidence relating to the case;

(e) inviting the participants in the hearing to concentrate in particular in their oral pleadings on one or more specified issues;

(f) summoning the parties to meetings.

Article 69

Procedure

1. Measures of organisation of procedure may be adopted or varied at any stage of the proceedings. They shall be prescribed if necessary of the Judge-Rapporteur's or the Tribunal's own motion.

2. Measures of organisation of procedure shall be prescribed by the Judge-Rapporteur unless he refers the matter to the Tribunal on account of the scope of the measures envisaged or of their importance to the disposal of the case.

3. Each party may propose the adoption or modification of measures of organisation of procedure.

4. The Registrar shall be responsible for notifying measures of organisation of procedure to the parties.

5. If the written observations submitted by the parties do not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put the observations in order. If the party concerned fails to put the observations in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the observations formally inadmissible.

Section 3

Measures of inquiry

Article 70

Purpose

Without prejudice to the provisions of Articles 24 and 25 of the Statute, the following measures of inquiry may be adopted:

(a) the appearance of the parties themselves;

(b) asking third parties for information or particulars;

(c) asking third parties to produce documents or any items of evidence relating to the case;

(d) oral testimony;

(e) the commissioning of an expert's report;

(f) an inspection of the place or thing in question;

(g) asking a party to produce documents or any items of evidence relating to the case, where that party refuses to comply with a measure of organisation of procedure adopted for that purpose.

Article 71

Procedure

1. The measures of inquiry necessary for disposing of the case may be adopted or varied at any stage of the proceedings. They shall be prescribed by the Tribunal, if necessary of its own motion.

2. Each party may propose the adoption or modification of measures of inquiry by stating precisely their subject-matter and the reasons which justify their adoption or modification. The other parties shall be heard before those measures can be adopted.

3. Where the procedural circumstances so require, the parties shall be requested to submit their observations on the measures envisaged by the Tribunal and referred to in Article 70(a), (b), (c) and (g).

4. The decision concerning:

— the measures referred to in Article 70(a), (b) and (c) shall be notified to the parties by the Registrar;

— the measures referred to in Article 70(d), (e) and (f) shall be taken by means of an order setting out the facts to be proved, after the parties have been heard;

— the measure referred to in Article 70(g) shall be adopted by means of an order.

5. Where the Tribunal decides to adopt a measure of inquiry but does not undertake such a measure itself, it shall entrust the task of so doing to the Judge-Rapporteur.

6. The parties shall be entitled to attend the measures of inquiry.

7. A party may submit evidence in rebuttal or amplify previous evidence at any stage of the proceedings.

Article 72

Summoning of witnesses

A witness whose examination is considered necessary shall be summoned by the Tribunal. The order referred to in Article 71(4), second indent, shall contain the following information:

(a) the surname, forenames, professional capacity and residence of the witness;

(b) the date and place of the hearing;

(c) an indication of the facts about which the witness is to be heard;

(d) where appropriate, particulars of the arrangements made under Article 78 by the Tribunal for reimbursement of expenses incurred by the witness, and of the sanctions which may be imposed on defaulting witnesses under Article 74.

Article 73

Examination of witnesses

1. After the identity of the witness has been established, the President or the Judge-Rapporteur made responsible by the Tribunal for conducting the examination of the witness shall instruct the witness to tell the truth and shall draw his attention to the consequences provided for by his national law in the event of any breach of that obligation.

2. Unless they are exempted, the parties having been heard, witnesses shall take the following oath before giving evidence:

'I swear that I shall tell the truth, the whole truth and nothing but the truth.'

3. The witness shall give his evidence to the Tribunal or to the Judge-Rapporteur, the parties having been given notice to attend. After the witness has given his main evidence the Tribunal or the Judge-Rapporteur may, at the request of a party or of the Tribunal's or the Judge-Rapporteur's own motion, put questions to him.

Subject to the control of the President or of the Judge-Rapporteur, questions may be put to witnesses by the agents, advisers or lawyers of the parties.

4. The Registrar shall draw up minutes in which the evidence of the witnesses is reproduced.

The minutes shall be signed by the President or by the Judge-Rapporteur, and by the Registrar. Before the minutes are thus signed, witnesses shall be given an opportunity to verify the content of the minutes and to sign them.

The minutes shall constitute an official record. They shall be served on the parties.

Article 74

Duties of witnesses

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If, without good reason, a witness who has been duly summoned fails to appear before the Tribunal, the latter may impose upon him a pecuniary penalty not exceeding EUR 5 000 and may order that a further summons be served on the witness at his own expense.

3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath.

4. If a witness proffers a valid excuse to the Tribunal that he was unable to submit beforehand, the pecuniary penalty imposed on him may be cancelled. The pecuniary penalty imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

Article 75

Experts' reports

1. The order by which the Tribunal appoints the expert shall define his task and set a time-limit within which he is to submit his report.

2. The expert shall receive a copy of the order, together with all the items of evidence necessary for carrying out his task. He shall be instructed to tell the truth and to carry out his task conscientiously and impartially and his attention shall be drawn to the consequences provided for by his national law in the event of any breach of those obligations.

3. The expert shall be under the supervision of the Judge-Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

4. At the request of the expert, the Tribunal may order the examination of witnesses. Their examination shall be carried out in accordance with Article 73.

5. The expert may give his opinion only on points which have been expressly referred to him.

6. Unless he is exempted by the Tribunal, the parties having been heard, the expert shall take the following oath when submitting his report:

'I swear that I have conscientiously and impartially carried out my task.'

7. After the expert has submitted his report and that report has been served on the parties, the Tribunal may order that the expert be examined, after giving the parties notice to attend.

8. The President and each of the Judges may put questions to the expert. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

9. The Registrar shall draw up minutes in which the evidence of the expert is reproduced. The minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the expert, and by the Registrar. Before the minutes are thus signed, the expert shall be given an opportunity to verify the content of the minutes and to sign them. Those minutes shall constitute an official record. They shall be served on the parties.

Article 76

Perjury and violation of the oath

1. Pursuant to Article 30 of the Statute, the Tribunal may decide to report to the competent authority, referred to in the Rules supplementing the Rules of Procedure of the Court of Justice, of the Member State whose courts have criminal jurisdiction any case of perjury on the part of a witness or expert before the Tribunal.

2. The Registrar shall be responsible for communicating the decision of the Tribunal. The decision shall set out the facts and circumstances on which the report is based.

Article 77

Objection to a witness or expert

1. If one of the parties objects to a witness or to an expert on the ground that he is not a competent or proper person to act as witness or expert or for any other reason, or if a witness or expert refuses to give evidence or to take the oath, the Tribunal shall adjudicate by way of reasoned order.

2. An objection to a witness or to an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 78

Witnesses' and experts' costs

1. Where the Tribunal orders the examination of witnesses or an expert's report, it may request the parties or one of them to lodge with the cashier of the Tribunal security for the witnesses' costs or the costs of the expert's report. The Tribunal shall determine the amount.

2. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The cashier of the Tribunal may make an advance payment towards these expenses.

3. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services. The cashier of the Tribunal shall pay witnesses and experts these sums after they have carried out their respective duties or tasks.

Article 79

Letters rogatory

1. The Tribunal may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts.

2. Letters rogatory shall be issued in the form of an order which shall contain the name, forenames, professional capacity and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their agents, advisers or lawyers, indicate their addresses and briefly describe the subject-matter of the proceedings.

3. The Registrar shall send the order to the competent authority, referred to in the Rules supplementing the Rules of Procedure of the Court of Justice, of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official language or languages of the Member State to which it is addressed.

The authority named pursuant to the first subparagraph shall pass on the order to the judicial authority which is competent according to its national law.

The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to the first subparagraph the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar.

4. The Registrar shall be responsible for the translation of the documents into the language of the case.

5. Where the Tribunal issues letters rogatory, it may request the parties or one of them to lodge with the cashier of the Tribunal security for the costs thereof. The Tribunal shall determine the amount.

CHAPTER 4

Preliminary objections and issues

Article 80

Declining of jurisdiction

1. In accordance with Article 8(2) of Annex I to the Statute, where the Tribunal finds that the action before it falls within the jurisdiction of the Court of Justice or of the General Court, it shall refer that action to the Court of Justice or to the General Court.

2. The Tribunal shall make its decision by way of reasoned order.

Article 81

Action manifestly bound to fail

Where it is clear that the Tribunal has no jurisdiction to hear and determine an action or certain of the claims therein or where the action is, in whole or in part, manifestly inadmissible or manifestly lacking any foundation in law, the Tribunal may at any time decide to give a decision by reasoned order without taking further steps in the proceedings.

Article 82

Absolute bar to proceeding with a case

The Tribunal may at any time, of its own motion, after hearing the parties, decide whether there exists any absolute bar to proceeding with a case. If the Tribunal considers that it possesses sufficient information, it may, without taking further steps in the proceedings, give a decision by way of reasoned order.

Article 83

Application for a decision not going to the merits of the case

1. A party applying to the Tribunal for a decision on admissibility, on lack of competence or on any other preliminary plea not going to the merits of the case shall submit the application by a separate document.

The application must contain the pleas of fact and law relied on and the form of order sought by the applicant; any supporting documents and items of evidence must be annexed to it.

2. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party may lodge a document containing the form of order sought and the arguments of fact and law relied on.

Unless the Tribunal otherwise decides, the remainder of the proceedings on the application shall be oral.

3. The Tribunal shall decide on the application by way of reasoned order and as soon as possible or, where special circumstances so justify, reserve its decision until it rules on the merits of the case.

If the Tribunal refuses the application or reserves its decision, the President shall prescribe new time-limits for the further steps in the proceedings.

Where the case falls within the jurisdiction of the Court of Justice or the General Court, the Tribunal shall refer the case to the court concerned in accordance with Article 80.

Article 84

Discontinuance

If the applicant informs the Tribunal, in writing or at the hearing, that he wishes to discontinue the proceedings, the President, after hearing the other parties, shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 103(5).

Article 85

Cases that do not proceed to judgment

1. If the Tribunal finds that an action has become devoid of purpose and that there is no longer any need to adjudicate on it, it may at any time, on application or of its own motion, after hearing the parties, close the proceedings by means of a reasoned order.

2. If the applicant ceases to reply to the Tribunal's requests, the Tribunal may find, on application or of its own motion, after hearing the parties, that there is no longer any need to adjudicate and close the proceedings by means of a reasoned order.

CHAPTER 5

Intervention

Article 86

Application to intervene

1. Any application to intervene must be made within six weeks of the date of publication of the notice referred to in Article 51(2).

2. The application to intervene shall contain:

(a) a description of the case;

(b) particulars of the main parties;

(c) the name and address of the intervener;

(d) the professional capacity and address of the signatory;

(e) the intervener's address for service or the agreement of the intervener's representative to receive service of documents by the electronic means referred to in Article 36(4) or by telefax;

(f) the form of order sought by the intervener, in support of or opposing the form of order sought by the applicant;

(g) a statement of the circumstances establishing the right to intervene pursuant to the second paragraph of Article 40 of the Statute or on the basis of a specific provision.

3. If the application to intervene does not comply with the requirements referred to in paragraph 2(e), for the purposes of the proceedings service on the party concerned shall be effected, until the defect has been remedied, by registered letter addressed to the intervener's representative. By way of derogation from Article 36(1), service shall then be deemed to have been duly effected by the lodging of the registered letter at the post office of the place where the Tribunal has its seat.

4. The intervener shall be represented in accordance with Article 19 of the Statute.

5. The intervener's agent, adviser or lawyer must attach to the application to intervene the documents referred to in Article 31.

6. If the application to intervene does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in paragraph 5 of this Article, the Registrar shall prescribe a time-limit within which the intervener is to put the application to intervene in order. If the intervener fails to put the application to intervene in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application to intervene formally inadmissible.

Article 87

Decision on applications to intervene

1. The application to intervene shall be served on the main parties, so as to permit them an opportunity to submit their written or oral observations and to indicate, where appropriate, those documents or items of evidence which they consider to be secret or confidential and which, in consequence, they do not wish to be communicated to the interveners.

2. Where the main parties have not, within the time-limit prescribed, put forward any objection to the application to intervene or identified secret or confidential items of evidence or documents which, if communicated to the intervener, the parties claim would be prejudicial to them, the intervention shall be authorised by decision of the President.

3. In any other case, the President shall decide by reasoned order on the application to intervene and, where applicable, on the communication of items of evidence or documents which it is claimed are secret or confidential. He may also refer those matters to the Tribunal which shall decide by the same means.

Article 88

Submission of statements and observations on them

1. If an intervention is allowed, the intervener must accept the case as he finds it at the time of his intervention.

2. The intervener shall receive a copy of all the procedural documents served on the main parties, except for items of evidence or documents which have been acknowledged to be secret or confidential under Article 87(3).

3. The intervener may submit a statement in intervention within one month after communication of the procedural documents referred to in paragraph 2. That time-limit may be extended by the President at the duly reasoned request of the intervener.

The statement in intervention shall contain:

(a) the form of order sought by the intervener;

(b) a clear summary of the relevant facts presented in chronological order, and a separate, precise and structured summary of the pleas in law and arguments of law relied on by the intervener;

(c) where appropriate, any evidence offered.

4. The statement in intervention shall be admissible only if it is made in support, in whole or in part, of the form of order sought by one of the main parties.

5. After the statement in intervention has been lodged, the President shall prescribe a time-limit within which the main parties may reply in writing to that statement or shall invite them to present their replies during the oral part of the procedure.

6. If the statement in intervention or the written observations of the parties do not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put the document in order. If the party concerned fails to put the document in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders that document formally inadmissible.

Article 89

Invitation to intervene

1. At any stage in the proceedings the President may, after hearing the parties, invite any person, any institution or any Member State concerned by the outcome of the dispute to inform the Tribunal, within the time-limit prescribed by the President, if he or it wishes to intervene in the proceedings. The notice referred to in Article 51(2) shall be mentioned in the invitation.

2. The person, institution or Member State who or which wishes to intervene shall submit an application to that effect to the Tribunal within the time-limit prescribed pursuant to paragraph 1. Article 86(2)(a) to (f) and Article 86(3) to (6) shall apply to that application.

3. The application to intervene shall be served on the main parties, so as to permit them to indicate, where appropriate, those items of evidence which they consider to be secret or confidential and which, in consequence, they do not wish to be communicated to the interveners.

Where the main parties have not, within the time-limit prescribed, identified secret or confidential items of evidence or documents which, if communicated to the intervener, the parties claim would be prejudicial to them, the intervention shall be allowed by decision of the President.

In any other case, the President shall decide by reasoned order on the application to intervene and, where applicable, on the communication of items of evidence and documents which it is claimed are secret or confidential. He may also refer those matters to the Tribunal which shall decide by the same means.

4. Article 88 shall apply.

CHAPTER 6

The amicable settlement of disputes

Article 90

Measures

1. The Tribunal may, at all stages of the procedure, examine the possibilities of an amicable settlement of the dispute between the applicant and the defendant.

The Tribunal shall instruct the Judge-Rapporteur, assisted by the Registrar, to seek the amicable settlement of a dispute.

2. The Judge-Rapporteur may propose one or more solutions capable of putting an end to the dispute, adopt appropriate measures with a view to facilitating its amicable settlement and implement the measures which he has adopted to that end.

He may, amongst other things:

— ask the parties to supply information or particulars;

— ask the parties to produce documents;

— invite to meetings the parties' representatives, the parties themselves or any official or other servant of the institution empowered to negotiate an agreement;

— on the occasion of the meetings referred to in the third indent, have contact with each of the parties separately, if they consent to that;

— suggest to the parties that a mediator be appointed.

3. Paragraphs 1 and 2 shall apply to proceedings for interim measures also.

Article 91

Agreement of the parties

1. Where the applicant and the defendant come to an agreement before the Judge-Rapporteur on a solution which brings the dispute to an end, the terms of that agreement may be recorded in a document signed by the Judge-Rapporteur and by the Registrar. That document shall be served on the parties and shall constitute an official record.

The case shall be removed from the register by reasoned order of the President.

At the request of the applicant and defendant, the President shall set out the terms of the agreement in the order removing the case from the register.

2. Where the applicant and the defendant notify the Tribunal that they have reached an agreement out of court as to the resolution of the dispute and state that they abandon all claims, the President shall order the case to be removed from the register.

3. The President shall give a decision as to costs in accordance with the agreement or, failing that, at his discretion.

Article 92

Amicable settlement and contentious proceedings

No opinion expressed, suggestion made, proposal put forward, concession made or document drawn up for the purposes of the amicable settlement may be relied on as evidence by the Tribunal or the parties in the contentious proceedings.

CHAPTER 7

Judgments and orders

Article 93

Date of delivery of a judgment

The parties shall be informed of the date of delivery of a judgment.

Article 94

Content of a judgment

A judgment shall contain:

— a statement that it is the judgment of the Tribunal;

— an indication as to the formation of the court;

— the date of delivery;

— the names of the President and of the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur;

— the name of the Registrar;

— particulars of the parties;

— the names of the parties' agents, advisers or lawyers;

— a statement of the forms of order sought by the parties;

— where applicable, the date of the hearing;

— a summary of the facts;

— the grounds for the decision;

— the operative part of the judgment, including the decision as to costs.

Article 95

Delivery and service of the judgment

1. The judgment shall be delivered in open court.

2. The original of the judgment, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be sealed and deposited at the Registry; the Registrar shall ensure that each of the parties is served with a copy of the judgment.

Article 96

Content of an order

1. Every order shall contain:

— a statement that it is the order of the Tribunal, the President of the Tribunal or the President;

— the date of its adoption;

— an indication as to the legal basis of the order;

— the names of the President and, where appropriate, the Judges taking part in its adoption, with an indication as to the name of the Judge-Rapporteur;

— the name of the Registrar;

— particulars of the parties;

— the names of the parties' agents, advisers or lawyers;

— the operative part of the order, including, where appropriate, the decision as to costs.

2. Where, in accordance with these Rules, an order must be reasoned, it shall in addition contain:

— a statement of the forms of order sought by the parties;

— a summary of the facts;

— the grounds for the decision.

Article 97

Signature and service of the order

The original of the order, signed by the President, shall be sealed and deposited at the Registry; the Registrar shall ensure that each of the parties is served with a copy of the order.

Article 98

Binding nature of judgments and orders

1. Subject to Article 12(1) of Annex I to the Statute, judgments shall be binding from the date of their delivery.

2. Subject to Article 12(1) of Annex I to the Statute, orders shall be binding from the date of their service.

Article 99

Publication in the Official Journal of the European Union

The decisions of the Tribunal closing the proceedings shall be the subject of a notice published in the *Official Journal of the European Union*.

CHAPTER 8

Costs

Article 100

Decision as to costs

A decision as to costs shall be given in the judgment or order which closes the proceedings.

Article 101

General rule as to allocation of costs

Without prejudice to the other provisions of this Chapter, the unsuccessful party shall bear his own costs and shall be ordered to pay the costs incurred by the other party if they have been applied for in the other party's pleadings. The unsuccessful party shall also be ordered to pay the costs payable, if any, under Article 105(a) or (b).

Article 102

Equity and unreasonable or vexatious costs

1. If equity so requires, the Tribunal may decide that an unsuccessful party is to bear his own costs, but is to pay only part of the costs incurred by the other party, or even that he is not to be ordered to pay any costs.

2. A successful party may be ordered to bear his own costs and to pay some or all of the costs incurred by the other party if this appears justified by the conduct of that party, including before the proceedings were brought, especially if he has made the other party incur costs which are held to be unreasonable or vexatious.

3. In the cases referred to in paragraphs 1 and 2, the Tribunal may also decide that the costs payable, if any, under Article 105(a) or (b) are to be shared, or even to order the successful party to pay all of those costs.

Article 103

Special rules as to allocation of costs

1. Where there is more than one unsuccessful party the Tribunal shall decide how the costs are to be shared.

2. Where each party succeeds on some and fails on other heads, the parties shall bear their own costs. However, if it appears justified in the circumstances of the case, the Tribunal may order that one party, in addition to bearing his own costs, pay a proportion of the costs of the other party.

3. If costs are not applied for, the parties shall bear their own costs.

4. The Member States and institutions which have intervened in the proceedings shall bear their own costs. Other interveners shall bear their own costs, unless the Tribunal decides otherwise.

5. A party who discontinues or withdraws from proceedings shall bear his own costs and shall be ordered to pay the costs incurred by the other party, and the costs payable, if any, under Article 105(a) or (b), if they have been applied for in the other party's observations on the discontinuance. However, upon application by the party who discontinues or withdraws from proceedings, those costs shall be borne by the other party if this appears justified by the conduct of that party.

6. Where a case does not proceed to judgment, the costs shall be in the discretion of the Tribunal.

7. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

Article 104

Costs of enforcing a judgment

Costs necessarily incurred by a party in enforcing a judgment or order of the Tribunal shall be refunded by the opposite party according to the scale in force in the State where the enforcement takes place.

Article 105

Recoverable costs

Without prejudice to the provisions of Articles 108 and 109, the following shall be regarded as recoverable costs:

(a) sums payable to witnesses and experts under Article 78;

(b) expenses occasioned by letters rogatory ordered by the Tribunal under Article 79;

(c) expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of the agent, adviser or lawyer.

Article 106

Dispute concerning the costs to be recovered

1. If there is a dispute concerning the costs to be recovered, the Tribunal shall, on application by the party concerned and after hearing the opposite party, give its decision by way of reasoned order.

In accordance with Article 11(2) of Annex I to the Statute, no appeal may lie from that order.

2. The parties may, for the purposes of enforcement, apply for a copy of the order.

Article 107

Procedure for payment

1. Sums due from the cashier of the Tribunal and from its debtors shall be paid in euros.

2. Where costs to be recovered have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, the conversion shall be effected at the European Central Bank's official rates of exchange on the day of payment.

Article 108

Court costs

Proceedings before the Tribunal shall be free of charge, except that:

(a) where the expenditure incurred by the Tribunal in the processing of an application or of any other procedural document or as a result of the conduct of a party during the proceedings was avoidable, inter alia, because that application, document or conduct was manifestly an abuse of process, the Tribunal may order the party that caused it to incur that expenditure to refund it in whole or in part, but the amount of that refund may not exceed EUR 8 000;

(b) where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Registrar considers it excessive, be paid for by that party on the Registry's scale of charges referred to in Article 22.

Article 109

Deposit in respect of actions which are an abuse of process

1. An applicant who has already made a number of applications or requests under Article 115 which have been found to be a manifest abuse of process in the decision closing the proceedings may, exceptionally, if his new application or request appears to be a manifest abuse of process, be ordered by the President of the Tribunal to deposit, with the cashier of the Tribunal, a maximum sum of EUR 8 000 to cover the amount of any payment ordered under Article 108.

The decision ordering the deposit shall state the reasons on which it is based. It shall fix the amount of the deposit required.

2. The proceedings shall be stayed until the deposit has been paid.

The sum deposited, together with the interest thereon, shall be refunded if the decision closing the proceedings does not order the applicant to make a payment under Article 108, or in so far as it exceeds the amount of that payment.

3. Where the sum is not deposited within the time-limit prescribed by the President of the Tribunal, the proceedings shall be closed in accordance with Article 85(2).

4. If the President of the Tribunal has taken the decision referred to in paragraph 1, he shall abstain from participating in the judgment of the action.

CHAPTER 9

Legal aid

Article 110

Substantive conditions

1. Any person who, because of his financial situation, is wholly or partly unable to meet the costs of the proceedings shall be entitled to legal aid.

The financial situation shall be assessed, taking into account objective factors such as income, capital and the family situation.

2. Legal aid shall be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded or if it is clear that the Tribunal has no jurisdiction to hear and determine that action.

Where the Tribunal finds that the proceedings fall within the jurisdiction of the General Court, the application for legal aid shall be referred to the General Court.

Article 111

Formal conditions

1. An application for legal aid may be made before the action has been brought or while it is pending.

The application need not be made through a lawyer.

2. The application for legal aid must be made in accordance with the standard form prescribed on the basis of Article 132 and available on the Tribunal's internet site. It must be signed by the applicant or, where he is represented, by a lawyer.

3. The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation.

If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard.

If the applicant is represented by a lawyer, the application for legal aid shall be accompanied by the document referred to in Article 31(2).

Article 112

Procedure and decision

1. Before giving its decision on an application for legal aid, the Tribunal shall invite the other party to submit its written observations unless it is already apparent from the information produced that legal aid must be refused on the basis of the first subparagraph of Article 110(1) or on the basis of Article 110(2).

2. The decision on the application for legal aid shall be taken by way of an order by the President of the Tribunal or, if the case has already been assigned to a Chamber, by its President. The decision may be referred to the Chamber. It must be so referred where it is envisaged that the application will be rejected on the basis of the first subparagraph of Article 110(2).

An order refusing legal aid shall state the reasons on which it is based.

3. In any order granting legal aid a lawyer shall be designated to represent the person concerned.

If the person has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar shall send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned mentioned in the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant shall be designated having regard to the suggestions made by that authority.

4. An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs of the proceedings, having regard to his financial situation.

5. The introduction of an application for legal aid shall suspend the period prescribed for the bringing of the action until the date of service of the order making a decision on that application or, in the cases referred to in the second subparagraph of paragraph 3, of the order designating the lawyer instructed to represent the applicant.

6. No appeal shall lie from orders made under this article.

Article 113

Advances and responsibility for costs

1. Where legal aid is granted, the cashier of the Tribunal shall be responsible, where applicable within the limits set by the order referred to in Article 112(2) and (4), for costs incurred in the representation of the applicant before the Tribunal.

At the request of the lawyer designated in accordance with Article 112(3), the President may decide that an amount by way of advance should be paid to that lawyer.

2. Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall, by way of a reasoned order from which no appeal shall lie, fix the lawyer's disbursements and fees which are to be paid by the cashier of the Tribunal. He may refer the matter to the Tribunal.

3. Where, in the decision closing the proceedings, the Tribunal has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the Tribunal any sums advanced by way of aid.

In the event of challenge or if the party does not comply with a demand by the Registrar to refund those sums, the President shall rule by way of reasoned order from which no appeal shall lie. The President may refer the matter to the Tribunal.

4. Where the recipient of the legal aid is unsuccessful, the Tribunal may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the Tribunal by way of legal aid.

Article 114

Withdrawal of legal aid

1. If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, of his own motion or on application, withdraw legal aid, having heard the person concerned. He may refer the matter to the Tribunal.

2. An order withdrawing legal aid shall contain a statement of reasons and no appeal shall lie from it.

CHAPTER 10

Special forms of procedure

Section 1

Suspension of operation or enforcement and other interim measures

Article 115

Application for suspension or for other interim measures

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU or Article 157 TEAEC, shall be admissible only if the applicant has challenged that measure in an action before the Tribunal.

An application for the adoption of one of the other interim measures referred to in Article 279 TFEU shall be admissible only if it is made by a party to a case before the Tribunal and relates to that case.

An application of a kind referred to in the first and second subparagraphs may be presented as soon as the complaint provided for in Article 90(2) of the Staff Regulations has been submitted, in the conditions laid down in Article 91(4) of those Regulations.

2. An application of a kind referred to in paragraph 1 shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measure applied for.

The application shall be made by a separate document and in accordance with the provisions of Articles 45 and 50.

Article 116

Procedure

1. The application shall be served on the opposite party, and the President of the Tribunal shall prescribe a short time-limit within which that party may submit written or oral observations.

2. The President of the Tribunal shall decide the applications submitted pursuant to Article 115(1).

The President of the Tribunal may grant the application even before the observations of the opposite party have been submitted. This decision may subsequently be varied or cancelled, including of the President's own motion.

The President of the Tribunal shall, where appropriate, prescribe measures of organisation of procedure and measures of inquiry.

3. The documents and observations submitted outside the procedure provided for in paragraphs 1 and 2 shall not be included in the file, unless the President of the Tribunal decides otherwise in the light of special circumstances.

Article 117

Decision on the application

1. The decision on the application shall take the form of a reasoned order. The order shall be served on the parties forthwith.

2. Enforcement of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when the judgment which closes the proceedings is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision of the Tribunal on the merits of the case.

Article 118

Change in circumstances

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 119

Further application

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 120

Suspension of enforcement

1. The provisions of this Section shall apply to applications to suspend the enforcement of a decision of a jurisdiction of the Court of Justice of the European Union or of any measure adopted by the Council, the European Commission or the European Central Bank, submitted pursuant to Articles 280 TFEU and 299 TFEU or Article 164 TEAEC.

2. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Section 2

Judgments by default

Article 121

Judgments by default

1. If a defendant on whom an application initiating proceedings has been duly served fails to respond to the application in the proper form and within the time-limit prescribed, the applicant may apply to the Tribunal for judgment by default.

The application for judgment by default shall be served on the defendant. The Tribunal may decide to open the oral part of the procedure on the application.

2. Before giving judgment by default the Tribunal shall consider whether the application initiating proceedings is admissible, whether the appropriate formalities have been complied with, and whether the applicant's claims appear well founded. It may adopt measures of organisation of procedure or order measures of inquiry.

3. A judgment by default shall be enforceable.

The Tribunal may, however, grant a stay of enforcement until it has given its decision on any application under Article 41 of the Statute to set aside the judgment, or it may make enforcement subject to the provision of security of an amount and nature to be fixed in the light of the circumstances; this security shall be released if no such application is made or if the application fails.

CHAPTER 11

Requests and applications relating to judgments and orders

Section 1

Rectification

Article 122

Rectification of decisions

1. The Tribunal may, by way of order, of its own motion or at the request of a party made within two weeks after the decision to be rectified has been served, rectify clerical mistakes, errors in calculation and obvious inaccuracies in it.

2. Where the rectification concerns the operative part or one of the grounds constituting the necessary support for the operative part, the parties, duly informed, may submit written observations within a time-limit prescribed by the Tribunal.

3. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

Section 2

Failure to adjudicate

Article 123

Failure to adjudicate on costs

1. If the Tribunal has failed to adjudicate on costs, any party wishing to rely on that may, within a month after service of the decision, apply to the Tribunal to supplement its decision.

2. The application shall be served on the opposite party and the President shall prescribe a time-limit within which that party may submit written observations.

3. After these observations have been submitted, the Tribunal shall decide both on the admissibility and on the merits of the application.

Section 3

Application to set aside

Article 124

Application to set aside

1. Application may be made pursuant to Article 41 of the Statute to set aside a judgment by default.

2. The application to set aside the judgment must be made within one month from the date of service of the judgment. It must be submitted in the form prescribed by Articles 45 and 50 of these Rules.

3. The application to set aside the judgment shall be assigned to the formation of the court which gave the contested decision.

4. After the application has been served, the President shall prescribe a time-limit within which the other party may submit his written observations.

5. The proceedings shall be conducted in accordance with Articles 36 to 48, 56 to 85 and 90 to 114.

If the application to set aside the judgment does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put that application in order. If the party concerned fails to put the application in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application to set aside formally inadmissible. The same rules shall apply to the written observations provided for in this Article.

6. The Tribunal shall decide by way of a judgment which may not be set aside. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Section 4

Third-party proceedings

Article 125

Third-party proceedings

1. In accordance with Article 42 of the Statute, third-party proceedings may be brought against a decision rendered without the third party's having been heard, where the decision is prejudicial to his rights.

The application must be submitted within two months of publication of the decision in the *Official Journal of the European Union*.

2. Articles 45 and 50 of these Rules shall apply to an application initiating third-party proceedings. In addition such an application shall:

(a) specify the decision contested;

(b) state how the contested decision is prejudicial to the rights of the third party;

(c) indicate the reasons for which the third party was unable to take part in the original case before the Tribunal.

3. The application initiating third-party proceedings must be made against all the parties to the original case. It shall be assigned to the formation of the court which delivered the contested decision.

After the application initiating third-party proceedings has been served, the President shall prescribe a time-limit within which the other parties may submit their written observations.

The proceedings shall be conducted in accordance with Articles 36 to 48, 56 to 85 and 90 to 114.

If the application initiating third-party proceedings does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put that application in order. If the party concerned fails to put the application in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application initiating third-party proceedings formally inadmissible. The same rules shall apply to the written observations provided for in this Article.

4. The contested decision shall be varied on the points on which the submissions of the third party are upheld.

The original of the judgment in the third-party proceedings shall be annexed to the original of the contested decision. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested decision.

5. Where an appeal before the General Court and an application initiating third-party proceedings before the Tribunal contest the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings.

6. The Tribunal may, on application by the third party, order a stay of execution of the contested decision. The provisions of Chapter 10, Section 1, of this Title shall apply.

Section 5

Interpretation of decisions of the Tribunal

Article 126

Interpretation of decisions of the Tribunal

1. In accordance with Article 43 of the Statute, if the meaning or scope of a decision is in doubt, the Tribunal shall construe it on application by any party or any institution establishing an interest therein.

An application for interpretation must be made within two years after the date of delivery of the judgment or service of the order.

2. Articles 45 and 50 shall apply to an application for interpretation. In addition such an application shall:

(a) specify the decision in question;

(b) indicate the passages of which interpretation is sought.

The application for interpretation must be made against all the parties to the case in which the decision of which interpretation is sought was given. It shall be assigned to the formation of the court which gave the decision which is the subject of the application.

3. The Tribunal shall give its decision by way of judgment after having given the parties an opportunity to submit their observations.

The original of the interpreting judgment shall be annexed to the original of the decision interpreted. A note of the interpreting judgment shall be made in the margin of the original of the decision interpreted.

4. Where an appeal before the General Court and an application for interpretation before the Tribunal concern the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings.

Section 6

Revision

Article 127

Revision

1. In accordance with Article 44 of the Statute, an application for revision of a decision of the Tribunal may be made only on discovery of a fact which is of such a nature as to be a decisive factor and which, before the decision was delivered or adopted, was unknown to the Tribunal and to the party claiming the revision.

Without prejudice to the time-limit of 10 years prescribed in the third paragraph of Article 44 of the Statute, an application for revision shall be made within three months of the date on which the facts on which the application is founded came to the applicant's knowledge.

2. Articles 45 and 50 shall apply to an application for revision. In addition such an application shall:

(a) specify the decision contested;

(b) indicate the points on which the decision is contested;

(c) set out the facts on which the application is based;

(d) indicate the nature of the evidence to show that there are facts justifying revision, and that the time-limits laid down in paragraph 1 of this Article have been observed.

The application for revision must be made against all the parties to the case in which the contested decision was given.

It shall be assigned to the formation of the court which gave the contested decision.

3. Without prejudice to its decision on the merits, the Tribunal shall give its decision on the admissibility of the application in the form of an order, having regard to the parties' written observations.

4. If the Tribunal declares the application admissible, the remainder of the procedure shall be oral, unless the Tribunal otherwise decides.

Where the Tribunal decides that pleadings are to be lodged, the proceedings shall be conducted in accordance with Articles 36 to 48, 56 to 85 and 90 to 114.

If the application for revision does not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put that application in order. If the party concerned fails to put the application in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the application for revision formally inadmissible. The same rules shall apply to the written observations and the pleadings provided for in this Article.

5. The Tribunal shall give its decision by way of judgment.

The original of the revising judgment shall be annexed to the original of the decision revised. A note of the revising judgment shall be made in the margin of the original of the decision revised.

6. Where an appeal before the General Court and an application for revision before the Tribunal concern the same decision of the Tribunal, the Tribunal may, after hearing the parties, stay the proceedings.

Section 7

Cases referred back to the Tribunal after the decision has been set aside

Article 128

Referral back after setting aside

Where the General Court sets aside a judgment or an order of the Tribunal and refers the case back to the Tribunal by virtue of Article 13 of Annex I to the Statute, the latter shall be seised of the case by the judgment so referring it.

Article 129

Assignment of the case referred back

1. The President of the Tribunal shall assign the case either to the formation of the court which gave the decision which has been set aside or to another formation of the court and shall designate as Judge-Rapporteur a Judge other than the Judge who fulfilled that function in the case which gave rise to the appeal.

2. Where the decision set aside was given by a single Judge, the President of the Tribunal shall assign the case to a Chamber of three Judges of which that Judge is not a member.

Article 130

Procedure for examining cases referred back

1. Within two months from the service upon him of the judgment of the General Court the applicant may lodge written observations on the points of law which justified the setting aside of the judgment and the referral back.

2. The applicant's written observations or a letter from the Tribunal informing the defendant that such observations have not been lodged within the time-limit prescribed shall be served on the defendant. In the month following such service, the defendant may lodge written observations. The time-limit allowed to the defendant for lodging those observations may in no case be less than two months from the service upon it of the judgment of the General Court.

3. The written observations of the applicant and the defendant or a letter from the Tribunal indicating that one or both of the parties has failed to lodge written observations shall be served on the intervener at the same time. In the month following such service, the intervener may lodge written observations.

4. By way of derogation from paragraphs 1 to 3, where the written part of the procedure before the Tribunal had not been completed when the judgment referring the case back to the Tribunal was delivered, it shall be resumed, at the stage which it had reached, by means of measures of organisation of procedure adopted by the Tribunal.

5. The Tribunal may, if the circumstances so justify, allow supplementary written observations to be lodged.

6. The proceedings shall be conducted in accordance with Articles 36 to 48, 56 to 85 and 90 to 114.

7. If the written observations provided for in this Article do not comply with the requirements set out in the second, third and fourth subparagraphs of Article 45(1), in the second subparagraph of Article 45(2), or in Article 46, the Registrar shall prescribe a time-limit within which the party concerned is to put the written observations in order. If the party concerned fails to put the written observations in order within the time-limit prescribed, the Tribunal shall decide whether the non-compliance with these conditions renders the written observations formally inadmissible.

8. By way of derogation from paragraph 6, the Tribunal may, with the agreement of the parties, decide to rule on the case without a hearing.

Article 131

Costs after referral back

The Tribunal shall decide on the costs relating to the proceedings instituted before it and to the proceedings on the appeal before the General Court.

TITLE 3

FINAL PROVISIONS

Article 132

Implementing rules

The Tribunal may, by a separate act, adopt rules for the implementation of these Rules.

Article 133

Repeal

These Rules replace the Rules of Procedure of the Tribunal adopted on 25 July 2007, as last amended on 18 May 2011 (*Official Journal of the European Union*, L 162 of 22 June 2011, p. 19).

Article 134

Publication and entry into force of the Rules of Procedure

These Rules, which are authentic in the languages of the case referred to in the Rules of Procedure of the General Court, shall be published in the *Official Journal of the European Union*. They shall enter into force on the first day of the third month following the date of their publication.

Done at Luxembourg, 21 May 2014.

W. HAKENBERG
Registrar

S. VAN RAEPENBUSCH
President

INSTRUCTIONS TO THE REGISTRAR OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

of 21 May 2014

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

ON A PROPOSAL FROM THE PRESIDENT OF THE TRIBUNAL,

Having regard to the Rules of Procedure adopted on 21 May 2014,

and in particular Article 132 thereof,

has laid down the following

INSTRUCTIONS TO THE REGISTRAR

Article 1

Definitions

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

Article 2

Responsibilities and replacement of the Registrar

The responsibilities of the Registrar shall be those laid down in Article 20 of the Rules of Procedure. The replacement of the Registrar shall take place in accordance with Articles 18 and 19 of those Rules.

Article 3

Opening hours of the Registry

1. The offices of the Registry shall be open every working day. All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 25(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 judicial vacations provided for in Article 25(2) of the Rules of Procedure.

4. The offices of the Registry shall be open only to the representatives of the parties or to persons duly authorised by them, and to persons making an application for legal aid.

5. When the Registry is closed, procedural documents may be validly lodged with the janitor at the entrance to the Court of Justice of the European Union, 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 lodgment and shall issue a receipt upon request.

Article 4

The register

1. Judgments and orders as well as all the procedural documents placed on the file in cases brought before the Tribunal shall be entered in the register in the order in which they are submitted, with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 90 of the Rules of Procedure, as referred to in Article 6(4) of these Instructions.

2. A note of the registration, including the registration number and the date of entry in the register, shall be made by the Registrar on the original of every procedural document or on the version deemed to be the original of that document in accordance with Article 3 of the Decision of the Tribunal of 20 September 2011 on the lodging and service of procedural documents by means of e-Curia (OJ C 289, p. 11) ('the e-Curia Decision'), and, if a party so requests, on any copy submitted for the purpose. The note made on the original of the procedural document must be signed by the Registrar.

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

4. 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(5) above,

— the date referred to in Article 5 of the e-Curia Decision, or

— in the cases provided for in the first paragraph of Article 54 of the Statute and Article 8(1) of Annex I to the Statute, the date on which the procedural document was lodged with the Registrar of the Court of Justice or with the Registrar of the General Court of the European Union.

5. Where a correction is made to the register, a note to that effect shall be made therein. The register kept in electronic form 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.

Article 5

The number in the list

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 the third subparagraph of Article 45(2) of the Rules of Procedure applies, the indication of the year in the number in the list shall correspond to the date deemed to be the date of lodging of the document for the purposes of compliance with the procedural time limits.

2. Applications for interim measures, 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. In the event of a separation of cases as provided for in Article 44(2) of the Rules of Procedure, the case or cases separated from the others shall keep the same serial number, followed by a reference to indicate the separation and, where appropriate, a numerical identifier. 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 General Court of the European Union 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, followed by a reference to indicate the referral.

Article 6

The file and access to the file

1. The case-file shall contain the procedural documents, where applicable together with their annexes, bearing the note referred to in Article 4(2) of these Instructions, 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, documents 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 of the placing of a procedural document on the case-file to the President in order for a decision to be taken.

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

4. By way of derogation from paragraph 1, procedural documents drawn up for the purposes of an amicable settlement within the meaning of Article 90 of the Rules of Procedure (see Article 4(1) of these Instructions) shall be kept in a separate part of the file.

5. 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.

6. A procedural 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.

7. 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 procedural documents on the file (with the exception of those drawn up for the purposes of an amicable settlement within the meaning of Article 90 of the Rules of Procedure), an indication of their number, and a cover page showing the case number in the list, the parties and the date on which the file was closed.

Article 7

Confidential treatment

1. Without prejudice to Article 47(1) of the Rules of Procedure, in respect of procedural documents which the main parties intend to produce on their own initiative or produce at the request of the Tribunal, the main 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 87(1) of the Rules of Procedure for certain information on the case-file to be treated as confidential in relation to an intervener or, where cases are joined in accordance with Article 44(3) of the Rules of Procedure, in relation to another party in a joined case.

Article 8

Non-acceptance of procedural documents and putting them in order

1. The Registrar shall ensure that procedural documents placed on the file are in conformity with the provisions of the Statute, 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 procedural documents lodged. Non-compliance with formal requirements may render the action or other procedural documents inadmissible.

2. The Registrar shall refuse to register procedural 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 the third subparagraph of Article 45(2) of the Rules of Procedure and to the e-Curia Decision, the Registrar shall accept only documents bearing the original handwritten 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, even in part, in a language other than the language of the case. However, where duly justified, the Registrar may provisionally 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 put the document in order or challenges the request to that effect, the Registrar shall refer the matter to the President in order for a decision to be taken.

Article 9

Certificate of a lawyer's authority to practise

For the purposes of the production of the document required by Article 31(2) of the Rules of Procedure certifying that the lawyer representing 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 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 36 of the Rules of Procedure.

2. In the procedures on applications for interim measures referred to in Articles 115 to 120 of the Rules of Procedure, the Registrar may send procedural documents by all appropriate means which urgency requires.

Article 11

Setting and extension of time limits

1. The Registrar shall fix and extend, where appropriate, the time limits provided for in the Rules of Procedure in accordance with the power delegated to him under Article 39(2) of the Rules of Procedure.

2. The time limits provided for in the Rules of Procedure may be extended only in exceptional 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, in principle, not be extended more than once. Procedural time limits not provided for in the Rules of Procedure may be extended by the President.

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, time 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, anonymised, where appropriate, in accordance with Article 48(1) of the Rules of Procedure.

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, time 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, of applicants in person and of the witnesses or experts examined, an indication of the evidence or procedural documents produced at the hearing and, in so far 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 by the cashier of the Tribunal. 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(3) 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 General Court of the European Union 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

Deposit and recovery of sums

1. Where sums paid out by way of legal aid, sums advanced to witnesses or experts, or sums payable or to be deposited by the parties pursuant to Articles 108 and 109 of the Rules of Procedure are recoverable by the cashier of the Tribunal, the Registrar shall, by registered letter with a form for acknowledgement of receipt or, if necessary, by means of e-Curia, 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 or with the reasoned decision of the President of the Tribunal provided for in Article 109 of the Rules of Procedure. Sums deposited shall be paid into an escrow account of the institution.

2. 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 where the Tribunal 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 by fax, that the document to be served has not reached him.

3. If the sums payable 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.

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, these Instructions and the Practice Directions to parties, 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 parties' representatives

When requested by the parties' representatives, the Registrar shall provide them with information on the practice followed pursuant to the Rules of Procedure, the Practice Directions to parties, these Instructions to the Registrar, the e-Curia Decision and the e-Curia Conditions of Use 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 so 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 1 of Council Regulation No 1, applicable to the Tribunal by virtue of Article 7(2) of Annex I to the Statute of the Court of Justice of the European Union, shall be published in the *Official Journal of the European Union*. They shall enter into force on the first day of the third month following their publication.

2. The Instructions to the Registrar of 11 July 2012 (OJ L 260, p. 1) are hereby repealed and replaced by these Instructions to the Registrar.

Done at Luxembourg, 21 May 2014.

Registrar	*President*
W. HAKENBERG	S. VAN RAEPENBUSCH

PRACTICE DIRECTIONS TO PARTIES ON JUDICIAL PROCEEDINGS BEFORE THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

of 21 May 2014

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THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

having regard to Article 132 of its Rules of Procedure;

Whereas:

it is in the interests of the proper administration of justice that practice directions be issued to the parties' representatives, dealing with the manner in which procedural documents are to be submitted so as to ensure the efficient conduct of the hearing;

compliance with these directions reduces the number of requests for documents to be put in order and the risk of inadmissibility as a result of failure to comply with the rules as to form;

proceedings before the Civil Service Tribunal are subject to language arrangements appropriate to a multilingual Union;

it is in the interests of the parties to proceedings before the Civil Service Tribunal that the Tribunal provide concise responses to matters on which the parties' representatives wish to be better informed, and provide guidance to enable them to draft their procedural documents appropriately;

it is in the interests of the efficient conduct of proceedings before the Civil Service Tribunal that practice directions be given to persons concerned regarding the submission of applications for legal aid and the conduct of the oral procedure;

in the interests of the parties themselves and of the proper administration of justice, and in order to give the Civil Service Tribunal the means to ensure that each party is granted a fair share of the time available to it to deal with the case, it is appropriate that procedural documents should be as concise as possible having regard to the nature of the facts and the complexity of the points raised. It is important, therefore, to fix the maximum length of procedural documents lodged before the Tribunal. Nevertheless, the length of procedural documents must be sufficiently flexible to take account of the special features of certain cases;

hereby decides to adopt the following Practice Directions:

I. DEFINITIONS

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

II. GENERAL PROVISIONS RELATING TO THE LODGING AND SERVICE OF PROCEDURAL DOCUMENTS

2. The lodging and service (transmission) of procedural documents between the parties and the Tribunal may be effected:

   — by exclusively electronic means using the e-Curia application, or

   — by dispatch in paper format.

A. **Electronic transmission by means of e-Curia**

3. Electronic transmission by means of e-Curia is characterised by:

   (a) the creation of a personal access account to which a party's representative may have access using a username and secure password;

   (b) the fact that no procedural documents or annexes thereto are sent by the parties in paper format; a document shall be deemed to be the original if it is received at the Tribunal by means of e-Curia, and there is no need for it to bear the representative's handwritten signature or for certified copies to be sent;

(c) service of the procedural documents of the other parties as well as of the decisions of the Tribunal and of all other correspondence by means of e-Curia; service shall be effected upon access to the document being obtained via the e-Curia application, failing which, it shall be deemed to have been effected on the expiry of the seventh day following the day on which the notification email was sent;

(d) the fact that the applicable legislation is defined in: the decision of the Civil Service Tribunal No 3/2011 taken at the Plenary Meeting on 20 September 2011 on the lodging and service of procedural documents by means of e-Curia (OJ 2011 C 289, p. 11); the Conditions of Use of e-Curia; and the e-Curia User Manual, which also explains how to proceed in the case of an assistant (all those documents are available on the website www.curia.europa.eu).

B. **Transmission in paper format**

4. Transmission in paper format entails:

(a) the need for all procedural documents and annexes thereto to be lodged in paper format, duly signed by the representative; each procedural document and any annexes thereto must be accompanied by seven sets of certified copies; for the purposes of compliance with time-limits, copies sent by fax before the paper version is sent shall be taken into account if the original paper document is received at the Tribunal within 10 days of dispatch of the fax (see point 36 et seq. of these Practice Directions);

(b) service of the procedural documents of the other parties as well as of the decisions of the Tribunal and of all correspondence between the Registry and the parties by the preferred method of service: by registered post with a form for acknowledgement of receipt (in which case service shall be deemed to have been effected by the lodging of the registered letter at the post office in Luxembourg), by fax or by e-Curia.

III. WRITTEN PROCEDURE

A. **Application**

1. *Lodging the application*

5. Every application shall be addressed to the **Registry** of the Tribunal. It must comply with the provisions of Articles 45 and 50 of the Rules of Procedure.

6. The **information** to be included in the application and the documents required to be annexed to it are listed in the first and second subparagraphs of Article 45(1) and (2) and Article 50 of the Rules of Procedure.

7. Articles 31(2) and the first subparagraph of Article 53(3) of the Rules of Procedure concern the certificate required to be lodged at the Registry by the applicant's **lawyer** and by any adviser or lawyer who may be assisting the defendant's agent. It should be noted that the principle of compulsory representation before the Tribunal is laid down by Article 19 of the Statute. With the exception of the Member States, other States which are parties to the EEA Agreement (Norway, Iceland and Liechtenstein) and the institutions of the European Union, which are represented by their agents, the parties must therefore 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. However, the obligation to be represented by a lawyer does not apply to the procedure for obtaining legal aid (see, in that regard, Chapter E of Title III of these Practice Directions).

8. In addition, although no written instructions from the applicant to the lawyer representing him are required on lodging the application, any **change** in the number or identity of lawyer(s) (e.g. replacement of one lawyer by another, presence of an additional lawyer, withdrawal of instructions from one of the lawyers who made the application) must be communicated to the Registry in writing without delay. In the event of one lawyer being replaced by another, written authorisation is required in respect of the new lawyer.

9. The applicant's **lawyer** should state clearly on the first page of the application his **address**, the **name of his chambers or practice**, where appropriate, his telephone and fax numbers and email address. Any subsequent changes in that information must be communicated to the Tribunal without delay. Under no circumstances can the applicant's own address be accepted as an address for service.

10. An application lodged by means of e-Curia need not necessarily bear a handwritten **signature**. However, in the case of an application lodged in paper format, the handwritten signature of the lawyer must be legible and appear at the end of the application. The absence of a signature cannot be rectified. A copy, such as a stamp, facsimile signature, photocopy, etc. will not be accepted. In the case of more than one representative, the signature of one of them will be sufficient. The signature by proxy of a person other than the applicant's representative(s) will not be accepted, even where that signatory is a member of the same chambers or practice as the representative(s).

2. *Mandatory information and rules on presentation of the application*

11. The **language of the case** shall be the language chosen for the drafting of the application, in accordance with Article 7(2) of Annex I to the Statute of the Court of Justice of the European Union, which refers to the applicable provisions concerning the language arrangements of the General Court of the European Union.

12. In the interests both of the parties themselves and of the proper administration of justice, procedural documents should be as concise as possible having regard to the nature of the facts and complexity of the issues raised. An application must include, in accordance with Article 50(1)(e) of the Rules of Procedure, a clear summary of the relevant facts presented in chronological order, and a separate, precise and structured summary of the pleas in law and arguments of law relied on. As regards the length of the application, see Chapter F, point 49.

13. The **form of order sought** must be precisely worded and set out at the beginning or end of the application, and its heads of claim must be numbered.

14. The **paragraphs** of the text must be numbered consecutively.

15. In order to facilitate subsequent use of the application by the Tribunal, it is necessary, where there are **four or more applicants**, to append to the application a list of all their names and addresses, produced using word-processing software, which must be sent to the Registry by email to tfp.greffe@curia.europa.eu at the same time as the application, the case to which the list relates being clearly indicated. That list will be annexed to the original of the final decision.

16. An application must be accompanied by a **summary** of the dispute, designed to facilitate the drafting of the notice prescribed by Article 51(2) of the Rules of Procedure, which will be prepared by the Registry. It must be produced separately from the annexes mentioned in the text of the application. That summary, to be contained in a document produced using word-processing software, should not be more than two pages long and must also be sent by email to tfp.greffe@curia.europa.eu, indicating clearly the case to which it relates. In principle, the summary will be available in its entirety on a special page on the website www.curia.europa.eu, to enable any person concerned to make enquiries. Accordingly, the summary of the case must satisfy certain requirements as to style which will be indicated on the relevant page of that website.

17. An application made pursuant to Article 48 of the Rules of Procedure for the name of the applicant or of other persons, or certain information, to be omitted from the publications relating to a case (**anonymity**) must be made by separate document and must state the reasons on which it is based.

18. If the application is lodged after the submission of an application for **legal aid** (see Chapter E of Title III of these Practice Directions), the effect of which, under Article 112(5) of the Rules of Procedure, is to suspend the period prescribed for the bringing of an action, this must be pointed out at the beginning of the application. If the application is lodged after notification of the order making a decision on an application for legal aid, reference must equally be made in the application to the date on which the order was served on the applicant.

19. An application lodged by means of e-Curia shall be submitted in the form of files. To assist the Registry in handling the application, it is recommended that the practical guidance given in the e-Curia User Manual (see point 3(d) of these Practice Directions) be followed, that is:

    (a) files must include names identifying the document (Application, Annexes Part 1, Annexes Part 2, Covering letter, etc.);

    (b) the text of the application can be saved in PDF (image and text) direct from the word-processing software, without the need for digitisation.

20. An application lodged in paper format must be submitted in such a way as to enable it to be processed electronically by the Tribunal, in particular by means of **digitisation** of documents and character recognition. Accordingly, in addition to the requirements set out in point 12 of these Practice Directions, the following requirements must be complied with:

    (a) the text must be easily legible and appear on one side of the page only ('recto', not 'recto verso');

    (b) documents must not be bound together or fixed to each other by any other means (e.g. glued or stapled).

21. The pages of the application and annexes must in addition be **numbered consecutively** in the top right-hand corner, including any annexes and page dividers.

22. In accordance with the second subparagraph of Article 45(2) of the Rules of Procedure, the application and any annexes lodged in paper format must, in the same way as other procedural documents, be submitted together with five paper **copies** for the Tribunal and a copy for every other party to the proceedings (thus normally **seven** paper copies). The first page of each set of copies must be endorsed by the lawyer to the effect that the **copies are certified true copies** of the original, and must bear his signature or initials.

23. As regards the **annexes**, the parties should be rigorous in their selection of documents relevant for the purposes of the proceedings, in view of the material and linguistic constraints on the Tribunal and the parties. In the event of any abuse, reference is made to Article 108 of the Rules of Procedure. In particular, information to which the Tribunal has access (e.g. case-law of the Courts of the European Union cited in procedural documents) is not to be produced. The following formal requirements must be complied with:

    (a) annexes must be numbered and contain a reference to the pleading to which they are attached (e.g. Annex A.1, A.2 etc. in an application; Annex B.1, B.2 etc. in a defence; Annex C.1, C.2 etc. in a reply; Annex D.1, D.2 etc. in a rejoinder). In the case of more than three annexes, they should preferably be lodged with page dividers;

    (b) annexes must be readily legible. An annex will not be accepted if the print quality is inadequate;

    (c) annexes must be drawn up in the language of the case or be accompanied by a translation. Annexes which do not satisfy those requirements cannot in principle be accepted (see Article 7(2) of Annex I to the Statute of the Court of Justice of the European Union which refers to the applicable provisions concerning the language arrangements of the General Court of the European Union). Under Article 8(5) of the Instructions to the Registrar, a derogation from that rule is possible only where it is duly justified;

    (d) annexes must be preceded by a schedule of annexes containing, in respect of each document annexed, the number (e.g. A.1), an indication of the nature of the document (e.g. 'letter of … from X to Z'), the page reference and paragraph number in the application where the document is mentioned (e.g. 'p. 7, para. 17'), the number of pages of the document, and the page reference (within the consecutively numbered set of documents) for the first page of the particular document annexed. An example of a schedule of annexes is included in the model application available on the website www.curia.europa.eu;

    (e) annexes to an application lodged by means of e-Curia must be contained in one or more files separate from the file containing the application. One file may in principle contain all the annexes. It is not desirable for there to be one file per annex;

    (f) annexes to an application lodged by means of e-Curia, mentioned in the body of that application, which by their nature cannot be lodged by e-Curia, may be sent separately in paper format in accordance with the first and second subparagraphs of Article 45(2) of the Rules of Procedure, provided that they are mentioned in the schedule of annexes to the application lodged by e-Curia. The schedule of annexes must identify which annexes are to be lodged separately. Those annexes must reach the Registry no later than 10 days after the lodging of the application by e-Curia.

3. *Putting the application in order*

24. In order to give parties the opportunity to make good any formal irregularities in an application, it is necessary, in certain circumstances, to **put the application in order**. The Registrar **will always require** an application to be put in order where the matters indicated in Article 50(6) of the Rules of Procedure and Article 8(1) of the Instructions to the Registrar have not been complied with. Failure to put the application in order may lead to the application being rejected as inadmissible.

25. Under Article 8(1) of the Instructions to the Registrar, a **request** for an application to be put in order **may also be made**, depending on the circumstances of the case, where an application is not in conformity with these Practice Directions.

26. The Registrar shall prescribe a time-limit within which the applicant is to put the application in order, in accordance with Article 50(6) of the Rules of Procedure.

27. In the cases referred to in point 24 above, the application **will not be served** on the defendant **in its unaltered state**. Where the application is put in order within the time-limit prescribed, the procedure will take its normal course. If the applicant fails to put the application in order, the Tribunal shall decide whether the application is admissible.

28. In the cases referred to in point 25 above, the Registrar shall decide **whether or not service should be suspended**. If the applicant fails to put the application in order or challenges the request to that effect, the Registrar shall refer the matter to the President in order for a decision to be taken, in accordance with Article 8(7) of the Instructions to the Registrar.

4. *Interim measures*

29. An application to suspend operation of the contested measure and for other **interim measures** must be made in accordance with the provisions of Article 115 of the Rules of Procedure.

B. **Defence and other procedural documents relating to the written procedure**

30. The guidance notes provided in Chapter A of this title in relation to applications shall **apply *mutatis mutandis*** to other procedural documents sent to the Tribunal.

31. The information required to be included in the **defence** is set out in Article 53(1) and (2) of the Rules of Procedure. The authority given by the defendant institution to its agent(s), adviser(s) and/or to a lawyer in accordance with the first paragraph of Article 19 of the Statute must be produced at the latest together with the defence, but separately from any annexes.

32. As regards the length of the **defence**, see Chapter F, point 49.

33. In accordance with the second subparagraph of Article 53(3) of the Rules of Procedure, the institutions shall systematically attach to the defence copies of any **measures of general application** referred to in their observations which are not published in the *Official Journal of the European Union*, together with details of the dates on which they were adopted, on which they entered into force and, where applicable, on which they were repealed.

34. In addition, the following **information** must appear on the first page of any procedural document:

    (a) the category of document (defence, reply, rejoinder, application for leave to intervene, statement in intervention, plea of inadmissibility, observations on …, replies to questions, etc.);

    (b) the case number in the list (F-…/..) where this has already been communicated by the Registry.

35. The rules, referred to in Chapter A of this title, governing the circumstances in which a request is or may be made to **put** an application **in order** shall apply *mutatis mutandis* to the defence and to other procedural documents.

C. **Sending an original paper document preceded by a fax**

36. The **originals** of all procedural documents and, more generally, any correspondence sent to the Tribunal, including requests for extensions of time, which are not transmitted to the Tribunal by means of e-Curia, must be lodged at the Registry in paper format.

    In order to comply with procedural time-limits, a copy of a document may be sent to the Registry of the Tribunal by fax (fax number: + 352 4303 4453) before the original document is lodged (as allowed under the third subparagraph of Article 45(2) of the Rules of Procedure).

    In that case, the first page of the original document must be marked 'Previously sent by fax on …', so that the corresponding documents can be readily identified.

37. Under the third subparagraph of Article 45(2) of the Rules of Procedure, where a procedural document includes **annexes**, the copy sent to the Tribunal by fax may comprise only the document itself and the schedule of annexes.

38. The lodging of a pleading or a procedural document by fax will be treated as **complying with the relevant procedural time-limit** only if the signed original of that document is received at the Registry no later than 10 days after such lodging, as specified in the third subparagraph of Article 45(2) of the Rules of Procedure. It should be borne in mind that the extension on account of distance of 10 days provided for under Article 38 of the Rules of Procedure does not apply to that time-limit.

39. The signed **original** of any procedural document shall be sent without delay, immediately after the dispatch by fax, without any corrections or amendments. In the event of any discrepancy between the signed original and the copy previously lodged, only the date on which the signed original was lodged will be taken into consideration for the purposes of compliance with procedural time-limits.

D. **Applications for confidential treatment**

40. Without prejudice to the provisions of Article 47(2) and (3) of the Rules of Procedure, the Tribunal shall take into consideration only those documents which have been **made available** to the parties' representatives and on which they have been given an opportunity of expressing their views (Article 47(1) of the Rules of Procedure).

41. Nevertheless, a party may apply for any part of the contents of the case-file which are **secret or confidential**:

— not to be made available to a party in a joined case (Article 44(3) of the Rules of Procedure);

— to be omitted from the items of evidence or documents communicated to an intervener (Article 87(3) of the Rules of Procedure).

42. Any application for confidential treatment made pursuant to Article 44(3) or Article 87(1) of the Rules of Procedure must be made **by separate document**.

43. Such an application must be specific and the confidential treatment sought must be **limited** to what is strictly necessary. It may not in any event cover the entirety of a procedural document and may only exceptionally extend to the entirety of an annexed document.

44. An application for confidential treatment must **accurately** identify the particulars or passages concerned and briefly state the reasons for which each of those particulars or passages is regarded as secret or confidential.

45. The application must be accompanied by a **non-confidential version** of each pleading or procedural document concerned, with the confidential material deleted. If the application concerns only an annex to a procedural document, the whole of that document must be annexed to the application for confidentiality. If lodged by means of e-Curia, the annex to which an application for confidential treatment relates must be sent in a separate file.

E. **Applications for legal aid**

46. Under Article 110 et seq. of the Rules of Procedure, legal aid may be granted in order to ensure effective access to justice. Such an application need not, in accordance with the second subparagraph of Article 111(1) of the Rules of Procedure, be made through a lawyer.

47. The use of the standard form annexed to these Practice Directions is compulsory in making an application for legal aid. Any request for legal aid submitted otherwise than by using the standard form will give rise to a reply from the Registrar with a reminder that the use of the standard form which will be enclosed with his reply is compulsory. The standard form can be downloaded from the website www.curia.europa.eu.

48. The application for legal aid, together with supporting documents, must be signed by the applicant for legal aid or by his lawyer. However, where the application for legal aid is lodged by means of e-Curia by the applicant's lawyer, the lawyer's signature shall not be required. Only the lawyer representing the party seeking legal aid shall be authorised to lodge the application for legal aid by means of e-Curia.

F. **Length of procedural documents**

49. In accordance with Article 46 of the Rules of Procedure, procedural documents lodged before the Civil Service Tribunal should not, in principle, exceed:

    (a) 30 pages in the case of an application or a defence,

    (b) 15 pages in the case of other procedural documents.

    The maximum number of pages shall be deemed to be based on the use of paper in A4 format, with a font size of 12 in a font equivalent to 'Times New Roman', 1.5 line spacing and margins of at least 2.5 cm. Failure to adhere to the maximum number of pages may be permitted only in the light of the special circumstances of a case, relating in particular to the complexity of the legal or factual issues. The penalty for non-compliance shall, where appropriate, be that mentioned in Articles 50(6), 53(4), 55(3), 86(6), the second subparagraph of Article 124(5), the fourth subparagraph of Article 125(3), the third subparagraph of Article 127(4), or Article 130(7) of the Rules of Procedure.

IV. ORAL PROCEDURE

A. **Location**

50. The **notice to attend** the public hearing always states the date, time, place and courtroom in which the hearing is to be held. If, for specific reasons (for example, if the Tribunal has summoned, to give evidence, a person who cannot express himself in the language of the case), one of the parties considers it essential that **interpreters** be present, for the whole hearing or for specific purposes, a reasoned request to that effect must be sent to the Tribunal as soon as the notice to attend the hearing is received, so that arrangements can be made for interpreters to be present.

51. A **map of the buildings** of the Court of Justice and of available car parks may be found on the website www.curia.europa.eu.

52. As a **security** measure, access to the buildings is controlled. Parties and their representatives are requested to produce their identity card, passport, professional card or some other form of photo identification. It is prudent, therefore, to arrive in good time.

B. **Preparation for the hearing**

53. The representatives of the parties are **summoned** to the hearing by the Registry a few weeks before it takes place. Requests to postpone the date of a hearing are granted only in very exceptional circumstances. Such requests must state adequate reasons, valid for all the party's representatives, accompanied by appropriate supporting documents, and submitted to the Tribunal without delay.

54. In good time before the hearing, the parties receive the **preparatory report for the hearing** drawn up by the Judge-Rapporteur. That report normally describes the subject-matter of the proceedings, the forms of order sought, the aspects on which the parties are requested to concentrate in their oral arguments, the issues of fact and of law which need to be explored in greater depth etc., and indicates the time allowed for the opening arguments of the parties' representatives. The Tribunal may also indicate its intention to examine the possibilities of an amicable settlement of the dispute at the hearing.

55. If the representative of a party intends not to be present at the hearing, he is requested to notify the Tribunal of this as soon as possible. In those circumstances, the hearing will take place in his **absence**. This will also apply should the Tribunal find that a party is absent from the hearing without due notification.

56. If the representative of a party wishes to be **replaced** by a qualified person not initially instructed by his client, he shall notify the Tribunal of this as soon as possible and ensure that written **authorisation** for that person, signed by the client, and, where appropriate, certification of the rights of audience held by the lawyer or adviser standing in for him have been submitted prior to the hearing.

C. **Conduct of the hearing**

57. The parties' representatives are required to appear before the Tribunal in their **robes**. The Tribunal always has some plain robes available should they be needed; the court usher at the hearing should be asked about this.

58. A few minutes **before** the start of the hearing, the parties' representatives are escorted by the court usher to the area to the rear of the courtroom to meet the judges hearing the case in order to settle arrangements for the conduct of the hearing.

59. Everyone present must stand when the members of the Tribunal enter the courtroom. The hearing then **begins** with the Registrar calling the case.

60. As the judges have perused the written observations, the parties' representatives are requested not to repeat in their oral arguments the content of the procedural documents exchanged, but to **concentrate** on the issues referred to in the preparatory report for the hearing and to answer the judges' questions. The same applies, where appropriate, to the parties themselves, if they have been asked to address the Tribunal. As the aim of the hearing is to clarify the issues of fact and of law required in order for judgment to be given on the case, the conduct of the hearing must facilitate a dialogue between the judges and the parties and their representatives.

61. In any event, the parties' representatives have the opportunity to put forward an **opening argument**, for which the preparatory report for the hearing gives guidance as to the time allowed (normally **20 minutes**). That period does not include the time used to answer the questions put by the judges or to reply to the other party's oral submissions.

62. As the courtrooms are equipped with an automatic amplification system, each person addressing the Tribunal is requested to press the button on the **microphone** before starting to speak. The parties' representatives are likewise requested, when **citing** a court judgment, to give the names of the parties and references enabling the judgment to be readily identified.

63. It must be borne in mind that **documents** must be lodged before the Tribunal during the written procedure. The Tribunal can accept documents submitted at the hearing only in very exceptional circumstances. The same rule applies to any evidence offered in support at the hearing. If applicable, it is prudent to bring sufficient copies.

D. **Specific features of simultaneous interpretation**

64. In cases in which simultaneous interpretation is required, parties' representatives are reminded that it is generally preferable to **speak freely** on the basis of notes rather than to read out a text. Likewise, a series of short sentences is preferable to a long, complicated construction.

65. If, however, oral submissions are prepared **in writing**, it is advisable when drafting the text to take account of the fact that it must be presented orally and should therefore resemble an oral address as closely as possible.

66. In order to facilitate **interpretation**, the parties' representatives are requested to send any written text or reference documents for their oral submissions, their notes or any other reference documents, to the interpreting department in advance, so that the interpreters may include it in their preparatory study of the file (Interpreting Directorate, fax number: (+352) 4303 3697; email address: interpret@curia.europa.eu). That text will not, of course, be forwarded to the other parties or to members of the bench.

E. **Suspension of the hearing for the purpose of reaching an amicable settlement**

67. At the request of the parties' representatives or on its own initiative, the Tribunal may decide to **suspend** the hearing for a short time where the parties' representatives wish to discuss a proposal for amicable settlement with their clients or with the other party's representative, if necessary before the Judge-Rapporteur. Should a discussion in camera be desired, a separate room can be made available. Any requests to this effect should be addressed to the Registrar or to the court usher.

F. **End of the hearing**

68. The presiding member of the bench announces the end of the hearing. The parties subsequently receive brief **minutes** of the hearing and are subsequently notified in writing of the next steps to be taken in the proceedings, in particular of the date of delivery of the judgment.

V. ENTRY INTO FORCE OF THESE DIRECTIONS

69. These Practice Directions shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the third month following their publication. However, point 49, concerning the length of procedural documents and constituting the decision referred to in Article 46 of the Rules of Procedure, shall apply only where time for the lodging of a procedural document has not started to run on the date on which these Practice Directions enter into force. Where time for the lodging of a procedural document has started to run, reference should continue to be made to the information contained in the Practice Directions to Parties of 11 July 2012.

70. The Practice Directions to Parties of 11 July 2012 (OJ 2012 L 260, p. 6) are hereby revoked and replaced by these Practice Directions.

71. For the assistance of the parties, the Registry of the Tribunal also makes various checklists and models available on the website www.curia.europa.eu.

Done at Luxembourg, 21 May 2014.

Registrar *President*

W. HAKENBERG S. VAN RAEPENBUSCH

ANNEX

GUIDE FOR LEGAL AID APPLICANTS AND STANDARD FORM OF APPLICATION FOR LEGAL AID

EUROPEAN UNION

CIVIL SERVICE TRIBUNAL

APPLICATION FOR LEGAL AID

GUIDE FOR APPLICANTS AND STANDARD FORM OF APPLICATION FOR LEGAL AID

I. GUIDE FOR LEGAL AID APPLICANTS [1]

A. **Legal background**

1. Jurisdiction of the Tribunal

Admissibility of actions before the Tribunal

Legal aid applicants should note the following provisions:

— Article 270 TFEU, applicable to the EAEC Treaty pursuant to Article 106a thereof, and Article 1 of Annex I to the Statute of the Court of Justice of the European Union, concerning the jurisdiction of the Tribunal;

— Articles 90 and 91 of the Staff Regulations, which specify a number of requirements as to the admissibility of actions before the Tribunal.

2. Legal background in relation to legal aid

The rules concerning legal aid are contained in the Rules of Procedure.

In particular, they provide as follows:

a. *Requirements for the grant of legal aid*

— Any person who, because of his financial situation, is wholly or partly unable to meet the costs involved in legal assistance and representation by a lawyer in proceedings before the Tribunal is to be entitled to legal aid (first subparagraph of Article 110(1) of the Rules of Procedure).

— The financial situation is to be assessed, taking into account objective factors such as income, capital and the family situation (second subparagraph of Article 110(1) of the Rules of Procedure).

— The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by the competent national authority attesting to his financial situation (first subparagraph of Article 111(3) of the Rules of Procedure).

— An application for legal aid may be made before the action has been brought or while it is pending. The application need not be made through a lawyer (Article 111(1) of the Rules of Procedure).

— If the application is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard (second subparagraph of Article 111(3) of the Rules of Procedure).

— Legal aid is to be refused if the action in respect of which the application is made appears to be manifestly inadmissible or manifestly unfounded or if it is clear that the Tribunal has no jurisdiction to hear and determine that action (first subparagraph of Article 110(2) of the Rules of Procedure).

[1] This guide is an integral part of the standard form of application for legal aid. The information which it contains is taken from the Rules of Procedure of the Civil Service Tribunal and the Practice Directions to Parties.

— If the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, of his own motion or on application, withdraw legal aid, having heard the person concerned (Article 114 of the Rules of Procedure).

— The application for legal aid must be made in accordance with the standard form which is available on the Tribunal's internet site and forms part of this guide (Article 111(2) of the Rules of Procedure).

b. *Procedure*

— If the person concerned has not indicated his choice of lawyer or if his choice is unacceptable, the Registrar is to send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned, mentioned in the Rules supplementing the Rules of Procedure of the Court of Justice. The lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by that authority (second subparagraph of Article 112(3) of the Rules of Procedure).

— The introduction of an application for legal aid is to suspend the period prescribed for the bringing of the action until the date of service of the order making a decision on that application or, where that order does not designate a lawyer to represent the person concerned, until the date of service of the order designating a lawyer to represent the applicant (Article 112(5) of the Rules of Procedure).

c. *Partial legal aid*

An order granting legal aid may specify an amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 110(1) of the Rules of Procedure, having regard to his financial situation (Article 112(4) of the Rules of Procedure).

d. *Responsibility for costs*

— Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall, by way of a reasoned order from which no appeal shall lie, fix the lawyer's disbursements and fees which are to be paid by the cashier of the Tribunal (Article 113(2) of the Rules of Procedure).

— Where, in the decision closing the proceedings, the Tribunal has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the Tribunal any sums advanced by way of aid (first subparagraph of Article 113(3) of the Rules of Procedure).

— Where the recipient of the legal aid is unsuccessful, the Tribunal may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the Tribunal by way of legal aid (Article 113(4) of the Rules of Procedure).

B. **Procedure for submission of an application for legal aid**

In accordance with point 47 of the Practice Directions to Parties, every application for legal aid must be submitted using the standard form below. Any request for legal aid submitted otherwise than by using the standard form will not be taken into consideration.

As stated in point 48 of the Practice Directions to Parties, an application for legal aid lodged by means of e-Curia may be lodged only by the lawyer representing the party seeking legal aid.

In the case of transmission in paper format, dispatch of the original application may be preceded by dispatch by fax. The date on which the fax is sent will then be taken into account for the purposes of the suspension of the time-limit for bringing proceedings, provided that the original is received at the Tribunal within 10 days of dispatch of the fax.

The original of the application for legal aid must be signed by the applicant himself or by his lawyer, failing which the application will not be taken into consideration and the document will be returned. However, where the applicant's lawyer lodges the application for legal aid by means of e-Curia, the lawyer's signature is not required.

If the application for legal aid is submitted by the applicant's lawyer before the application initiating proceedings is lodged, the legal aid application must be accompanied by documents certifying that the lawyer is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement.

C. **Effect of proper lodging of an application for legal aid before the action has been brought**

Where an application for legal aid is properly lodged before the action has been brought, the period prescribed for the bringing of the action will be suspended until the date of service of the order making a decision on that application or of the order designating a lawyer to represent the applicant for legal aid. Time for the purposes of bringing an action will not run, therefore, while the application for legal aid is being considered by the Tribunal. It is prudent to submit such an application in good time in order to ensure that the remaining period within which an action may be brought is not too short.

D. **Contents of the application for legal aid and supporting documents**

1. Applicant's financial situation

The application must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation at the time when the application is made, such as a certificate issued by the competent national authority attesting to his financial situation.

Documents may include, for example:

— certificates issued by social security or unemployment benefit authorities;

— declarations of income or tax notices;

— salary slips;

— bank statements.

Sworn statements made and signed by the applicant himself are not sufficient proof that he is wholly or partly unable to meet the costs of the proceedings.

The information given on the application for legal aid concerning the applicant's financial situation and the documents lodged in support of the information provided should give a complete picture of his financial situation.

Applicants should note that they should not confine themselves to providing the Tribunal with details of their resources; they should also provide the Tribunal with information which will enable the Tribunal to assess the capital held.

An application which does not establish to the requisite legal standard the applicant's inability to meet the costs of the proceedings will be rejected.

The applicant is required to notify the Tribunal at the earliest possible opportunity of any change in his financial situation which might justify the application of Article 114 of the Rules of Procedure, according to which, if the circumstances which led to the grant of legal aid should alter during the proceedings, the President may at any time, of his own motion or on application, withdraw legal aid, having heard the person concerned.

2. Subject-matter of the proposed action, facts of the case and arguments in support of the action

If the application for legal aid is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments which he intends to put forward in support of his action. The standard form of application for legal aid includes a section for that purpose.

A copy of any supporting document that is relevant for the purposes of assessing whether the proposed action is admissible and well founded must be annexed to the form; for example:

— if applicable, the measure which the applicant seeks to have annulled;

— if applicable, the complaint within the meaning of Article 90(2) of the Staff Regulations and the decision responding to the complaint, together with the dates on which the complaint was submitted and the decision notified;

— if applicable, the request within the meaning of Article 90(1) of the Staff Regulations and the decision responding to the request, together with the dates on which the request was submitted and the decision notified;

— correspondence with the prospective defendant.

3. Other useful information

No original documents will be returned. The applicant is therefore advised to supply photocopies of supporting documents.

An application may not be supplemented by the subsequent lodging of addenda. Such addenda will be returned, unless they have been lodged at the request of the Tribunal. It is essential, therefore, to supply all necessary information on the application for legal aid and to attach copies of any documentary proof of the information supplied. In exceptional cases, documents intended to establish that the legal aid applicant is wholly or partly unable to meet the costs of the proceedings may nevertheless be accepted subsequently, subject to the delay in their production being justified.

If the space available in any section of the standard form of application for legal aid is insufficient, that section may be completed on a separate page attached to the application.

II. STANDARD FORM OF APPLICATION FOR LEGAL AID

APPLICATION FOR LEGAL AID
EUROPEAN UNION CIVIL SERVICE TRIBUNAL

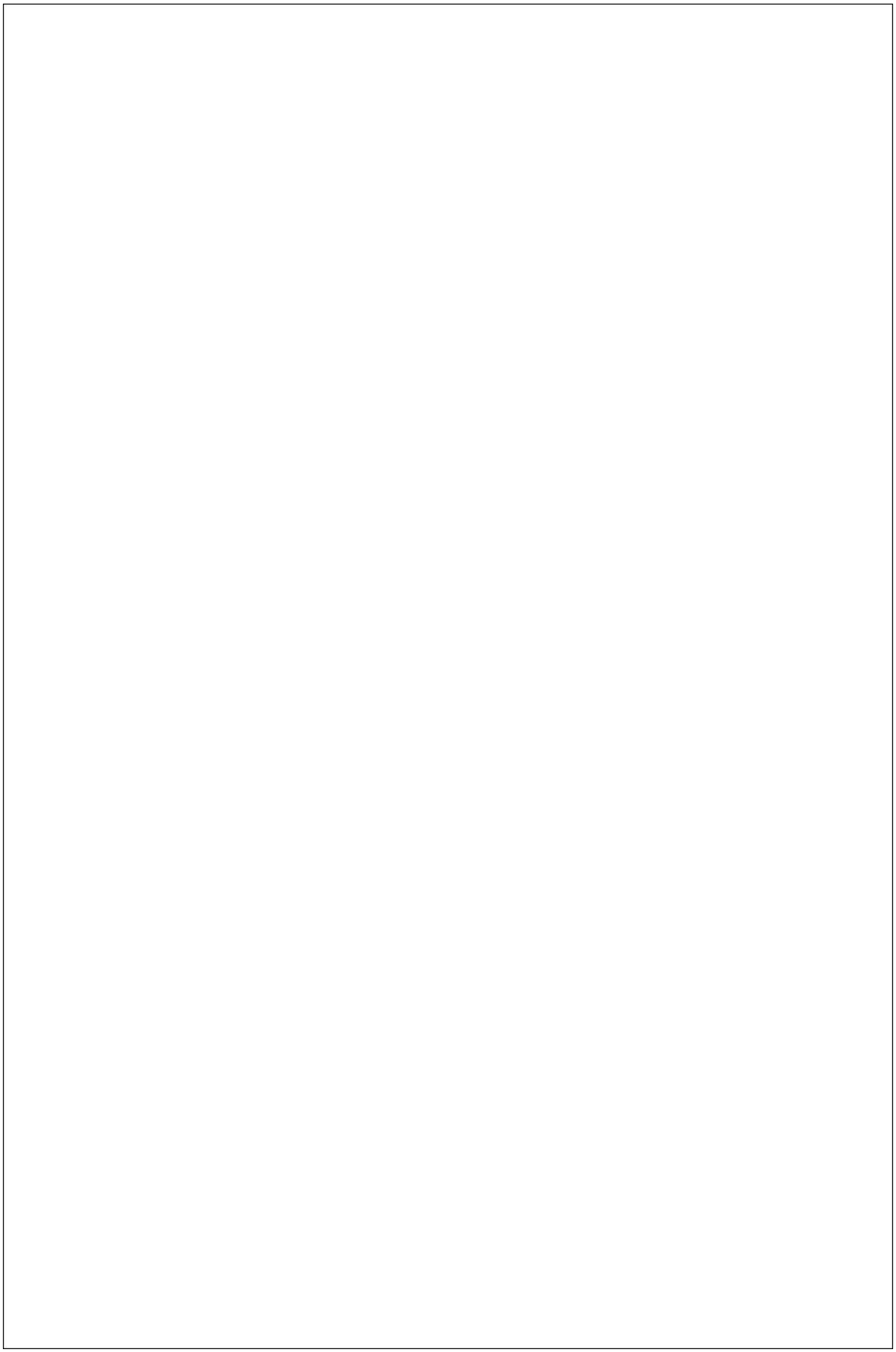
APPLICANT

Ms ☐	Mr ☐	
Surname (at birth):		
Married name, if applicable:		
Forename(s):		
Date of birth (dd / mm / yyyy): ..... / .... /		
Place of birth:		
Address:		
Postcode:		Town/City: .....
Country:		
Telephone (optional):		
Fax (optional):		
Email (optional):		
Occupation or current position:		

PROPOSED ACTION

If this application for legal aid is made before an action has been brought, state the name of the party against whom you propose to bring the action:

Describe the subject-matter of the action which you wish to bring, the facts of the case and the arguments in support of the action:



APPLICANT'S FINANCIAL SITUATION

A. FINANCIAL RESOURCES

— The resources which will be taken into account are those which you have declared to the national authorities in respect of the period from 1 January to 31 December of last year (or the period in respect of which you are legally obliged to declare your resources) (Table 1).

— If there has been a significant change in your financial situation since last year, you are also required to specify your resources for the period from 1 January of this year (or from the beginning of the current financial period) until the date of your application (Table 2).

1. Table 1: Resources in the reference period

		Your resources	**Resources of your spouse or partner**	**Resources of any other person who normally lives with you (child or other dependant). Specify: .....**
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is ticked, please provide details of means of support below:

2. **Table 2: Resources in the current financial period**

		Your resources	Resources of your spouse or partner	Resources of any other person who normally lives with you (child or other dependant). Specify: .....
a.	**No income**	☐ ***	☐	☐
b.	**Taxable net salary/wage** (as shown on your pay slips)			
c.	**Non-salaried income** (agricultural, industrial, commercial or non-commercial income)			
d.	**Family allowances**			
e.	**Unemployment benefits**			
f.	**Daily allowances** (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	**Pensions, retirement allowances, annuities and early retirement pensions**			
h.	**Maintenance allowances** (amount actually paid to you)			
i.	**Other resources** (e.g.: rent received, income from capital, income from securities, stocks and shares, etc.)			

***: If this box is ticked, please provide details of means of support below:

B. **CAPITAL**

State the nature and value of any movable property (shares, liabilities, capital, etc.) and the address and value of any immovable property (buildings, land, etc.), including non-income-producing property, which you own:

C. **OUTGOINGS**

Complete the following table with details of persons who are dependent on you or who normally live with you (e.g. children):

Surname(s) and forename(s)	Relationship to you (e.g.: son, nephew, mother)	Date of birth (dd / mm / yyyy)
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....
.....	.....	..... / .... / .....

State the amount(s) of any maintenance payments which you make to third parties:

State the amount of rent payable on your main residence or the amount of any repayments which you make to banks or other banking institutions under the terms of any loan incurred for the purpose of acquiring your main residence:

D. **MISCELLANEOUS**

In the following section you may include any additional information about your circumstances — resources or outgoings (e.g.: repayments of loans other than those incurred for the purpose of acquiring your main residence, etc.):

PROPOSED LEGAL REPRESENTATION

You may indicate to the Tribunal the name of a lawyer who will represent you, by completing the following section.

If you do not complete the following section, the Tribunal will invoke the second subparagraph of Article 112(3) of its Rules of Procedure, which provides that the lawyer instructed to represent the applicant is to be designated having regard to the suggestions made by the competent authority of the Member State concerned mentioned in the Rules supplementing the Rules of Procedure of the Court of Justice.

Title (e.g. Maître) and name:	
Address:	
Postcode:	Town/City: .....
Country:	
Telephone:	
Fax (optional):	
Email (optional):	

SOLEMN DECLARATION

I, the undersigned, hereby declare that the information given in this application for legal aid is correct and complete:

Date: .... / .... /	Signature of the applicant/applicant's lawyer:

LIST OF SUPPORTING DOCUMENTS

Supporting documents to enable your financial situation to be assessed:

— .....

— .....

— .....

— .....

— .....

— .....

— .....

— .....

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If the action has not yet been brought, supporting documents relevant for the purposes of assessing whether the proposed action is admissible and well founded:

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