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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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/330

of 22 November 2022

amending and correcting Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental conditions (GAEC) standard 1

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 45, points (a) to (e), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/126 ⁽²⁾ provides additional requirements for the design of the interventions to be specified in the CAP Strategic Plans of Member States. Some of those requirements need to be clarified and corrected in order to provide legal certainty to Member States and beneficiaries for the design and implementation of their CAP Strategic Plans and types of interventions.
- (2) In accordance with Article 12(3) of Delegated Regulation (EU) 2022/126, Member States are to take into account the additional costs incurred and income forgone resulting from the implementation of interventions related to agri-environment-climate objectives, when determining the expenditure to be covered. Considering that the total cost of expenditure is covered in case of investments in tangible and intangible assets and therefore, no differential costs exist, these investments shall not be taken into account when determining the expenditure to be covered resulting from interventions related to agri-environment-climate objectives.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1 (OJ L 20, 31.1.2022, p. 52).

- (3) Article 14 of Delegated Regulation (EU) 2022/126 lists the objectives of promotion, communication and marketing interventions, among which increasing consumer awareness of brands or trademarks of producer organisations, associations of producer organisations, transnational producer organisations, transnational associations of producer organisation. Those interventions should be extended to the subsidiaries of those organisations as provided in the previous regime under Commission Delegated Regulation (EU) 2017/891 ⁽³⁾.
- (4) In addition, a new objective should be added in the list of objectives laid down in Article 14 of Delegated Regulation (EU) 2022/126 in order to include the specific and sectoral objectives laid down in Article 6(1), point (i), and Article 46, point (i), respectively of Regulation (EU) 2021/2115.
- (5) Furthermore, it should be made clear in a separate paragraph of Article 14 of Delegated Regulation (EU) 2022/126 that the obligation to display the Union emblem and the funding statement applies to generic promotion and to the promotion of quality schemes. It is therefore necessary to replace the whole Article 14 by a new text.
- (6) As regards 'green harvesting' intervention as referred to in Article 17 of Delegated Regulation (EU) 2022/126, contrary to what is provided for in paragraph 8, point (b), of that Article, Member States must ensure that the harvested products are denatured in order to avoid that they are entering the market chain again. That provision should therefore be corrected accordingly.
- (7) In order to guarantee a safe and sound management of Union funds, it is appropriate to provide that payment of support should be based on reasonable actual costs incurred by the beneficiary. Article 21(1) of Delegated Regulation (EU) 2022/126 should be amended accordingly.
- (8) Considering some interventions may contribute to agri-environment-climate objectives or to research, development and sustainable production methods objectives but also to other objectives, it must be clarified how Member States are to consider these interventions as being exclusively linked to those objectives and are to count these interventions as contributing to the 15 % and 2 % of expenditure linked to agri-environment-climate objectives or to research, development and sustainable production methods objectives. For simplification purposes, expenditure linked to interventions contributing significantly and directly to agri-environment-climate objectives should be considered as contributing exclusively to those objectives. Article 22(4) of Delegated Regulation (EU) 2022/126 should be amended accordingly.
- (9) In order to clarify how Member States are to count the contribution of interventions to the objectives laid down in Article 46, points (a) to (k), of Regulation (EU) 2021/2115 and in Article 57, points (a) to (k), of that Regulation, specific rules should be established in respect of the time period to be considered. Therefore, a new paragraph should be added in Article 22 of Delegated Regulation (EU) 2022/126.
- (10) As regards the expenditure paid for administrative and personnel costs, Article 23(1), fifth subparagraph, of Delegated Regulation (EU) 2022/126 provides incorrectly for a limit of 50 % of the overall cost for 'marketing actions and activities'. Therefore, that provision should be corrected accordingly.

⁽³⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

- (11) Article 26(1) and Article 27(2), third subparagraph, of Delegated Regulation (EU) 2022/126 contain rules on the maximum level of Union financial assistance for market withdrawals, in particular as regards withdrawals for free distribution of processed fruits and vegetables listed in Annex V to that Delegated Regulation made from withdrawn products. Following Member States' concerns on the implementation of those rules, those provisions should be clarified. With a view to avoiding any possible overcompensation, the financial support should be based, among others, on the average 'ex-producer organisation' market price of the products concerned at fresh stage level and not at processing level. In addition, payment in kind for free distribution of products withdrawn undergoing processing should only compensate for the processing costs. Transport costs should be excluded at this stage from the calculation of the level of Union financial assistance for market withdrawals.
- (12) Article 31 of Delegated Regulation (EU) 2022/126 lays down rules on the calculation of the value of marketed production as regards sectors referred to in Article 42, points (a), (e) and (f), of Regulation (EU) 2021/2115. However, the obligation set out in Article 31(2), first subparagraph, of Delegated Regulation (EU) 2022/126 requiring Member States to indicate in their CAP Strategic Plans how the value of marketed production is calculated for each sector should not apply to the fruit and vegetables sector. Furthermore, Article 31(7) of Delegated Regulation (EU) 2022/126 should provide for the possibility to calculate the value of marketed production in the case where a subsidiary is co-owned by more than one organisation.
- (13) With a view to avoiding distortion of competition in the internal market between members of transnational producer organisations or transnational associations of producer organisations, identical conditions and rules should apply to all members of those organisations irrespective of their geographical location. It is therefore appropriate to provide that the conditions and rules established by the Member State where the organisation has its head office should apply. Therefore, a new provision should be established in Delegated Regulation (EU) 2022/126.
- (14) Amounts fixed for conditioning costs for market withdrawals for free distribution in the fruit and vegetables sector should not be considered as lump sums but rather as maximum amounts. Therefore, Article 33 of Delegated Regulation (EU) 2022/126 should be amended accordingly.
- (15) With the view to allowing public schools in vitiviculture that are also wine growers to benefit from interventions in the wine sector, Article 40(3) should be amended accordingly.
- (16) Annex II to Delegated Regulation (EU) 2022/126 lists non-eligible types of expenditures for sectoral interventions referred to in Article 42 of Regulation (EU) 2021/2115. Conditions relating to the non-eligibility of certain types of expenditures should be clarified in order to delimit the scope of that Annex. Annex II should therefore be amended.
- (17) Since this Regulation lays down rules on sectoral interventions, it should apply as from 1 January 2023, to ensure a level playing field and legal certainty for Member States and beneficiaries concerned by those sectoral interventions.
- (18) Delegated Regulation (EU) 2022/126 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2022/126

Delegated Regulation (EU) 2022/126 is amended as follows:

- (1) in Article 12, paragraph 3 is replaced by the following:

'3. When determining the expenditure to be covered, except for investments in tangible and intangible assets, Member States shall take into account the additional costs incurred and income foregone resulting from interventions linked to agri-environment-climate objectives, and the targets set.';

- (2) Article 14 is replaced by the following:

Article 14

Promotion, communication and marketing

1. When Member States include, in their CAP Strategic Plans, promotion, communication and marketing interventions in the fruit and vegetables sector, in the wine sector, in the hops sector, in the olive oil and table olives sector or in other sectors referred to in Article 42, point (f), of Regulation (EU) 2021/2115, they shall provide in their CAP Strategic Plans that the interventions covered pursue one of the following objectives:

- (a) increasing awareness of the merits of Union agricultural products and of the high standards applicable to their production methods in the Union;
- (b) increasing the competitiveness and consumption of Union agricultural products and certain processed products produced in the Union and raising their profile both inside and outside the Union for sectors other than wine;
- (c) increasing awareness about Union quality schemes both inside and outside the Union;
- (d) increasing the market share of Union agricultural products and certain processed products produced in the Union, specifically focusing on the markets in third countries that have the highest growth potential;
- (e) contributing, where relevant, to restore the normal market conditions in the Union market in the event of serious market disturbance, loss of consumer confidence or other specific problems;
- (f) increasing awareness of sustainable production;
- (g) increasing consumer awareness of brands or trademarks of producer organisations, associations of producer organisations, transnational producer organisations, transnational associations of producer organisation and their subsidiaries within the meaning of Article 31(7) of this Regulation in the fruit and vegetables sector;
- (h) diversifying, opening and consolidating the markets for Union wines in third countries and increasing awareness of the intrinsic qualities of Union wines on those markets. A reference to wine origin and brands may only be used when it complements the promotion, communication and marketing of Union wines in third countries;
- (i) informing consumers about the responsible consumption of wine;
- (j) increasing consumption of fresh or processed fruit and vegetables by improving consumer awareness on healthy diets, nutritious characteristics of the product, its high quality and its safety.

2. Member States shall ensure that promotional material for generic promotion and promotion of quality labels, bears the Union emblem and include the following funding statement: 'Funded by the European Union'. The Union emblem and the funding statement shall be displayed in accordance with the technical characteristics laid down in Commission Implementing Regulation (EU) No 821/2014 (*).

(*) Commission Implementing Regulation (EU) No 821/2014 of 28 July 2014 laying down rules for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards detailed arrangements for the transfer and management of programme contributions, the reporting on financial instruments, technical characteristics of information, communication and visibility measures for operations and the system to record and store data (OJ L 223, 29.7.2014, p. 7).;

- (3) in Article 21(1), the first subparagraph is replaced by the following:

'In the sectors referred to in Article 42 of Regulation (EU) 2021/2115, Member States shall provide for payments of support on the basis of the reasonable actual costs incurred by the beneficiary, supported by documents, such as invoices, submitted by the beneficiaries for the implementation of an intervention specified in their CAP Strategic Plan.;

(4) Article 22 is amended as follows:

(a) in paragraph 4, the following subparagraph is added:

‘Expenditure linked to interventions referred to in Articles 11 and 12 of this Regulation pursuing agri-environment-climate objectives, but not exclusively, shall be considered as being exclusively linked to those objectives provided that those interventions contribute directly and significantly to those objectives. The full expenditure shall be counted against the 15 % and the 2 % of expenditure under operational programmes as referred to in Article 50(7), points (a) and (c), of Regulation (EU) 2021/2115, respectively, and against the 5 % of expenditure under interventions as referred to in Article 60(4) of that Regulation.’;

(b) the following paragraph is added:

‘5. Expenditure linked to interventions referred to in Title III, Chapter III, of Regulation (EU) 2021/2115 contributing to objectives laid down either in Article 46, points (a) to (k), or in Article 57, points (a) to (k), of that Regulation, shall be counted taking into account the entire duration period of operational programmes in the case of the types of interventions referred to in Article 42, points (a), (d), (e) and (f), of that Regulation or each financial year in the case of the types of interventions referred to in Article 42, point (c), of that Regulation.’;

(5) in Article 26, paragraph 1 is replaced by the following:

‘1. For the type of intervention ‘market withdrawal for free distribution or other destinations’ referred to in Article 47(2), point (f), of Regulation (EU) 2021/2115, in relation to fruit and vegetables listed in Annex V to this Regulation, the conditioning costs of products withdrawn for free distribution referred to in Article 33 of this Regulation, added to the amount of support for market withdrawals, shall not exceed 80 % of the average ‘ex-producer organisation’ market price of the product concerned at fresh stage in the previous last 3 years.’;

(6) in Article 27(2), the third subparagraph is replaced by the following:

‘Member States may authorise payment in kind by the beneficiaries of free distribution to processors of products withdrawn from the market and undergoing processing, where such payment only compensates for processing costs and where the Member State in which the payment takes place has adopted rules ensuring that the processed products are intended for consumption by the final recipients referred to in the first subparagraph of this paragraph. The limit laid down in Article 26(1) shall apply.’;

(7) Article 31 is amended as follows:

(a) in paragraph 2, the first subparagraph is replaced by the following:

‘The value of marketed production shall be calculated at fresh stage or the first processing stage on which the product is normally marketed, in bulk where products are allowed to be marketed in bulk, and shall not include the cost of further processing or further conditioning or the value of final processed products. For the sectors referred to in Article 42, points (e) and (f), of Regulation (EU) 2021/2115, Member States shall indicate in their CAP Strategic Plans how the value of marketed production is calculated for each sector.’;

(b) in paragraph 7, point (a) is replaced by the following:

‘(a) by one or more producer organisations, associations of producer organisations, transnational producer organisations, transnational associations of producer organisations or producer groups; or’;

- (8) in Title III, Chapter II, the following Section is added:

‘Section 4

Types of interventions implemented by transnational producer organisations and transnational associations of producer organisations

Article 32a

Rules applying to types of interventions implemented by transnational producer organisation and transnational associations of producer organisations

Types of interventions under operational programmes implemented by transnational producer organisation and transnational associations of producer organisations shall comply with the national strategic plan and the national rules of the Member State, where the head office of the transnational producer organisation or the transnational association of producer organisation is located in accordance with Article 14 or 21 of Commission Delegated Regulation (EU) 2017/891 (*).

(*) Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).’;

- (9) Article 33 is replaced by the following:

Article 33

Conditioning costs for free distribution

The payments of expenditure to the producer organisation, association of producer organisations, transnational producer organisation, transnational association of producer organisations related to the costs of conditioning of fruit and vegetables withdrawn from the market for free distribution under operational programmes shall not exceed the amount of the costs set out in Annex VII.

The first paragraph shall not apply to fruits and vegetables withdrawn from the market where the free distribution takes place after their processing.;

- (10) in Article 40(3), a new point (c) is added as follows:

‘(c) for interventions as referred to in Article 58(1) of Regulation (EU) 2021/2115, implemented by public schools in vitiviniculture that are also wine growers.’;

- (11) in Annex II, Part I is amended as follows:

- (a) point (2) is replaced by the following:

‘2. Reimbursement of loans taken out for an intervention which started to be implemented before the beginning of the operational programme.’;

- (b) point (12) is replaced by the following:

‘12. Interventions referred to in Article 11 not taking place on the holdings and/or premises of the producer organisation, association of producer organisations, or their producer members, or a subsidiary, or an entity within a chain of subsidiaries within the meaning of Article 31(7), or subject to Member State’s approval, by a cooperative which is member of a producer organisation.’.

*Article 2***Corrections to Delegated Regulation (EU) 2022/126**

Delegated Regulation (EU) 2022/126 is corrected as follows:

(1) in Article 17(8), point (b) is replaced by the following:

'(b) the harvested products are denatured;';

(2) in Article 23(1), the fifth subparagraph is replaced by the following:

'For the interventions 'promotion, communication' and 'communication actions' referred to in Article 47(1), point (f), and (2), point (l), of Regulation (EU) 2021/2115 and for the actions undertaken by interbranch organisations and promotion and communication carried out in third countries as referred to in Article 58(1), first subparagraph, points (i), (j) and (k), of that Regulation, the expenditure paid for administrative and personnel costs directly incurred by the beneficiaries shall not exceed 50 % of the overall cost of the intervention.'

*Article 3***Entry into force and application**

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

It shall apply from 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

RULES OF PROCEDURE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE GENERAL COURT

THE GENERAL COURT,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth paragraph of Article 254 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to Protocol No 3 on the Statute of the Court of Justice of the European Union, and in particular Article 63 thereof,

Whereas it is appropriate to take account of the experience gained in the implementation of the Rules of Procedure in order to clarify the scope of certain provisions or, where necessary, to supplement or simplify them, in particular with a view to fostering proactive case management,

Whereas, furthermore, the implementation of the reform of the judicial architecture of the Court of Justice of the European Union resulting, first, from Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union⁽¹⁾ and, secondly, from Regulation (EU, Euratom) 2016/1192 of the European Parliament and of the Council of 6 July 2016 on the transfer to the General Court of jurisdiction at first instance in disputes between the European Union and its servants⁽²⁾ makes it necessary to adjust the Rules of Procedure, in particular so as to ensure that the partial specialisation of the Chambers decided on by the General Court is not rendered redundant upon the triennial change in the composition of the Chambers,

Whereas, in addition, it is appropriate to amend the Rules of Procedure to take account of developments in the rules on the protection of the personal data of natural persons in the European Union, in particular to better highlight the arrangements for protecting, vis-à-vis the public, such data contained in information relating to cases pending before the General Court, either by the General Court of its own motion or on an application by a party to the proceedings or an applicant for leave to intervene,

Whereas the arrangements put in place during the health crisis allowing parties to make oral submissions by video conference provided valuable lessons which should be reflected in a legal regime laid down by the Rules of Procedure,

Whereas, lastly, the introduction of the pilot case mechanism and the organisation of a joint hearing of two or more cases, identified by the General Court as arrangements allowing certain cases to be dealt with more efficiently, require legal bases to be inserted in the Rules of Procedure,

⁽¹⁾ OJ L 341, 24.12.2015, p. 14.

⁽²⁾ OJ L 200, 26.7.2016, p. 137.

With the agreement of the Court of Justice,

With the approval of the Council given on 18 November 2022,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the General Court of 4 March 2015 ^(¹) are hereby amended as follows:

1. Article 10(6) is amended as follows:

'6. In cases not yet assigned to a formation of the Court, the President of the General Court may adopt the measures of organisation of procedure provided for in Article 89 and shall have the power to take the decisions referred to in Articles 66 and 66a.'

2. Article 27 is supplemented by the addition of the following paragraph 6:

'6. Without prejudice to the provisions of paragraph 5, where a case concerns a specific matter for the purposes of Article 25 and the written part of the procedure has not been closed when the decision of the General Court on the assignment of Judges to Chambers is adopted, a new Judge-Rapporteur shall be designated within a Chamber which hears and determines cases in that matter if the initial Judge-Rapporteur is assigned to a Chamber which does not do so.'

3. Article 28 is amended as follows:

- (a) Paragraph 2 is amended as follows:

'2. The Chamber seized of the case, ~~the Vice-President of the General Court or the President of the General Court~~ may, at any stage in the proceedings, either of its ~~or his~~ own motion or at the request of a main party, propose to the plenum that the case be referred as provided for in paragraph 1.'

- (b) The new paragraph 3 is worded as follows:

'3. The President of the General Court or the Vice-President of the General Court may propose to the plenum that the case be referred as provided for in paragraph 1 until the close of the oral part of the procedure or, where Article 106(3) applies, before the Chamber seized of the case decides to rule without an oral part of the procedure.'

- (c) Paragraphs 3, 4 and 5 currently in force are renumbered as paragraphs 4, 5 and 6, respectively.

4. Article 31(3) is amended as follows:

'3. After being so designated, the Advocate General shall be heard before the decisions provided for in Articles 16, 28, 45, 68, 70, 83, 87, 90, 92, 98, 103, 105, 106, 113, 126 to 132, 144, 151, 165, 168; ~~and 169 and 207 to 209~~ are taken.'

5. Article 35(3) is amended as follows:

'3. The Registrar shall have custody of the seals and shall be responsible for the records. He shall be in charge, in accordance with the criteria laid down by the General Court, of its ~~the~~ publications of the General Court, in particular, the European Court Reports, and of the dissemination on the Internet of documents concerning the General Court.'

^(¹) OJ L 105, 23.4.2015, p. 1, as amended on 13 July 2016 (OJ L 217, 12.8.2016, p. 71; OJ L 217, 12.8.2016, p. 72; OJ L 217, 12.8.2016, p. 73), 11 July 2018 (OJ L 240, 25.9.2018, p. 68) and 31 July 2018 (OJ L 240, 25.9.2018, p. 67).

6. Article 45 is amended as follows:

(a) Paragraph 1 is amended as follows:

'1. In direct actions within the meaning of Article 1, the language of a case shall be chosen by the applicant, except that:

(a) where the defendant is a Member State ~~or a natural or legal person having the nationality of a Member State~~, the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them;

(b) where an application is submitted by an institution pursuant to an arbitration clause contained in a contract concluded by or on behalf of the Union, whether that contract be governed by public or private law, in accordance with Article 272 TFEU, the language of the case shall be the language in which the contract was concluded; where that contract has been drawn up in more than one language, the applicant may choose between them;

(c) at the joint request of the main parties, the use of another of the languages mentioned in Article 44 for all or part of the proceedings may be authorised;

(d) at the request of one of the parties, and after the other parties have been heard, the use of another of the languages mentioned in Article 44 as the language of the case for all or part of the proceedings may be authorised by way of derogation from subparagraphs ~~(b)~~ (a) to (c); such a request may not be submitted by an institution.'

(b) Paragraph 3 is amended as follows:

'3. Without prejudice to the provisions of paragraph 1 ~~(b) and (c)~~ and (d);

(a) ~~in appeals against decisions of the Civil Service Tribunal as referred to in Articles 9 and 10 of Annex I to the Statute, the language of the case shall be the language of the decision of the Civil Service Tribunal against which the appeal is brought;~~

(b) in the case of applications for rectification, applications for the General Court to remedy a failure to adjudicate or for it to set aside judgments by default, third-party proceedings and applications for interpretation or revision of a judgment or in the case of disputes concerning the costs to be recovered, the language of the case shall be the language of the decision to which those applications or disputes relate.'

(c) The first sentence of paragraph 4 is amended as follows:

'4. Without prejudice to the provisions in paragraph 1 ~~(b) and (c)~~ and (d), in proceedings brought against decisions of the Boards of Appeal of the Office, referred to in Article 1, with respect to the application of the rules relating to an intellectual property regime:'

7. Article 46 is amended as follows:

(a) Paragraph 2 is amended as follows:

'2. ~~Any material produced or annexed that is expressed in another language must be accompanied by a translation into the language of the case. Where material annexed to a procedural document is not accompanied by a translation into the language of the case, the Registrar shall require the party concerned to make good the irregularity if the President decides, of his own motion or at the request of a party, that a translation is necessary for the purposes of the efficient conduct of the proceedings. If the irregularity is not made good, the annexes in question shall be removed from the case file.'~~

(b) Paragraph 3 is amended as follows:

'3. ~~However,~~ In the case of substantial material, translations may be confined to extracts. At any time the President may, of his own motion or at the request of one of the parties, call for a complete or fuller translation.'

(c) Paragraph 5 is amended as follows:

'5. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, ~~may~~ shall be authorised to use one of the languages mentioned in Article 44, other than the language of the case, when they intervene in a case before the General Court. This provision shall apply both to written documents and to oral statements. The Registrar shall arrange in each instance for translation into the language of the case.'

8. Article 47 is amended as follows:

'1. The Registrar shall, at the request of any Judge, of the Advocate General or of a party, arrange for procedural documents anything said or written in the course of the proceedings before the General Court to be translated into the language of the case and, as the case may be, into another languages chosen from those referred to in Article 44.

'2. The Registrar shall ensure that what is said at the hearing is interpreted into the language of the case and into the other languages that are referred to in Article 44 and are used by the parties present at the hearing or considered necessary for the efficient conduct of that hearing.'

9. Article 51 is amended as follows:

(a) Paragraph 2 is amended as follows:

'2. The lawyer representing or assisting a party must lodge at the Registry a certificate that he is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement. unless that certificate has already been lodged for the purposes of opening an account giving access to e-Curia.'

(b) Paragraph 4 is amended as follows:

'4. If the documents referred to in paragraphs 2 ~~and~~ or that referred to in paragraph 3 is ~~are~~ not lodged, the Registrar shall prescribe a reasonable time limit within which the party concerned is to produce it ~~them~~. If the party concerned fails to produce the required documents within the time limit prescribed, the General Court shall decide whether the non-compliance with that procedural requirement in question renders the application or written pleadings formally inadmissible or whether it leads to the lawyer being regarded as not representing or assisting the party concerned.'

10. Article 66, headed 'Anonymity and omission of certain information vis-à-vis the public', is replaced by the following:

'Article 66

Omission of personal data of natural persons vis-à-vis the public

1. In the course of the proceedings, the General Court may decide to omit, of its own motion or on an application by a party made by a separate document, the full names of natural persons, whether parties or third parties, and any other personal data of those natural persons mentioned in the documents and information which relate to a case and to which the public has access.

2. Paragraph 1 shall apply to applicants for leave to intervene.'

11. The following new Article 66a, headed 'Omission of data other than personal data of natural persons vis-à-vis the public', is inserted after Article 66:

'Article 66a

Omission of data other than personal data of natural persons vis-à-vis the public

1. In the course of the proceedings, the General Court may decide to omit, of its own motion or on a reasoned application by a party made by a separate document, data other than personal data of natural persons mentioned in documents and information to which the public has access if there are legitimate reasons why those data should not be publicly disclosed.

2. Paragraph 1 shall apply to applicants for leave to intervene.'

12. Article 69(c) is amended as follows:

'(c) at the request of a main party with the express agreement of the other main party;'

13. The following new Article 71a, headed 'Pilot cases', is inserted after Article 71:

'Article 71a

Pilot cases

1. Where two or more cases pending before the General Court raise the same issue of law and the General Court considers that it is in the interests of the proper administration of justice to avoid those cases being dealt with in parallel, the proceedings may be stayed in accordance with Article 69(c) or (d) and Articles 70 and 71, pending the determination of the case which, among them, best lends itself to the examination of that issue, which shall be identified as the pilot case.

2. Before deciding whether to stay proceedings, the President shall invite the main parties in the cases in which the proceedings may be stayed to submit their observations on any stay, in accordance with Article 70(1), indicating to them the issue of law involved and the case likely to be identified as the pilot case.

3. The President of the Chamber to which the pilot case is assigned shall give that case priority over others, in accordance with Article 67(2).

4. When the proceedings are resumed, the parties in the cases in which the proceedings have been stayed shall be given the opportunity to submit their observations on the decision given in the pilot case and on the consequences of that decision for the dispute.'

14. Article 72 is amended as follows:

- (a) Paragraph 5 is deleted.
- (b) Paragraph 6 is renumbered as paragraph 5.

15. Article 78(4) is amended as follows:

'4. An application made by a legal person governed by private law shall be accompanied by ~~recent~~ proof of that person's existence in law (extract from the register of companies, firms or associations or any other official document).'

16. Article 79 is amended as follows:

'A notice shall be published in the *Official Journal of the European Union* indicating the date of lodging of an application initiating proceedings, the names of the main parties, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments, without prejudice to the application of Articles 66 and 66a.'

17. Article 82 is amended as follows:

'Where the European Parliament, the Council or the European Commission is not a party to a case, the General Court shall send to them copies of the application and of the defence, or of the plea of lack of competence or inadmissibility, as the case may be, without the annexes thereto, to enable them to assess whether the inapplicability of one of their acts is being invoked under Article 277 TFEU.'

18. The following new Article 106a, headed 'Joint hearing', is inserted after Article 106:

'Article 106a

Joint hearing

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

19. The following new Article 107a, headed 'Participation in a hearing by video conference', is inserted after Article 107:

'Article 107a

Participation in a hearing by video conference

1. Where health, security or other serious reasons prevent a party's representative from participating in a hearing in person, that representative may be authorised to take part in the hearing by video conference.

2. The request to participate in the hearing by video conference shall be made by a separate document as soon as the reason for the impediment is known and shall state the precise nature of the impediment.

3. The President shall decide on the request as soon as possible.

4. The use of video conferencing shall not be possible in the event of a decision by the General Court to hear a case *in camera* pursuant to Article 109.

5. The technical conditions to be satisfied by those wishing to participate in hearings by video conference shall be laid down in the practice rules referred to in Article 224.'

20. Article 139 is amended as follows:

'Proceedings before the General Court shall be free of charge, except that:

(a) where a party has caused the General Court to incur avoidable costs, in particular where the action is manifestly an abuse of process, the General Court may order that party to refund them;

(b) where the cost of copying or translation work is carried out at the request of a party is considered by the Registrar to be excessive, the Registrar shall request that it be paid for by that party on the Registry's scale of charges referred to in Article 37; ~~the cost shall, in so far as the Registrar to be considers it excessive, the Registrar shall request that it be paid for by that party on the Registry's scale of charges referred to in Article 37;~~

(c) in the event of any repeated failure to comply with the requirements of these Rules or of the practice rules referred to in Article 224, requiring regularisation to be sought, the Registrar shall request that the costs involved in the requisite processing thereof by the General Court shall, at the request of the Registrar, be paid for by the party concerned on the Registry's scale of charges referred to in Article 37.' ~~the Registrar shall request that the costs involved in the requisite processing thereof by the General Court shall, at the request of the Registrar, be paid for by the party concerned on the Registry's scale of charges referred to in Article 37.'~~

21. Article 144(6) is amended as follows:

'6. If the application to intervene is refused, the order referred to in paragraph 5 must state the reasons on which it is based and include a decision as to the costs relating to the application to intervene, including the costs of the applicant for leave to intervene, pursuant to Articles 134, ~~and 135~~ and 138.'

22. Article 148(9) is amended as follows:

'9. Where the applicant for legal aid is not represented by a lawyer, ~~a copy of the document to be served shall be served on him in the form of a certified copy sent~~ by registered post with a form for acknowledgement of receipt or by delivery of the copy against receipt. Service on other parties shall be effected as provided for in Article 80(1).'

23. Article 177 is amended as follows:

(a) Paragraph 4 is amended as follows:

'4. An application made by a legal person governed by private law shall be accompanied by ~~recent~~ proof of that person's existence in law (extract from the register of companies, firms or associations or any other official document).'

(b) Paragraph 6 is amended as follows:

'6. If an application does not comply with paragraph 2, the Registrar may prescribe a reasonable time limit within which the applicant is to put the application in order, if the circumstances so justify. If an application does not comply with paragraphs 23 to 5, the Registrar shall prescribe a reasonable 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 General Court shall decide whether the non-compliance with that the procedural requirement renders the appeal formally inadmissible.'

24. Article 178(3) is amended as follows:

‘3. The application shall be served on a party to the proceedings before the Board of Appeal via e-Curia where that party has become a party to the proceedings before the General Court in accordance with Article 173(2). If the party to the proceedings before the Board of Appeal is an institution that has an account giving access to e-Curia, service of the application shall be made by e-Curia. Otherwise, the application shall be served in the form of a certified copy sent by registered post with a form for acknowledgement of receipt or by delivery of the copy against receipt at the address given in accordance with Article 177(2) by the party concerned for the purposes of the notifications to be effected in the course of the proceedings before the Board of Appeal or, if that address has not been provided, at the address given in the contested decision of the Board of Appeal.’

25. Articles 192 to 214 are repealed.

26. The heading of Title VI is amended as follows:

‘PROCEDURES AFTER A DECISION IS SET ASIDE ON APPEAL AND THE ~~A~~ CASE IS REFERRED BACK TO THE GENERAL COURT’

27. Articles 220 to 223 are repealed.

Article 2

These amendments to the Rules of Procedure, authentic in the languages referred to in Article 44 of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following that of their publication.

Done at Luxembourg, 30 November 2022.

Registrar
E. COULON

President
M. VAN DER WOUDE

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