# INSTRUCTIONS TO THE REGISTRAR OF THE COURT OF FIRST INSTANCE

**of 3 March 1994**

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

On a proposal from the President of the Court of First Instance,

Having regard to the Rules of Procedure adopted on 2 May 1991 and in particular Article 23 thereof,

Has laid down the following:

## INSTRUCTIONS TO THE REGISTRAR

*Article 1*

### The tasks of the Registrar

The Registrar shall be responsible for the maintenance of the register of the Court and the files of pending cases, for the acceptance, transmission, service and custody of documents, for correspondence with the parties and third parties in relation to pending cases, and for the custody of the seals of the Court. He shall ensure that registry charges are collected and that sums due to the Court treasury are recovered. He shall be responsible for the publications of the Court.

*Article 2*

### Opening hours of the Registry

1. The offices of the Registry shall be open to the public every working day.

All days other than Saturdays, Sundays and the official holidays on the list referred to in Article 101 (2) of the Rules of Procedure shall be working days.

If a working day as referred to in the previous subparagraphs is a holiday for the officials and servants of the institution, arrangements shall be made for a skeleton staff to be on duty at the Registry during the hours in which it is normally open to the public.

2. The Registry shall be open to the public at the following times:

— in the morning, from Monday to Friday, from 9.30 a.m. to 12 noon,

— in the afternoon, from Monday to Thursday, from 2.30 p.m. to 5.30 p.m. and, except during the vacations provided for in Article 34 (1) of the Rules of Procedure, on Fridays from 2.30 p.m. to 4.30 p.m.

The Registry shall be open to the public half an hour before the commencement of a hearing.

3. When the Registry is closed, procedural documents may be validly lodged with the janitor at the entrances to the Court buildings at any time of the day or night. The janitor shall make a record, which shall constitute good evidence, of the date and time of such lodgment and shall issue a receipt upon request.

*Article 3*

### The register

1. Judgments and orders as well as all the documents placed on the file in cases brought before the Court shall be entered in the register.

2. Entries in the register shall be numbered consecutively; they shall be made in the language of the case and contain the information necessary for identifying the document, in particular the date of registration, the number of the case and the nature of the document.

3. Where a correction is made to the register, a note to that effect shall be made in the margin.

4. The registration number of every document drawn up by the Court shall be noted on its first page.

A note of the registration, indicating the registration number and the date of entry in the register, shall be stamped on the original of every procedural document lodged by the parties and on every copy which is notified to them. This note shall be in the language of the case and signed by the Registrar.

5. When a document is not entered in the register on the same day on which it is lodged, the date of lodgment shall be entered in the register and stamped on the original and on the copies of the procedural document concerned.

6. For the purposes of the application of the previous paragraph, the following dates shall be taken into account, depending on the circumstances: the date on which the procedural document was received by the Registrar or by a Registry official or employee, the date referred to in Article 2 (3) or, in the cases provided for in the first paragraph of Article 47 of the EC Statute of the Court of Justice, the first paragraph of Article 47 of the ECSC Statute of the Court of Justice and the first paragraph of Article 48 of the EAEC Statute of the Court of Justice, the date on which the procedural document was lodged with the Registrar of the Court of Justice.

*Article 4*

**The case number**

1. When an application initiating proceedings is registered, the case shall be given a serial number preceded by 'T-' and followed by an indication of the year.

Applications for interim measures, applications to intervene, applications for rectification or interpretation of judgments, applications for revision or initiating third-party proceedings, applications for the taxation of costs and applications for legal aid relating to pending cases shall be given the same serial number as the principal action, followed by a note to indicate that the proceedings concerned are special forms of procedure. An action which is preceded by an application for legal aid in connection therewith shall be given the same case number as the latter. Where the Court of Justice refers a case back to the Court of First Instance following an appeal, that case shall keep the number previously given to it when it was before the Court of First Instance.

2. The serial number of the case together with the names of the parties shall be indicated on the procedural documents, in correspondence relating to the case and, without prejudice to Article 17 (4) of these Instructions, in the publications of the Court of First Instance.

*Article 5*

**The file and access to the file**

1. The case-file shall contain the originals, including their annexes, of the procedural documents produced by the parties, with the exception of those whose acceptances is refused pursuant to Article 6 of these Instructions, the decisions taken in the case, including any decisions relating to refusal to accept documents, reports for the hearing, minutes of the hearing, notices served by the Registrar and any other documents or correspondence to be taken into consideration in deciding the case.

If in doubt the Registrar shall refer the question whether a document is to be placed on the case-file to the President in order for a decision to be taken.

2. The documents contained in the file shall be given a serial number. Each page of the file shall be numbered consecutively.

3. The lawyers or agents of the parties to a case before the Court or persons duly authorized by them may inspect the original case-file, including administrative files produced before the Court, at the Registry and may request copies or extracts of procedural documents and of the register.

Lawyers or agents of intervening parties once granted leave to intervene and lawyers or agents of all the parties to joined cases shall have the same right of access to case-files, subject to the provisions of paragraph 4 relating to the confidential treatment of certain matters or documents on the file.

No third party, private or public, may have access to the case-file or to the procedural documents without the express authorization of the President, after the parties have been heard. That authorization may be granted only upon written request accompanied by a detailed explanation of the third party's legitimate interest in inspecting the file.

4. An application by a party for certain matters or certain documents on the file to be treated confidentially must be made by a separate document. The application must specify the confidential matters or passages, explain why each matter or passage concerned is confidential and be accompanied by a copy of the pages concerned of the pleading or annex in question, with an indication of the matters or passages in respect of which confidential treatment is requested.

If certain matters or certain documents on the file are accorded confidential treatment, the Registrar shall, where necessary, request the parties to produce, in accordance with the decision of the Court, non-confidential versions of their pleadings together with the number of certified copies required by Article 43 (1) of the Rules of Procedure.

The confidential and non-confidential versions of procedural documents shall be kept in separate sections of the file. Access to the confidential section of the file shall be confined to the parties in respect of whom no confidential treatment has been ordered.

5. At the close of the proceedings, the case-file shall be closed and bound. The closed file shall contain a list of the documents on the file, an indication of their number, and a cover page showing the serial number of the case, the parties and the date on which the file was closed.

*Article 6*

**Non-acceptance of documents and regularization**

1. The Registrar shall ensure that documents placed on the file are in conformity with the provisions of the Statutes of the Court of Justice, with the Rules of Procedure and with these Instructions. If necessary, he shall allow the parties a period of time for making good any formal irregularities in the documents lodged.

2. The Registrar shall refuse to register pleadings or procedural documents which are not provided for by the Rules of Procedure. If in doubt the Registrar shall refer the matter to the President in order for a decision to be taken.

3. Without prejudice to Article 10 (3) of these Instructions concerning the use of facsimile transmission, the Registrar shall accept only documents bearing the original signature of the party's lawyer or agent.

The Registrar may request the lodgment of a lawyer's or agent's specimen signature, if necessary certified as a true specimen, in order to enable him to verify that the first paragraph of Article 43 (1) of the Rules of Procedure has been complied with.

4. Documents annexed to a pleading or procedural document shall be accepted only if the document in question is mentioned in the body of the pleading or procedural document and appears in a schedule of annexes, as provided for by Article 43 (4) of the Rules of Procedure. The schedule of annexes must indicate the annex numbers and the dates and nature of the documents annexed.

If the party concerned fails to make good the irregularity, the Registrar may refuse to accept annexes not in conformity with the provisions of this paragraph.

5. Save in the cases expressly provided for by the Rules of Procedure, the Registrar shall refuse to accept pleadings or procedural documents of the parties drawn up in a language other than the language of the case.

Where documents annexed to a pleading or procedural document are not accompanied by a translation into the language of the case, the Registrar shall require the party concerned to make good the omission if the translation appears necessary for the efficient conduct of the proceedings.

Where an application to intervene originating from a third party other than a Member State is not drawn up in the language of the case, the Registrar shall require the application to be put in order before it is placed on the file and served on the parties. If, however, a version of such an application drawn up in the language of the case is lodged within the period prescribed for this purpose by the Registrar, the date on which the first version, not in the language of the case, was lodged shall be taken as the date on which the document was lodged for the purposes of registration.

6. Each copy of any procedural document which the parties are required to produce by virtue of Article 43 (1) of the Rules of Procedure must bear a note, signed by the lawyer or agent of the party concerned, certifying that the copy is a true copy of the original of the document concerned.

7. Where a party challenges the Registrar's refusal to accept a document, the Registrar shall submit the document concerned to the President for a decision on whether it is to be accepted.

*Article 7*

**Presentation of originating applications**

1. Where the Registrar considers that an application initiating proceedings is manifestly not in conformity with Article 44 (1) of the Rules of Procedure, he shall suspend service of the application in order that the Court may give a decision on the admissibility of the action.

2. For the purposes of the production of the document required by Article 44 (3) of the Rules of Procedure certifying that the lawyer acting for a party or assisting the party's agent is entitled to practise before a court of a Member State, reference may be made to a document previously lodged at the Registry of the Court.

3. Documents to be produced by virtue of Article 44 (5) (a) and (b) of the Rules of Procedure in the case of an application made by a legal person must include the authority granted to the lawyer, signed by a representative of that legal person authorized for the purpose, as well as evidence establishing the existence in law of the legal person and the power of the authority's signatory to act in the name of the legal person.

*Article 8*

**Translations**

1. The Registrar shall, in accordance with Article 36 (1) of the Rules of Procedure, arrange for everything said or written in the course of the proceedings to be translated, at the request of a Judge, an Advocate-General or a party, into the language of the case or, where necessary, into another language as provided for in Article 35 (2) of the Rules of Procedure. Where, for the purposes of the efficient conduct of the proceedings, a translation into another language, as provided for in Article 35 (1) of the Rules of Procedure, is necessary, the Registrar shall also arrange for such a translation to be made.

2. The Registrar shall prescribe the periods within which institutions which are parties to proceedings are to produce the translations provided for by Article 43 (2) of the Rules of Procedure.

*Article 9*

**Service**

1. Service shall be effected, in accordance with Article 100 of the Rules of Procedure, either by the dispatch by registered post, with a form for acknowledgment of receipt, of a certified copy of the original of the document to be served or by personal delivery of such copy to the addressee against a receipt. If need be, the certified copy shall be prepared by the Registrar.

The copy of the document shall be accompanied by a letter specifying the case number, the register number and a brief indication of the nature of the document.

2. Provided that the addressee concerned has an address for service in Luxembourg, documents shall be served on the person authorized to accept service.

Where, contrary to the first subparagraph of Article 44 (2) of the Rules of Procedure, a party has omitted to state an address for service in Luxembourg, service shall be effected by the posting in Luxembourg of a registered letter addressed to the lawyer or agent of the party concerned.

3. The form for acknowledgment of receipt, the receipt or, where applicable, the proof of posting of the registered letter in Luxembourg shall be kept in the case-file together with the copy of the letter addressed to the person upon whom service was to be effected.

4. If, owing to the length of a document, only one copy is annexed to a procedural document lodged by a party or if, for other reasons, copies of a document or an object lodged at the Registry cannot be forwarded to the parties, the Registrar shall inform the parties accordingly and indicate to them that the document or object in question is available to them at the Registry.

*Article 10*

**Setting and extension of time limits**

1. The Registrar shall prescribe the time limits provided for in the Rules of Procedure, in accordance with the authority accorded to him by the President.

2. Documents received at the Registry after the period prescribed for their lodgment has expired may be accepted only with the authorization of the President.

3. Where a procedural document is received at the Registry by means of facsimile transmission before the expiry of the period prescribed for its lodgment and the original of the document concerned is then lodged with the required promptness, the Registrar shall accept lodgment of the document as if it had occurred on the date on which the facsimile transmission was received, provided that the time limit is one which may be extended pursuant to Article 103 of the Rules of Procedure.

In particular, originating applications or applications to intervene may not be lodged by means of facsimile transmission.

4. The Registrar may extend the time limits prescribed, in accordance with the authority accorded to him by the President. When necessary, he shall submit to the President proposals for the extension of time limits.

Applications for extensions of time limits must be duly reasoned and be submitted in good time before the expiry of the period prescribed. A time limit may not be extended more than once save for exceptional reasons.

*Article 11*

**Procedures on applications for interim measures**

1. In the procedures referred to in Articles 104 to 110 of the Rules of Procedure, applications, written observations, applications to intervene and other procedural documents may be submitted by means of facsimile transmission followed by the sending of the original document.

2. The Registrar may send messages and serve documents by all appropriate means which urgency requires, and in particular by means of facsimile transmission ; in the event of facsimile transmission, the Registrar shall nevertheless ensure that the facsimile transmission is followed by a dispatch in the manner prescribed by Article 100 of the Rules of Procedure.

*Article 12*

**Hearings and minutes of hearings**

1. Before every public hearing the Registrar shall draw up a cause list in the language of the case. The cause list shall contain the date, hour and place of the hearing, an indication of the cases which will be called and the names of the parties.

The cause list shall be displayed at the entrance to the courtroom.

2. The Registrar shall draw up in the respective language of each case the minutes of every hearing. Those minutes shall contain an indication of the case, the date, hour and place of the hearing, an indication of whether the hearing was in public or *in camera,* the names of the Judges, the Advocate-General and the Registrar present, the names and capacities of the agents, lawyers or advisers of the parties present, the surnames, forenames, status and permanent addresses of the witnesses or experts examined, an indication of the evidence or documents produced at the hearing and, in so far as is necessary, the statements made at the hearing and the decisions pronounced at the hearing by the Court or the President.

3. Minutes of the examination of a witness which reproduce the witness's evidence shall be drawn up by the Registrar in the language in which the witness gave his evidence.

Before signing the minutes and submitting them to the President for his signature the Registrar shall forward the draft minutes to the witness, if necessary by registered post, and request the witness to check them, make any observations which he may wish to make upon them and sign them.

*Article 13*

**Witnesses and experts**

1. The Registrar shall take the measures necessary for giving effect to orders requiring the taking of expert opinion or the examination of witnesses.

2. The Registrar shall obtain from witnesses evidence of their expenses and loss of earnings and from experts a fee note accounting for their expenses and services.

3. The Registrar shall cause sums due to witnesses and experts under the Rules of Procedure to be paid from the Court's treasury. In the event of a dispute concerning such sums, the Registrar shall refer the matter to the President in order for a decision to be taken.

4. The Registrar shall arrange for the costs of examining experts or witnesses advances by the Court in a case to be demanded from the parties ordered to pay the costs. If necessary, steps pursuant to Article 15 (2) shall be taken.

*Article 14*

**Originals of judgments and orders**

1. Originals of judgments and orders of the Court shall be kept in chronological order in the archives of the Registry. A certified copy shall be placed on the case file.

At the parties' request, the Registrar shall supply them with a certified copy of the original of a judgment or of an order.

The Registrar may supply uncertified copies of judgments and orders to third parties who so request.

2. Judgments or orders rectifying or interpreting a judgment or an order, judgments given on applications to set aside judgments by default, judgments and orders given in third-party proceedings or on applications for revision and judgments or orders given by the Court of Justice in appeals shall be mentioned in the margin of the judgment or order concerned. A certified copy shall be appended to the original of the judgment or order.

*Article 15*

**Recovery of sums**

1. Where sums paid out by way of legal aid or sums advanced to witnesses or experts are recoverable, the Registrar shall, by registered letter, demand payment to those sums from the party which is to bear them in accordance with the Rules of Procedure.

2. If the sums demanded are not paid within the period prescribed by the Registrar, he may request the Court to make an enforceable decision and, if necessary, require its enforcement.

*Article 16*

**Registry charges**

1. Where a copy of a procedural document or an extract from the case-file or from the register is supplied to a party at its request, the Registrar shall impose a Registry charge of ECU 3,50 a page for a certified copy and ECU 2,50 a page for an uncertified copy.

2. Where the Registrar arranges for a procedural document or an extract from the case-file to be translated at the request of a party, a Registry charge of ECU 1,25 a line shall be imposed.

3. The charges referred in this Article shall, as from 1 January 1994, be increased by 10 % each time the weighted cost-of-living index published by the Government of the Grand Duchy of Luxembourg is increased by 10 %.

*Article 17*

**Publications**

1. The Registrar shall cause to be published in the *Official Journal of the European Communities* the composition of the Chambers and the criteria applied in the allocation of cases to them, the election of the President of the Court of First Instance and of the Presidents of Chambers, the appointment of the Registrar and of any Deputy Registrar.

2. The Registrar shall cause to be published in the *Official Journal of the European Communities* notices of proceedings brought and of decisions closing proceedings.

3. The Registar shall ensure that the case-law of the Court of First Instance is made public and that the *Reports of Cases before the Court of First Instance* are published in the languages referred to in Article 1 of Council Regulation No 1 and in accordance with any arrangements adopted by the Court of First Instance.

4. Where a party so requests or the Court of its own motion so decides, the names of parties or third parties or other information may be omitted from the publications relating to a case if there is a legitimate interest in keeping the identity of a person or other information confidential.

*Article 18*

**Advice for lawyers and agents**

1. At the request of lawyers or agents or, if need be, of his own accord, the Registrar shall send to lawyers or agents a copy of these Instructions to the Registrar.

2. The Registrar shall draw up notes of advice on the conduct of the written and oral procedure and make them known to lawyers and agents.

3. When requested by lawyers or agents, the Registrar shall provide them with information on the practice followed pursuant to the Rules of Procedure and pursuant to these Instructions to the Registrar in order to ensure that proceedings are conducted efficiently.

*Article 19*

**Derogations from these Instructions**

Where the special circumstances of a case and the proper administration of justice require, the Court or the President may derogate from any of these Instructions to the Registrar.

*Article 20*

**Entry into force of these Instructions**

These Instructions to the Registrar, which are authentic in the languages referred to in Article 36 (2) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities.*

They shall enter into force on the day following their publication.

Done at Luxembourg, 3 March 1994.

| *Registrar* | *President* |
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| H. JUNG | J. L. DA CRUZ VILAÇA |