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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.

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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

INTERNAL RULES AND RULES OF PROCEDURE

INSTRUCTIONS TO THE REGISTRAR OF THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES

of 5 July 2007

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

ON A PROPOSAL FROM THE PRESIDENT OF THE COURT OF FIRST INSTANCE,

Having regard to the Rules of Procedure adopted on 2 May 1991, as subsequently amended, and in particular Article 23 thereof,

HAS LAID DOWN THE FOLLOWING:

INSTRUCTIONS TO THE REGISTRAR

Article 1

The tasks of the Registrar

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

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

Article 2

Opening hours of the Registry

1. The offices of the Registry shall be open to the public every working day.

All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 101(2) of the Rules of Procedure shall be working days.

If a working day as referred to in the previous subparagraphs 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.

2. The Registry shall be open to the public at the following times:

— in the morning, from Monday to Friday, from 9.30 a.m. to 12 noon,

— in the afternoon, from Monday to Thursday, from 2.30 p.m. to 5.30 p.m. and, except during the vacations provided for in Article 34(1) of the Rules of Procedure, on Fridays from 2.30 p.m. to 4.30 p.m.

The Registry shall be open to the public half an hour before the commencement of a hearing.

3. When the Registry is closed, procedural documents may be validly lodged with the janitor at the entrances to the Court buildings 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 3

The register

1. Judgments and orders as well as all the documents placed on the file in cases brought before the Court shall be entered in the register.

2. Entries in the register shall be numbered consecutively; they shall be made in the language of the case and contain the information necessary for identifying the document, in particular the date of registration, the number of the case and the nature of the document.

3. 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.

4. The registration number of every document drawn up by the Court shall be noted on its first page.

A note of the registration, indicating the registration number and the date of entry in the register, shall be made on the original of every procedural document lodged by the parties and on every copy which is notified to them. This note shall be in the language of the case. The note made on the original of the procedural document shall be signed by the Registrar.

5. When a document is not entered in the register on the same day on which it is lodged, the date of lodgment shall be entered in the register and noted on the original and on the copies of the procedural document concerned.

6. For the purposes of the application of the previous 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 2(3) above or, in the cases provided for in the first paragraph of Article 54 of the Statute of the Court of Justice and Article 8(1) of the Annex to that Statute, the date on which the procedural document was lodged with the Registrar of the Court of Justice or with the Registrar of the Civil Service Tribunal.

Article 4

The case number

1. When an application initiating proceedings is registered, the case shall be given a serial number preceded by 'T-' and followed by an indication of the year.

Applications for interim measures, applications to intervene, applications for rectification or interpretation of judgments, applications for revision or initiating third-party proceedings, applications for the taxation of costs and applications for legal aid relating to pending cases shall be given the same serial number as the principal action, followed by a reference to indicate that the proceedings concerned are special forms of procedure. An action which is preceded by an application for legal aid in connection therewith shall be given the same case number as the latter. Where the Court of Justice refers a case back to the Court of First Instance following an appeal, that case shall keep the number previously given to it when it was before the Court of First Instance.

2. The serial number of the case together with the names of the parties shall be indicated on the procedural documents, in correspondence relating to the case and, without prejudice to Article 18(4) of these Instructions, in the publications of the Court of First Instance.

Article 5

The file and access to the file

1. The case-file shall contain the originals, including their annexes, of the procedural documents produced by the parties, with the exception of those whose acceptance is refused pursuant to Article 7 of these Instructions, the decisions taken in the case, including any decisions relating to refusal to accept documents, reports for the hearing, minutes of the hearing, notices served by the Registrar and any other documents or correspondence to be taken into consideration in deciding the case.

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

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

3. The lawyers or agents of the parties to a case before the Court or persons duly authorised by them may inspect the original case-file, including administrative files produced before the Court, at the Registry and may request copies or extracts of procedural documents and of the register.

Lawyers or agents of parties granted leave to intervene and lawyers or agents of all the parties to joined cases shall have the same right of access to case-files, subject to the provisions of Article 6(2) and (3) relating to the confidential treatment of certain information or documents on the file.

4. 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.

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

6. At the close of the proceedings, the case-file shall be closed and bound. The closed file shall contain a list of the documents on the file, an indication of their number, and a cover page showing the serial number of the case, the parties and the date on which the file was closed.

7. No third party, private or public, may have access to the case-file or to the procedural documents without the express authorisation of the President of the Court of First Instance or, where the case is still pending, of the President of the formation of the Court that is hearing the case, after the parties have been heard. That authorisation may be granted only upon written request accompanied by a detailed explanation of the third party's legitimate interest in inspecting the file.

Article 6

Confidential treatment

1. Without prejudice to Article 67(3) of the Rules of Procedure, no consideration may be given to an application by the applicant for any information or documents on the case-file to be treated as confidential in relation to the defendant. Likewise, no such application may be made by the defendant in relation to the applicant.

2. A party may apply pursuant to Article 116(2) of the Rules of Procedure for certain information or documents on the case-file to be treated as confidential in relation to an intervener. Such an application must be made in accordance with the provisions of the Practice Directions to parties (points 74 to 77).

Where an application for confidential treatment does not comply with the Practice Directions to parties, the Registrar shall request the party concerned to put the application in order. If, despite such a request, the application for confidential treatment is not made to comply with the Practice Directions to parties, it will not be able properly to be processed; a copy of every procedural document in its entirety will then be furnished to the intervener in accordance with Article 116(2) of the Rules of Procedure.

3. Where cases are joined, a party in one case may apply pursuant to Article 50(2) of the Rules of Procedure for certain information or documents on the case-file to be treated as confidential in relation to a party in a joined case. Such an application must be made in accordance with the provisions of the Practice Directions to parties (points 78 and 79).

Where an application for confidential treatment does not comply with the Practice Directions to parties, the Registrar shall request the party concerned to put the application in order. If, despite such a request, the application for confidential treatment is not made to comply with the Practice Directions to parties, it will not be able properly to be processed; the other party in the joined case will then have access to the whole case-file.

Article 7

Non-acceptance of documents and regularisation

1. The Registrar shall ensure that documents placed on the file are in conformity with the provisions of the Statute of the Court of Justice, the Rules of Procedure, the Practice Directions to parties and these Instructions.

If necessary, he shall allow the parties a period of time for making good any formal irregularities in the documents lodged.

Service of a pleading shall be delayed in the event of non-compliance with the provisions of the Rules of Procedure referred to in points 55 and 56 of the Practice Directions to parties.

Non-compliance with the provisions referred to in points 57 and 59 of the Practice Directions to parties shall delay, or may delay, as the case may be, the service of a pleading.

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

3. Without prejudice to Article 43(6) of the Rules of Procedure, concerning the lodgment of documents by fax or other technical means of communication, the Registrar shall accept only documents bearing the original signature of the party's lawyer or agent.

The Registrar may request the lodgment of a lawyer's or agent's specimen signature, if necessary certified as a true specimen, in order to enable him to verify that the first subparagraph of Article 43(1) of the Rules of Procedure has been complied with.

4. Documents annexed to a pleading or procedural document must be lodged in accordance with the provisions of the Practice Directions to parties relating to the production of annexes to pleadings. If the party concerned fails to make good the irregularity, the Registrar shall refer the matter to the Judge-Rapporteur for a decision, with the President's agreement, on whether to refuse to accept the annexes not in conformity with the provisions of the Practice Directions to parties.

5. Save in the cases expressly provided for by the Rules of Procedure, the Registrar shall refuse to accept pleadings or procedural documents of the parties drawn up in a language other than the language of the case.

Where documents annexed to a pleading or procedural document are not accompanied by a translation into the language of the case, the Registrar shall require the party concerned to make good the irregularity if such a translation appears necessary for the purposes of the efficient conduct of the proceedings.

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.

6. Where a party challenges the Registrar's refusal to accept a document, the Registrar shall submit the document concerned to the President for a decision on whether it is to be accepted.

Article 8

Presentation of originating applications

1. Where the Registrar considers that an application initiating proceedings is not in conformity with Article 44(1) of the Rules of Procedure, he shall suspend service of the application in order that the Court may give a decision on the admissibility of the action.

2. For the purposes of the production of the document required by Article 44(3) of the Rules of Procedure certifying that the lawyer acting for a party or assisting the party's agent is authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area, reference may be made to a document previously lodged at the Registry of the Court.

3. Where the applicant is a legal person governed by private law, documents to be produced by virtue of Article 44(5)(a) and (b) of the Rules of Procedure must enable the following to be verified:

— existence of authority;

— existence in law of the legal person;

— power and capacity of the authority's signatory;

— proper conferment of the authority.

Article 9

Translations

1. The Registrar shall, in accordance with Article 36(1) of the Rules of Procedure, arrange for everything said or written in the course of the proceedings to be translated, at the request of a Judge, an Advocate-General or a party, into the language of the case or, where necessary, into another language as provided for in Article 35(2) of the Rules of Procedure. Where, for the purposes of the efficient conduct of the proceedings, a translation into another language, as provided for in Article 35(1) of the Rules of Procedure, is necessary, the Registrar shall also arrange for such a translation to be made.

2. If, pursuant to Article 131(4) of the Rules of Procedure, the Registrar has prescribed a period within which the party concerned is to produce a translation into the language of the case, the accuracy of which it must certify, and the translation is not produced within the prescribed period, the Registrar shall arrange for the pleading or procedural document concerned to be removed from the case-file.

3. The Registrar shall prescribe the periods within which institutions which are parties to proceedings are to produce the translations provided for by Article 43(2) of the Rules of Procedure.

Article 10

Service

1. Service shall be effected, in accordance with Article 100(1) of the Rules of Procedure, either by the dispatch by registered post, with a form for acknowledgment of receipt, of a certified copy of the original of the document to be served or by personal delivery of such copy to the addressee against a receipt. If need be, the certified copy shall be prepared by the Registrar.

The copy of the document shall be accompanied by a letter specifying the case number, the register number and a brief indication of the nature of the document. The signed original of that letter shall be kept on the case-file.

2. If service of the application on the defendant is attempted unsuccessfully, the Registrar shall prescribe a period within which the applicant is to supply a new address for service.

3. Provided that the addressee concerned has an address for service in Luxembourg, documents shall be served on the person authorised to accept service.

Where, contrary to Article 44(2) of the Rules of Procedure, a party has omitted to state an address for service in Luxembourg and has not agreed that service is to be effected on him by fax or other technical means of communication, service shall be effected by the lodging at the post office in Luxembourg of a registered letter addressed to the lawyer or agent of the party concerned.

4. Where, in accordance with the second subparagraph of Article 44(2) of the Rules of Procedure, a party has agreed that service is to be effected on him by fax or other technical means of communication, service shall be effected, in accordance with Article 100(2) of the Rules of Procedure, by the transmission by such means of a copy of the document to be served.

However, judgments and orders of the Court of First Instance and documents which, for technical reasons or on account of their nature or length, cannot be transmitted by such means shall be served in accordance with paragraph 1 above.

Where the addressee has not stated an address for service in Luxembourg, he shall be informed of such service by the transmission by fax or other technical means of communication of a copy of the letter accompanying the document to be served and drawing his attention to the provisions of the second subparagraph of Article 100(2) of the Rules of Procedure.

5. The form for acknowledgment of receipt, the receipt, the proof of lodging of the registered letter at the post office in Luxembourg or a document establishing the dispatch by fax or other technical means of communication shall be kept on the case-file together with a copy of the letter sent to the addressee when service was effected.

6. If, owing to the length of a document, only one copy is annexed to a procedural document lodged by a party or if, for other reasons, copies of a document or an object lodged at the Registry cannot be served on the parties, the Registrar shall inform the parties accordingly and indicate to them that the document or object in question is available to them at the Registry for inspection.

Article 11

Setting and extension of time-limits

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

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

3. The Registrar may extend the time-limits prescribed, in accordance with the authority accorded to him by the President. When necessary, he shall submit to the President proposals for the extension of time-limits.

Applications for extensions of time-limits must be duly reasoned and be submitted in good time before the expiry of the period prescribed. A time-limit may not be extended more than once save for exceptional reasons.

Article 12

Procedures on applications for interim measures

In the procedures referred to in Articles 104 to 110 of the Rules of Procedure, the Registrar may send procedural documents by all appropriate means which urgency requires, and in particular by means of fax transmission; in the event of such transmission, the Registrar shall nevertheless ensure that it is followed by a dispatch in the manner prescribed by Article 100 of the Rules of Procedure.

Article 13

Hearings and minutes of hearings

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

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

2. The Registrar shall draw up in the respective language of each case the minutes of every hearing. Those minutes shall contain an indication of the case, the date, hour and place of the hearing, an indication of whether the hearing was in public or in camera, the names of the Judges, the Advocate-General and the Registrar present, the names and capacities of the agents, lawyers or advisers of the parties present, the surnames, forenames, status and permanent addresses of the witnesses or experts examined, an indication of the evidence or 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 Court or the President.

3. The Registrar shall arrange for minutes of the examination of a witness which reproduce the witness's evidence to be drawn up in the language in which the witness gave his evidence.

Before signing the minutes and submitting them to the President for his signature the Registrar shall forward the draft minutes to the witness, if necessary by registered post, and request the witness to check them, make any observations which he may wish to make upon them and sign them.

Article 14

Witnesses and experts

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

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

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

4. The Registrar shall arrange for the costs of examining experts or witnesses advanced by the Court in a case to be demanded from the parties ordered to pay the costs. If necessary, steps pursuant to Article 16(2) shall be taken.

Article 15

Originals of judgments and orders

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

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

The Registrar may supply uncertified copies of judgments and orders to third parties who so request.

2. Judgments or orders rectifying or interpreting a judgment or an order, judgments given on applications to set aside judgments by default, judgments and orders given in third-party proceedings or on applications for revision and judgments or orders given by the Court of Justice in appeals shall be mentioned in the margin of the judgment or order concerned. The original or a certified copy shall be appended to the original of the judgment or order.

Article 16

Recovery of sums

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

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

Article 17

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 ([1]) per page for a certified copy and EUR 2,50 per page for an uncertified copy.

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

3. The charges referred to in this Article shall, as from 1 January 2007, be increased by 10 % each time the weighted cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10 %.

Article 18

Publications

1. The Registrar shall cause to be published in the *Official Journal of the European Union* the composition of the Chambers and the criteria applied in the allocation of cases to them, the election of the President of the Court of First Instance and of the Presidents of Chambers, the designation of the Judge replacing the President of the Court of First Instance as the Judge hearing applications for interim measures, and the appointment of the Registrar and of any Deputy Registrar.

2. The Registrar shall cause to be published in the *Official Journal of the European Union* notices of proceedings brought and of decisions closing proceedings.

3. The Registrar shall ensure that the case-law of the Court of First Instance is made public and that the Reports of Cases before the Court of First Instance are published in the languages referred to in Article 1 of Council Regulation No 1 ([2]), as amended, and in accordance with any arrangements adopted by the Court of First Instance.

4. Where a party so requests or the Court of its own motion so decides, the names of parties or third parties or other information may be omitted from the publications relating to a case if there is a legitimate interest in keeping the identity of a person or other information confidential.

Article 19

Advice for lawyers and agents

1. The Registrar shall make known to lawyers and agents the Practice Directions to parties and these Instructions to the Registrar.

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

Article 20

Derogations from these Instructions

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

Article 21

Entry into force of these Instructions

1. The Instructions to the Registrar of 3 March 1994 (OJ L 78, 22.3.1994, p. 32), as amended on 29 March 2001 (OJ L 119, 27.4.2001, p. 2) and 5 June 2002 (OJ L 160, 18.6.2002 p. 1), are hereby repealed and replaced by these Instructions to the Registrar.

2. These Instructions to the Registrar, which are authentic in the languages referred to in Article 36(2) of the Rules of Procedure, shall be published in the *Official Journal of the European Union*. They shall enter into force on the day following their publication.

Done at Luxembourg, 5 July 2007.

E. COULON	B. VESTERDORF
Registrar	*President*

([1]) Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro (OJ L 162 of 19 June 1997, p. 1).

([2]) Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community (OJ, English Special Edition (1952-1978) (I), p. 59).

PRACTICE DIRECTIONS TO PARTIES

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to Article 150 of its Rules of Procedure;

Whereas:

It is in the interests of the efficient conduct of proceedings before the Court of First Instance ('the Court') and the expeditious processing of cases that practice directions should be issued to the lawyers and agents of parties, dealing with the manner in which pleadings and other procedural documents relating to the written procedure are to be submitted and how best to prepare for the hearing before the Court;

The present directions reflect, explain and complement provisions in the Court's Rules of Procedure and are designed to enable lawyers and agents to allow for the constraints under which the Court operates, and particularly those attributable to translation requirements and the electronic processing of procedural documentation;

The Instructions to the Registrar dated 5 July 2007 (OJ L 232, 4.9.2007, p. 1)('the Instructions to the Registrar') require the Registrar to ensure that documents placed on a case-file comply with the provisions of the Statute of the Court of Justice, the Rules of Procedure and these Practice Directions ('the Practice Directions') together with the Instructions to the Registrar, and, in particular, oblige him to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, that he refuse, where appropriate, to accept them if they do not comply with the provisions of the Statute of the Court of Justice or of the Rules of Procedure;

Compliance with the Practice Directions will assure lawyers and agents that the pleadings and documents lodged by them may properly be processed by the Court and will not, with respect to the matters dealt with in the Practice Directions, entail the application of Article 90(a) of the Rules of Procedure;

Following consultations with the representatives of the agents of the Member States, of the institutions acting in proceedings before the Court and of the Council of Bars and Law Societies of Europe (CCBE);

HEREBY DECIDES TO ADOPT THE FOLLOWING PRACTICE DIRECTIONS.

I. WRITTEN PROCEDURE

A. **Use of technical means of communication**

1. A copy of the signed original of a procedural document may be transmitted to the Registry in accordance with Article 43(6) of the Rules of Procedure either:

— by fax (to fax number: (352) 4303 2100), or

— by e-mail (e-mail address: CFI.Registry@curia.europa.eu).

2. In the case of transmission by email, only a scanned copy of the signed original will be accepted. A document despatched in the form of an ordinary electronic file which is unsigned or bears an electronic signature or a facsimile signature generated by computer will not be treated as complying with Article 43(6) of the Rules of Procedure. No correspondence relating to a case which is received by the Court in the form of an ordinary email message will be taken into consideration.

Scanned documents should ideally be scanned at a resolution of 300 dpi and submitted in PDF format (images and text) using Acrobat or Readiris 7 Pro software.

3. The lodgment of a document by fax or email will be treated as complying with the relevant time-limit only if the signed original of that document reaches the Registry prior to the expiry of the period of 10 days following such lodgment, as specified in Article 43(6) of the Rules of Procedure. The signed original must be sent without delay, immediately after the despatch of the copy, without any corrections or amendments, even of a minor nature, being made thereto. In the event of any discrepancy between the signed original and the copy previously lodged, only the date of lodgment of the signed original will be taken into consideration.

4. Where, in accordance with Article 44(2) of the Rules of Procedure, a party consents to being served by fax or other technical means of communication, the statement to that effect must specify the fax number and/or the email address to which the Registry may send that party documents to be served. The recipient's computer must be equipped with suitable software (for example, Acrobat or Readiris 7 Pro) enabling communications from the Registry, which will be transmitted in PDF format, to be read.

B. **Lodgment of pleadings**

5. The following information must appear on the first page of the pleading:

(a) the title of the pleading (application, defence, reply, rejoinder, application for leave to intervene, statement in intervention, objection of inadmissibility, observations on ....., replies to questions, etc.);

(b) the case number (T-.../..), where it has already been notified by the Registry;

(c) the names of the applicant and of the defendant;

(d) the name of the party on whose behalf the pleading is lodged.

6. Each paragraph of the pleading must be numbered.

7. The original signature of the lawyer or agent acting for the party concerned must appear at the end of the pleading. Where more than one representative is acting for the party concerned, the signature of one representative shall be sufficient.

8. Pleadings lodged by the parties must be submitted in such a way as to enable them to be processed electronically by the Court, in particular by means of document scanning and character recognition.

In order to permit the use of such technology, the following requirements should be complied with:

(a) the paper must be white, unlined and A4 size, with the text appearing on one side of the page only;

(b) pages of pleadings and annexes, if any, must be placed together in such a way as to enable them to be easily undone. They must not be bound together or fixed to each other by any other means (e.g. glued or stapled);

(c) the text must appear in characters of a current type (such as Times New Roman, Courier or Arial), in at least 12 pt in the body of the text and at least 10 pt in the footnotes, with one-and-a-half line spacing and upper, lower, left and right margins of at least 2,5 cm;

(d) the pages of the pleading must be numbered consecutively in the top right-hand corner.

Where annexes to a pleading are produced, they must be paginated in accordance with the requirements at point 52 of the Practice Directions.

9. Each copy of every procedural document required to be produced by the parties pursuant to the second subparagraph of Article 43(1) of the Rules of Procedure must be signed by the lawyer or agent of the party concerned and certified by him as a true copy of the original document.

C. **Length of pleadings**

10. Depending on the subject-matter and the circumstances of the case, the maximum number of pages shall be as follows:

— 50 pages for the application and the defence,

— 20 pages for the application and responses in intellectual property cases,

— 15 pages for the appeal and the response,

— 25 pages for the reply and the rejoinder,

— 20 pages for an objection of inadmissibility and observations thereon,

— 20 pages for a statement in intervention and 15 pages for observations thereon.

Those maxima may be exceeded only in cases involving particularly complex legal or factual issues.

D. **Form and content of the application and of the defence/response**

D.1. *Direct actions*

11. The Rules of Procedure contain provisions which specifically govern proceedings relating to intellectual property rights (Articles 130 to 136). The rules relating to applications and responses lodged in the context of such proceedings (D.1.2) are therefore set out separately from those relating to applications and defences lodged in the context of any other proceedings (D.1.1).

D.1.1. Application and defence

Application initiating proceedings

12. The information which is mandatory and must be included in the application initiating proceedings is prescribed under Article 44 of the Rules of Procedure.

13. For practical reasons, the following information must appear at the beginning of the application:

(a) the name and address of the applicant;

(b) the name and capacity of the applicant's lawyer or agent;

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

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

14. The introductory part of the application should be followed by a brief account of the facts giving rise to the dispute.

15. Legal arguments should be set forth and grouped by reference to the particular pleas in law to which they relate, and ideally each argument or group of arguments should be preceded by a summary statement of the relevant plea.

16. The precise wording of the form of order sought by the applicant must be stated either at the beginning or at the end of the application.

17. In the case of an action for annulment, a copy of the contested measure must be annexed to the application and identified as such.

18. The documents referred to in Article 44(3) and (5)(a) and (b) of the Rules of Procedure must be produced together with the application, but separately from the documents annexed in support of the action.

19. Each application must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice prescribed by Article 24(6) of the Rules of Procedure, which will be prepared by the Registry. The summary in question must not be more than two pages long.

20. All evidence offered in support must be expressly and accurately indicated, in such a way as to show clearly the facts to be proved:

— documentary evidence offered in support must refer to the relevant document number in a schedule of annexed documents. Alternatively, if a document is not in the applicant's possession, the pleading must indicate how the document may be obtained.

— where oral testimony is sought to be given, each proposed witness or person from whom information is to be obtained must be clearly identified.

21. If the application is lodged after the submission of an application for legal aid, the effect of which, under Article 96(4) 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 initiating proceedings.

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.

Defence

22. The information which is mandatory and must be included in the defence is prescribed under Article 46(1) of the Rules of Procedure.

23. For practical reasons, in addition to the case-number and the name of the applicant, the following information must be included at the beginning of the defence:

(a) the name and address of the defendant;

(b) the name and capacity of the defendant's lawyer or agent;

(c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

24. The precise wording of the form of order sought by the defendant must be stated either at the beginning or at the end of the defence.

25. Points 15, 18 and 20 of the Practice Directions shall apply to the defence.

26. Any fact alleged by the other party which is contested must be specified and the basis on which it is contested expressly stated.

D.1.2. Application and response (in intellectual property cases)

Application initiating proceedings

27. The information which is mandatory and must be included in the application initiating proceedings is prescribed under Articles 44 and 132(1) of the Rules of Procedure.

28. For practical reasons, the following information must appear at the beginning of the application:

(a) the name and address of the applicant;

(b) the name and capacity of the applicant's lawyer;

(c) the names of all parties to the proceedings before the Board of Appeal and the addresses given by them for notification purposes during those proceedings;

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

29. In the case of an action for annulment, a copy of the contested measure must be annexed to the application and identified as such. Reference must be made to the date on which the decision was notified to the applicant.

30. Point 10, second indent, and points 14, 15, 16, 18, 20 and 21 of the Practice Directions shall apply to applications in intellectual property cases.

Response

31. The information which is mandatory and must be included in the response is prescribed under Article 46(1) of the Rules of Procedure.

32. In addition to the case-number and the name of the applicant, the following must appear at the beginning of the response:

(a) the name and address of the defendant or of the intervener;

(b) the name and capacity of the defendant's agent or of the intervener's lawyer;

(c) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service and/or agreement to service by technical means of communication).

33. The precise wording of the form of order sought by the defendant or by the intervener must be stated either at the beginning or at the end of the response.

34. Point 10, second indent, and points 15, 18, 20 and 26 of the Practice Directions shall apply to the response.

D.2. *Appeals*

Notice of Appeal

35. The notice of appeal must contain the statements prescribed under Article 138(1) of the Rules of Procedure.

36. The following must appear at the beginning of any notice of appeal:

(a) the name and address of the appellant;

(b) the name and capacity of the appellant's agent or lawyer;

(c) a reference to the decision of the Civil Service Tribunal appealed against (nature of the decision, formation of the Tribunal, date and case-number);

(d) the names of the other parties to the proceedings before the Civil Service Tribunal;

(e) a reference to the date of service on the appellant of the decision of the Civil Service Tribunal;

(f) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

37. The precise wording of the form of order sought by the appellant must be stated either at the beginning or at the end of the notice (Article 139(1) of the Rules of Procedure).

38. It is not generally necessary to describe the background or subject-matter of the proceedings. A reference to the decision of the Civil Service Tribunal is sufficient.

39. It is recommended that the pleas in law be summarised at the beginning of the notice. Legal arguments should be set forth and grouped by reference to the particular pleas in law in support of the appeal to which they relate, particularly by reference to the errors of law relied on.

40. A copy of the decision of the Civil Service Tribunal appealed against shall be annexed to the notice.

41. Each notice of appeal must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate the drafting of the notice for publication in the Official Journal prescribed by Article 24(6) of the Rules of Procedure. The summary in question must not be more than two pages long.

42. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer 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) must be produced together with the notice of appeal, unless the appellant is a Community institution or a Member State represented by an agent.

Response

43. The response must contain the statements prescribed under Article 141(2) of the Rules of Procedure.

44. In addition to the case-number and the name of the appellant, the following must appear at the beginning of each response:

(a) the name and address of the party submitting the response;

(b) the name and capacity of that party's agent or lawyer;

(c) the date of service of the appeal on that party;

(d) the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service in Luxembourg and/or agreement to service by technical means of communication).

45. The precise wording of the form of order sought by the party submitting the response must be stated either at the beginning or at the end of the response (Article 142(1) of the Rules of Procedure).

46. If the response seeks to set aside, in whole or in part, the decision of the Civil Service Tribunal on a plea in law which was not raised in the appeal, a reference to that effect should be included in the heading of the pleading ('response and cross-appeal').

47. Legal arguments must, as far as possible, be set forth and grouped by reference to the appellant's pleas in law and/or, as the case may be, to the pleas in law relating to the cross-appeal.

48. Since the factual and legal background is already included in the judgment under appeal, it should be repeated in the response only, in truly exceptional circumstances, in so far as its presentation in the notice of appeal is contested or requires clarification. The matter of fact or of law contested must be specified and the basis on which it is contested expressly stated.

49. The document referred to in Article 44(3) of the Rules of Procedure (certificate that the lawyer 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) must be produced together with the response, unless the party producing it is a Community institution or a Member State represented by an agent.

E. **Annexes to pleadings**

50. Only those documents mentioned in the actual text of a pleading and which are necessary in order to prove or illustrate its contents may be submitted as annexes.

51. Annexes will be accepted only if they are accompanied by a schedule indicating, for each document annexed:

(a) the number of the annex;

(b) a short description of the document (e.g. 'letter'), followed by its date, author and addressee and the number of pages;

(c) the page reference and paragraph number in the pleading where the document is mentioned and its relevance is described.

An annex should also be numbered in such a way as to identify the pleading in which it is produced (thus, for example, 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).

52. The pages of documents annexed to a pleading must be numbered in the top right-hand corner, either consecutively with the pleading to which they are annexed or separately from the pleading concerned. Such page numbering is intended to make it possible to ensure, by means of a page count, that all pages of the annexes have been duly scanned.

53. Where annexes are documents which themselves contain annexes, they must be arranged and numbered in such a way as to avoid all possibility of confusion and should, where necessary, be separated by dividers.

54. Each reference in the text of a pleading to a document lodged must state the relevant annex number as given in the schedule of annexes and indicate the pleading with which the annex has been lodged, in the manner described at point 51 above.

F. **Regularisation of pleadings**

F.1 *Regularisation of applications*

55. If an application does not comply with the following requirements set out in Article 44(3) to (5) of the Rules of Procedure, it shall not be served on the defendant and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) production of the certificate of the lawyer's authorisation to practise (Article 44(3) of the Rules of Procedure);

(b) proof of the existence in law of a legal person governed by private law (Article 44(5)(a) of the Rules of Procedure);

(c) authority (Article 44(5)(b) of the Rules of Procedure);

(d) proof that that authority has been properly conferred by someone authorised for the purpose (Article 44(5)(b) of the Rules of Procedure);

(e) production of the contested measure (action for annulment) or of the documentary evidence of the date on which the institution was requested to act (action for failure to act) (second paragraph of Article 21 of the Statute of the Court of Justice; Article 44(4) of the Rules of Procedure).

56. In intellectual property cases in which the lawfulness of a decision of a Board of Appeal of OHIM is called into question, an application which does not comply with the following requirements under Article 132 of the Rules of Procedure shall not be served on the other party/parties, and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) the names and addresses of the parties to the proceedings before the Board of Appeal (first subparagraph of Article 132(1) of the Rules of Procedure);

(b) the date on which the decision of the Board of Appeal was notified (second subparagraph of Article 132(1) of the Rules of Procedure);

(c) the contested decision annexed (second subparagraph of Article 132(1) of the Rules of Procedure).

57. If an application does not comply with the following procedural rules, service of the application shall be delayed and a reasonable period shall be prescribed for the purposes of putting the application in order:

(a) indication of the applicant's address (first paragraph of Article 21 of the Statute of the Court of Justice; Article 44(1)(a) of the Rules of Procedure; point 13(a) of the Practice Directions);

(b) original signature of the lawyer or agent at the end of the application (point 7 of the Practice Directions);

(c) numbered paragraphs (point 6 of the Practice Directions);

(d) production of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(e) sufficient number of copies of the annexes mentioned in the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(f) production of a schedule of annexes (Article 43(4) of the Rules of Procedure and point 51 of the Practice Directions);

(g) sufficient number of copies of the schedule (second subparagraph of Article 43(1) of the Rules of Procedure);

(h) schedule of annexes with page reference and paragraph number(s) (point 51(c) of the Practice Directions);

(i) sufficient number of copies of the schedule of annexes with page reference and paragraph number(s) (second subparagraph of Article 43(1) of the Rules of Procedure);

(j) sufficient number of copies of the contested measure or of the documentary evidence of the date on which the institution was requested to act (second subparagraph of Article 43(1) of the Rules of Procedure);

(k) production of a copy of the contract containing the arbitration clause (Article 44(5a) of the Rules of Procedure);

(l) sufficient number of copies of the contract containing the arbitration clause (second subparagraph of Article 43(1) of the Rules of Procedure);

(m) pagination of the application and annexes (points 8(d) and 52 of the Practice Directions);

(n) sufficient number of certified copies of the application (seven for *inter partes* intellectual property cases and six for all other cases) (second subparagraph of Article 43(1) of the Rules of Procedure);

(o) production of certified true copies of the application (second subparagraph of Article 43(1) of the Rules of Procedure; point 9 of the Practice Directions).

58. If the application does not comply with the following procedural rules, the application shall be served and a reasonable period shall be prescribed for the purposes of putting it in order:

(a) address for service (statement of an address for service and/or agreement to service by technical means of communication) (Article 44(2) of the Rules of Procedure; Article 10(3) of the Instructions to the Registrar; points 4 and 13(d) of the Practice Directions);

(b) certificate of authorisation to practise in respect of any additional lawyer (Article 44(3) of the Rules of Procedure);

(c) summary of the pleas in law and main arguments (point 19 of the Practice Directions);

(d) translation into the language of the case accompanying any document expressed in a language other than the language of the case (second subparagraph of Article 35(3) of the Rules of Procedure).

Regularisation of lengthy applications:

59. An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 10 of the Practice Directions by 40 % or more shall require regularisation, unless otherwise directed by the President.

An application comprising a number of pages which exceeds the maximum number of pages prescribed at point 10 of the Practice Directions by less than 40 % may require regularisation if so directed by the President.

Where an applicant is requested to put his application in order, service on the defendant of the application which requires regularisation on account of its length shall be delayed.

F.2 *Regularisation of other pleadings*

60. The instances of regularisation referred to above shall apply as necessary to pleadings other than the application.

G. **Applications for expedited procedure**

61. An application in respect of which the expedited procedure is requested must not in principle exceed 25 pages. Such an application must be submitted in accordance with the requirements set out at points 12 to 19 above.

62. An application for a case to be decided by the Court under the expedited procedure, which is made by a separate document in accordance with Article 76a of the Rules of Procedure, must contain a brief statement of the reasons for the special urgency of the case and any other relevant circumstances. The provisions of Sections B and E above shall apply.

63. It is recommended that the party applying for the expedited procedure specifies in its application the pleas in law, arguments or passages of the pleading in question (application or defence) which are put forward only in the event that the case is not decided under the expedited procedure. That information, referred to in the second subparagraph of Article 76a(1) of the Rules of Procedure, must be clearly specified in the application, indicating the numbers of the paragraphs concerned.

64. It is recommended also that an abbreviated version of the relevant pleading be annexed to any application for a case to be decided under the expedited procedure which contains the information referred to at point 63 above.

Where an abbreviated version is annexed, it must comply with the following directions:

(a) the abbreviated version shall be in the same format as the original version of the pleading in question, with omitted passages being identified by the word 'omissis' in square brackets;

(b) paragraphs which are retained in the abbreviated version shall keep the same numbering as in the original version of the pleading in question;

(c) if the abbreviated version does not refer to all of the annexes to the original version of the pleading in question, the schedule of annexes accompanying the abbreviated version shall identify each annex omitted by the word 'omissis';

(d) annexes which are retained in the abbreviated version must keep the same numbering as in the schedule of annexes in the original version of the pleading in question;

(e) the annexes referred to in the schedule accompanying the abbreviated version must be attached to that version.

In order to ensure that it is dealt with as expeditiously as possible, the abbreviated version must comply with the above directions.

65. Where the production of an abbreviated version of the pleading is requested by the Court under Article 76a(4) of the Rules of Procedure, the abbreviated version must be prepared in accordance with the above directions, unless otherwise specified.

66. If the applicant has not specified in its application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond to the application initiating proceedings within a period of one month.

If the applicant has specified in its application for expedited procedure the pleas in law, arguments or passages of the application which are to be taken into consideration only in the event that the case is not decided under the expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments advanced in the application, in the light of the information provided in the application for the expedited procedure.

If the applicant has attached an abbreviated version of the application to its application for expedited procedure, the defendant must respond, within a period of one month, to the pleas in law and arguments contained in that abbreviated version of the application.

67. If the Court decides to reject the application for an expedited procedure before the defendant has lodged its defence, the period of one month for lodgment of the defence prescribed under the first subparagraph of Article 76a(2) of the Rules of Procedure shall be extended by a further month.

If the Court decides to reject the application for an expedited procedure after the defendant has lodged its defence within the period of one month prescribed by the first subparagraph of Article 76a(2) of the Rules of Procedure, the defendant shall be allowed a further period of one month in order to supplement his defence.

H. Applications for suspension of operation or enforcement and other interim measures

68. The application must be made by a separate document. It must be intelligible in itself, without necessitating reference to the application lodged in the main proceedings.

69. An application for suspension of operation or enforcement or for other interim measures must state, with the utmost concision, the subject-matter of the proceedings, the pleas of fact and of law on which the main action is based (establishing a prima facie case on the merits in that action) and the circumstances giving rise to urgency. It must specify the measure(s) applied for. Sections B, D and E above shall apply.

70. Because an application for interim measures requires the existence of a prima facie case to be assessed for the purposes of a summary procedure, it must not set out in full the text of the application in the main proceedings.

71. In order that an application for interim measures may be dealt with urgently, the number of pages it contains must not in principle (depending on the subject-matter and the circumstances of the case) exceed a maximum of 25 pages.

I. Applications for confidential treatment

72. Without prejudice to the provisions of the second and third subparagraphs of Article 67(3) of the Rules of Procedure, the Court shall take into consideration only those documents which have been made available to the lawyers and agents of the parties and on which they have been given an opportunity of expressing their views (first subparagraph of Article 67(3) of the Rules of Procedure).

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

— to be excluded from the documents to be furnished to an intervener (Article 116(2) of the Rules of Procedure);

— not to be made available to a party in a joined case (Article 50(2) of the Rules of Procedure).

Applications for leave to intervene

74. An application by one of the parties pursuant to Article 116(2) of the Rules of Procedure for the exclusion on grounds of secrecy or confidentiality of any part of the contents of the case-file from the documents to be furnished to an intervener shall be made by a separate document.

75. Such an application must be limited to what is strictly necessary. It may not in any event cover the entirety of a pleading and may only exceptionally extend to the entirety of an annexed document. It should usually be feasible to furnish a non-confidential version of a document in which passages, words or figures have been deleted without harming the interest sought to be protected. An application which is insufficiently detailed will not be considered.

76. An application must accurately identify the particulars or passages to be excluded and briefly state the reasons for which each of those particulars or passages is regarded as secret or confidential.

77. The application must be accompanied by a non-confidential version of each pleading or document concerned with the confidential material deleted.

Joined cases

78. An application by one of the parties pursuant to Article 50(2) of the Rules of Procedure for any part of the contents of the case-file not to be made available to a party in a joined case on grounds of secrecy or confidentiality shall be made by a separate document.

79. Points 75 to 77 of the Practice Directions shall apply *mutatis mutandis* to applications for confidential treatment submitted in joined cases.

J. **Applications for leave to lodge a reply in appeal proceedings**

80. Under Article 143(1) of the Rules of Procedure, the President may, on application within the period prescribed by that provision, allow a reply to be submitted if it is necessary in order to enable the appellant to put forward his point of view or in order to provide a basis for the decision on the appeal.

81. Save in exceptional circumstances, such an application must not exceed 2 to 3 pages and must be confined to summarising the precise reasons for which, in the appellant's opinion, a reply is necessary. The request must be intelligible in itself, without necessitating reference to the appeal or to the response.

K. **Applications for hearing of oral argument in appeal proceedings**

82. The Court may decide to rule on the appeal without an oral procedure, unless one of the parties submits an application to be heard within the period prescribed under Article 146 of the Rules of Procedure.

83. The application must set out the reasons for which the party wishes to be heard. That reasoning must be based on a real assessment of the benefit of a hearing to the party in question and must indicate the elements of the file or arguments which that party considers it necessary to develop or disprove more fully at a hearing. It is not sufficient to provide a general statement of reasons referring to the importance of the case or of the questions to be decided.

L. **Applications for legal aid**

84. The use of a form in making an application for legal aid is compulsory. The form is available on the website of the Court of Justice at www.curia.europa.eu.

The form may also be obtained on request from the Registry of the Court of First Instance (Tel. (352) 4303 3477), either by sending an email stating the applicant's name and address to CFI.Registry@curia.europa.eu, or by writing to the following address:

Registry of the Court of First Instance
Rue du Fort Niedergrünewald
L-2925 Luxembourg

85. Any request for legal aid submitted otherwise than by using the application form will not be taken into consideration and will give rise to a reply from the Registrar reiterating that the use of the form is compulsory and attaching a copy of the form.

86. The original application for legal aid must be signed by the legal aid applicant or by his lawyer.

87. If the application for legal aid is submitted by the legal aid applicant's lawyer before the application initiating proceedings has been lodged, the application for legal aid must be accompanied by documentation 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 Agreement on the European Economic Area.

88. The application form is intended to provide the Court, in accordance with Article 95(2) of the Rules of Procedure, with the information required to give an effective decision on the application for legal aid. The information required concerns:

— the legal aid applicant's economic situation;

and,

— where the action has not yet been brought, the subject-matter of the action, the facts of the case and the arguments relating thereto.

Together with the form, the legal aid applicant is required to produce documentary evidence to support his assertions.

89. The duly completed form and supporting documents must be intelligible in themselves without necessitating reference to any other letters lodged at the Registry by the legal aid applicant.

90. Without prejudice to the Court's power to request information or the production of further documents under Article 64 of the Rules of Procedure, the application for legal aid may not be supplemented by the subsequent lodgment of addenda. Such addenda will be returned, unless they have been lodged at the request of the Court. In exceptional cases, supporting documents intended to establish the applicant's lack of means may nevertheless be accepted subsequently, subject to the delay in their production being adequately explained.

91. Under Article 96(4) 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 to which the application refers until the date of notification of the order making a decision on that application or, where no lawyer is designated in that order to represent the person concerned, until the date of service of the order designating the lawyer instructed to represent the legal aid applicant.

The suspension shall take effect from the date on which the form is lodged or, where the request for legal aid is submitted without using the form, from the date on which that request is lodged, provided that the form is returned within the period prescribed by the Registry to that effect in the letter referred to at point 85 above. If the form is not returned within the prescribed period, the suspension shall take effect from the date on which the form is lodged.

92. Where the form is lodged by fax or email, the signed original must reach the Registry of the Court no more than 10 days after such lodgment, in order for the date of lodgment of the fax or email to be taken into account in the suspension of the time-limit for bringing an action. If the original form is not lodged within that 10-day period, the suspension of the time-limit for bringing an action shall take effect on the date on which the original form is lodged. In the event of any discrepancy between the signed original and the copy previously lodged, only the signed original will be taken into account, and the relevant date for the purpose of suspension of the time-limit for bringing an action will be the date on which that original was lodged.

II. ORAL PROCEDURE

93. The oral procedure exists:

— where necessary, to reiterate in condensed form the position taken by the parties, emphasising the key submissions advanced in writing,

— to clarify, if necessary, certain arguments advanced during the written procedure and to submit any new arguments prompted by recent events which arose after the close of the written procedure and which could not therefore have been set out in the pleadings,

— to reply to any questions put by the Court.

94. It is for Counsel to each party to assess, in the light of the purpose of the oral procedure, as defined in point 93 above, whether oral argument is really necessary or whether it would be sufficient simply to refer to the pleadings or written observations. The oral procedure can then concentrate on the replies to questions put by the Court. If Counsel does consider it necessary to address the Court, he may always confine himself to making specific points and referring to the pleadings in relation to other points.

95. If a party refrains from presenting oral argument, this will never be construed as constituting acquiescence in the oral argument presented by another party where the arguments in question have already been refuted in writing. Such silence will not preclude that party from responding to the other party's submission.

96. In some cases, the Court may consider it preferable to start the oral procedure with questions put by its Members to Counsel for the parties. In that case, Counsel are requested to take this into account if they then wish to make a brief address.

97. In the interests of clarity and in order to enable the Members of the Court to understand oral submissions better, it is generally preferable for Counsel to speak freely on the basis of notes rather than to read out a written text. Counsel for the parties are also requested to simplify their presentation of the case as far as possible; a series of short sentences will always be preferable to a long, complicated sentence. It would also assist the Court if Counsel could structure their oral argument and indicate, before developing it, the structure they intend to adopt.

If, however, the submission is prepared in writing, it is advisable to bear in mind when drafting it that it will have to be presented orally and should therefore resemble a spoken text as much as possible. To facilitate interpretation, agents and lawyers are requested to send any text or written notes for their submissions to the Directorate for Interpretation in advance either by fax ((+352) 4303 3697) or by e-mail (interpret@curia.europa.eu).

Any notes for submissions thus transmitted will be treated in the strictest confidence. To avoid any misunderstanding, the name of the party must be stated. Notes for submissions will not be placed on the case-file.

98. Counsel are reminded that, depending on the case being heard, only some of the Members of the bench will be following the oral argument in the language in which it is being presented; the other Members will be listening to the simultaneous interpretation. In the interests of the better conduct of the proceedings and of maintaining the quality of the simultaneous interpretation, Counsel are strongly advised to speak slowly and directly into the microphone.

Where Counsel intend to cite verbatim passages from certain texts or documents, particularly passages not appearing in the documents before the Court, it would be helpful if they would indicate the passages concerned to the interpreters before the hearing. Similarly, it may be helpful to draw the 'interpreters' attention to any terms which may be difficult to translate.

99. As the courtrooms are equipped with an automatic sound amplification system, Counsel must press the button on the microphone in order to switch it on and wait for the light to

come on before starting to speak. The button should not be pressed while a Member of the Court or another person is speaking, in order not to cut off his or her microphone.

100. The time taken in presenting oral submissions may vary, depending on the complexity of the case and on whether or not new facts have arisen. The lawyers or agents of the main parties are requested to limit their oral submissions to 15 minutes or thereabouts for each party, and those of any intervener to 10 minutes, unless the Registry has indicated otherwise. These limitations apply only to the presentation of oral argument itself and not to time spent in answering questions put at the hearing.

If circumstances so require, a request for leave to exceed the speaking time normally allowed, giving reasons and indicating the speaking time considered necessary, may be made to the Registry at least 15 days (or less, in duly substantiated exceptional circumstances) before the date fixed for the hearing. When such requests are made, Counsel for the parties will be informed of the time which they will have for presenting their oral submissions.

101. Where a party is represented by more than one Counsel, no more than two of them may normally present argument and their combined speaking time must not exceed the time-limits indicated above. However, Counsel other than those who addressed the Court may answer questions from Members of the Court and reply to observations of other Counsel.

Where two or more parties are advancing the same argument before the Court (a situation which may arise where, in particular, there are interventions or where cases have been joined), their Counsel are requested to confer with each other before the hearing in order to avoid any repetition.

102. The Report for the Hearing is drawn up by the Judge-Rapporteur and provides an objective summary of the case. It does not set out every detail of the 'parties' arguments but is meant to enable the parties to check that their pleas and arguments have been properly understood and to facilitate study of the documents before the Court by the other Members of the bench hearing the case.

The Court will make every effort to ensure that Counsel for the parties receive the Report for the Hearing at least three weeks before the hearing. The sole purpose of this document is to prepare the hearing for the oral procedure.

103. If the Report for the Hearing contains factual errors, Counsel are requested to notify them to the Registry in writing before the hearing. Similarly, if it does not correctly convey the essence of a party's argument, Counsel for that party may propose the amendments they consider appropriate.

If at the hearing Counsel submit oral observations on the Report for the Hearing, these will be recorded by the Registrar or acting Registrar.

104. When citing a judgment of the Court of Justice, the Court of First Instance or the Civil Service Tribunal, Counsel are requested to give all the references, including the names of the parties, and, where relevant, to state the number of the page of the European Court Reports (ECR) on which the passage in question appears.

105. The Court will accept documents submitted at the hearing only in exceptional circumstances and only after the parties have been heard in that regard.

106. A request to use particular technical means for the purposes of a presentation must be made in good time. Arrangements for such use of technology should be made with the Registrar, so that any technical or practical constraints can be taken into account.

III. ENTRY INTO FORCE OF THESE PRACTICE DIRECTIONS

107. The Practice Directions to parties of 14 March 2002 (OJ L 87, 4.4.2002, p. 48) and the 'Notes for the guidance of counsel at the hearing of oral argument' are hereby revoked and replaced by these Practice Directions.

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

Done at Luxembourg, 5 July 2007.

E. COULON	B. VESTERDORF
Registrar	*President*