

## II

*(Non-legislative acts)*

## RULES OF PROCEDURE

## RULES OF PROCEDURE OF THE GENERAL COURT

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**RULES OF PROCEDURE OF THE GENERAL COURT**

THE GENERAL COURT,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

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 the Protocol on the Statute of the Court of Justice of the European Union, and in particular the sixth paragraph of Article 19, Article 63 and the second paragraph of Article 64 thereof,

Whereas:

- (1) The Rules of Procedure of 2 May 1991 have been amended numerous times in order to equip the General Court gradually with provisions enabling it to deal under the best possible conditions with different kinds of cases falling within increasingly varied areas.
- (2) Full revision of the text is necessary in order to give this set of rules a new coherence, to promote consistency in the procedural provisions governing proceedings brought before the Courts of the European Union, to preserve the capacity of the General Court to rule on cases within a reasonable time, to clarify parties' rights, to specify the General Court's expectations regarding the parties' representatives and to adjust a certain number of provisions to take account of certain changes, including technological changes, in relation to the lodging and service of procedural documents, and of difficulties encountered in their implementation.
- (3) Actions brought in the field of intellectual property and appeals lodged against decisions of the European Union Civil Service Tribunal must, on account of their specific nature, be subject to particular procedural rules set out in special titles, while being otherwise governed by the procedural provisions applicable to direct actions. The rules relating to direct actions, actions in the field of intellectual property and appeals therefore constitute the framework of these Rules.
- (4) In the light of experience, it is also necessary to supplement or to clarify for the benefit of litigants the rules that apply to each procedure. The rules in question concern, in particular, the extent of the rights conferred on the main parties and that of the rights afforded to interveners or, in intellectual property cases, the acquisition of the status of intervener and the extent of his rights. Observance of the adversarial principle and the need, in certain situations, to preserve the confidentiality of sensitive information which is relevant to the outcome of the proceedings are the subject of specific provisions. With regard to appeals against decisions of the Civil Service Tribunal, a clearer distinction must in addition be drawn between appeals and cross-appeals following the service of an appeal. A similar distinction must be drawn, with regard to cases in the field of intellectual property, between the original action and the cross-claim brought by an intervener, following service of the application initiating proceedings.
- (5) The excessive complexity of certain procedures has come to light on their implementation. It is appropriate, therefore, to simplify them. On that basis, the rules for determining the language of the case in intellectual property cases ensure greater predictability of situations for the benefit of those concerned and a 'light touch' by the General Court. The rules relating to the default procedure are intended to enable cases to be disposed of more promptly, in the interests of the applicant, who, if successful, is exposed to the risk of the defendant applying for the judgment in default to be set aside.
- (6) In the interests of making the Rules easier to understand, all requests and applications relating to judgments and orders, currently to be found in a number of separate titles and chapters of the Rules of Procedure, should be brought together in the title relating to direct actions. Similarly, to assist the reader, the procedures following referral by the Court of Justice, either after a decision has been set aside, or after review, are set out in a single title.
- (7) Although required to deal with an ever-increasing caseload, the General Court must continue to deliver its rulings within a reasonable time. It is therefore essential to continue the efforts undertaken to reduce the duration of proceedings before the General Court, in particular by providing for the written part of the procedure in

intellectual property cases to be limited to a single exchange of pleadings, managing applications to modify the form of order sought in the application, reducing certain legal time limits, simplifying the rules on intervention by removing as a category of intervention those which may be allowed after expiry of the legal time limit following publication in the *Official Journal of the European Union*, making provision for the General Court to be able to rule without an oral part of the procedure in direct actions if none of the main parties has requested a hearing and if it considers that it has sufficient information available to it from the material in the file in the case, and to be able to rule without an oral part of the procedure in appeals, increasing the decision-making powers of the Presidents of Chambers and, lastly, increasing the circumstances in which a ruling is to be given by means of a simple decision.

- (8) With the same objective, provisions have been added to the title relating to the organisation of the General Court with a view, in particular, to specifying the circumstances in which a case may be reassigned and extending the powers of a single Judge so as to enable him to hear and determine intellectual property cases.
- (9) The fact that proceedings are to be conducted in accordance with the adversarial principle is confirmed by the affirmation of that principle in a specific article and by a strict set of rules governing the circumstances in which preservation of the confidentiality of certain information provided by a main party which is necessary in order for the General Court to rule in the case justifies, exceptionally, the non-communication of that information to the other main party. New provisions also provide the General Court with a formal framework in the event of a Judge's withdrawal from a case or of his being excused. The reform is also intended to elevate to the status of rules of procedure provisions which were previously contained in practice directions to parties, such as that relating to the length of pleadings, or in instructions to the registrar of the General Court, such as the provision concerning anonymity and that specifying the circumstances in which a third party may be given access to the file in the case.
- (10) Lastly, the text has been made easier to read by the removal of certain rules which are outdated or not applied, the numbering of every paragraph of the articles in these Rules, the addition of a specific heading for each article and the harmonisation of terminology,

With the agreement of the Court of Justice,

With the approval of the Council given on 10 February 2015,

HAS ADOPTED THESE RULES OF PROCEDURE:

## INTRODUCTORY PROVISIONS

### Article 1

#### Definitions

1. In these Rules:
  - (a) provisions of the Treaty on European Union are referred to by the number of the article concerned followed by 'TEU';
  - (b) provisions of the Treaty on the Functioning of the European Union are referred to by the number of the article concerned followed by 'TFEU';
  - (c) provisions of the Treaty establishing the European Atomic Energy Community are referred to by the number of the article concerned followed by 'TEAEC';
  - (d) 'Statute' means the Protocol on the Statute of the Court of Justice of the European Union;
  - (e) 'EEA Agreement' means the Agreement on the European Economic Area <sup>(1)</sup>;
  - (f) 'Council Regulation No 1' means Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community <sup>(2)</sup>.

<sup>(1)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(2)</sup> OJ, English special edition 1952-1958 (I), p. 59.

2. For the purposes of these Rules:
- (a) 'General Court' means, in cases assigned or referred to a Chamber, that Chamber, and, in cases delegated or assigned to a single Judge, that Judge;
  - (b) 'President', unless otherwise specified, means:
    - in cases not yet assigned to a formation of the Court, the President of the General Court,
    - in cases assigned to Chambers, the President of the Chamber to which the case is assigned,
    - in cases delegated or assigned to a single Judge, that Judge;
  - (c) 'party' and 'parties', unless otherwise specified, means any party to the proceedings, including interveners;
  - (d) 'main party' and 'main parties' means the applicant or the defendant or both of them, as the case may be;
  - (e) 'representatives of the parties' means the lawyers and agents, the latter assisted, where appropriate, by an adviser or lawyer, representing the parties before the General Court in accordance with Article 19 of the Statute;
  - (f) 'institution' and 'institutions' means the institutions of the European Union referred to in Article 13(1) TEU and the bodies, offices or agencies established by the Treaties, or by an act adopted in implementation thereof, which may be parties before the General Court;
  - (g) 'Office' means the Office for Harmonization in the Internal Market (Trade Marks and Designs) or the Community Plant Variety Office, as the case may be;
  - (h) 'EFTA Surveillance Authority' means the European Free Trade Association surveillance authority referred to in the EEA Agreement;
  - (i) 'direct actions' means actions brought on the basis of Articles 263 TFEU, 265 TFEU, 268 TFEU or 272 TFEU.

#### Article 2

### Purport of these Rules

These Rules implement and supplement, so far as necessary, the relevant provisions of the EU, FEU and EAEC Treaties, and the Statute.

## TITLE I

### ORGANISATION OF THE GENERAL COURT

#### Chapter 1

#### MEMBERS OF THE GENERAL COURT

#### Article 3

### Duties of Judge and Advocate General

1. Every Member of the General Court shall, as a rule, perform the duties of a Judge.
2. Members of the General Court are hereinafter referred to as 'Judges'.
3. Every Judge, with the exception of the President, the Vice-President and the Presidents of Chambers of the General Court, may, in the circumstances defined in Articles 30 and 31, perform the duties of an Advocate General in a particular case.
4. References to the Advocate General in these Rules shall apply only where a Judge has been designated as Advocate General.

#### Article 4

### Commencement of the term of office of Judges

The term of office of a Judge shall begin on the date fixed for that purpose in the instrument of appointment. In the absence of any provision in that instrument regarding the date of commencement of the term of office, that term shall begin on the date of publication of the instrument in the *Official Journal of the European Union*.

*Article 5***Taking of the oath**

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

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

*Article 6***Solemn undertaking**

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

*Article 7***Depriving a Judge of his office**

1. Where the Court of Justice is called upon, pursuant to Article 6 of the Statute, to decide, after consulting the General Court, whether a Judge of the General Court no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President of the General Court shall invite the Judge concerned to make representations to the General Court, in the absence of the Registrar.
2. The General Court shall state the reasons for its opinion.
3. An opinion to the effect that a Judge of the General Court no longer fulfils the requisite conditions or no longer meets the obligations arising from his office must receive the votes of a majority of the Judges composing the General Court according to Article 48 of the Statute. In that event, particulars of the voting shall be communicated to the Court of Justice.
4. Voting shall be by secret ballot in the absence of the Registrar; the Judge concerned shall not take part in the deliberations.

*Article 8***Order of seniority**

1. The seniority of Judges shall be calculated according to the date on which they took up their duties.
2. Where there is equal seniority on that basis, the order shall be determined by age.
3. Judges whose terms of office are renewed shall retain their former seniority.

## Chapter 2

## PRESIDENCY OF THE GENERAL COURT

*Article 9***Election of the President and of the Vice-President of the General Court**

1. The Judges shall, immediately after the partial replacement provided for in the second paragraph of Article 254 TFEU, elect one of their number as President of the General Court for a term of three years.
2. If the office of President of the General Court falls vacant before the normal date of expiry of the term thereof, the General Court shall elect a successor for the remainder of the term.
3. The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the General Court according to Article 48 of the Statute shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.

4. The Judges shall then elect one of their number as Vice-President of the General Court for a term of three years, in accordance with the procedures laid down in paragraph 3. Paragraph 2 shall apply if the office of the Vice-President of the General Court falls vacant before the normal date of expiry of the term thereof.

5. The names of the President and Vice-President of the General Court elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

#### Article 10

##### **Responsibilities of the President of the General Court**

1. The President of the General Court shall represent the General Court.
2. The President of the General Court shall direct the judicial business and the administration of the General Court.
3. The President of the General Court shall preside at the plenum referred to in Article 42.
4. The President of the General Court shall preside over the Grand Chamber. In that case Article 19 shall apply.
5. If the President of the General Court is attached to a Chamber, he shall preside over that Chamber. In that case Article 19 shall apply.
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.

#### Article 11

##### **Responsibilities of the Vice-President of the General Court**

1. The Vice-President of the General Court shall assist the President of the General Court in the performance of his duties and shall take the President's place when the latter is prevented from acting.
2. He shall take the President's place, at the latter's request, in performing the duties referred to in Article 10(1) and (2).
3. The General Court shall, by decision, specify the conditions under which the Vice-President of the General Court shall take the place of the President of the General Court in the performance of his judicial duties. That decision shall be published in the *Official Journal of the European Union*.
4. Subject to Article 10(5), if the Vice-President of the General Court is attached to a Chamber, he shall preside over that Chamber. In that case Article 19 shall apply.

#### Article 12

##### **Where the President and Vice-President of the General Court are prevented from acting**

When the President and the Vice-President of the General Court are simultaneously prevented from acting, the functions of President shall be exercised by a President of a Chamber or, failing that, by one of the other Judges, according to the order of seniority laid down in Article 8.

#### Chapter 3

##### CHAMBERS AND FORMATIONS OF THE COURT

#### Section 1

##### **Constitution of the Chambers and composition of the formations of the Court**

#### Article 13

##### **Constitution of Chambers**

1. The General Court shall set up Chambers sitting with three and with five Judges.

2. The General Court shall decide, on a proposal from the President of the General Court, which Judges shall be attached to the Chambers.
3. The decisions taken in accordance with this Article shall be published in the *Official Journal of the European Union*.

#### Article 14

### Competent formation of the Court

1. Cases before the General Court shall be heard and determined by Chambers sitting with three or with five Judges in accordance with Article 13.
2. Cases may be heard and determined by the Grand Chamber under the conditions laid down in Article 28.
3. Cases may be heard and determined by a single Judge where they are delegated to him under the conditions laid down in Article 29.

#### Article 15

### Composition of the Grand Chamber

1. The Grand Chamber shall be composed of 15 Judges.
2. The General Court shall decide how to designate the Judges composing the Grand Chamber. The decision shall be published in the *Official Journal of the European Union*.

#### Article 16

### Withdrawal and excusing of a Judge

1. Where a Judge considers, in accordance with the first and second paragraphs of Article 18 of the Statute, that he should not take part in the disposal of a case, he shall so inform the President of the General Court who shall exempt him from sitting.
2. Where the President of the General Court considers that a Judge should not, in accordance with the first and second paragraphs of Article 18 of the Statute, take part in the disposal of a case, he shall notify the Judge concerned and shall hear that Judge before giving his decision.
3. In accordance with the third paragraph of Article 18 of the Statute, in the event of any difficulty arising as to the application of this Article, the President of the General Court shall refer the matters referred to in paragraphs 1 and 2 to the plenum. In that case, voting shall be by secret ballot in the absence of the Registrar after the Judge concerned has been heard; the latter shall not take part in the deliberations.

#### Article 17

### Where a member of the formation of the Court is prevented from acting

1. If in the Grand Chamber the number of Judges provided for by Article 15 is not attained as a result of a Judge's being prevented from acting before the deliberations have begun or before the case is pleaded, the President of the General Court shall designate a Judge to complete that Chamber in order to restore the requisite number of Judges.
2. If in a Chamber sitting with three or five Judges the number of Judges provided for is not attained as a result of a Judge's being prevented from acting before the deliberations have begun or before the case is pleaded, the President of that Chamber shall designate another Judge of that Chamber to replace the Judge prevented from acting. If it is not possible to replace the Judge prevented from acting with a Judge of the same Chamber, the President of that Chamber shall notify the President of the General Court, who shall designate, according to the criteria determined by the General Court, another Judge in order to restore the requisite number of Judges. The decision containing those criteria shall be published in the *Official Journal of the European Union*.
3. If the Judge to whom the case has been delegated or assigned as a single Judge is prevented from acting, the President of the General Court shall designate another Judge to replace that Judge.

## Section 2

**Presidents of Chambers***Article 18***Election of Presidents of Chambers**

1. The Judges shall elect from among their number, in accordance with Article 9(3), the Presidents of the Chambers sitting with three and with five Judges.
2. The Presidents of Chambers sitting with five Judges shall be elected for a term of three years. They may be re-elected once.
3. The Presidents of Chambers sitting with three Judges shall be elected for a defined term.
4. The election of the Presidents of Chambers sitting with five Judges shall take place immediately after the elections of the President and the Vice-President of the General Court provided for in Article 9.
5. If the office of the President of a Chamber falls vacant before the normal date of expiry of the term thereof, the Judges shall elect a successor for the remainder of the term.
6. The names of the Presidents of Chambers elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

*Article 19***Powers of the President of a Chamber**

1. The President of a Chamber shall exercise the powers conferred on him by these Rules after hearing the Judge-Rapporteur.
2. The President of a Chamber may refer any decision falling within his remit to the Chamber.

*Article 20***Where the President of a Chamber is prevented from acting**

Without prejudice to Article 10(5) and Article 11(4), when the President of a Chamber is prevented from acting, his functions shall be exercised by a Judge of that formation of the Court according to the order laid down in Article 8.

## Section 3

**Deliberations***Article 21***Procedures concerning deliberations**

1. The deliberations of the General Court shall be and shall remain secret.
2. When a hearing has taken place, only those Judges who participated in that hearing shall take part in the deliberations.
3. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.
4. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the General Court. Votes shall be cast in reverse order to the order laid down in Article 8, with the exception of the Judge-Rapporteur who shall vote first and the President who shall vote last.

*Article 22***Number of Judges taking part in the deliberations**

Where, as a result of a Judge's being prevented from acting, there is an even number of Judges, the most junior Judge for the purposes of Article 8 shall abstain from taking part in the deliberations unless he is the President or the Judge-Rapporteur. In the latter case, the Judge immediately senior to him shall abstain from taking part in the deliberations.

*Article 23***Quorum of the Grand Chamber**

1. Decisions of the Grand Chamber shall be valid only if 11 Judges are sitting.
2. If, as a result of a Judge's being prevented from acting, that quorum has not been attained, the President of the General Court shall designate another Judge in order to attain the quorum of the Grand Chamber.
3. If the quorum is no longer attained but the hearing has taken place, the Judge prevented from acting shall be replaced as provided in paragraph 2 and a new hearing shall be organised at the request of a main party. It may also be organised by the General Court of its own motion. A new hearing must be held if measures of inquiry have been adopted in accordance with Article 91(a) and (d) and Article 96(2). If no new hearing is organised, Article 21(2) shall not apply.

*Article 24***Quorum of the Chambers sitting with three or with five Judges**

1. Decisions of the Chambers sitting with three or with five Judges shall be valid only if three Judges are sitting.
2. If, as a result of a Judge's being prevented from acting, the quorum has not been attained in a Chamber sitting with three or with five Judges, the President of that Chamber shall designate another Judge of the same Chamber to replace the Judge prevented from acting. If it is not possible to replace the Judge prevented from acting with a Judge of the same Chamber, the President of the Chamber concerned shall notify the President of the General Court, who shall designate, according to the criteria determined by the General Court, another Judge in order to attain the quorum of the Chamber. The decision containing those criteria shall be published in the *Official Journal of the European Union*.
3. If the quorum is no longer attained but the hearing has taken place, the Judge prevented from acting shall be replaced as provided in paragraph 2 and a new hearing shall be organised at the request of a main party. It may also be organised by the General Court of its own motion. A new hearing must be held if measures of inquiry have been adopted in accordance with Article 91(a) and (d) and Article 96(2). A new hearing must be held if more than one Judge who took part in the original hearing has to be replaced. If no new hearing is organised, Article 21(2) shall not apply.

## Chapter 4

ASSIGNMENT AND REASSIGNMENT OF CASES, DESIGNATION OF JUDGE-RAPPORTEURS, REFERRAL TO FORMATIONS OF THE COURT AND DELEGATION TO A SINGLE JUDGE

*Article 25***Assignment criteria**

1. The General Court shall lay down criteria by which cases are to be allocated among the Chambers. The General Court may make one or more Chambers responsible for hearing and determining cases in specific matters.
2. The decision shall be published in the *Official Journal of the European Union*.

*Article 26***First assignment of a case and designation of the Judge-Rapporteur**

1. As soon as possible after the document initiating proceedings has been lodged, the President of the General Court shall assign the case to a Chamber according to the criteria laid down by the General Court in accordance with Article 25.
2. The President of the Chamber shall propose to the President of the General Court, in respect of each case assigned to the Chamber, the designation of a Judge to act as Rapporteur. The President of the General Court shall decide on the proposal.
3. If in any Chamber sitting with three or with five Judges the number of Judges assigned to that Chamber is higher than three or five respectively, the President of the Chamber shall decide which of the Judges will be called upon to take part in the judgment of the case.



*Article 27***Designation of a new Judge-Rapporteur and reassignment of a case**

1. If the Judge-Rapporteur is prevented from acting, the President of the competent formation of the Court shall notify the President of the General Court, who shall designate a new Judge-Rapporteur. If the new Judge-Rapporteur is not attached to the Chamber to which the case was first assigned, the case shall be heard and determined by the Chamber in which the new Judge-Rapporteur sits.
2. In order to take account of a connection between cases on the basis of their subject-matter, the President of the General Court may, by reasoned decision and after consulting the Judge-Rapporteurs concerned, reassign the cases to enable the same Judge-Rapporteur to conduct preparatory inquiries in all the cases concerned. If the Judge-Rapporteur to whom the cases have been reassigned does not belong to the Chamber to which the cases were first assigned, the cases shall be heard and determined by the Chamber in which the new Judge-Rapporteur sits.
3. In the interests of the proper administration of justice, and by way of exception, the President of the General Court may, before the presentation of the preliminary report referred to in Article 87, by reasoned decision and after consulting the Judges concerned, designate another Judge-Rapporteur. If that Judge-Rapporteur is not attached to the Chamber to which the case was first assigned, the case shall be heard and determined by the Chamber in which the new Judge-Rapporteur sits.
4. Before designating the Judge-Rapporteur as provided in paragraphs 1 to 3, the President of the General Court shall seek the views of the Presidents of the Chambers concerned.
5. Where the composition of the Chambers has changed as a result of a decision of the General Court on the assignment of Judges to Chambers, a case shall be heard and determined by the Chamber in which the Judge-Rapporteur sits following that decision, unless the deliberations have commenced or the oral part of the procedure has been opened.

*Article 28***Referral to a Chamber sitting with a different number of Judges**

1. Whenever the legal difficulty or the importance of the case or special circumstances so justify, a case may be referred to the Grand Chamber or to a Chamber sitting with a different number of Judges.
2. The Chamber seised of the case 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.
3. The decision to refer a case to a formation sitting with a greater number of Judges shall be taken by the plenum.
4. The decision to refer a case to a formation sitting with a lesser number of Judges shall be taken by the plenum, after the main parties have been heard.
5. The case shall be heard and determined by a Chamber sitting with at least five Judges where a Member State or an institution of the Union which is a party to the proceedings so requests.

*Article 29***Delegation to a single Judge**

1. The following cases assigned to a Chamber sitting with three Judges may be heard and determined by the Judge-Rapporteur sitting as a single Judge where, having regard to the lack of difficulty of the questions of law or fact raised, to the limited importance of those cases and to the absence of other special circumstances, they are suitable for being so heard and determined and have been delegated under the conditions laid down in this Article:
  - (a) cases referred to in Article 171 below;
  - (b) cases brought pursuant to the fourth paragraph of Article 263 TFEU, the third paragraph of Article 265 TFEU and Article 268 TFEU that raise only questions already clarified by established case-law or that form part of a series of cases in which the same relief is sought and of which one has already been finally decided;
  - (c) cases brought pursuant to Article 272 TFEU.

2. Delegation to the single Judge shall not be possible:
  - (a) in an action for annulment against an act of general application or in cases in which a plea of illegality is expressly raised against an act of general application;
  - (b) in cases concerning the implementation of the rules:
    - on competition and on control of concentrations,
    - relating to aid granted by States,
    - relating to measures to protect trade,
    - relating to the common organisation of the agricultural markets, with the exception of cases that form part of a series of cases in which the same relief is sought and of which one has already been finally decided.
3. The decision relating to the delegation of a case to the single Judge shall be taken, after the main parties have been heard, by the Chamber sitting with three Judges before which the case is pending. Where a Member State or an institution of the Union which is a party to the proceedings objects to the case being heard and determined by the single Judge the case shall be maintained before the Chamber to which the Judge-Rapporteur belongs.
4. The single Judge shall refer the case back to the Chamber if he finds that the conditions justifying its delegation are no longer satisfied.

## Chapter 5

### DESIGNATION OF ADVOCATES GENERAL

#### Article 30

#### **Circumstances in which an Advocate General may be designated**

The General Court may be assisted by an Advocate General if it is considered that the legal difficulty or the factual complexity of the case so requires.

#### Article 31

#### **Procedures concerning the designation of an Advocate General**

1. The decision to designate an Advocate General in a particular case shall be taken by the plenum at the request of the Chamber to which the case has been assigned or referred.
2. The President of the General Court shall designate the Judge called upon to perform the function of Advocate General in that case.
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, 169 and 207 to 209 are taken.

## Chapter 6

### REGISTRY

#### Section 1

#### **The Registrar**

#### Article 32

#### **Appointment of the Registrar**

1. The General Court shall appoint the Registrar.
2. When the post of Registrar is vacant, an advertisement shall be published in the *Official Journal of the European Union*. Interested persons shall be invited to submit their applications within a period of not less than three weeks, accompanied by full details of their nationality, university degrees, knowledge of languages, present and past professional activities, and experience, if any, in judicial and international fields.
3. Voting shall take place in accordance with the procedure laid down in Article 9(3).

4. The Registrar shall be appointed for a term of six years. He may be reappointed. The General Court may decide to renew the term of office of the incumbent Registrar without availing itself of the procedure laid down in paragraph 2. In that case paragraph 3 shall apply.
5. The Registrar shall take the oath set out in Article 5 and sign the declaration provided for in Article 6.
6. The Registrar may be deprived of his office only if he no longer fulfils the requisite conditions or no longer meets the obligations arising from his office. The General Court shall take its decision, in the absence of the Registrar, after giving him an opportunity to make representations.
7. If the office of Registrar falls vacant before the normal date of expiry of the term thereof, the General Court shall appoint a new Registrar for a term of six years.
8. The name of the Registrar elected in accordance with this Article shall be published in the *Official Journal of the European Union*.

#### Article 33

##### **Deputy Registrar**

The General Court may, in accordance with the procedure laid down in respect of the Registrar, appoint one or more Deputy Registrars to assist the Registrar and to take his place if he is prevented from acting.

#### Article 34

##### **Where the Registrar and Deputy Registrar are prevented from acting**

Where the Registrar is prevented from acting and, if necessary, where the Deputy Registrar is so prevented, the President of the General Court shall designate an official or servant to carry out the duties of Registrar.

#### Article 35

##### **Responsibilities of the Registrar**

1. The Registrar shall be responsible, under the authority of the President of the General Court, for the acceptance, transmission and custody of all documents and for effecting service as provided for by these Rules.
2. The Registrar shall assist the Members of the General Court in all their official functions.
3. The Registrar shall have custody of the seals and shall be responsible for the records. He shall be in charge of the publications of the General Court, in particular, the European Court Reports, and of the dissemination on the internet of documents concerning the General Court.
4. The Registrar shall be responsible, under the authority of the President of the General Court, for the administration of the General Court, its financial management and its accounts, and shall be assisted in this by the departments of the Court of Justice of the European Union.
5. Save as otherwise provided in these Rules, the Registrar shall attend the sittings of the General Court.

#### Article 36

##### **Keeping of the register**

1. There shall be kept in the Registry, under the responsibility of the Registrar, a register in which all procedural documents shall be entered in the order in which they are lodged.
2. When a document has been registered, the Registrar shall make a note to that effect on the original procedural document or on the version deemed to be the original of that document for the purposes of decisions adopted pursuant to Article 74, and, if a party so requests, on any copy submitted for the purpose.

3. Entries in the register and the notes provided for in paragraph 2 shall be authentic.

*Article 37*

**Consultation of the register**

Anyone may consult the register at the Registry and obtain copies or extracts on payment of a charge on a scale fixed by the General Court on a proposal from the Registrar.

*Article 38*

**Access to the file in the case**

1. Subject to the provisions of Article 68(4), Articles 103 to 105 and of Article 144(7), any party to the proceedings may have access to the file in the case and, on payment of the appropriate charge referred to in Article 37, may obtain copies of procedural documents and authenticated copies of orders and judgments.
2. No third party, private or public, may have access to the file in a case without the express authorisation of the President of the General Court, once the parties have been heard. That authorisation may be granted, in whole or in part, only upon written request accompanied by a detailed explanation of the third party's legitimate interest in having access to the file.

Section 2

**Other departments**

*Article 39*

**Officials and other servants**

1. The officials and other servants whose task is to assist directly the President, the Judges and the Registrar shall be appointed under the conditions laid down in the regulation laying down the staff regulations of officials and the conditions of employment of other servants. They shall be responsible to the Registrar, under the authority of the President of the General Court.
2. They shall take one of the following two oaths before the President of the General Court in the presence of the Registrar:

'I swear that I will perform loyally, discreetly and conscientiously the duties assigned to me by the General Court.'

or

'I solemnly and sincerely affirm that I will perform loyally, discreetly and conscientiously the duties assigned to me by the General Court.'

Chapter 7

THE WORKING OF THE GENERAL COURT

*Article 40*

**Location of the sittings of the General Court**

The General Court may choose to hold one or more specific sittings in a place other than that in which the General Court has its seat.

*Article 41*

**Calendar of the General Court's judicial business**

1. The judicial year shall begin on 1 September of each calendar year and end on 31 August of the following year.
2. The judicial vacations shall be determined by the General Court.
3. In a case of urgency, the President of the General Court and the Presidents of Chambers may convene the Judges and, if necessary, the Advocate General during the judicial vacations.

4. The General Court shall observe the official holidays of the place where it has its seat.
5. The General Court may, in proper circumstances, grant leave of absence to any Judge.
6. The dates of the judicial vacations shall be published annually in the *Official Journal of the European Union*.

#### Article 42

##### Plenum

1. Decisions concerning administrative issues and the decisions referred to in Articles 7, 9, 11, 13, 15, 16, 18, 25, 28, 31 to 33, 41, 74 and 224 shall be taken by the General Court at the plenum in which all the Judges shall take part and have a vote, save as otherwise provided in these Rules. The Registrar shall be present, unless the General Court decides to the contrary.
2. If, after the plenum has been convened, it is found that the quorum referred to in the fourth paragraph of Article 17 of the Statute has not been attained, the President of the General Court shall adjourn the sitting until there is a quorum.

#### Article 43

##### Drawing-up of minutes

1. Where the General Court sits in the presence of the Registrar, the Registrar shall, if necessary, draw up minutes which shall be signed by the President of the General Court or by the President of the Chamber, as the case may be, and by the Registrar.
2. Where the General Court sits without the Registrar being present it shall, if necessary, instruct the most junior Judge for the purposes of Article 8 to draw up minutes which shall be signed by the President of the General Court or by the President of the Chamber, as the case may be, and by that Judge.

#### TITLE II

##### LANGUAGES

#### Article 44

##### Language of a case

The language of a case shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish.

#### Article 45

##### Determination of the language of a case

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) 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;
  - (c) 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 subparagraph (b); such a request may not be submitted by an institution.

2. Requests as above shall be decided on by the President; where the latter proposes to accede to a request without the agreement of all the parties, he must refer the request to the General Court.
3. Without prejudice to the provisions of paragraph 1(b) and (c):
  - (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.
4. Without prejudice to the provisions in paragraph 1(b) and (c), 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:
  - (a) the language of the case shall be chosen by the applicant if the applicant was the only party to the proceedings before the Board of Appeal of the Office;
  - (b) the language of the application, chosen by the applicant from among the languages referred to in Article 44, shall be the language of the case if another party to the proceedings before the Board of Appeal of the Office does not object to this within the time limit laid down for that purpose by the Registrar after the application has been lodged;
  - (c) in the event of an objection to the language of the application by a party to the proceedings before the Board of Appeal of the Office other than the applicant, the language of the decision that is contested before the General Court shall become the language of the case; in such cases, the Registrar shall ensure the translation of the application into the language of the case.

#### *Article 46*

#### **Use of the language of the case**

1. The language of the case shall in particular be used in the written and oral pleadings of the parties, including the material annexed to them, and also in the minutes and decisions of the General Court.
2. Any material produced or annexed that is expressed in another language must be accompanied by a translation into the language of the case.
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.
4. Notwithstanding the foregoing provisions, a Member State shall be entitled to use its official language when intervening 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.
5. The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may 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.
6. Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in Article 44, the President may authorise him to give his evidence in another language. The Registrar shall arrange for translation into the language of the case.
7. The President in conducting oral proceedings, Judges and, where appropriate, the Advocate General in putting questions and the Advocate General in delivering his Opinion may use one of the languages referred to in Article 44 other than the language of the case. The Registrar shall arrange for translation into the language of the case.

#### *Article 47*

#### **Responsibility of the Registrar concerning language arrangements**

The Registrar shall, at the request of any Judge, of the Advocate General or of a party, arrange for anything said or written in the course of the proceedings before the General Court to be translated into the languages chosen from those referred to in Article 44.

*Article 48***Languages of the publications of the General Court**

Publications of the General Court shall be issued in the languages referred to in Article 1 of Council Regulation No 1.

*Article 49***Authentic texts**

The texts of documents drawn up in the language of the case or, where applicable, in another language authorised pursuant to Articles 45 and 46 of these Rules shall be authentic.

**TITLE III****DIRECT ACTIONS***Article 50***Scope**

The provisions of this Title shall apply to direct actions within the meaning of Article 1.

## Chapter 1

## GENERAL PROVISIONS

## Section 1

**Representation of the parties***Article 51***Obligation to be represented**

1. A party must be represented by an agent or a lawyer in accordance with the provisions of Article 19 of the Statute.
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.
3. Where the party represented by the lawyer is a legal person governed by private law, the lawyer must lodge at the Registry an authority to act given by that person.
4. If the documents referred to in paragraphs 2 and 3 are not lodged, the Registrar shall prescribe a reasonable time limit within which the party concerned is to produce 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 renders the application or written pleadings formally inadmissible.

## Section 2

**Rights and obligations of parties' representatives***Article 52***Privileges, immunities and facilities**

1. Agents, advisers and lawyers who appear before the General Court or before any judicial authority to which it has addressed letters rogatory shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.
2. Agents, advisers and lawyers shall also enjoy the following privileges and facilities:
  - (a) any papers and documents relating to the proceedings shall be exempt from both search and seizure; in the event of a dispute, the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the General Court for inspection in the presence of the Registrar and of the person concerned;
  - (b) agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

*Article 53***Status of the parties' representatives**

1. In order to qualify for the privileges, immunities and facilities specified in Article 52, persons entitled to them shall furnish proof of their status as follows:
  - (a) agents shall produce an official document issued by the party for whom they act, who shall immediately serve a copy thereof on the Registrar;
  - (b) lawyers shall produce a certificate that they are authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement, and, where the party which they represent is a legal person governed by private law, an authority to act issued by that person;
  - (c) advisers shall produce an authority to act issued by the party whom they are assisting.
2. The Registrar shall issue them with a certificate, as required. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the duration of the proceedings.

*Article 54***Waiver of immunity**

1. The privileges, immunities and facilities specified in Article 52 are granted exclusively in the interests of the proper conduct of proceedings.
2. The General Court may waive immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

*Article 55***Exclusion from the proceedings**

1. If the General Court considers that the conduct of an agent, adviser or lawyer before the General Court, the President, a Judge or the Registrar is incompatible with the dignity of the General Court or with the requirements of the proper administration of justice, or that such agent, adviser or lawyer is using his rights for purposes other than those for which they were granted, it shall inform the person concerned. The General Court may inform the competent authorities to whom the person concerned is answerable. A copy of the letter sent to those authorities shall be forwarded to the person concerned.
2. On the same grounds, the General Court may at any time, having heard the person concerned, decide to exclude an agent, adviser or lawyer from the proceedings by reasoned order. That order shall have immediate effect.
3. Where an agent, adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another agent, adviser or lawyer.
4. Decisions taken under this Article may be rescinded.

*Article 56***University teachers**

The provisions of this Section shall apply to the university teachers referred to in the seventh paragraph of Article 19 of the Statute.

## Section 3

**Service***Article 57***Methods of service**

1. Without prejudice to Article 77(2) and Article 80(1), where the Statute or these Rules require a document to be served on a person the Registrar shall ensure that service is effected by the method referred to in paragraph 4 or by telefax.



2. Where, for technical reasons or on account of the nature or size of the document, service of the document in accordance with the procedures laid down in paragraph 1 is impossible or impracticable, the document shall be served at the address of the representative of the party concerned by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt. The addressee shall be so informed by the method referred to in paragraph 4 or by telefax. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place in which the General Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Registrar, within three weeks of being informed by the method referred to in paragraph 4 or by telefax, that the document to be served has not reached him.
3. The Registrar shall prepare and certify the copies of documents to be served pursuant to paragraph 2, save where the parties themselves supply the copies in accordance with Article 73(2).
4. The General Court may, by decision, determine the criteria for a procedural document to be served by electronic means. That decision shall be published in the *Official Journal of the European Union*.

#### Section 4

### Time limits

#### Article 58

#### Calculation of time limits

1. Any procedural time limit prescribed by the Treaties, the Statute or these Rules shall be calculated as follows:
  - (a) where a time limit expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the time limit in question;
  - (b) a time limit expressed in weeks, months or years shall end with the expiry of whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the time limit is to be calculated occurred or took place; if, in a time limit expressed in months or years, the day on which it should expire does not occur in the last month, the time limit shall end with the expiry of the last day of that month;
  - (c) where a time limit is expressed in months and days, it shall first be calculated in whole months, then in days;
  - (d) time limits shall include Saturdays, Sundays and official holidays;
  - (e) time limits shall not be suspended during the judicial vacations.
2. If the time limit would otherwise end on a Saturday, Sunday or an official holiday, it shall be extended until the end of the next working day.
3. The list of official holidays drawn up by the Court of Justice and published in the *Official Journal of the European Union* shall apply to the General Court.

#### Article 59

### Proceedings against a measure adopted by an institution and published in the *Official Journal of the European Union*

Where the time limit allowed for initiating proceedings against a measure adopted by an institution runs from the publication of that measure in the *Official Journal of the European Union*, that time limit shall be calculated, for the purposes of Article 58(1)(a), from the end of the fourteenth day after such publication.

#### Article 60

### Extension on account of distance

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

*Article 61***Setting and extension of time limits**

1. Any time limit prescribed pursuant to these Rules may be extended by whoever prescribed it.
2. The President may delegate to the Registrar power of signature for the purposes of setting certain time limits which, pursuant to these Rules, it falls to the President to prescribe, or of extending such time limits.

*Article 62***Procedural documents lodged out of time**

A procedural document lodged at the Registry after expiry of the time limit set by the President or by the Registrar pursuant to these Rules may be accepted only pursuant to a decision of the President to that effect.

*Section 5***Conduct of the proceedings and procedures for dealing with cases***Article 63***Conduct of the proceedings**

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

*Article 64***Adversarial nature of the proceedings**

Subject to the provisions of Article 68(4), Article 104, Article 105(8) and Article 144(7), the General Court shall take into consideration only those procedural documents and items which have been made available to the representatives of the parties and on which they have been given an opportunity of expressing their views.

*Article 65***Service of procedural documents and of decisions taken in the course of proceedings**

1. Subject to the provisions of Article 68(4), Articles 103 to 105 and Article 144(7), procedural documents and items included in the file in the case shall be served on the parties.
2. The Registrar shall ensure that decisions taken in the course of the proceedings and included in the file in the case are brought to the attention of the parties.

*Article 66***Anonymity and omission of certain information vis-à-vis the public**

On a reasoned application by a party, made by a separate document, or of its own motion, the General Court may omit the name of a party to the dispute or of other persons mentioned in connection with the proceedings, or certain information, from those documents relating to a case to which the public has access if there are legitimate reasons for keeping the identity of a person or the information confidential.

*Article 67***Order in which cases are dealt with**

1. The General Court shall deal with the cases before it in the order in which they become ready for examination.
2. The President may in special circumstances decide that a case be given priority over others.

*Article 68***Joinder**

1. Two or more cases concerning the same subject-matter may at any time, either of the General Court's own motion or on application by a main party, be joined, on account of the connection between them, for the purposes, alternatively or cumulatively, of the written or oral part of the procedure or of the decision which closes the proceedings.
2. A decision on whether cases should be joined shall be taken by the President. Before taking that decision, the President shall prescribe a time limit within which the main parties may submit their observations on any joinder, if they have not already expressed their views in that regard.
3. Joined cases may be disjoined, in accordance with the provisions of paragraph 2.
4. All the parties to the joined cases may examine the files in the cases concerned at the Registry. The President may, however, on application by a party, order that certain confidential information from the case-file be excluded from that consultation.
5. Without prejudice to paragraph 4, procedural documents included in the files of the cases concerned by the joinder shall be served on the parties to the joined cases, provided that the representatives of those parties request it and have agreed to the method of service referred to in Article 57(4).

*Article 69***Circumstances in which proceedings may be stayed**

Without prejudice to Article 163, proceedings may be stayed:

- (a) in the circumstances specified in the third paragraph of Article 54 of the Statute;
- (b) where an appeal is brought before the Court of Justice against a decision of the General Court disposing of the substantive issues in part only, disposing of a procedural issue concerning a plea of lack of competence or inadmissibility or dismissing an application to intervene;
- (c) at the request of a main party with the agreement of the other main party;
- (d) in other particular cases where the proper administration of justice so requires.

*Article 70***Decisions to stay and to resume proceedings**

1. The decision to stay the proceedings shall be taken by the President. Before taking that decision, the President shall prescribe a time limit within which the main parties may submit their observations on any stay of the proceedings, if they have not already expressed their views in that regard.
2. A decision ordering that the proceedings be resumed before the end of the stay, or as referred to in Article 71(3), shall be taken in accordance with the procedures laid down in paragraph 1.

*Article 71***Length and effects of a stay**

1. The stay of proceedings shall take effect on the date indicated in the decision to stay or, in the absence of such indication, on the date of that decision.
2. During the period in which proceedings are stayed all procedural time limits shall be suspended, except for the time limit prescribed in Article 143(1) for an application to intervene.
3. Where the decision to stay the proceedings does not fix the length of stay, it shall end on the date indicated in the decision to resume the proceedings or, in the absence of such indication, on the date of the latter decision.
4. From the date of the resumption of proceedings following a stay, any suspended procedural time limits shall be replaced by new time limits and time shall begin to run from the date of that resumption.

## Chapter 2

## PROCEDURAL DOCUMENTS

## Article 72

**Common rules for the lodging of procedural documents**

1. A procedural document shall be lodged at the Registry either in paper form, where appropriate after transmission of a copy of the original of that document by telefax in accordance with Article 73(3), or by the method referred to in the decision of the General Court adopted pursuant to Article 74.
2. All procedural documents shall bear a date. In the calculation of procedural time limits, only the date and time in the Grand Duchy of Luxembourg of lodgement at the Registry shall be taken into account.
3. To every procedural document there shall be annexed the material relied on in support of it, together with a schedule listing each item.
4. Where, in view of the length of the material, only extracts from it are annexed to the procedural document, the whole item or a full copy of it shall be lodged at the Registry.
5. The institutions shall produce, within time limits laid down by the President, translations of any procedural document into the other languages provided for by Article 1 of Council Regulation No 1.

## Article 73

**Lodging at the Registry of a procedural document in paper form**

1. The original paper version of a procedural document must bear the handwritten signature of the party's agent or lawyer.
2. The original, accompanied by all annexes referred to therein, shall be submitted together with three copies for the General Court and a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.
3. By way of derogation from the second sentence of Article 72(2), the date on and time at which a full copy of the signed original of a procedural document, including the schedule of items referred to in Article 72(3), is received at the Registry by telefax shall be deemed to be the date and time of lodgement for the purposes of compliance with the procedural time limits, provided that the signed original of the procedural document, accompanied by the annexes and copies referred to in paragraph 2, is lodged at the Registry no later than 10 days thereafter. Article 60 shall not apply to that time limit of 10 days.

## Article 74

**Electronic lodgement**

The General Court may, by decision, determine the criteria for a procedural document sent to the Registry by electronic means to be deemed to be the original of that document. That decision shall be published in the *Official Journal of the European Union*.

## Article 75

**Length of written pleadings**

1. The General Court shall set, in accordance with Article 224, the maximum length of written pleadings lodged pursuant to this Title.
2. Authorisation to exceed the maximum length of written pleadings may be given by the President only in cases involving particularly complex legal or factual issues.

## Chapter 3

## WRITTEN PART OF THE PROCEDURE

## Article 76

**Content of the application**

An application of the kind referred to in Article 21 of the Statute shall contain:

- (a) the name and address of the applicant;
- (b) particulars of the status and address of the applicant's representative;
- (c) the name of the main party against whom the action is brought;
- (d) the subject-matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law;
- (e) the form of order sought by the applicant;
- (f) where appropriate, any evidence produced or offered.

## Article 77

**Information relating to service**

1. For the purposes of the proceedings, the application shall state whether the method of service to which the applicant's representative agrees is that referred to in Article 57(4) or telefax.
2. If the application does not comply with the requirements referred to in paragraph 1, all service on the party concerned for the purposes of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the representative of that party. Service shall then be deemed to be duly effected by the lodging of the registered letter at the post office of the place in which the General Court has its seat.

## Article 78

**Annexes to the application**

1. The application shall be accompanied, where appropriate, by the documents specified in the second paragraph of Article 21 of the Statute.
2. An application submitted under Article 272 TFEU pursuant to an arbitration clause in a contract governed by public or private law, entered into by the Union or on its behalf, shall be accompanied by a copy of the contract which contains that clause.
3. 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).
4. The application shall be accompanied by the documents referred to in Article 51(2) and (3).
5. If the application does not comply with the requirements set out in paragraphs 1 to 4, the Registrar shall prescribe a reasonable time limit within which the applicant is to produce the abovementioned documents. 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 these conditions renders the application formally inadmissible.

## Article 79

**Notice in the *Official Journal of the European Union***

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.

*Article 80***Service of the application**

1. The application shall be served on the defendant in the form of a certified copy sent by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt. Where the defendant has previously agreed to applications being served on him by the method referred to in Article 57(4) or by telefax, service of the application may be effected accordingly.
2. In cases where Article 78(5) applies, service shall be effected as soon as the application has been put in order or the General Court has declared it admissible notwithstanding the failure to observe the requirements set out in that Article.

*Article 81***Defence**

1. Within two months after service on him of the application, the defendant shall lodge a defence, containing:
  - (a) the name and address of the defendant;
  - (b) particulars of the status and address of the applicant's representative;
  - (c) the pleas in law and arguments relied on;
  - (d) the form of order sought by the defendant;
  - (e) where appropriate, any evidence produced or offered.
2. Article 77 and Article 78(3) to (5) shall apply to the defence.
3. The time limit laid down in paragraph 1 of this Article may, in exceptional circumstances, be extended by the President at the reasoned request of the defendant.

*Article 82***Transmission of documents**

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, without the annexes thereto, to enable them to assess whether the inapplicability of one of their acts is being invoked under Article 277 TFEU.

*Article 83***Reply and rejoinder**

1. The application initiating proceedings and the defence may be supplemented by a reply from the applicant and by a rejoinder from the defendant unless the General Court decides that a second exchange of pleadings is unnecessary because the contents of the file in the case are sufficiently comprehensive.
2. Where the General Court decides that a second exchange of pleadings is unnecessary it may authorise the main parties to supplement the file in the case if the applicant presents a reasoned request to that effect within two weeks from the service of that decision.
3. The President shall prescribe the time limits within which those procedural documents are to be produced. He may specify the matters to which the reply or the rejoinder should relate.

## Chapter 4

## PLEAS IN LAW, EVIDENCE AND MODIFICATION OF THE APPLICATION

*Article 84***New pleas in law**

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

2. Any new pleas in law shall be introduced in the second exchange of pleadings and identified as such. Where the matters of law or of fact justifying the introduction of new pleas in law are known after the second exchange of pleadings or after it has been decided not to authorise a second exchange of pleadings, the main party concerned shall introduce the new pleas in law as soon as those matters come to his knowledge.
3. Without prejudice to the decision to be taken by the General Court on the admissibility of the new pleas in law, the President shall give the other parties an opportunity to respond to those pleas.

#### Article 85

#### **Evidence produced or offered**

1. Evidence produced or offered shall be submitted in the first exchange of pleadings.
2. In reply or rejoinder a main party may produce or offer further evidence in support of his arguments, provided that the delay in the submission of such evidence is justified.
3. The main parties may, exceptionally, produce or offer further evidence before the oral part of the procedure is closed or before the decision of the General Court to rule without an oral part of the procedure, provided that the delay in the submission of such evidence is justified.
4. Without prejudice to the decision to be taken by the General Court on the admissibility of the evidence produced or offered pursuant to paragraphs 2 and 3, the President shall give the other parties an opportunity to comment on such evidence.

#### Article 86

#### **Modification of the application**

1. Where a measure the annulment of which is sought is replaced or amended by another measure with the same subject-matter, the applicant may, before the oral part of the procedure is closed, or before the decision of the General Court to rule without an oral part of the procedure, modify the application to take account of that new factor.
2. The modification of the application must be made by a separate document within the time limit laid down in the sixth paragraph of Article 263 TFEU within which the annulment of the measure justifying the modification of the application may be sought.
3. The statement of modification shall contain:
  - (a) the modified form of order sought;
  - (b) where appropriate, the modified pleas in law and arguments;
  - (c) where appropriate, the evidence produced and offered in connection with the modification of the form of order sought.
4. The statement of modification must be accompanied by the measure justifying the modification of the application. If that measure is not produced, the Registrar shall prescribe a reasonable time limit within which the applicant is to produce it. If the applicant fails to produce the measure within the time limit prescribed, the General Court shall decide whether the non-compliance with that requirement renders the statement modifying the application inadmissible.
5. Without prejudice to the decision to be taken by the General Court on the admissibility of the statement modifying the application, the President shall prescribe a time limit within which the defendant may respond to the statement of modification.
6. The President shall, where appropriate, prescribe a time limit within which any interveners may supplement their statements in intervention in the light of the statement modifying the application and the statement in response. Those statements shall be served simultaneously on the interveners for that purpose.

## Chapter 5

## THE PRELIMINARY REPORT

*Article 87***Preliminary report**

1. When the written part of the procedure is closed, the President shall fix a date on which the Judge-Rapporteur is to present a preliminary report to the General Court.
2. The preliminary report shall contain an analysis of the relevant issues of fact and of law raised by the action, proposals as to whether measures of organisation of procedure or measures of inquiry should be undertaken, whether there should be an oral part of the procedure and whether the case should be referred to the Grand Chamber or to a Chamber sitting with a different number of Judges, and whether the case should be delegated to a single Judge.
3. The General Court shall decide what action to take on the proposals of the Judge-Rapporteur and, where appropriate, whether to open the oral part of the procedure.

## Chapter 6

## MEASURES OF ORGANISATION OF PROCEDURE AND MEASURES OF INQUIRY

*Article 88***General**

1. Measures of organisation of procedure and measures of inquiry may be taken or modified at any stage of the proceedings either of the General Court's own motion or on the application of a main party.
2. The application referred to in paragraph 1 must state precisely the purpose of the measures sought and the reasons for them. Where the application is made after the first exchange of pleadings, the party submitting that application must state the reasons for which he was unable to submit it earlier.
3. Where an application for measures of organisation of procedure or for measures of inquiry is made, the President shall give the other parties an opportunity to comment on that application.

## Section 1

**Measures of organisation of procedure***Article 89***Purpose**

1. The purpose of measures of organisation of procedure shall be to ensure that cases are prepared for hearing, procedures carried out and disputes resolved under the best possible conditions.
2. Measures of organisation of procedure shall, in particular, have as their purpose:
  - (a) to ensure the efficient conduct of the written or oral part of the procedure and to facilitate the taking of evidence;
  - (b) to determine the points on which the parties must present further argument or which call for measures of inquiry;
  - (c) to clarify the forms of order sought by the parties, their pleas in law and arguments and the points at issue between them;
  - (d) to facilitate the amicable settlement of proceedings.
3. Measures of organisation of procedure may, in particular, consist of:
  - (a) putting questions to the parties;
  - (b) inviting the parties to make written or oral submissions on certain aspects of the proceedings;
  - (c) asking the parties or third parties for the information referred to in the second paragraph of Article 24 of the Statute;



- (d) asking the parties to produce any material relating to the case;
  - (e) summoning the parties to meetings.
4. Where a hearing is organised, the General Court shall, in so far as possible, invite the parties to concentrate in their oral pleadings on one or more specified issues.

#### *Article 90*

##### **Procedure**

1. Measures of organisation of procedure shall be prescribed by the General Court.
2. If the General Court decides to adopt measures of organisation of procedure and does not undertake such measures itself, it shall entrust the task of so doing to the Judge-Rapporteur.

#### Section 2

##### **Measures of inquiry**

#### *Article 91*

##### **Purpose**

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

- (a) the personal appearance of the parties;
- (b) a request to a party for information or for production of any material relating to the case;
- (c) a request for production of documents to which access has been denied by an institution in proceedings relating to the legality of that denial;
- (d) oral testimony;
- (e) the commissioning of an expert's report;
- (f) an inspection of the place or thing in question.

#### *Article 92*

##### **Procedure**

1. The General Court shall prescribe the measures of inquiry that it considers appropriate by means of an order setting out the facts to be proved.
2. Before the General Court decides on the measures of inquiry referred to in Article 91(d) to (f), the parties shall be heard.
3. A measure of inquiry referred to in Article 91(b) may be ordered only where the party concerned by the measure has not complied with a measure of organisation of procedure previously adopted to that end, or where expressly requested by the party concerned by the measure and that party explains the need for such a measure to be in the form of an order for a measure of inquiry. The order prescribing the measure of inquiry may provide that inspection by the parties' representatives of information and material obtained by the General Court in consequence of that order may take place only at the Registry and that no copies may be made.
4. If the General Court orders a preparatory inquiry and does not undertake such an inquiry itself, it shall entrust the task of so doing to the Judge-Rapporteur.
5. The Advocate General shall take part in the measures of inquiry.
6. The parties shall be entitled to attend the measures of inquiry.
7. Evidence may be submitted in rebuttal and previous evidence may be amplified.

*Article 93***Summoning of witnesses**

1. Witnesses whose examination is deemed necessary shall be summoned by an order, referred to in Article 92(1), containing the following information:
  - (a) the name, description and address of the witness;
  - (b) the date and place of the examination;
  - (c) an indication of the facts to be established and which witnesses are to be heard in respect of each of those facts.
2. Witnesses shall be summoned by the General Court, where appropriate after lodgement of the security provided for in Article 100(1).

*Article 94***Examination of witnesses**

1. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in paragraph 5 and in Article 97.
2. The witness shall give his evidence to the General Court, the parties having been given notice to attend. After the witness has given his evidence the President may, at the request of one of the parties or of his own motion, put questions to him.
3. The other Judges and the Advocate General may do likewise.
4. Subject to the control of the President, questions may be put to witnesses by the representatives of the parties.
5. Subject to the provisions of Article 97, the witness shall, after giving his evidence, take the following oath:  
'I swear that I have spoken the truth, the whole truth and nothing but the truth.'
6. The General Court may, after hearing the main parties, exempt a witness from taking the oath.

*Article 95***Duties of witnesses**

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.
2. If, without good reason, a witness who has been duly summoned fails to appear before the General Court, the General Court may impose upon him a pecuniary penalty not exceeding EUR 5 000 and may order that a further summons be served on the witness at his own expense.
3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath.

*Article 96***Expert's report**

1. The order appointing the expert shall define his task and set a time limit within which he is to submit his report.
2. After the expert has submitted his report and that report has been served on the parties, the General Court may order that the expert be examined, the parties having been given notice to attend. At the request of one of the parties or of his own motion, the President may put questions to the expert.
3. The other Judges and the Advocate General may do likewise.
4. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

5. Subject to the provisions of Article 97, the expert shall, after making his report, take the following oath before the General Court:

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

6. The General Court may, after hearing the main parties, exempt the expert from taking the oath.

#### *Article 97*

### **Witnesses' and experts' oath**

1. The President shall instruct any person who is required to take an oath before the General Court, as witness or expert, to tell the truth or to carry out his task conscientiously and impartially, as the case may be, and shall warn him of the criminal liability provided for in his national law in the event of any breach of this duty.

2. Witnesses and experts shall take the oath either in accordance with Article 94(5) and Article 96(5) or in the manner laid down by their national law.

#### *Article 98*

### **Perjury by witnesses or experts**

1. The General Court may decide to report to the competent authority referred to in the Rules supplementing the Rules of Procedure of the Court of Justice of the Member State whose courts have penal jurisdiction any case of perjury on the part of a witness or expert before the General Court.

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

#### *Article 99*

### **Objection to a witness or expert**

1. If one of the parties objects to a witness or an expert on the ground that he is not a competent or proper person to act as a witness or expert or for any other reason, or if a witness or expert refuses to give evidence or to take the oath, the matter shall be resolved by the General Court.

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

#### *Article 100*

### **Witnesses' and experts' costs**

1. Where the General Court orders the examination of witnesses or an expert's report, it may request the main parties or one of them to lodge security for the witnesses' costs or the costs of the expert's report.

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

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

#### *Article 101*

### **Letters rogatory**

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

2. Letters rogatory shall be issued in the form of an order. The order shall contain the name, description and address of the witness or expert, set out the facts on which the witness or expert is to be examined, name the parties, their representatives, indicate their addresses and briefly describe the subject-matter of the proceedings.
3. The Registrar shall send the order to the competent authority named in the Rules supplementing the Rules of Procedure of the Court of Justice of the Member State in whose territory the witness or expert is to be examined. Where necessary, the order shall be accompanied by a translation into the official language or languages of the Member State to which it is addressed.
4. The authority named pursuant to paragraph 3 shall transmit the order to the judicial authority which is competent according to its national law.
5. The competent judicial authority shall give effect to the letters rogatory in accordance with its national law. After implementation the competent judicial authority shall transmit to the authority named pursuant to paragraph 3 the order embodying the letters rogatory, any documents arising from the implementation and a detailed statement of costs. These documents shall be sent to the Registrar.
6. The Registrar shall be responsible for the translation of the documents into the language of the case.
7. The General Court shall defray the expenses occasioned by the letters rogatory without prejudice to the right to charge them, where appropriate, to the main parties.

#### *Article 102*

#### **Minutes of inquiry hearings**

1. The Registrar shall draw up minutes of every inquiry hearing. The minutes shall be signed by the President and by the Registrar. They shall constitute an official record.
2. In the case of the examination of witnesses or experts, the minutes shall be signed by the President or by the Judge-Rapporteur responsible for conducting the examination of the witness or expert, and by the Registrar. Before the minutes are thus signed, the witness or expert must be given an opportunity to check the content of the minutes and to sign them.
3. The minutes shall be served on the parties.

#### *Section 3*

#### **Treatment of confidential information, items and documents produced in the context of measures of inquiry**

#### *Article 103*

#### **Treatment of confidential information and material**

1. Where it is necessary for the General Court to examine, on the basis of the matters of law and of fact relied on by a main party, the confidentiality, vis-à-vis the other main party, of certain information or material produced before the General Court following a measure of inquiry referred to in Article 91(b) that may be relevant in order for the General Court to rule in a case, that information or material shall not be communicated to that other party at the stage of such examination.
2. Where the General Court concludes in the examination provided for in paragraph 1 that certain information or material produced before it is relevant in order for it to rule in the case and is confidential vis-à-vis the other main party, it shall weigh that confidentiality against the requirements linked to the right to effective judicial protection, particularly observance of the adversarial principle.
3. After weighing up the matters referred to in paragraph 2, the General Court may decide to bring the confidential information or material to the attention of the other main party, making its disclosure subject, if necessary, to the giving of specific undertakings, or it may decide not to communicate such information or material, specifying, by reasoned order, the procedures enabling the other main party, to the greatest extent possible, to make his views known, including ordering the production of a non-confidential version or a non-confidential summary of the information or material, containing the essential content thereof.

4. The procedural regime in this Article shall not apply to the cases referred to in Article 105.

#### *Article 104*

### **Documents to which access has been denied by an institution**

Where, following a measure of inquiry referred to in Article 91(c), a document to which access has been denied by an institution has been produced before the General Court in proceedings relating to the legality of that denial, that document shall not be communicated to the other parties.

#### Chapter 7

INFORMATION OR MATERIAL PERTAINING TO THE SECURITY OF THE UNION OR THAT OF ONE OR MORE OF ITS MEMBER STATES OR TO THE CONDUCT OF THEIR INTERNATIONAL RELATIONS

#### *Article 105*

### **Treatment of information or material pertaining to the security of the Union or that of one or more of its Member States or to the conduct of their international relations**

1. Where, contrary to the adversarial principle set out in Article 64 under which all information and material must be fully communicated between the parties, a main party intends to base his claims on certain information or material but submits that its communication would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations, he shall produce that information or material by a separate document. The information or material thus produced shall be accompanied by an application for confidential treatment thereof, setting out the overriding reasons which, to the extent strictly required by the exigencies of the situation, justify the confidentiality of that information or material being preserved and which militate against its communication to the other main party. The application for confidential treatment shall also be submitted by a separate document and shall not contain anything which is confidential. Where the information or material in respect of which confidential treatment is sought has been transmitted to the main party by one or more Member States, the overriding reasons put forward by the main party to justify the confidential treatment of that information or material may include those provided by the Member State(s) concerned.
2. The production of information or material the confidential nature of which is based on the overriding reasons referred to in paragraph 1 may be requested by the General Court in the form of a measure of inquiry. Formal note shall be taken of any refusal. By way of derogation from Article 103, the procedural regime applicable to such information or material produced following a measure of inquiry shall be that of the present Article.
3. While the information or material produced by a main party in accordance with paragraph 1 or 2 is being examined as to its relevance to the General Court's ruling in the case and as to its confidential nature vis-à-vis the other main party, that information or material shall not be communicated to the other main party.
4. Where the General Court decides, after the examination provided for in paragraph 3, that the information or material produced before it is relevant in order for it to rule in the case and is not confidential for the purposes of the proceedings before the General Court, it shall ask the party concerned to authorise the communication of that information or material to the other main party. If the first party objects to such communication within a period prescribed by the President, or fails to reply by the end of that period, that information or material shall not be taken into account in the determination of the case and shall be returned to that party.
5. Where the General Court decides, after the examination provided for in paragraph 3, that certain information or material produced before it is relevant in order for it to rule in the case and is confidential vis-à-vis the other main party, it shall not communicate that information or material to that main party. It shall then weigh the requirements linked to the right to effective judicial protection, particularly observance of the adversarial principle, against the requirements flowing from the security of the Union or of one or more of its Member States or the conduct of their international relations.
6. After weighing up the matters referred to in paragraph 5, the General Court shall make a reasoned order specifying the procedures to be adopted to accommodate the requirements referred to in paragraph 5, such as the production by the party concerned, for subsequent communication to the other main party, of a non-confidential version or a non-confidential summary of the information or material, containing the essential content thereof and enabling the other main party, to the greatest extent possible, to make its views known.

7. The information or material that is confidential vis-à-vis the other main party may be withdrawn, wholly or in part, by the main party who produced it in accordance with paragraph 1 or 2, within two weeks after service of the decision taken pursuant to paragraph 5. The information or material withdrawn shall not be taken into account in the determination of the case and shall be returned to the main party concerned.

8. Where the General Court considers that information or material which, owing to its confidential nature, has not been communicated to the other main party in accordance with the procedures referred to in paragraph 6 is essential in order for it to rule in the case, it may, by way of derogation from Article 64 and confining itself to what is strictly necessary, base its judgment on such information or material. When assessing that information or material, the General Court shall take account of the fact that a main party has not been able to make his views on it known.

9. The General Court shall ensure that confidential matters contained in the information or material produced by a main party in accordance with paragraph 1 or 2 which have not been communicated to the other main party are not disclosed in the order made pursuant to paragraph 6 or in the decision which closes the proceedings.

10. The information or material referred to in paragraph 5 shall be returned to the party concerned as soon as the decision closing the proceedings before the General Court is adopted.

11. The General Court shall determine, by decision, the security rules for protecting the information or material produced in accordance with paragraph 1 or paragraph 2, as the case may be. That decision shall be published in the *Official Journal of the European Union*.

## Chapter 8

### ORAL PART OF THE PROCEDURE

#### *Article 106*

#### **Oral part of the procedure**

1. The procedure before the General Court shall include, in the oral part, a hearing arranged either of the General Court's own motion or at the request of a main party.

2. Any request for a hearing made by a main party must state the reasons for which that party wishes to be heard. It must be submitted within three weeks after service on the parties of notification of the close of the written part of the procedure. That time limit may be extended by the President.

3. If there is no request as referred to in paragraph 2, the General Court may, if it considers that it has sufficient information available to it from the material in the file, decide to rule on the action without an oral part of the procedure. In that case, it may nevertheless later decide to open the oral part of the procedure.

#### *Article 107*

#### **Date of the hearing**

1. If the General Court decides to open the oral part of the procedure, the President shall fix the date of the hearing.

2. The President may, in exceptional circumstances, of his own motion or at the reasoned request of a main party, adjourn the hearing to another date.

#### *Article 108*

#### **Absence of the parties from the hearing**

1. Where a party informs the General Court that he will not be present at the hearing or where the General Court finds at the hearing that a party who has been duly given notice to attend is absent without excuse, the hearing shall proceed in the absence of the party concerned.

2. Where the main parties indicate to the General Court that they will not be present at the hearing, the President shall decide whether the oral part of the procedure may be closed.

*Article 109***Cases heard in camera**

1. After hearing the parties, the General Court may, in accordance with Article 31 of the Statute, decide to hear a case *in camera*.
2. The request by a party for a case to be heard *in camera* must include reasons and specify whether it concerns all or part of the hearing.
3. The oral proceedings in cases heard *in camera* shall not be published.

*Article 110***Conduct of the hearing**

1. The oral proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.
2. A party may address the General Court only through his representative.
3. The members of the formation of the Court and the Advocate General may in the course of the hearing put questions to the representatives of the parties.

*Article 111***Close of the oral part of the procedure**

Where an Advocate General has not been designated in a case, the President shall declare the oral part of the procedure closed at the end of the hearing.

*Article 112***Delivery of the Opinion of the Advocate General**

1. Where an Advocate General has been designated in a case and delivers his Opinion in writing, he shall lodge it at the Registry, which shall communicate it to the parties.
2. The President shall declare the oral part of the procedure closed after the delivery, orally or in writing, of the Opinion of the Advocate General.

*Article 113***Reopening of the oral part of the procedure**

1. The General Court shall order the reopening of the oral part of the procedure when the conditions set out in Article 23(3) or Article 24(3) are satisfied.
2. The General Court may order the reopening of the oral part of the procedure:
  - (a) if it considers that it lacks sufficient information;
  - (b) where the case must be decided on the basis of an argument which has not been debated between the parties;
  - (c) where requested by a main party who is relying on facts which are of such a nature as to be a decisive factor for the decision of the General Court but which it was unable to put forward before the oral part of the procedure was closed.

*Article 114***Minutes of the hearing**

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

*Article 115***Recording of the hearing**

The President of the General Court may, on a duly substantiated request, authorise a party who has participated in the written part or the oral part of the proceedings to listen, on the General Court's premises, to the sound recording of the hearing in the language used by the speakers during that hearing.

## Chapter 9

## JUDGMENTS AND ORDERS

*Article 116***Date of delivery of a judgment**

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

*Article 117***Content of a judgment**

A judgment shall contain:

- (a) a statement that it is the judgment of the General Court;
- (b) an indication as to the formation of the Court;
- (c) the date of delivery;
- (d) the names of the President and of the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur;
- (e) the name of the Advocate General, if designated;
- (f) the name of the Registrar;
- (g) a description of the parties;
- (h) the names of their representatives;
- (i) a statement of the forms of order sought by the parties;
- (j) where applicable, the date of the hearing;
- (k) a statement, where appropriate, that the Advocate General has been heard and, where applicable, the date of his Opinion;
- (l) a summary of the facts;
- (m) the grounds for the decision;
- (n) the operative part of the judgment, including the decision as to costs.

*Article 118***Delivery and service of the judgment**

1. The judgment shall be delivered in open court.
2. The original of the judgment, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be sealed and deposited at the Registry. A copy of the judgment shall be served on each of the parties.

*Article 119***Content of an order**

Any order from which an appeal may lie under Article 56 or Article 57 of the Statute shall contain:

- (a) a statement that it is the order of the General Court, the President or the Judge hearing applications for interim measures, as the case may be;



- (b) where applicable, an indication as to the formation of the Court;
- (c) the date of its adoption;
- (d) an indication as to the legal basis of the order;
- (e) the names of the President and, where applicable, the Judges who took part in the deliberations, with an indication as to the name of the Judge-Rapporteur;
- (f) the name of the Advocate General, if designated;
- (g) the name of the Registrar;
- (h) a description of the parties;
- (i) the names of their representatives;
- (j) a statement of the forms of order sought by the parties;
- (k) a statement, where appropriate, that the Advocate General has been heard;
- (l) a summary of the facts;
- (m) the grounds for the decision;
- (n) the operative part of the order, including, where appropriate, the decision as to costs.

*Article 120*

**Signature and service of the order**

The original of every order, signed by the President and by the Registrar, shall be sealed and deposited at the Registry. A copy of the order shall be served on each of the parties and, if necessary, on the Court of Justice or on the Civil Service Tribunal.

*Article 121*

**Binding nature of judgments and orders**

1. Subject to the provisions of Article 60 of the Statute, a judgment shall be binding from the date of its delivery.
2. Subject to the provisions of Article 60 of the Statute, an order shall be binding from the date of its service.

*Article 122*

**Publication in the *Official Journal of the European Union***

A notice containing the date and the operative part of the judgment or order of the General Court which closes the proceedings shall be published in the *Official Journal of the European Union*, save in the case of decisions adopted before the application has been served on the defendant.

Chapter 10

JUDGMENTS BY DEFAULT

*Article 123*

**Judgments by default**

1. Where the General Court finds that a defendant on whom an application initiating proceedings has been duly served has failed to respond to the application in the proper form or within the time limit prescribed in Article 81, without prejudice to the application of the provisions of the second paragraph of Article 45 of the Statute, the applicant may, within a time limit prescribed by the President, apply to the General Court for judgment by default.
2. A defendant in default shall not intervene in the default procedure and, with the exception of the decision which closes the proceedings, no procedural document shall be served on him.

3. The General Court shall give judgment in favour of the applicant in the judgment by default, unless it is clear that the General Court has no jurisdiction to hear and determine the action or that the action is manifestly inadmissible or manifestly lacking any foundation in law.

4. A judgment by default shall be enforceable. The General Court may, however, grant a stay of execution until it has given its decision on any application under Article 166 to set aside the judgment, or it may make execution subject to the provision of security of an amount and nature to be fixed in the light of the circumstances. This security shall be released if no such application is made or if the application fails.

## Chapter 11

### AMICABLE SETTLEMENT AND DISCONTINUANCE

#### *Article 124*

#### **Amicable settlement**

1. If, before the General Court has given its decision, the main parties reach a settlement of their dispute and inform the General Court of the abandonment of their claims, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Articles 136 and 138, having regard to any proposals made by the parties on the matter.
2. This provision shall not apply to proceedings under Articles 263 TFEU and 265 TFEU.

#### *Article 125*

#### **Discontinuance**

If the applicant informs the General Court in writing or at the hearing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Articles 136 and 138.

## Chapter 12

### ACTIONS AND ISSUES DETERMINED BY ORDER

#### *Article 126*

#### **Action manifestly bound to fail**

Where it is clear that the General Court has no jurisdiction to hear and determine an action or where the action is manifestly inadmissible or manifestly lacking any foundation in law, the General Court may, on a proposal from the Judge-Rapporteur, at any time decide to give a decision by reasoned order without taking further steps in the proceedings.

#### *Article 127*

#### **Referral of a case to the Court of Justice or to the Civil Service Tribunal**

Decisions referring an action in the circumstances specified in the second paragraph of Article 54 of the Statute and in Article 8(2) of Annex I to the Statute shall be made by the General Court by reasoned order on a proposal from the Judge-Rapporteur.

#### *Article 128*

#### **Declining of jurisdiction**

Decisions declining jurisdiction in the circumstances specified in the third paragraph of Article 54 of the Statute shall be made by the General Court by reasoned order on a proposal from the Judge-Rapporteur.

*Article 129***Absolute bar to proceeding with a case**

On a proposal from the Judge-Rapporteur, the General Court may at any time of its own motion, after hearing the main parties, decide to rule by reasoned order on whether there exists any absolute bar to proceeding with a case.

*Article 130***Preliminary objections and issues**

1. A defendant applying to the General Court for a decision on inadmissibility or lack of competence without going to the substance of the case shall submit the application by a separate document within the time limit referred to in Article 81.
2. A party applying to the General Court for a declaration that the action has become devoid of purpose and that there is no longer any need to adjudicate on it or for a decision on another preliminary issue shall submit the application by a separate document.
3. The applications referred to in paragraphs 1 and 2 must state the pleas of law and arguments relied on and the form of order sought; any supporting material must be annexed to the applications.
4. As soon as the application referred to in paragraph 1 has been submitted, the President shall prescribe a time limit within which the applicant in the action may submit in writing his pleas in law and the form of order which he seeks.
5. As soon as the application referred to in paragraph 2 has been submitted, the President shall prescribe a time limit within which the other parties may submit in writing their observations on that application.
6. The General Court may decide to open the oral part of the procedure in respect of the applications referred to in paragraphs 1 and 2. Article 106 shall not apply.
7. The General Court shall decide on the application as soon as possible or, where special circumstances so justify, reserve its decision until it rules on the substance of the case. It shall refer the case to the Court of Justice or to the Civil Service Tribunal if the case falls within their jurisdiction.
8. If the General Court refuses the application or reserves its decision, the President shall prescribe new time limits for further steps in the proceedings.

*Article 131***Cases that, of the General Court's own motion, do not proceed to judgment**

1. If the General Court declares that the action has become devoid of purpose and that there is no longer any need to adjudicate on it, it may at any time, of its own motion, on a proposal from the Judge-Rapporteur and after hearing the parties, decide to rule by reasoned order.
2. If the applicant ceases to reply to the General Court's requests, the General Court may, on a proposal from the Judge-Rapporteur and after hearing the parties, declare of its own motion, by reasoned order, that there is no longer any need to adjudicate.

*Article 132***Actions that are manifestly well founded**

Where the Court of Justice or the General Court has already ruled on one or more questions of law identical to those raised by the pleas in law of the action and the General Court finds that the facts have been established, it may, after the written part of the procedure has been closed, on a proposal from the Judge-Rapporteur and after hearing the parties, decide by reasoned order in which reference is made to the relevant case-law to declare the action manifestly well founded.

## Chapter 13

## COSTS

*Article 133***Decision as to costs**

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

*Article 134***General rules as to allocation of costs**

1. The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.
2. Where there is more than one unsuccessful party the General Court shall decide how the costs are to be shared.
3. Where each party succeeds on some and fails on other heads, the parties shall bear their own costs. However, if it appears justified in the circumstances of the case, the General Court may order that one party, in addition to bearing his own costs, pay a proportion of the costs of the other party.

*Article 135***Equity and unreasonable or vexatious costs**

1. Exceptionally, if equity so requires, the General Court may decide that an unsuccessful party is to pay only a proportion of the costs of the other party in addition to bearing his own, or even that he is not to be ordered to pay any.
2. The General Court may order a party, even if successful, to pay some or all of the costs, if this appears justified by the conduct of that party, including before the proceedings were brought, especially if he has made the opposite party incur costs which the General Court holds to be unreasonable or vexatious.

*Article 136***Costs in the event of discontinuance or withdrawal**

1. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's observations on the discontinuance.
2. However, at the request of the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.
3. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.
4. If costs are not claimed, the parties shall bear their own costs.

*Article 137***Costs where a case does not proceed to judgment**

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

*Article 138***Costs of interveners**

1. The Member States and institutions which have intervened in the proceedings shall bear their own costs.
2. The States other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall similarly bear their own costs if they have intervened in the proceedings.

3. The General Court may order an intervener other than those referred to in paragraphs 1 and 2 to bear his own costs.

*Article 139*

**Costs of proceedings**

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

*Article 140*

**Recoverable costs**

Without prejudice to Article 139, the following shall be regarded as recoverable costs:

- (a) sums payable to witnesses and experts under Article 100;
- (b) expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of agents, advisers or lawyers.

*Article 141*

**Procedure for payment**

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

Chapter 14

INTERVENTION

*Article 142*

**Object and effects of the intervention**

1. The intervention shall be limited to supporting, in whole or in part, the form of order sought by one of the main parties. It shall not confer the same procedural rights as those conferred on the main parties and, in particular, shall not give rise to any right to request that a hearing be held.
2. The intervention shall be ancillary to the main proceedings. It shall become devoid of purpose if the case is removed from the register of the General Court as a result of a main party's discontinuance or withdrawal from the proceedings or of an agreement between the main parties, or where the application is declared inadmissible.
3. The intervener must accept the case as he finds it at the time of his intervention.

*Article 143*

**Application to intervene**

1. An application to intervene must be submitted within six weeks of the publication of the notice referred to in Article 79.

2. The application to intervene shall contain:
  - (a) a description of the case;
  - (b) a description of the main parties;
  - (c) the name and address of the applicant for leave to intervene;
  - (d) particulars of the status and address of the representative of the applicant for leave to intervene;
  - (e) the form of order sought in support of which the applicant for leave to intervene is applying for leave to intervene;
  - (f) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 40 of the Statute.
3. The applicant for leave to intervene shall be represented in accordance with Article 19 of the Statute.
4. Article 77, Article 78(3) to (5) and Article 139 shall apply to the application to intervene.

#### *Article 144*

#### **Decision on applications to intervene**

1. The application to intervene shall be served on the main parties.
2. The President shall give the main parties an opportunity to submit their written or oral observations on the application to intervene and to apply, if necessary, for certain confidential information in the file in the case not to be communicated to an intervener.
3. Where the defendant lodges a plea of inadmissibility or of lack of competence, as provided in Article 130(1), a decision on the application to intervene shall not be given until after the plea has been rejected or the decision on the plea reserved.
4. Where the application is submitted pursuant to the first paragraph of Article 40 of the Statute and the main parties have not identified information in the file in the case that is confidential and which they claim would be prejudicial to them if communicated to the intervener, the intervention shall be allowed by decision of the President.
5. In any other case the President shall decide on the application to intervene as soon as possible, by order, and, where applicable, on the communication to the intervener of information which it is claimed is confidential.
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.
7. If the application to intervene is granted, the intervener shall receive a copy of every procedural document served on the main parties, save, where applicable, for the confidential information excluded from such communication pursuant to paragraph 5.
8. In the event that the application to intervene is withdrawn, the President shall order that the applicant for leave to intervene be removed from the case and shall give a decision as to costs, including the costs of the applicant for leave to intervene, pursuant to Article 136.
9. In the event that the intervention is withdrawn, the President shall order that the intervener be removed from the case and shall give a decision as to costs pursuant to Articles 136 and 138.
10. If the proceedings in the main case are concluded before the application to intervene has been decided, the applicant for leave to intervene and the main parties shall each bear their own costs relating to the application to intervene. A copy of the order closing the proceedings shall be transmitted to the applicant for leave to intervene.

#### *Article 145*

#### **Submission of statements**

1. The intervener may submit a statement in intervention within the time limit prescribed by the President.

2. The statement in intervention shall contain:
  - (a) the form of order sought by the intervener in support, in whole or in part, of the form of order sought by one of the main parties;
  - (b) the pleas in law and arguments relied on by the intervener;
  - (c) where appropriate, any evidence produced or offered.
3. After the statement in intervention has been lodged, the President shall prescribe a time limit within which the main parties may reply to that statement.

#### Chapter 15

#### LEGAL AID

#### Article 146

##### **General**

1. Any person who, because of his financial situation, is wholly or partly unable to meet the costs of the proceedings shall be entitled to legal aid.
2. Legal aid shall be refused if it is clear that the General Court has no jurisdiction to hear and determine the action in respect of which the application for legal aid is made or if that action appears to be manifestly inadmissible or manifestly lacking any foundation in law.

#### Article 147

##### **Application for legal aid**

1. An application for legal aid may be made before the action has been brought or while it is pending.
2. The application for legal aid must be made using a form which is published in the *Official Journal of the European Union* and available on the internet site of the Court of Justice of the European Union. Without prejudice to Article 74, the form must be signed by the applicant for legal aid or, if he is represented, by his lawyer. An application for legal aid submitted without the application form will not be taken into consideration.
3. The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation.
4. If the application for legal aid is made before the action has been brought, the applicant must briefly state the subject-matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard.
5. Where applicable, the application for legal aid shall be accompanied by the documents referred to in Article 51(2) and (3) and Article 78(3). In that case Article 51(4) and Article 78(5) shall apply.
6. If the applicant for legal aid is represented by a lawyer when the application for legal aid is lodged, Article 77 shall apply.
7. The introduction of an application for legal aid shall, for the person who made it, suspend the time limit prescribed for the bringing of an action until the date of service of the order making a decision on that application or, in the cases referred to in Article 148(6), of the order designating the lawyer instructed to represent the applicant.

#### Article 148

##### **Decision on the application for legal aid**

1. Before giving his decision on an application for legal aid, the President shall prescribe a time limit within which the other main party may submit his written observations unless it is already apparent from the information produced that the conditions laid down in Article 146(1) have not been satisfied or that those laid down in Article 146(2) have been satisfied.

2. The decision on the application for legal aid shall be taken by the President by way of an order.
3. An order refusing legal aid shall state the reasons on which it is based.
4. Any order granting legal aid may designate a lawyer to represent the person concerned if that lawyer has been proposed by the applicant in the application for legal aid and has agreed to represent the applicant before the General Court.
5. If the person concerned has not indicated his choice of lawyer in the application for legal aid or following an order granting legal aid or if his choice is unacceptable, the Registrar shall send a copy of the order granting legal aid and a copy of the application to the competent authority of the Member State concerned mentioned in the Rules supplementing the Rules of Procedure of the Court of Justice. If the person concerned is not resident in the Union, the Registrar shall send a copy of the order granting legal aid and a copy of the application to the competent authority of the State in which the Court of Justice of the European Union has its seat.
6. Without prejudice to paragraph 4, the lawyer instructed to represent the applicant shall be designated by way of an order, having regard to the suggestions made by the person concerned or to the suggestions made by the authority referred to in paragraph 5, as the case may be.
7. An order granting legal aid may specify the amount to be paid to the lawyer instructed to represent the person concerned or fix a limit which the lawyer's disbursements and fees may not, in principle, exceed. It may provide for a contribution to be made by the person concerned to the costs referred to in Article 149(1), having regard to his financial situation.
8. No appeal shall lie from orders made under this Article.
9. Without prejudice to Article 147(6), service on the applicant for legal aid and on the other parties shall be effected as provided for in Article 80(1).

#### *Article 149*

### **Advances and responsibility for costs**

1. Where legal aid is granted, the cashier of the General Court shall be responsible, where applicable within the limits fixed, for costs involved in the assistance and representation of the applicant before the General Court. At the request of the lawyer designated in accordance with Article 148, the President may decide that an amount by way of advance should be paid to that lawyer.
2. Where, by virtue of the decision closing the proceedings, the recipient of legal aid has to bear his own costs, the President shall fix the lawyer's disbursements and fees which are to be paid by the cashier of the General Court by way of a reasoned order from which no appeal shall lie.
3. Where, in the decision closing the proceedings, the General Court has ordered another party to pay the costs of the recipient of legal aid, that other party shall be required to refund to the cashier of the General Court any sums advanced by way of aid.
4. The Registrar shall take steps to obtain the recovery of the sums referred to in paragraph 3 from the party ordered to pay them.
5. Where the recipient of the legal aid is unsuccessful, the General Court may, in ruling as to costs in the decision closing the proceedings, if equity so requires, order that one or more parties should bear their own costs or that those costs should be borne, in whole or in part, by the cashier of the General Court by way of legal aid.

#### *Article 150*

### **Withdrawal of legal aid**

1. If the circumstances which led to the grant of legal aid alter during the proceedings, the President may, of his own motion or on request, withdraw that legal aid, having heard the person concerned.
2. An order withdrawing legal aid shall contain a statement of reasons and no appeal shall lie from it.



## Chapter 16

## URGENT PROCEDURES

## Section 1

**Expedited procedure***Article 151***Decision relating to the expedited procedure**

1. The General Court may, at the request of the applicant or the defendant, after hearing the other main party, decide, having regard to the particular urgency and the circumstances of the case, to adjudicate under an expedited procedure. That decision shall be taken as soon as possible.
2. On a proposal from the Judge-Rapporteur, the General Court may, in exceptional circumstances, of its own motion and after hearing the main parties, decide to adjudicate under an expedited procedure.
3. The decision of the General Court to adjudicate under an expedited procedure may prescribe conditions as to the volume and presentation of the pleadings of the main parties; the subsequent conduct of the proceedings or as to the pleas in law and arguments on which the General Court will be called upon to decide.
4. If one of the main parties does not comply with any one of the conditions referred to in paragraph 3, the decision to adjudicate under an expedited procedure may be revoked. The proceedings shall then continue in accordance with the ordinary procedure.

*Article 152***Request for an expedited procedure**

1. A request for an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defence, and shall contain a statement of reasons specifying the particular urgency of the case and any other relevant circumstances.
2. The request for an expedited procedure may state that certain pleas in law or arguments or certain passages of the application initiating the proceedings or the defence are raised only in the event that the case is not decided under an expedited procedure, in particular by enclosing with the request an abridged version of the application initiating the proceedings and a schedule of annexes and only the annexes which are to be taken into consideration if the case is decided under an expedited procedure.

*Article 153***Priority treatment**

By way of derogation from Article 67(1), cases on which the General Court has decided to adjudicate under an expedited procedure shall be given priority.

*Article 154***Written part of the procedure**

1. By way of derogation from Article 81(1), where the applicant has requested that the case be decided under an expedited procedure, the period prescribed for the lodging of the defence shall be one month. That period may be extended pursuant to Article 81(3).
2. If the General Court decides not to allow a request for an expedited procedure, the defendant shall be granted an additional period of one month in order to lodge or, as the case may be, supplement the defence.
3. Under the expedited procedure, the pleadings referred to in Articles 83(1) and 145(1) and (3) may be lodged only if the General Court, by way of measures of organisation of procedure adopted in accordance with Articles 88 to 90, so allows.

4. Under the expedited procedure, the President shall take account, when setting the time limits provided for by these Rules, of the particular urgency in adjudicating on the action.

#### *Article 155*

### **Oral part of the procedure**

1. Where the General Court has approved an expedited procedure, it shall decide to open the oral part of the procedure as soon as possible after the presentation of the preliminary report by the Judge-Rapporteur. The General Court may nevertheless decide to rule without an oral part of the procedure where the main parties decide not to participate in a hearing and the General Court considers that it has sufficient information available to it from the material in the file in the case.
2. Without prejudice to Articles 84 and 85, the main parties may supplement their arguments and offer further evidence during the oral part of the procedure, provided that the delay in submission is justified.

#### *Section 2*

### **Suspension of operation or enforcement and other interim measures**

#### *Article 156*

### **Application for suspension or other interim measures**

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to Article 278 TFEU or Article 157 TEAEC, shall be admissible only if the applicant has challenged that measure in an action before the General Court.
2. An application for the adoption of one of the other interim measures referred to in Article 279 TFEU shall be admissible only if it is made by a main party to a case before the General Court and relates to that case.
3. An application of a kind referred to in paragraphs 1 and 2 shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measure applied for. It shall contain all the evidence and offers of evidence available to justify the grant of interim measures.
4. The application shall be made by a separate document and in accordance with the provisions of Articles 76 to 78.

#### *Article 157*

### **Procedure**

1. The application shall be served on the opposite party, and the President of the General Court shall prescribe a short time limit within which that party may submit written or oral observations.
2. The President of the General Court may grant the application even before the observations of the opposite party have been submitted. This decision may be varied or cancelled even without any application being made by any party.
3. The President of the General Court shall prescribe, where appropriate, measures of organisation of procedure and measures of inquiry.
4. In the event that the President of the General Court is prevented from acting, Articles 11 and 12 shall apply.

#### *Article 158*

### **Decision on the application**

1. The President of the General Court shall decide on the application by way of a reasoned order. The order shall be served on the parties forthwith.
2. The execution of the order may be made conditional on the lodging by the applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse upon delivery of the final judgment.
4. The order shall have only an interim effect, and shall be without prejudice to the decision of the General Court on the substance of the case.
5. In the order closing the proceedings for interim relief, costs shall be reserved until the decision of the General Court on the substance of the case. However, if it appears justified in the light of the circumstances of the case, a decision as to the costs relating to the proceedings for interim relief shall be given in the order, pursuant to Articles 134 to 138.

*Article 159*

**Change in circumstances**

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

*Article 160*

**New application**

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

*Article 161*

**Applications pursuant to Articles 280 TFEU, 299 TFEU and 164 TEAEC**

1. The provisions of this Section shall apply to applications to suspend the enforcement of a decision of the General Court or of any measure adopted by the Council, the European Commission or the European Central Bank, submitted pursuant to Articles 280 TFEU, 299 TFEU or 164 TEAEC.
2. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Chapter 17

APPLICATIONS RELATING TO JUDGMENTS AND ORDERS

*Article 162*

**Assignment of the application**

1. The applications referred to in this Chapter shall be assigned to the formation of the Court which delivered the decision to which the application relates.
2. If the quorum referred to in Articles 23 and 24 can no longer be attained, the application shall be assigned to another formation of the Court sitting with the same number of Judges. If the decision was delivered by a Judge ruling as a single Judge who is prevented from acting, the application shall be assigned to another Judge.

*Article 163*

**Stay of proceedings**

Where an appeal before the Court of Justice and one of the applications referred to in this Chapter, with the exception of the applications referred to in Articles 164 and 165, concern the same decision of the General Court, the President, after hearing the parties, may decide to stay the proceedings until the Court of Justice has delivered its ruling on the appeal.

*Article 164***Rectification of judgments and orders**

1. Without prejudice to the provisions relating to the interpretation of judgments and orders, the General Court may, of its own motion or on application by a party, rectify clerical mistakes, errors in calculation and obvious inaccuracies.
2. The application for rectification shall be made within two weeks after delivery of the judgment or service of the order.
3. Where the rectification concerns the operative part or one of the grounds constituting the necessary support for the operative part, the parties may submit written observations within the time limit prescribed by the President.
4. The General Court shall give its decision by way of an order.
5. The original of the rectification order shall be annexed to the original of the rectified decision. A note of this order shall be made in the margin of the original of the rectified decision.

*Article 165***Failure to adjudicate**

1. If the General Court has failed to adjudicate on a specific head of claim or on costs, any party wishing to rely on that may apply to the General Court to supplement its decision.
2. The application shall be made within one month after delivery of the judgment or service of the order.
3. The application shall be served on the other parties, who may submit written observations within the time limit prescribed by the President.
4. After giving the parties an opportunity to submit their observations, the General Court shall decide, by way of an order, both on the admissibility and on the substance of the application.

*Article 166***Application to set aside a judgment by default**

1. Application may be made pursuant to Article 41 of the Statute to set aside a judgment given by default.
2. The application to set aside the judgment must be made by the defendant in default within one month from the date of service of the judgment given by default. It must be submitted in the form prescribed by Articles 76 to 78.
3. After the application has been served, the President shall prescribe a time limit within which the other party may submit his written observations.
4. The proceedings shall be conducted in accordance with the provisions of Title III or of Title IV, as the case may be.
5. The General Court shall decide by way of a judgment which may not be set aside.
6. The original of this judgment shall be annexed to the original of the judgment by default. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

*Article 167***Third-party proceedings**

1. The provisions of Articles 76 to 78 shall apply to an application initiating third-party proceedings made pursuant to Article 42 of the Statute. In addition such an application shall:
  - (a) specify the judgment or order contested;
  - (b) state how the contested judgment or order is prejudicial to the rights of the third party;
  - (c) indicate the reasons for which the third party was unable to take part in the case before the General Court.

2. The application initiating third-party proceedings must be submitted within two months of the publication referred to in Article 122.
3. The General Court may, on application by the third party, order a stay of execution of the contested judgment or order. The provisions of Articles 156 to 161 shall apply.
4. The application shall be served on the parties, who may submit written observations within the time limit prescribed by the President.
5. After giving the parties an opportunity to submit their observations, the General Court shall decide on the application.
6. The contested judgment or order shall be varied on the points on which the submissions of the third party are upheld.
7. The original of the decision in the third-party proceedings shall be annexed to the original of the contested judgment or order. A note of the decision in the third-party proceedings shall be made in the margin of the original of the contested judgment or order.

#### *Article 168*

#### **Interpretation of judgments and orders**

1. In accordance with Article 43 of the Statute, if the meaning or scope of a judgment or order is in doubt, the General Court shall construe it on application by any party or any institution of the Union establishing an interest therein.
2. An application for interpretation must be submitted within two years after the date of delivery of the judgment or service of the order.
3. An application for interpretation shall be submitted in the form prescribed by Articles 76 to 78. In addition it shall specify:
  - (a) the judgment or order in question;
  - (b) the passages of which interpretation is sought.
4. The application for interpretation shall be served on the other parties, who may submit written observations within the time limit prescribed by the President.
5. After giving the parties an opportunity to submit their observations, the General Court shall decide on the application.
6. The original of the interpreting decision shall be annexed to the original of the decision interpreted. A note of the interpreting decision shall be made in the margin of the original of the decision interpreted.

#### *Article 169*

#### **Revision**

1. In accordance with Article 44 of the Statute, an application for revision of a decision of the General Court may be made only on discovery of a fact which is of such a nature as to be a decisive factor and which, when the judgment was delivered or the order served, was unknown to the General Court and to the party claiming revision.
2. Without prejudice to the time limit of 10 years prescribed in the third paragraph of Article 44 of the Statute, an application for revision shall be made within three months of the date on which the facts on which the application is founded came to the applicant's knowledge.
3. Articles 76 to 78 shall apply to an application for revision. In addition the application shall:
  - (a) specify the judgment or order contested;
  - (b) indicate the points on which the judgment or order is contested;

- (c) set out the facts on which the application is founded;
  - (d) indicate the nature of the evidence to show that there are facts justifying revision, and that the time limits laid down in paragraph 2 have been observed.
4. The application for revision shall be served on the other parties, who may submit written observations within the time limit prescribed by the President.
  5. After giving the parties an opportunity to submit their observations, the General Court shall, without prejudice to its decision on the substance, give its decision on the admissibility of the application by way of an order.
  6. If the General Court declares the application admissible, it shall give its decision on the substance of the case, in accordance with the provisions of these Rules.
  7. The original of the revising decision shall be annexed to the original of the decision revised. A note of the revising decision shall be made in the margin of the original of the decision revised.

#### *Article 170*

### **Dispute concerning the costs to be recovered**

1. If there is a dispute concerning the costs to be recovered, the party concerned may apply to the General Court to determine the dispute. The application shall be submitted in the form prescribed in Articles 76 to 78.
2. The application shall be served on the party concerned by the application, who may submit written observations within the time limit prescribed by the President.
3. After giving the party concerned by the application an opportunity to submit his observations, the General Court shall give its decision by way of an order from which no appeal shall lie.
4. The parties may, for the purposes of enforcement, request an authenticated copy of the order.

#### **TITLE IV**

### **PROCEEDINGS RELATING TO INTELLECTUAL PROPERTY RIGHTS**

#### *Article 171*

### **Scope**

The provisions of this Title shall apply to actions brought against decisions of the Boards of Appeal of the Office, as referred to in Article 1, and concerning the application of the rules relating to an intellectual property regime.

#### Chapter 1

### THE PARTIES TO THE PROCEEDINGS

#### *Article 172*

### **Defendant**

The application shall be made against the Office to which the Board of Appeal which adopted the contested decision belongs, as defendant.

#### *Article 173*

### **Status before the General Court of the other parties to the proceedings before the Board of Appeal**

1. A party to the proceedings before the Board of Appeal other than the applicant may participate, as intervener, in the proceedings before the General Court by responding to the application in the manner and within the time limit prescribed.

2. Before the expiry of the time limit prescribed for the lodging of a response, a party to the proceedings before the Board of Appeal other than the applicant shall become a party to the proceedings before the General Court, as intervener, on lodging a procedural document. He shall lose the status of intervener before the General Court if he fails to respond to the application in the manner and within the time limit prescribed. In that case, the intervener shall bear his own costs in relation to the procedural documents lodged by him.
3. The intervener referred to in paragraphs 1 and 2 shall have the same procedural rights as the main parties. He may support the form of order sought by a main party and may apply for a form of order and put forward pleas in law independently of those applied for and put forward by the main parties.
4. A party to the proceedings before the Board of Appeal other than the applicant, who becomes a party before the General Court in accordance with paragraphs 1 and 2, shall be represented in accordance with the provisions of Article 19 of the Statute.
5. Article 77 and Article 78(3) to (5) shall apply to the procedural document referred to in paragraph 2.
6. By way of derogation from Article 123, the default procedure shall not apply where an intervener, as referred to in paragraphs 1 and 2, has responded to the application in the manner and within the time limit prescribed.

*Article 174*

**Replacement of a party**

Where an intellectual property right affected by the proceedings has been transferred to a third party by a party to the proceedings before the Board of Appeal of the Office, the successor to that right may apply to replace the original party in the proceedings before the General Court.

*Article 175*

**Application for replacement of a party**

1. An application for replacement shall be made by a separate document. It may be lodged at any stage of the proceedings.
2. The application shall contain:
  - (a) a description of the case;
  - (b) a description of the parties to the case and of the party whom the applicant for replacement proposes to replace;
  - (c) the name and address of the applicant for replacement;
  - (d) particulars of the status and address of the representative of the applicant for replacement;
  - (e) a statement of the circumstances justifying replacement, together with supporting evidence.
3. The applicant for replacement shall be represented in accordance with the provisions of Article 19 of the Statute.
4. Article 77, Article 78(3) to (5) and Article 139 shall apply to the application for replacement.

*Article 176*

**Decision on the application for replacement of a party**

1. The application for replacement shall be served on the parties.
2. The President shall give the parties an opportunity to submit their written or oral observations on the application for replacement.
3. The decision on the application for replacement shall take the form of a reasoned order of the President or shall be included in the decision closing the proceedings.
4. If the application for replacement is refused, a decision shall be given as to the costs relating to that application, including the costs of the applicant for replacement, pursuant to the provisions of Articles 134 and 135.

5. If the application for replacement is granted, the successor to the party who is replaced must accept the case as he finds it at the time of that replacement. He shall be bound by the procedural documents lodged by the party whom he replaces.

## Chapter 2

### THE APPLICATION AND RESPONSES

#### *Article 177*

#### **Application**

1. An application shall contain:
  - (a) the name and address of the applicant;
  - (b) particulars of the status and address of the applicant's representative;
  - (c) the name of the Office against which the action is brought;
  - (d) the subject-matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law;
  - (e) the form of order sought by the applicant.
2. Where the applicant was not the only party to the proceedings before the Board of Appeal of the Office, the application shall also contain the names of all the parties to those proceedings and the addresses which they had given for the purposes of notifications.
3. The contested decision of the Board of Appeal shall be appended to the application. The date on which the applicant was notified of that decision must be indicated.
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).
5. The application shall be accompanied by the documents referred to in Article 51(2) and (3).
6. Article 77 shall apply.
7. If an application does not comply with paragraphs 2 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 procedural requirement renders the application formally inadmissible.

#### *Article 178*

#### **Service of the application**

1. The Registrar shall inform the defendant and all the parties to the proceedings before the Board of Appeal of the lodging of the application as provided for in Article 80(1). He shall arrange for service of the application after determining the language of the case in accordance with Article 45(4) and, where appropriate, for service of the translation of the application into the language of the case.
2. The application shall be served on the defendant in the form of a certified copy sent by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt. Where the defendant has previously agreed to applications being served on him by the method referred to in Article 57(4) or by telefax, service of the application may be effected accordingly.
3. Service of the application on a party to the proceedings before the Board of Appeal shall be effected by the method to which that party agreed when lodging the procedural document referred to in Article 173(2), and, if no such document was lodged, by registered post with a form for acknowledgement of receipt at the address given by the party concerned for the purposes of the notifications to be effected in the course of the proceedings before the Board of Appeal.



4. In cases where Article 177(7) applies, service shall be effected as soon as the application has been put in order or the General Court has declared it admissible notwithstanding the failure to observe the requirements set out in that Article.

5. Once the application has been served, the defendant shall forward to the General Court the file relating to the proceedings before the Board of Appeal.

#### *Article 179*

### **Parties authorised to lodge a response**

The defendant and the parties to the proceedings before the Board of Appeal other than the applicant shall submit their responses to the application within a time limit of two months from the service of the application. That time limit may, in exceptional circumstances, be extended by the President at the reasoned request of the party concerned.

#### *Article 180*

### **Response**

1. A response shall contain:
  - (a) the name and address of the party lodging it;
  - (b) particulars of the status and address of the party's representative;
  - (c) the pleas in law and arguments relied on;
  - (d) the form of order sought by the party lodging it.
2. Article 177(4) to (7) shall apply to the response.

#### *Article 181*

### **Close of the written part of the procedure**

Without prejudice to the provisions of Chapter 3, the written part of the procedure shall be closed after the submission of the response of the defendant and, where applicable, of the intervener within the meaning of Article 173.

#### Chapter 3

#### CROSS-CLAIMS

#### *Article 182*

### **Cross-claim**

1. The parties to the proceedings before the Board of Appeal other than the applicant may submit a cross-claim within the same time limit as that prescribed for the submission of a response.
2. A cross-claim must be submitted by a document separate from the response.

#### *Article 183*

### **Content of the cross-claim**

A cross-claim shall contain:

- (a) the name and address of the party lodging it;
- (b) particulars of the status and address of the party's representative;
- (c) the pleas in law and arguments relied on;
- (d) the form of order sought.

*Article 184***Form of order sought, pleas in law and arguments contained in the cross-claim**

1. The cross-claim shall seek an order annulling or altering the decision of the Board of Appeal on a point not raised in the application.
2. The pleas in law and arguments relied on shall identify precisely the points in the grounds of the decision being challenged that are contested.

*Article 185***Response to the cross-claim**

Where a cross-claim is lodged, the other parties may submit a pleading confined to responding to the form of order sought, the pleas in law and arguments relied on in the cross-claim, within two months of its being served on them. That time limit may, in exceptional circumstances, be extended by the President at the reasoned request of the party concerned.

*Article 186***Close of the written part of the procedure**

When a cross-claim has been lodged, the written part of the procedure shall be closed after the submission of the last response to that cross-claim.

*Article 187***Relationship between the main action and the cross-claim**

A cross-claim shall be deemed to be devoid of purpose:

- (a) if the applicant discontinues the main action;
- (b) if the main action is declared manifestly inadmissible.

## Chapter 4

## OTHER ASPECTS OF THE PROCEDURE

*Article 188***Subject-matter of the proceedings before the General Court**

The pleadings lodged by the parties in proceedings before the General Court may not change the subject-matter of the proceedings before the Board of Appeal.

*Article 189***Length of written pleadings**

1. The General Court shall set, in accordance with Article 224, the maximum length of written pleadings lodged pursuant to this Title.
2. Authorisation to exceed the maximum length of written pleadings may be given by the President only in cases involving particularly complex legal or factual issues.

*Article 190***Provisions relating to costs**

1. Where an action against a decision of a Board of Appeal is successful, the General Court may order the defendant to bear only its own costs.
2. Costs necessarily incurred by the parties for the purposes of the proceedings before the Board of Appeal shall be regarded as recoverable costs.

*Article 191***Other provisions applicable**

Subject to the special provisions of this Title, the provisions of Title III shall apply to the proceedings referred to in this Title.

**TITLE V****APPEALS AGAINST DECISIONS OF THE CIVIL SERVICE TRIBUNAL***Article 192***Scope**

The provisions of this Title shall apply to appeals against decisions of the Civil Service Tribunal as referred to in Articles 9 and 10 of Annex I to the Statute.

## Chapter 1

## THE APPEAL

*Article 193***Lodging of the appeal**

1. An appeal shall be brought by lodging an application at the Registry of the General Court or at the Registry of the Civil Service Tribunal.
2. The Registry of the Civil Service Tribunal shall immediately transmit to the Registry of the General Court the file in the case at first instance and, where necessary, the appeal.

*Article 194***Content of the appeal**

1. An appeal shall contain:
  - (a) the name and address of the appellant;
  - (b) particulars of the status and address of the appellant's representative;
  - (c) a reference to the decision of the Civil Service Tribunal appealed against;
  - (d) the names of the other parties to the relevant case before the Civil Service Tribunal;
  - (e) the pleas in law and legal arguments relied on, and a summary of those pleas in law;
  - (f) the form of order sought by the appellant.
2. The appeal shall state the date on which the decision appealed against was served on the appellant.
3. An appeal brought 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).
4. The appeal shall be accompanied by the documents referred to in Article 51(2) and (3).
5. Article 77 shall apply.
6. If an appeal does not comply with paragraphs 2 to 4, the Registrar shall prescribe a reasonable time limit within which the appellant is to put the appeal in order. If the appellant fails to put the appeal in order within the time limit prescribed, the General Court shall decide whether the non-compliance with that procedural requirement renders the appeal formally inadmissible.

*Article 195***Form of order sought, pleas in law and arguments contained in the appeal**

1. An appeal shall seek to have set aside, in whole or in part, the decision of the Civil Service Tribunal as set out in the operative part of that decision.
2. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the Civil Service Tribunal that are contested.

*Article 196***Form of order sought in the event that the appeal is allowed**

1. An appeal shall seek, in the event that it is declared well founded, the same form of order, in whole or in part, as that sought at first instance and shall not seek a different form of order. The subject-matter of the proceedings before the Civil Service Tribunal may not be changed in the appeal.
2. Where the appellant requests that the case be referred back to the Civil Service Tribunal in the event of the decision appealed against being set aside, he shall set out the reasons why the state of the proceedings does not permit a decision by the General Court.

## Chapter 2

## THE RESPONSE, THE REPLY AND THE REJOINDER

*Article 197***Service of the appeal**

1. The appeal shall be served on the other parties to the relevant case before the Civil Service Tribunal. Article 80(1) shall apply.
2. Where Article 194(6) applies, service shall be effected as soon as the appeal has been put in order or the General Court has declared it admissible notwithstanding the failure to observe the formal requirements laid down by that Article.

*Article 198***Parties authorised to lodge a response**

Any party to the relevant case before the Civil Service Tribunal having an interest in the appeal being allowed or dismissed may submit a response within two months after service on him of the appeal. The time limit for submitting a response shall not be extended.

*Article 199***Content of the response**

1. A response shall contain:
  - (a) the name and address of the party submitting it;
  - (b) particulars of the status and address of that party's representative;
  - (c) the date on which the appeal was served on him;
  - (d) the pleas in law and legal arguments relied on;
  - (e) the form of order sought.
2. Article 194(3) to (6) shall apply to responses.

*Article 200***Form of order sought in the response**

A response shall seek to have the appeal allowed or dismissed, in whole or in part.

*Article 201***Reply and rejoinder**

1. The appeal and the response may be supplemented by a reply and a rejoinder only where the President, on a reasoned application submitted by the appellant within seven days of service of the response, considers it necessary, in particular to enable the appellant to present his views on a plea of inadmissibility or on new matters relied on in the response.
2. The President shall fix the date by which the reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject-matter of those pleadings.

## Chapter 3

## THE CROSS-APPEAL

*Article 202***Cross-appeal**

1. The parties referred to in Article 198 may submit a cross-appeal within the same time limit as that prescribed for the submission of a response.
2. A cross-appeal must be introduced by a document separate from the response.

*Article 203***Content of the cross-appeal**

A cross-appeal shall contain:

- (a) the name and address of the party bringing the cross-appeal;
- (b) particulars of the status and address of that party's representative;
- (c) the date on which the appeal was served on him;
- (d) the pleas in law and legal arguments relied on;
- (e) the form of order sought.

*Article 204***Form of order sought, pleas in law and arguments contained in the cross-appeal**

1. A cross-appeal shall seek to have set aside, in whole or in part, the decision of the Civil Service Tribunal.
2. It may also seek to have set aside an express or implied decision relating to the admissibility of the action before the Civil Service Tribunal.
3. The pleas in law and legal arguments relied on shall identify precisely those points in the grounds of the decision of the Civil Service Tribunal which are contested. The pleas in law and arguments must be separate from those relied on in the response.

## Chapter 4

## PLEADINGS CONSEQUENT ON THE CROSS-APPEAL

*Article 205***Response to the cross-appeal**

Where a cross-appeal is brought, the appellant or any other party to the relevant case before the Civil Service Tribunal having an interest in the cross-appeal being allowed or dismissed may submit a response, which must be limited to the pleas in law relied on in that cross-appeal, within two months after its being served on him. That time limit shall not be extended.

*Article 206***Reply and rejoinder following a cross-appeal**

1. The cross-appeal and the response thereto may be supplemented by a reply and a rejoinder only where the President, on a reasoned application submitted by the party who brought the cross-appeal within seven days of service of the response to the cross-appeal, considers it necessary, in particular to enable that party to present his views on a plea of inadmissibility or on new matters relied on in the response to the cross-appeal.
2. The President shall fix the date by which that reply is to be produced and, upon service of that pleading, the date by which the rejoinder is to be produced. He may limit the number of pages and the subject-matter of those pleadings.

## Chapter 5

## THE ORAL PART OF THE PROCEDURE

*Article 207***Oral part of the procedure**

1. The parties to the appeal proceedings may request an opportunity to state their case in a hearing. Any such request must be reasoned and be submitted within three weeks after service on the parties of notification of the close of the written part of the procedure. That time limit may be extended by the President.
2. On a proposal from the Judge-Rapporteur, the General Court may, if it considers that it has sufficient information available to it from the material in the file, decide to rule on the appeal without an oral part of the procedure. It may nevertheless later decide to open the oral part of the procedure.

## Chapter 6

## APPEALS DETERMINED BY ORDER

*Article 208***Manifestly inadmissible or manifestly unfounded appeal or cross-appeal**

Where the appeal or cross-appeal is, in whole or in part, manifestly inadmissible or manifestly unfounded, the General Court may at any time, acting on a proposal from the Judge-Rapporteur, decide by reasoned order to dismiss that appeal or cross-appeal in whole or in part.

*Article 209***Manifestly well-founded appeal or cross-appeal**

Where the Court of Justice or the General Court has already ruled on one or more questions of law identical to those raised by the pleas in law of the appeal or cross-appeal, and the General Court considers the appeal or cross-appeal to be manifestly well founded, it may, acting on a proposal from the Judge-Rapporteur and after hearing the parties, decide by reasoned order in which reference is made to the relevant case-law to declare the appeal or cross-appeal manifestly well founded.

## Chapter 7

## EFFECT ON A CROSS-APPEAL OF THE REMOVAL OF THE APPEAL FROM THE REGISTER

## Article 210

**Effect on a cross-appeal of the discontinuance or manifest inadmissibility of the appeal**

A cross-appeal shall be deemed to be devoid of purpose:

- (a) if the appellant discontinues his appeal;
- (b) if the appeal is declared manifestly inadmissible for non-compliance with the time limit for lodging an appeal;
- (c) if the appeal is declared manifestly inadmissible on the sole ground that it is not directed against a final decision of the Civil Service Tribunal or against a decision disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of jurisdiction or inadmissibility within the meaning of the first paragraph of Article 9 of Annex I to the Statute.

## Chapter 8

## COSTS IN APPEALS

## Article 211

**Provisions relating to costs in appeals**

1. Subject to the following provisions, Articles 133 to 141 shall apply, *mutatis mutandis*, to the procedure before the General Court on appeal from a decision of the Civil Service Tribunal.
2. Where the appeal is unfounded or where the appeal is well founded and the General Court itself gives final judgment in the case, the General Court shall make a decision as to costs.
3. In appeals brought by institutions, the institutions shall bear their own costs, without prejudice to Article 135(2).
4. By way of derogation from Article 134(1) and (2), the General Court may, in appeals brought by officials or other servants of an institution, decide to apportion the costs between the parties where equity so requires.
5. Where he has not brought the appeal, an intervener at first instance may not be ordered to pay costs in the appeal proceedings unless he participated in the written or oral part of the proceedings before the General Court. Where an intervener at first instance takes part in the proceedings, the General Court may decide that he shall bear his own costs.

## Chapter 9

## OTHER PROVISIONS APPLICABLE TO APPEALS

## Article 212

**Length of written pleadings**

1. The General Court shall set, in accordance with Article 224, the maximum length of written pleadings lodged pursuant to this Title.
2. Authorisation to exceed the maximum length of written pleadings may be given by the President only in cases involving particularly complex issues.

## Article 213

**Other provisions applicable to appeals**

1. Articles 51 to 58, 60 to 74, 79, 84, 87, 89, 90, 107 to 122, 124, 125, 129, 131, 142 to 162, 164, 165 and 167 to 170 shall apply to the procedure before the General Court on appeal from a decision of the Civil Service Tribunal.
2. By way of derogation from Article 143(1), an application to intervene must be submitted within one month of the publication of the notice referred to in Article 79.

3. Decisions given pursuant to Article 256(2) TFEU shall be communicated to the Court of Justice and to the Civil Service Tribunal.

#### Chapter 10

APPEALS AGAINST DECISIONS DISMISSING AN APPLICATION TO INTERVENE AND AGAINST DECISIONS ON INTERIM MEASURES

#### Article 214

### **Appeals against decisions dismissing an application to intervene and against decisions on interim measures**

By way of derogation from the provisions of this Title, the President of the General Court shall adjudicate upon the appeals referred to in Article 10(1) and (2) of Annex I to the Statute in accordance with the procedure laid down in Article 157(1) and (3) and Article 158(1).

## TITLE VI

### PROCEDURES AFTER A CASE IS REFERRED BACK TO THE GENERAL COURT

#### Chapter 1

DECISIONS OF THE GENERAL COURT GIVEN AFTER ITS DECISION HAS BEEN SET ASIDE AND THE CASE REFERRED BACK TO IT

#### Article 215

### **Setting aside and referral back by the Court of Justice**

Where the Court of Justice sets aside a judgment or an order of the General Court and refers the case back to that Court, the latter shall be seised of the case by the decision so referring it.

#### Article 216

### **Assignment of the case**

1. Where the Court of Justice sets aside a judgment or an order of a Chamber, the President of the General Court may assign the case to another Chamber sitting with the same number of Judges.
2. Where the Court of Justice sets aside a judgment delivered or an order made by the Grand Chamber of the General Court, the case shall be assigned to that Chamber.
3. Where the Court of Justice sets aside a judgment delivered or an order made by a Judge ruling as a single Judge, the President of the General Court may assign the case to a single Judge, without prejudice to the referral of the case by that single Judge to the Chamber in which he sits.

#### Article 217

### **Conduct of the proceedings**

1. Where the decision later set aside by the Court of Justice was made after the written procedure before the General Court on the substance of the case had been closed, the parties to the proceedings before the General Court may lodge their written observations on the conclusions to be drawn from the decision of the Court of Justice for the outcome of the proceedings within two months of the service on them of the decision of the Court of Justice. This time limit may not be extended.
2. Where the decision later set aside by the Court of Justice was made when the written procedure before the General Court on the substance of the case had not yet been closed, it shall be resumed at the stage which it had reached.
3. The President may, if the circumstances so justify, allow supplementary statements of written observations to be lodged.

#### Article 218

### **Rules applicable to the procedure**

Subject to the provisions of Article 217, the procedure shall be conducted in accordance with the provisions of Title III or of Title IV, as the case may be.



*Article 219***Costs**

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

## Chapter 2

DECISIONS OF THE GENERAL COURT GIVEN AFTER ITS DECISION HAS BEEN REVIEWED AND THE CASE REFERRED BACK TO IT

*Article 220***Review and referral back by the Court of Justice**

Where the Court of Justice reviews a judgment or an order of the General Court and refers the case back to that Court, the latter shall be seised of the case by the judgment so referring it.

*Article 221***Assignment of the case**

1. Where the Court of Justice refers back to the General Court a case that was originally heard by a Chamber, the President of the General Court may assign the case to another Chamber sitting with the same number of Judges.
2. Where the Court of Justice refers back to the General Court a case that was originally heard by the Grand Chamber of the General Court, the case shall be assigned to that Chamber.

*Article 222***Conduct of the proceedings**

1. Within one month of the service of the judgment of the Court of Justice, the parties to the proceedings before the General Court may lodge their written observations on the conclusions to be drawn from that judgment for the outcome of the proceedings. This time limit may not be extended.
2. The General Court may, by way of measures of organisation of procedure, invite the parties to the proceedings before it to lodge written submissions and may decide to hear the parties' submissions in a hearing.

*Article 223***Costs**

The General Court shall decide on the costs relating to the proceedings instituted before it following the review of its decision by the Court of Justice.

**FINAL PROVISIONS***Article 224***Implementing rules**

The General Court shall, by a separate act, adopt practice rules for the implementation of these Rules.

*Article 225***Enforcement**

Penalties imposed and other measures ordered under these Rules shall be enforced in accordance with Articles 280 TFEU, 299 TFEU and 164 TEAEC.

*Article 226***Repeal**

These Rules replace the Rules of Procedure of the General Court of 2 May 1991, as last amended on 19 June 2013.

*Article 227***Publication and entry into force of these Rules**

1. These Rules, which are authentic in the languages referred to in Article 44, shall be published in the *Official Journal of the European Union*.
2. These Rules shall enter into force on the first day of the third month following their publication.
3. The provisions of Article 105 shall apply only from the entry into force of the decision referred to in Article 105(11).
4. The provisions of Article 45(4), Article 139(c) and Article 181 shall apply only to actions brought before the General Court after the entry into force of these Rules.
5. The provisions of Articles 106 and 207 shall apply only to cases in which the written part of the procedure has not yet been closed on the date on which these Rules enter into force.
6. The provisions of Article 115(1), Article 116(6), Article 131 and Article 135(2) of the Rules of Procedure of the General Court of 2 May 1991, as last amended on 19 June 2013, shall continue to apply to actions brought before the General Court before the entry into force of these Rules.
7. The provisions of Articles 135a and 146 of the Rules of Procedure of the General Court of 2 May 1991, as last amended on 19 June 2013, shall continue to apply to actions pending before the General Court in which the written part of the procedure was closed before the entry into force of these Rules.

Done at Luxembourg, 4 March 2015.

*Registrar*  
E. COULON

*President*  
M. JAEGER

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