

AMENDMENTS TO THE RULES OF PROCEDURE OF THE GENERAL COURT

THE GENERAL COURT,

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

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

Having regard to the Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 63 thereof,

Whereas the computer application 'e-Curia' has been a success and offers benefits in terms of the immediacy of paperless communication between the representatives of parties before the General Court and the General Court Registry,

Whereas it is appropriate to amend the Rules of Procedure of the General Court in order to make the use of e-Curia mandatory for the lodging of procedural documents and service effected by the General Court Registry in proceedings before the General Court,

Whereas it is appropriate to insert in the Rules of Procedure a legal basis for specifying the procedure to be followed where it is technically impossible to use e-Curia,

With the agreement of the Court of Justice,

With the approval of the Council given on 26 June 2018,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

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

- (1) In Article 1(2), the full stop at the end of point (j) is replaced by a semi-colon and a point (k) is added:

'(k) 'e-Curia' means the computer application of the Court of Justice of the European Union that enables procedural documents to be lodged and served electronically.'

- (2) Article 36(2) is replaced by the following:

'2. When a procedural document has been registered, the Registrar shall make a note to that effect on the procedural document included in the file in the case and, if a party so requests, on any copy submitted for the purpose.'

- (3) In Article 42(1), the reference to 'Articles 7, 9, 11, 13, 15, 16, 18, 25, 28, 31 to 33, 41, 74 and 224' is replaced by a reference to 'Articles 7, 9, 11, 13, 15, 16, 18, 25, 28, 31 to 33, 41, 56a and 224'.

- (4) After Article 56, a new section is inserted containing a new Article 56a:

'Section 2a

Communication with parties' representatives via e-Curia

Article 56a

e-Curia

1. Without prejudice to the cases referred to in Article 57(2), Article 72(4), Article 80(1), Article 105(1) and (2), Article 147(6), Article 148(9) and Article 178(2) and (3), all procedural documents shall be lodged and served via e-Curia.

2. The conditions for the lodging and service of procedural documents via e-Curia shall be specified in a decision adopted by the General Court. That decision shall be published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 105, 23.4.2015, p. 1.

3. Use of e-Curia shall require an access account to have been opened under the conditions laid down in the decision referred to in paragraph 2.

4. If a procedural document is lodged via e-Curia before the supporting documents required for validation of the access account have been produced, those supporting documents must be received in paper format at the Registry of the General Court within 10 days of the procedural document being lodged. This time limit may not be extended and Article 60 shall not apply. If the supporting documents are not received within the prescribed time limit, the Court shall declare the procedural document lodged via e-Curia to be inadmissible.

5. Where the use of e-Curia is technically impossible and without prejudice to the application of the second paragraph of Article 45 of the Statute, a procedural document may be lodged or served by any appropriate means available. The procedure to be followed in such circumstances shall be specified in the decision referred to in paragraph 2.

(5) Article 57 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Without prejudice to Article 80(1), Article 148(9) and Article 178(2) and (3), where the Statute or these Rules require a document to be served on a person the Registrar shall ensure that service is effected via e-Curia.;

(b) in paragraph 2, the words 'Where, for technical reasons or on account of the nature or size of the document,' are replaced by 'Where, on account of the nature of the document,' in the first sentence, and the words 'by the method referred to in paragraph 4 or by telefax' are replaced by the words 'via e-Curia' in the second and third sentences;

(c) paragraph 3 is replaced by the following:

'3. Without prejudice to Article 72(4), the Registrar shall prepare and certify the copies of documents to be served pursuant to paragraph 2.;

(d) paragraph 4 is deleted.

(6) Article 68 is amended as follows:

(a) paragraph 4 is replaced by the following:

'4. Procedural documents included in the files of the joined cases shall be served via e-Curia on the parties who request this. The President may, however, on application by a party, order that certain information from the case file which it is claimed is confidential be excluded from such service.;

b) paragraph 5 is deleted.

(7) Article 72 is amended as follows:

(a) the wording of the title 'Common rules for the lodging of procedural documents' is replaced by 'Rules for the lodging of procedural documents via e-Curia';

(b) paragraph 1 is replaced by the following:

'1. With the exception of documents lodged pursuant to Article 105(1) and (2) and Article 147(6), all procedural documents shall be lodged at the Registry via e-Curia.;

(c) the following is inserted as paragraph 4:

'4. Where, on account of its nature, an annex to a procedural document cannot be lodged via e-Curia, the relevant annex shall be sent separately by post or shall be delivered to the Registry. The annex shall be submitted together with a copy for the General Court and a copy for every other party to the proceedings. Copies shall be certified as being identical by the party lodging them.;

(d) paragraphs 4 and 5 are renumbered paragraphs 5 and 6.

(8) Article 73 is deleted.

(9) Article 74 is deleted.

(10) Article 77 is deleted.

(11) Article 80(1) is replaced by the following:

‘1. The application shall be served on the defendant via e-Curia if he has an e-Curia account. Where the defendant has no such account, the application shall be served on him in the form of a certified copy sent by registered post with a form for acknowledgement of receipt or by delivery of the copy against receipt.’

(12) In Article 81(2), the reference to Article 77 is deleted and paragraph 2 is accordingly replaced by the following:

‘2. Article 78(4) to (6) shall apply to the defence.’

(13) In Article 143(4), the reference to Article 77 is deleted and paragraph 4 is accordingly replaced by the following:

‘4. Article 78(4) to (6) and Article 139 shall apply to the application to intervene.’

(14) Article 147 is amended as follows:

(a) in paragraph 2, the sentence ‘Without prejudice to Article 74, the form must be signed by the applicant for legal aid or, if he is represented, by his lawyer.’ is deleted;

(b) paragraph 6 is replaced by the following:

‘6. Where the applicant for legal aid is not represented by a lawyer, the original of the application for legal aid shall be lodged at the Registry in paper form. The original of the application for legal aid must bear the handwritten signature of the applicant for legal aid.’

(15) Article 148(9) is replaced by the following:

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

(16) In Article 156(5), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

(17) In Article 166(2), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

18) In Article 167(1), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

(19) In Article 168(3), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

(20) In Article 169(3), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

(21) In Article 170(1), the reference to ‘Articles 76 to 78’ is replaced by a reference to ‘Articles 76 and 78’.

(22) In Article 173(5), the reference to Article 77 is deleted and paragraph 5 is accordingly replaced by the following:

‘5. Article 78(4) to (6) shall apply to the procedural document referred to in paragraph 2.’

(23) In Article 175(4), the reference to Article 77 is deleted and paragraph 4 is accordingly replaced by the following:

‘4. Article 78(4) to (6) and Article 139 shall apply to the application for replacement.’

(24) Article 177 is amended as follows:

(a) paragraph 6 is deleted;

(b) paragraph 7 is renumbered paragraph 6.

(25) Article 178 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The application shall be served on the defendant via e-Curia if he has an e-Curia account. Where the defendant has no such account, the application shall be served on him in the form of a certified copy sent by registered post with a form for acknowledgement of receipt or by delivery of the copy against receipt.’;

(b) paragraph 3 is replaced by the following:

'3. The application shall be served on a party to the proceedings before the Board of Appeal via e-Curia where that party has become a party to the proceedings before the General Court in accordance with Article 173(2). If the party to the proceedings before the Board of Appeal is an institution that has an account giving access to e-Curia, service of the application shall be made by e-Curia. Otherwise, the application shall be served 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.;

(c) in paragraph 4, the reference to 'Article 177(7)' is replaced by a reference to 'Article 177(6)'.

(26) In Article 180(2), the reference to 'Article 177(4) to (7)' is replaced by a reference to 'Article 177(4) to (6)'.

(27) Article 194 is amended as follows:

(a) paragraph 5 is deleted;

(b) paragraph 6 is renumbered paragraph 5.

(28) In Article 197(2), the reference to 'Article 194(6)' is replaced by a reference to 'Article 194(5)'.

(29) In Article 199(2), the reference to 'Article 194(3) to (6)' is replaced by a reference to 'Article 194(3) to (5)'.

(30) In Article 213(1), the reference to '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' is replaced by a reference to 'Articles 51 to 58, 60 to 72, 79, 84, 87, 89, 90, 107 to 122, 124, 125, 129, 131, 142 to 162, 164, 165 and 167 to 170'.

Article 2

These amendments to the Rules of Procedure, authentic in the languages referred to in Article 44 of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the third month following that of the publication in the *Official Journal of the European Union* of the decision referred to in Article 56a(2) of the Rules of Procedure.

Done at Luxembourg, 11 July 2018.

The Registrar
E. COULON

The President
M. JAEGER
