



REGISTRY OF THE
GENERAL COURT

LITIGATION BEFORE THE GENERAL COURT AND THE BOARD OF APPEAL

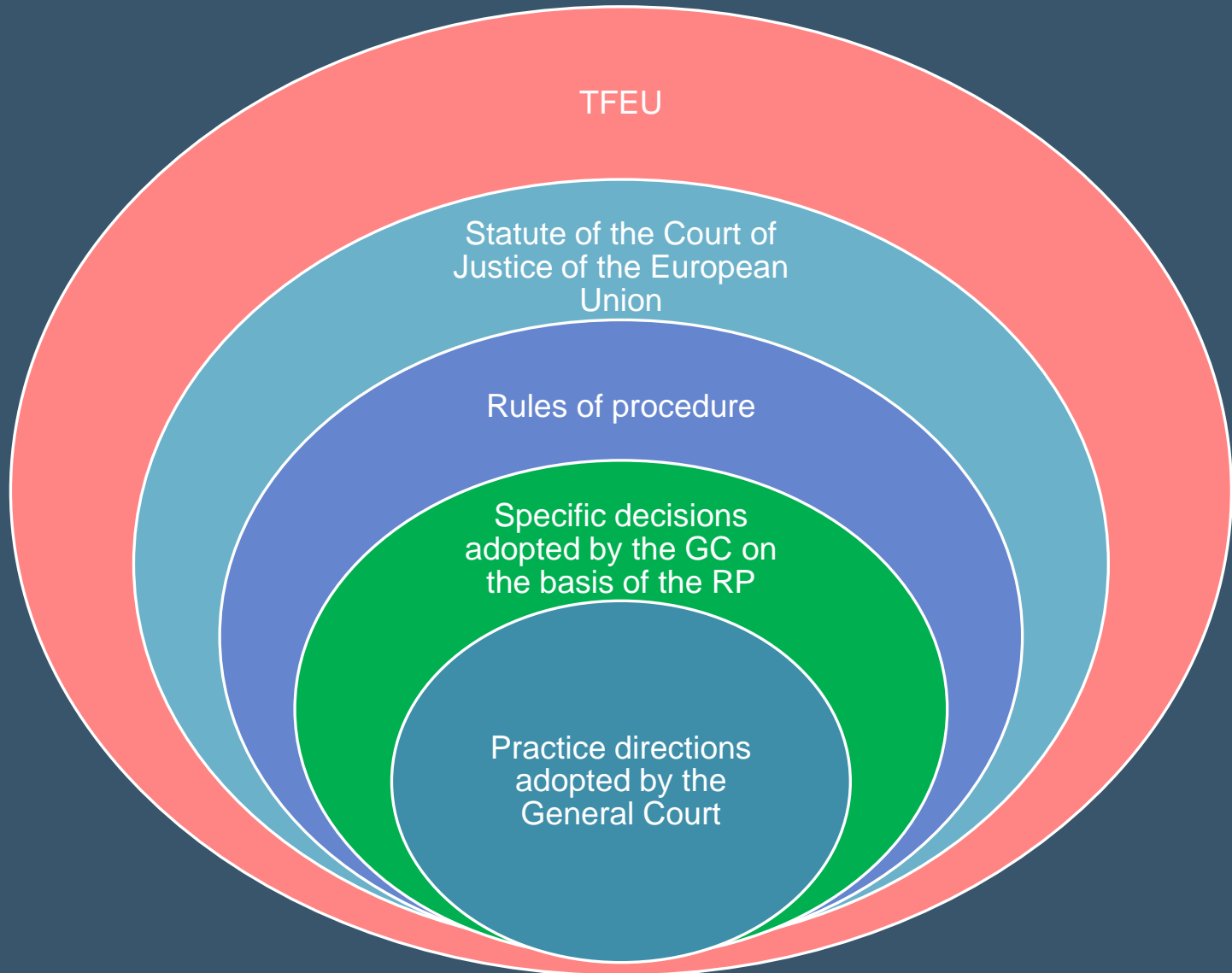
SIMILARITIES / DIFFERENCES

10 YEARS OF REACH LITIGATION
EMMANUEL COULON – REGISTRAR OF THE GENERAL COURT
24 MAY 2017

Rules governing the procedure before the GC



REGISTRY OF THE
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Parties and representatives before the GC



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- Member States
- Institutions of the European Union
- Agencies and other bodies



Natural and legal
persons



The GC and its Registry in figures



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GENERAL COURT

The GC: 44 judges (1 President, 1 Vice-president, 9 presidents of chambers) / 139 legal secretaries

The Registry: 1 Registrar and 72 officials (on budget)

In 2016, 8 302 procedural documents lodged at the Registry:

- 6 325 procedural documents lodged by e-Curia
- 396 072 pages of documents lodged by e-Curia (excluding applications and their annexes)

612 metres of documents for the pending case files

10 822 covering notes (« fiches de transmission ») exchanged with the judges

Principles governing the procedure before the GC



REGISTRY OF THE
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Right to a *fair and public hearing in a reasonable time* by an *independent and impartial tribunal* previously established by law

(Art. 47 of the Charter of fundamental rights of the EU and Art. 6 of the ECHR)

Adversarial nature of the proceedings (Art. 64 RP) with some exceptions	No fee to be paid when lodging an application before the GC	Legal aid may be granted in order to pay a lawyer	Decision as to costs (Art.133 to 141)	<u>Parties:</u> applicant /defendant/ intervener <u>Privileged parties:</u> Member States/ institutions	Lodging an action has no suspensive effect
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Language of the case before the GC



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In direct actions,
choice of the
language by the
applicant
with some exceptions
(Art. 45 RP)

24 official
languages
(Art. 44 RP)

89.3% of direct actions (other than IP cases) in
FR, EN, DE, IT, ES

Language of the
case for all steps of
the proceedings,
including final
decision of the GC
(Art. 46 RP)

But one language
for the deliberation
between the judges

In case of publication
of the final decision of
the GC in the Court
Reports: translation in
all languages

Otherwise, final decision
available in the language
of the deliberations and in
the language of the case



The Rules of procedure of the GC

- Applicable as from 1st July 2015
- 227 articles
- Replace the Rules of procedure of 2nd May 1991 (151 articles)
- Consolidated version:
https://curia.europa.eu/jcms/upload/docs/application/pdf/2016-08/rp_en.pdf

Clear distinction between 3 types of actions

- Direct actions
- IP cases
- Appeals

Actions lodged against ECHA governed by the rules applicable to direct actions

- Decisions of ECHA or decisions from the BoA
- Different rules applicable to actions against decisions of the EUIPO's BoA and the Community Plant Variety Office's BoA

Standard procedure (direct actions)



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Written part of the procedure

- Exchange of written pleadings between the parties (application/defence/reply/rejoinder)

Oral part of the procedure

- Hearing of oral submissions

Deliberation

Judgment

Lodging procedural documents



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BY ELECTRONIC
MEANS:
E-CURIA

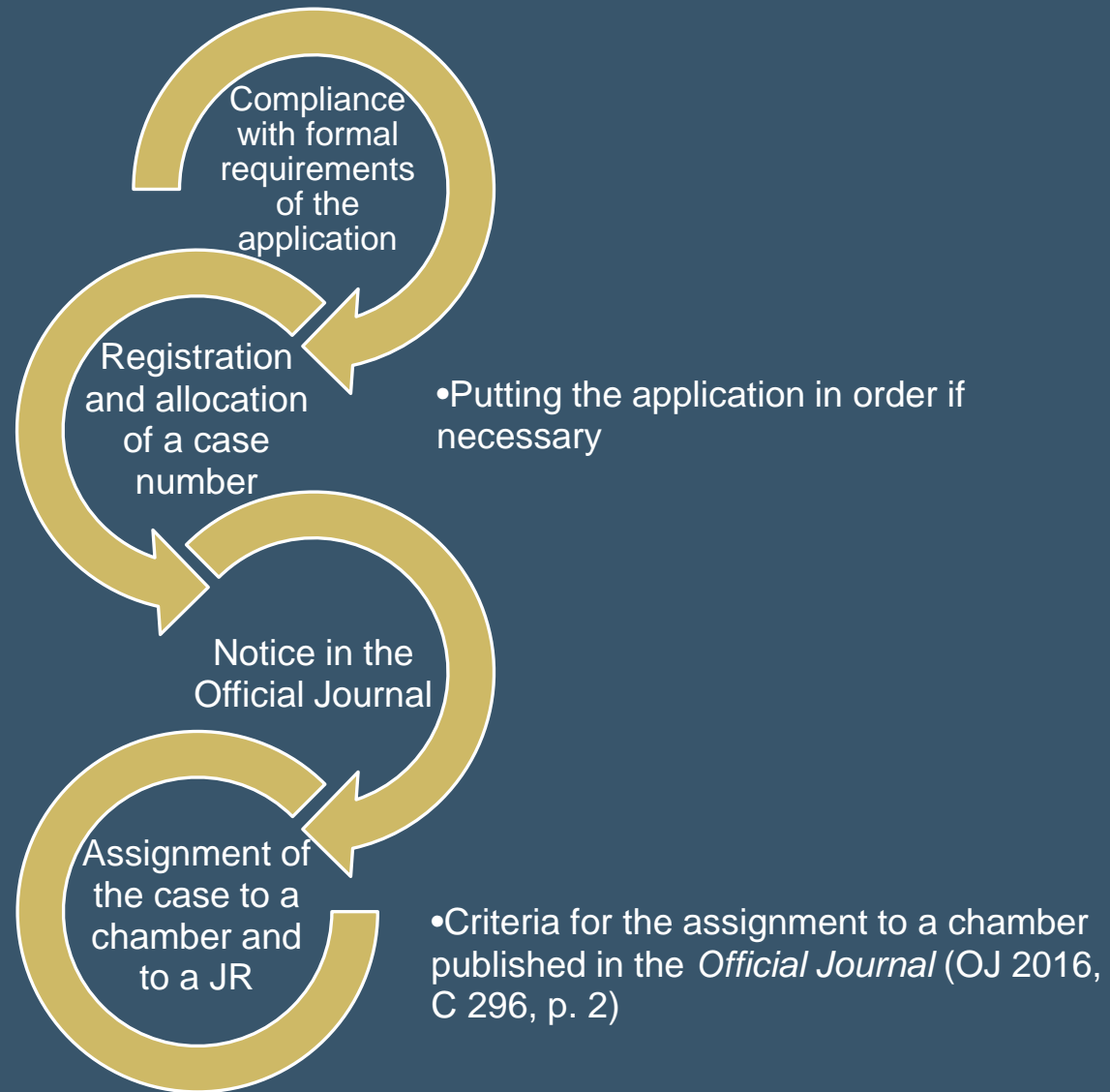
OR

BY POST
(OR TELEFAX +
ORIGINAL BY
POST)

The application initiates the proceedings



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Overview of the role of the Registry



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Notification of the application

- Except if it is clear that the GC has no jurisdiction to hear and determine an action; or
- The action is manifestly inadmissible or manifestly lacking any foundation in law

Time-limits: setting and extending time-limits
(other than those specified by a legal
provision)

Service of procedural documents

Requests for translation

Procedural questions: proposals of the
Registry and decisions

Urgent procedures



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Expedited Procedure

- Application by separate document at the same time as the application initiating proceedings or the defence
- Specific rules when granted

Interim measures

- Competence of the President of the GC
- Application by a separate document
- Reasoned order

Intervention



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Member States and
institutions of the
European Union have
a right to intervene

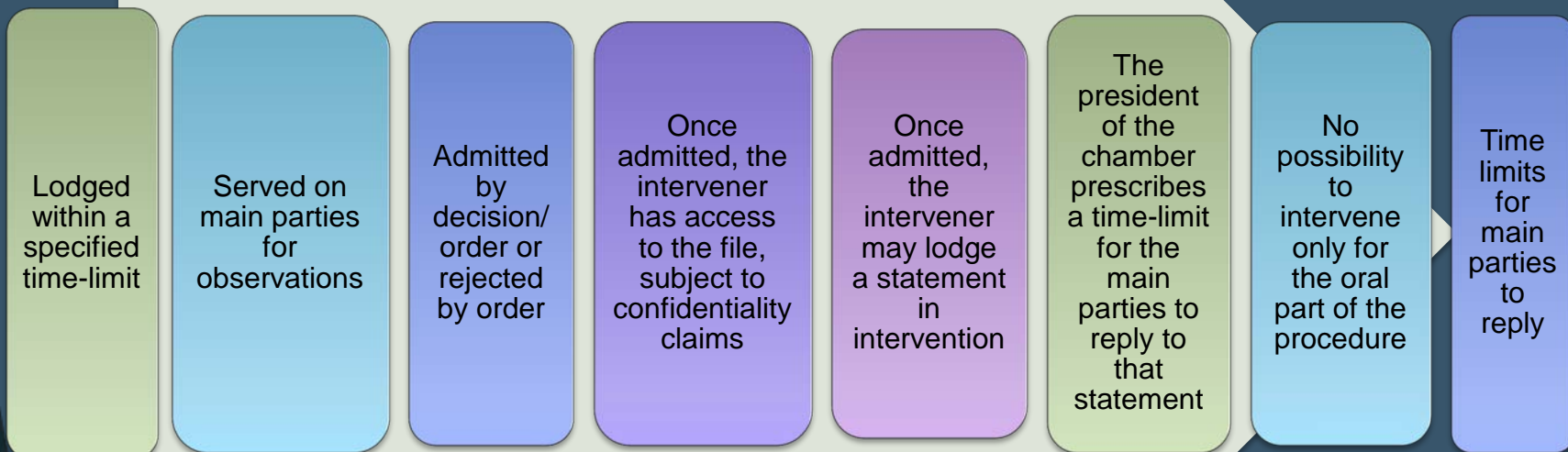
Other bodies, offices
and agencies of the
European Union and
any other interested
person may intervene
provided they prove
an interest in the
result of the case
= applicable to ECHA

Natural and legal
persons cannot
intervene in cases
between Member
States, between
institutions, or
between these two

Rules related to intervention (Art. 142 RP)



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Confidentiality



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No confidentiality between
main parties
(two exceptions)

The intervener cannot request
confidentiality treatment

Main parties may ask for confidential
treatment of a written pleading lodged
by either party, vis-à-vis an intervener

- The request may not contain
confidential elements

- Non-confidential version of the
pleading should be lodged by
the party requesting confidential
treatment

The intervener may object to such request

President of the chamber will settle the matter by order

Confidentiality towards the public

Pleas in law, evidence and modification of the application



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New Pleas in law (Art 84 RP)

Evidence produced and offered
(Art 85 RP)

Modification of the application (Art 86 RP)

- Mainly in the restrictive measures cases
- Conditions:
 - Where a measure the annulment of which is sought is replaced or amended by another measure with the same subject-matter
 - Within the time limit laid down in Art 263(6) TFEU
 - Before the oral part of the procedure is closed, or before the decision to rule without an oral part of the procedure



Measures of organisation of the procedure / Measures of inquiry /

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Measures of organisation
(Art. 89 – 90 RP)

Measures of inquiry
(Art. 91 -102 RP)

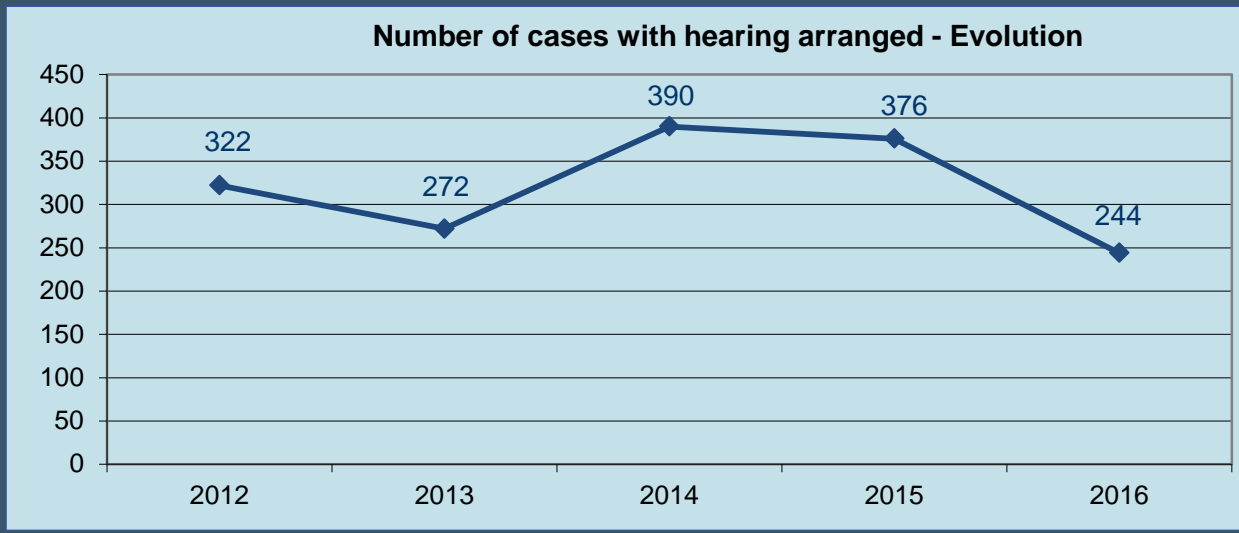
Oral part of the procedure (Art. 106 RP)



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Hearing arranged
either:

- at the reasoned request of a main party
- at the GC's own motion



Deliberation



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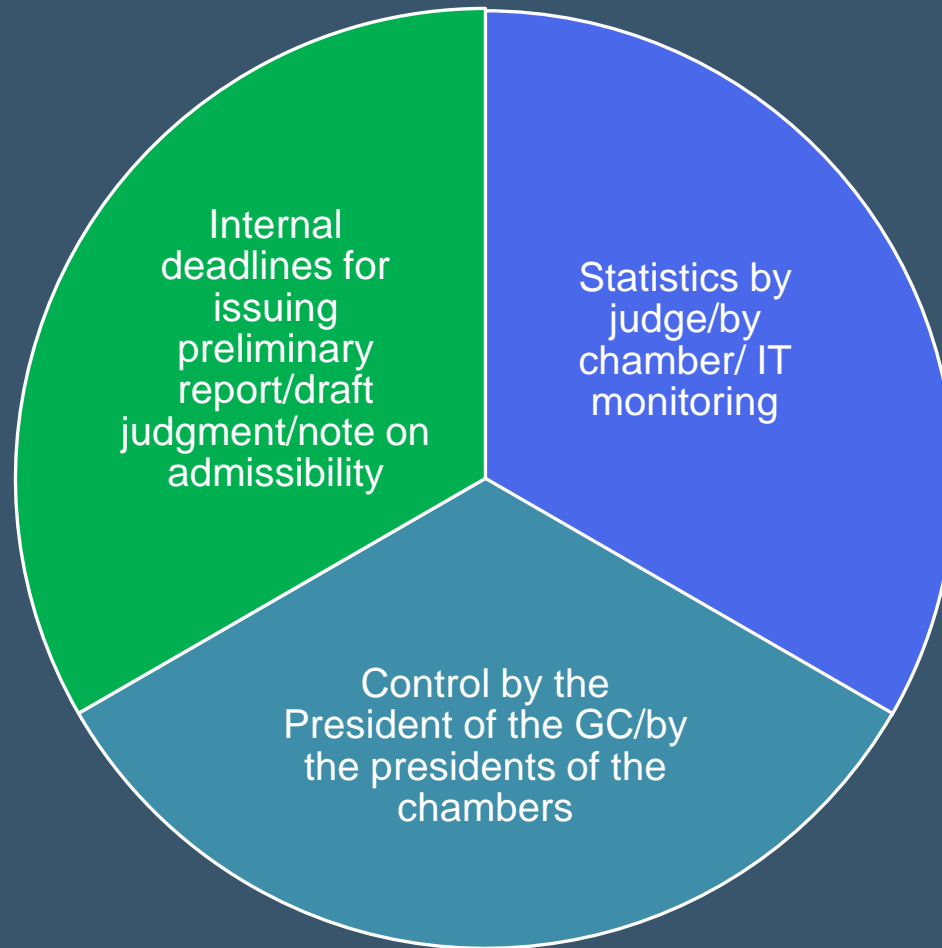
Moment of the deliberation
(in case hearing has been held
or without a hearing)

Between judges of
the chamber
exclusively

Management of the cases at the GC



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Thank you for your attention!



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For further
information:

https://curia.europa.eu/jcms/jcms/Jo2_7040/en/



https://curia.europa.eu/jcms/jcms/j_6/en

