

# COURT OF JUSTICE

## COURT OF FIRST INSTANCE

### PRACTICE DIRECTIONS

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Pursuant to Article 136a of its Rules of Procedure,

Whereas:

- (1) It is in the interests of the efficient conduct of proceedings before the Court of First Instance (hereinafter 'the Court') and the expeditious processing of cases that practice directions should be issued to the lawyers and agents of parties, dealing with the manner in which pleadings and other procedural documents relating to the written procedure are to be submitted.
- (2) The present directions reflect, explain and complement provisions in the Court's Rules of Procedure and are designed to enable lawyers and agents to allow for the constraints under which the Court operates, and particularly those attributable to translation requirements and the electronic processing of procedural documentation.
- (3) The Instructions to the Registrar dated 3 March 1994 (OJ L 78 of 22 March 1994, p. 32), as amended on 29 March 2001 (OJ L 119 of 27 April 2001, p. 2), require the Registrar to ensure that documents placed on a case-file comply with the provisions of the Statutes of the Court of Justice, the Rules of Procedure and any practice directions of the Court, together with the Instructions to the Registrar, and, in particular, oblige him to require that any irregularities of form in documents lodged be made good and, in default of such regularisation, that he refuse, where appropriate, to accept them if they do not comply with the provisions of the Statutes of the Court of Justice or the Rules of Procedure.
- (4) Compliance with these practice directions will assure lawyers and agents that the pleadings and documents lodged by them may properly be processed by the Court and will not, with respect to the matters dealt with in these practice directions, entail the application of Article 90(a) of the Rules of Procedure.

- (5) These practice directions have been drawn up following consultations with the agents of the Member States and the institutions acting in proceedings before the Court, and with the Council of the Bars and Law Societies of the European Community (CCBE), and take account of the observations made by them.
- (6) In addition, lawyers and agents are strongly advised to have regard to the Notes for the Guidance of Counsel for the written procedure and for the oral procedure, as issued by the Registrar,

HEREBY ADOPTS THE FOLLOWING PRACTICE DIRECTIONS:

#### I. USE OF TECHNICAL MEANS OF COMMUNICATION

1. A copy of the signed original of a procedural document may be transmitted to the Registry in accordance with Article 43(6) of the Rules of Procedure either:
  - by telefax (to fax number: (352) 43 03 21 00), or
  - by electronic mail (electronic mail address: [cfi.registry@curia.eu.int](mailto:cfi.registry@curia.eu.int)).
2. In the case of transmission by electronic mail, only a scanned copy of the signed original will be accepted. A document despatched in the form of an ordinary electronic file which is unsigned or bears an electronic signature or a facsimile signature generated by computer will not be treated as complying with Article 43(6) of the Rules of Procedure. No correspondence relating to a case which is received by the Court in the form of an ordinary electronic mail message will be taken into consideration.

In order to enable scanned documents to be uploaded to the Court's electronic archives, such documents should be scanned at a resolution of 300 DPI and in PDF format (images plus text), using Acrobat or Readiris 7 Pro software.
3. The lodgment of a document by telefax or electronic mail will be treated as complying with the relevant time limit only if the signed original thereof reaches the Registry prior to the expiry of the period of 10 days following

such lodgment, as specified in Article 43(6) of the Rules of Procedure. The signed original must be sent without delay, immediately after the despatch of the copy, without any corrections or amendments, even of a minor nature, being made thereto. In the event of any divergence between the signed original and the copy previously lodged, only the date of lodgment of the signed original will be taken into consideration.

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

## II. LODGING OF PLEADINGS

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

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

1. the paper must be white, unlined and A4 size, with the text appearing on one side of the page only;
  2. pages of pleadings and annexes, if any, must be placed together in such a way as to enable them to be easily undone. They must not be bound together or fixed to each other by any other means (e.g. glued or stapled);
  3. the text must appear in characters of a current type (such as Times New Roman, Courier or Arial), in at least 12 pt in the body of the text and at least 10 pt in the footnotes, with one-and-a-half line spacing and upper, lower, left and right margins of at least 2,5 cm;
  4. the pages of the pleading must be numbered consecutively in the top right-hand corner. Such consecutive page numbering must also cover all the pages of the annexes to the pleading, so as to make it possible to ensure, by means of a page count, that all the pages of the annexes have been duly scanned.
2. The following information must appear on the first page of the pleading:
    1. the title of the pleading (application, defence, reply, rejoinder, application for leave to intervene, statement in intervention, objection of inadmissibility, observations on ..., replies to questions, etc.);

2. the case number (T-.../...), where it has already been notified by the Registry;
3. the names of the applicant and of the defendant;
4. the name of the party on whose behalf the pleading is lodged.

3. Each paragraph of the pleading must be numbered.

4. The signature of the lawyer or agent acting for the party concerned must appear at the end of the pleading.

## III. THE FORM AND CONTENT OF THE APPLICATION AND OF THE DEFENCE

1. All applications initiating proceedings must contain the statements prescribed by Article 44(1) and (2) of the Rules of Procedure.
2. The following must appear at the beginning of each application:
  1. the name and address of the applicant;
  2. the name and capacity of the applicant's lawyer or agent;
  3. the identity of the party against whom the application is made;
  4. the statements referred to in Article 44(2) of the Rules of Procedure (statement of an address for service or agreement to service by technical means of communication).
3. The application must contain, either at the beginning or at the end, the precise wording of the form of order sought in the decision of the Court (such as an order annulling an identified measure or awarding a sum by way of damages).
4. In the case of an application for annulment, a copy of the contested measure must be annexed to the application and identified as such.
5. Each application must be accompanied by a summary of the pleas in law and main arguments relied on, designed to facilitate publication of the notice prescribed by Article 24 of the Rules of Procedure, which will be prepared by the Registry. The summary in question must not be more than two pages long.
6. Together with the application, but separately from the documents annexed in support thereof, the documents referred to in Article 44(3) and (5)(a) and (b) of the Rules of Procedure must be produced.
7. The introductory part of the application must be followed by a brief account of the facts giving rise to the dispute.
8. Legal arguments must be set forth and grouped by reference to the particular pleas in law to which they relate, and ideally each argument or group of arguments should be preceded by a summary statement of the relevant plea.

9. All evidence offered in support must be expressly and accurately indicated, in such a way as to show clearly the facts to be proved:
- documentary evidence offered in support must refer to the relevant document number in a schedule of annexed documents. Alternatively, if a document is not in the possession of the party concerned, the pleading must clearly indicate where and how the document may be obtained,
  - where oral testimony is sought to be given, each proposed witness or person from whom information is to be obtained must be clearly identified.
10. Each defence must contain the statements prescribed by Article 46(1) of the Rules of Procedure.
11. In addition to the case-number and a statement of the name of the applicant, the following must appear at the start of each defence:
1. the name and address of the defendant;
  2. the name and capacity of the defendant's lawyer or agent;
  3. the statements referred to in Article 44(2) of the Rules of Procedure (specification of an address for service or to which documents to be served by technical means of communication may be sent).
12. The precise wording of the form of order sought by the defendant in the decision of the Court must be specified either at the beginning or at the end of the defence.
13. Points 6, 8 and 9 above shall apply to the defence.
14. Any fact alleged by the other party which is contested must be accurately indicated and the basis on which it is contested must be stated explicitly.

#### IV. ANNEXES TO PLEADINGS

1. Only those documents mentioned in the actual text of a pleading and which are necessary in order to prove or illustrate its contents may be submitted as annexes.
2. Annexes will be accepted only if they are accompanied by a schedule indicating, for each document annexed:
  1. the number of the annex,
  2. a short description of the document (e.g. 'letter'), followed by its date, author and addressee and its number of pages,
  3. the page reference and paragraph number in the pleading where the document is mentioned and its relevance is described.

An annex should also be numbered in such a way as to identify the pleading in which it is produced (thus, for example, Annex A.1, A.2, etc. in an application; Annex B.1, B.2, etc. in a defence; Annex C.1, C.2, etc. in a reply; Annex D.1, D.2, etc. in a rejoinder).

3. Where a pleading contains more than 10 annexes, the schedule of annexes must be accompanied by an appendix identifying and setting out the relevant passages in each annex on which the party wishes to rely, save in the case of documents not exceeding three pages in length.
4. The actual annexes, as such, should follow the appendix in order, as per the numbering of the schedule.
5. Where, for the convenience of the Court, copies of judgments, legal writings or legislation are annexed to a pleading, they must be appended separately from the other annexes and must not be listed in the appendix of annexes.
6. Where annexes are documents which themselves contain annexes, they must be arranged and numbered in such a way as to avoid all possibility of confusion and should where necessary be separated by dividers.
7. Each reference in the text of the pleading to a document lodged must state the relevant annex number as given in the schedule of annexes and indicate the pleading with which the annex has been lodged, in the manner described at point IV.2 above.

#### V. LENGTH OF PLEADINGS

1. In the interests both of the parties themselves and of the proper administration of justice, pleadings must concentrate on essential matters and be as brief as possible. Excessively lengthy pleadings complicate consideration of the case-file and are a prime cause of delay in the disposal of cases.
2. Depending on the nature of the issues and the circumstances of the case, the maximum number of pages should not in principle exceed:
  - 20-50 pages for the application and the defence,
  - 10-25 pages for the reply and the rejoinder,
  - 10-20 pages for an objection of inadmissibility and for observations thereon,
  - 10-20 pages for statements in intervention.

Pleadings should wherever possible be shorter than the maxima indicated above. In cases involving particularly complex legal or factual issues, those maxima may be exceeded.

**VI. APPLICATIONS FOR EXPEDITED PROCEDURE**

1. A party applying by separate document under Article 76a of the Rules of Procedure for a case to be decided by expedited procedure must briefly state the reasons for the special urgency of the case.
2. As the expedited procedure is largely oral, such an application will be granted only if the pleading (application or defence) of the party requesting expedition is confined to a summary of the pleas relied upon and where its annexes are limited in number.
3. An application in respect of which expedited procedure is requested must not in principle (depending on the nature of the issues and the circumstances of the case) exceed a maximum of 10 to 25 pages.

**VII. APPLICATIONS FOR SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES**

1. The application must be made by a separate document. It must be intelligible in itself, without necessitating reference to the application lodged in the main proceedings.
2. An application for suspension of operation or enforcement or for other interim measures must state, with the utmost concision, the subject-matter of the proceedings, the pleas of fact and law on which the main action is based (establishing a prima facie case on the merits in that action) and the circumstances giving rise to urgency. It must specify the measure(s) applied for. Sections III and IV above shall apply.
3. Because an application for interim measures requires the existence of a prima facie case to be assessed for the purposes of a summary procedure, it must not, under any circumstances, set out in full the text of the application in the main proceedings.
4. In order that an application for interim measures may be dealt with urgently, the number of pages it contains must not in principle (depending on the nature of the issues and

the circumstances of the case) exceed a maximum of between 10 and 25.

**VIII. APPLICATIONS FOR CONFIDENTIAL TREATMENT**

1. An application pursuant to Article 116(2) of the Rules of Procedure for the exclusion on grounds of confidentiality of any part of the contents of the case-file from the documents to be furnished to an intervener shall be made by a separate document.
2. Such an application must be strictly limited to material which is genuinely confidential. It may not in any event cover the entirety of a pleading and may only exceptionally extend to the entirety of an annexed document. It should usually be feasible to furnish a non-confidential version in which passages, words or figures have been deleted without harming the interest sought to be protected. An application which is inadequately detailed will not be considered.
3. An application must accurately identify the particulars or passages to be excluded and briefly state the reasons for which each of those particulars or passages is regarded as confidential.
4. The application must be accompanied by a non-confidential version of each pleading or document concerned with the confidential material deleted.
5. Where a party, despite a request in that regard from the Registrar, fails to put an application for confidential treatment into proper form to enable it to be considered, all the procedural documents concerned will be furnished to the intervener in accordance with Article 116(2) of the Rules of Procedure.

Done at Luxembourg, 14 March 2002.

*Registrar*

H. JUNG

*President*

B. VESTERDORF