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THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

Rules of Procedure

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THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

RULES OF PROCEDURE

THE COURT,

Having regard to the powers conferred on the Court of Justice by the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community (Euratom);

Having regard to Articles 3 and 4 of the Convention on Certain Institutions Common to the European Communities;

Having regard to Articles 20, 28 and 44 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community;

Having regard to Article 44 of the Protocol on the Statute of the Court of Justice of the European Economic Community;

Having regard to Article 45 of the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community;

Having regard to the letters dated 23 December 1958 by which the Court of Justice forwarded to the Councils the draft of the Rules of Procedure;

Having regard to the unanimous approval of the Council of the European Economic Community given on 2 February 1959 pursuant to Article 188 of the Treaty;

Having regard to the unanimous approval of the Council of the European Atomic Energy Community given on 2 February 1959 pursuant to Article 160 of the Treaty;

Having regard to the approval of the Special Council of Ministers of the European Coal and Steel Community given on 2 March 1959 pursuant to Articles 20 and 28 of the Statute of the Court of Justice;

HAS ADOPTED THESE RULES OF PROCEDURE:

INTERPRETATION

Article 1

In these Rules:

'ECSC Treaty' means the Treaty establishing the European Coal and Steel Community;

'ECSC Statute' means the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community;

'EEC Treaty' means the Treaty establishing the European Economic Community;

'EEC Statute' means the Protocol on the Statute of the Court of Justice of the European Economic Community;

'EAEC Treaty' means the Treaty establishing the European Atomic Energy Community (Euratom);

'EAEC Statute' means the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community;

For the purposes of these Rules, 'institutions' means the institutions of the European Communities and the European Investment Bank.

TITLE 1

ORGANIZATION OF THE COURT

Chapter 1

JUDGES

Article 2

The term of office of a Judge shall begin on the date laid down in the instrument of his appointment. In the absence of any provision regarding the date, the term shall begin on the date of the instrument.

Article 3

1. Before taking up his duties, a Judge shall at the first public sitting of the Court which he attends after his appointment take the following oath:

'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'.

2. The oath may be taken in the manner laid down by the law of the Judge's country.

3. Immediately after taking the oath, a Judge shall sign a solemn declaration by which he undertakes that, both during and after his term of office, he will respect the obligations arising therefrom, and in particular the duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments and benefits.

Article 4

The Judges shall rank in precedence according to their seniority in office.

Judges having the same seniority in office shall rank according to their seniority in age.

Retiring Judges who are reappointed shall retain their former precedence.

Article 5

When the Court is called upon to decide whether a Judge no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President shall invite the Judge concerned to appear in the Deliberation Room and make his observations; the Registrar shall be absent from the hearing.

Chapter 2

PRESIDENCY OF THE COURT AND OF THE CHAMBERS

Article 6

1. The Judges shall, immediately after the partial replacement provided for in Articles 32b of the ECSC Treaty, 167 of the EEC Treaty and 139 of the EAEC Treaty, elect one of their number as President of the Court for a term of three years.

2. The Court shall elect for a term of one year the Presidents of the Chambers referred to in Article 24 of these Rules.

3. If the office of the President of the Court or of a President of a Chamber falls vacant before the normal date of expiry thereof, the Court shall appoint a successor for the remainder of the term.

4. The elections provided for in this Article shall be by secret ballot, the Judge obtaining an absolute majority being elected. If no Judge obtains an absolute majority, a second ballot shall be held and the Judge obtaining the most votes shall be elected. Where two or more Judges obtain an equal number of votes the oldest of them shall be deemed elected.

Article 7

1. The President shall direct the judicial business and the administration of the Court; he shall preside at hearings and at deliberations in the Deliberation Room.

2. When the President of the Court is absent or prevented from attending or when the office of President is vacant, the functions of President shall be exercised by a President of a Chamber according to the order of precedence laid down in Article 4 of these Rules.

If the President of the Court and the Presidents of the Chambers are all prevented from attending at the same time, or their posts are vacant at the same time, the functions of President shall be exercised by one of the other Judges according to the order of precedence laid down in Article 4 of these Rules.

Chapter 3

ADVOCATES-GENERAL

Article 8

Articles 2, 3 and 5 of these Rules shall apply in a corresponding manner to Advocates-General.

Article 9

The Advocates-General shall rank in precedence after the Judges; they shall rank *inter se* in accordance with Article 4 of these Rules.

Article 10

1. At the time when the Chambers are being formed the Court shall attach an Advocate-General to each Chamber.

The President may, acting on a joint proposal from the Advocates-General, assign a particular case to the Advocate-General attached to the other Chamber.

2. If an Advocate-General is absent or prevented from attending, the President shall, in a case of urgency, call on the other Advocate-General.

Chapter 4

REGISTRY

Section 1 — The Registrar and Assistant Registrars

Article 11

1. The Court shall appoint the Registrar, after hearing the Advocates-General.

Two weeks before the date fixed for making the appointment, the President shall inform the Judges and Advocates-General of the applications which have been made for the post.

2. An application shall be accompanied by full details of the candidate's age, nationality, university degrees, knowledge of languages, present and past occupations and experience, if any, in judicial and international fields.

3. The appointment shall be made following the procedure laid down in Article 6 (4) of these Rules.

4. The Registrar shall be appointed for a term of six years. He may be reappointed.

5. The Registrar shall take the oath in accordance with Article 3 of these Rules.

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 Court shall reach its decision in the Deliberation Room after having given the Registrar an

opportunity of making his observations and after hearing the Advocates-General.

7. If the office of Registrar falls vacant before the normal date of expiry of the term thereof, the Court shall appoint a new Registrar for a term of six years.

Article 12

The Court may, following the procedure laid down in respect of the Registrar, appoint one or more Assistant Registrars to assist the Registrar and to take his place so far as the Instructions to the Registrar referred to in Article 14 of these Rules allow.

Article 13

Where the Registrar and the Assistant Registrars are absent or prevented from attending or their posts are vacant at the same time, the President shall designate an official to carry out temporarily the duties of Registrar.

Article 14

Instructions to the Registrar shall be adopted by the Court acting on a proposal from the President.

Article 15

1. There shall be kept in the Registry, under the control of the Registrar, a register initialled by the President, in which all pleadings and supporting documents shall be consecutively 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 and, if a party so requests, on any copy submitted for the purpose.

3. Entries in the register and the notes provided for in the preceding paragraph shall constitute official records.

4. Rules for keeping the register shall be prescribed by the Instructions to the Registrar referred to in Article 14 of these Rules.

5. Interested persons may consult the register at the Registry and may obtain copies or extracts on payment of a charge on a scale to be fixed by the Court acting on a proposal from the Registrar.

The parties to a case may on payment of the appropriate charge also obtain copies of pleadings and authenticated copies of judgments and orders.

6. Notice shall be given in the *Official Journal of the European Communities* of the date of registration of the application originating the proceedings, the names and permanent residences of the parties, the subject matter of the dispute and the submissions made in the application.

Article 16

1. The Registrar shall be responsible, under the authority of the President, for the acceptance, transmission and custody of documents and for effecting such service as is provided for by these Rules.

2. The Registrar shall assist the Court, the Chambers, the President and the Judges in all their official functions.

Article 17

The Registrar shall have custody of the seals. He shall be responsible for the archives and be in charge of the publications of the Court.

Article 18

Subject to Articles 5 and 27 of these Rules, the Registrar shall attend the sittings of the Court and of the Chambers.

Section 2 — Other departments

Article 19

1. The officials and other servants of the Court shall be appointed in accordance with the provisions of the Staff Regulations.

2. Before taking up his duties, an official shall take the following oath before the President, in the presence of the Registrar:

'I swear that I will perform loyally, discreetly and conscientiously the duties assigned to me by the Court of Justice of the European Communities'.

3. The oath may be taken in the manner laid down by the law of the country of the official concerned.

Article 20

The organization of the departments of the Court shall be laid down, and may be modified, by the Court on a proposal from the Registrar.

Article 21

The Court shall set up a language department staffed by experts with adequate legal training and a thorough knowledge of several official languages of the Court.

Article 22

The Registrar shall be responsible, under the authority of the President, for the administration of the Court, its financial management and its accounts; he shall be assisted in this by an Administrator.

Chapter 5

ASSISTANT RAPPORTEURS

Article 23

1. Where the Court is of opinion that the consideration of and preparatory inquiries in cases before it so require, it shall, pursuant to Article 16 of the ECSC Statute and Article 12 of the EEC and EAEC Statutes, propose the appointment of Assistant Rapporteurs.

2. Assistant Rapporteurs shall in particular assist the President in connection with applications for the adoption of interim measures and assist the Judge-Rapporteurs in their work.

3. In the performance of their duties the Assistant Rapporteurs shall be responsible to the President of the Court, the President of a Chamber, or a Judge-Rapporteur, as the case may be.

4. Before taking up his duties, an Assistant Rapporteur shall take before the Court the oath set out in Article 3 of these Rules.

Chapter 6

CHAMBERS

Article 24

1. The Court shall set up two Chambers, each composed of three Judges, to undertake preparatory inquiries in the cases assigned to them respectively.

2. As soon as an application originating proceedings has been lodged, the President shall assign the case to one of the Chambers and designate one of the Judges of that Chamber to act as Rapporteur.

Unless the President decides otherwise, the Judge-Rapporteur shall continue to act as such even if during the proceedings he is assigned to the other Chamber.

Chapter 7

THE WORKING OF THE COURT

Article 25

1. The dates and times of the sittings of the Court shall be fixed by the President.

2. The dates and times of the sittings of the Chambers shall be fixed by their respective Presidents.

3. The Court and the Chambers may choose to hold one or more particular sittings in a place other than that where the Court has its seat.

Article 26

1. Where, by reason of a Judge being absent or prevented from attending or in consequence of the circumstances referred to in the second subparagraph of Article 24 (2) of these Rules, there is an even number of Judges, the most junior Judge within the meaning of Article 4 of these Rules shall abstain from taking part in the deliberations.

2. If after the Court has been convened it is found that the quorum of five Judges has not been attained, the President shall adjourn the sitting until there is a quorum.

3. If in any Chamber the quorum of three Judges has not been attained, the President of that Chamber shall so inform the President of the Court who shall designate another Judge to replace the Judge who is prevented from attending.

Article 27

1. Deliberations of the Court and Chambers shall take place in the Deliberation Room.

2. Only those Judges who were present at the oral proceedings and the Assistant Rapporteur, if any, entrusted with the consideration of the case may take part in the deliberations.

3. Every Judge taking part in the deliberations shall give his view and the reasons for it.

4. Any Judge may require that any question be formulated in the official languages of his choice and be communicated in writing to the Court or Chamber before being put to the vote.

5. The opinion reached by the majority of the Judges after final discussion shall determine the decision of the Court. Votes shall be cast in reverse order to the order of precedence laid down in Article 4 of these Rules.

6. Differences of view on the substance, wording or order of questions, or on the interpretation of the voting shall be settled by decision of the Court or Chamber.

7. Where the deliberations of the Court concern questions of its own administration, the Advocates-General shall take part and have a vote. The Registrar shall be present, unless the Court decides to the contrary.

8. Where the Court sits without the Registrar being present it shall, if necessary, instruct the most junior Judge within the meaning of Article 4 of these Rules to draw up minutes. The minutes shall be signed by this Judge and by the President.

Article 28

1. Subject to any special decision of the Court, its vacations shall be as follows:

from 18 December to 10 January;

from the Sunday before Easter to the second Sunday after Easter;

from 15 July to 15 September.

During the vacations, the functions of President shall be exercised at the place where the Court has its seat either by the President himself, keeping in touch with the Registrar, or by a President of a Chamber or by such other Judge as he may invite to take his place.

2. In a case of urgency, the President may convene the Judges and the Advocates-General during the vacations.

3. The Court shall observe the official holidays of the place where it has its seat.

4. The Court may, in proper circumstances, grant leave of absence to any Judge or Advocate-General.

Chapter 8

LANGUAGES

Article 29

1. The official languages of the Court shall be Dutch, French, German and Italian.

One of the official languages shall be the language of each case.

2. The language of the case shall be chosen by the applicant, except that:

(a) Where the application is made against 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 parties, the Court may authorize another official language to be used as the language of the case.

(c) At the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the Court or Chamber may, by way of derogation from subparagraphs (a) and (b), authorize another official language to be used as the language of the case for all or part of the proceedings; such a request may not be submitted by an institution of the European Communities.

Where Article 103 of these Rules applies, the language of the case shall be the language of the national court or tribunal which refers the matter to the Court.

3. The language of the case shall in particular be used not only in parties' written statements and oral addresses to the Court and in supporting documents but also in the minutes and decisions of the Court.

Supporting documents expressed in any other language must be accompanied by a translation into the language of the case.

In the case of long documents translations may be confined to extracts. However, the Court or Chamber may, of its own motion or at the request of a party, at any time call for a complete or fuller translation.

4. Where a witness or expert states that he is unable adequately to express himself in an official language, the Court or Chamber may authorize him

to give his evidence in another language. The Registrar shall arrange for translation into the language of the case.

5. The President of the Court and Presidents of Chambers in conducting oral proceedings, the Judge-Rapporteur both in his preliminary report and in his report at the hearing, Judges and Advocates-General in putting questions and Advocates-General in making their submissions may all use an official language other than the language of the case. The Registrar shall arrange for translation into the language of the case.

Article 30

1. 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 Court or Chamber to be translated into the official languages specified in the request.

2. Publications of the Court shall be issued in the official languages.

Article 31

Texts of documents drawn up in the language of the case or in any other language authorized by the Court pursuant to Article 29 (4) of these Rules shall be authentic.

Chapter 9

RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS

Article 32

1. Agents representing a State or an institution, as well as advisers and lawyers, appearing before the Court or before any judicial authority to whom the Court 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 enjoy the following further privileges and facilities:

(a) 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 Court for inspection in the presence of the Registrar and of the person concerned.

(b) Agents, advisers and lawyers shall be entitled to such allocation of foreign currency as may be necessary for the performance of their duties.

(c) Agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

Article 33

In order to qualify for the privileges, immunities and facilities specified in Article 32, persons entitled to them shall furnish proof of their status as follows:

(a) Agents shall produce an official document issued by the State or institution which they represent; a copy of this document shall be forwarded without delay to the Registrar by the State or institution concerned.

(b) Advisers and lawyers shall produce a certificate signed by the Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.

Article 34

The privileges, immunities and facilities specified in Article 32 of these Rules are granted exclusively in the interests of the proper conduct of proceedings.

The Court may waive the immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 35

1. Any adviser or lawyer whose conduct towards the Court, a Chamber, a Judge, an Advocate-General or the Registrar is incompatible with the dignity of the Court, or who uses his rights for purposes other than those for which they were granted, may at any time be excluded from the proceedings by an order of the Court or Chamber, after the Advocate-General has been heard; the person concerned shall be given an opportunity to defend himself.

The order shall have immediate effect.

2. Where an 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 adviser or lawyer.

3. Decisions taken under this Article may be rescinded.

Article 36

The provisions of this Chapter shall apply to university teachers who have a right of audience before the Court in accordance with Article 20 of the ECSC Statute and Article 17 of the EEC and EAEC Statutes.

TITLE 2

PROCEDURE

Chapter 1

WRITTEN PROCEDURE

Article 37

1. The original of every pleading shall be signed by the party's agent or lawyer.

It shall be lodged together with two copies for the Court and a copy for every other party to the proceedings. Copies shall be certified by the party lodging them.

2. Institutions shall, in addition, produce, within time limits laid down by the Court, translations of all pleadings into the other official languages. The second subparagraph of paragraph 1 of this Article shall apply in a corresponding manner.

3. All pleadings shall bear a date. In the reckoning of time limits for taking steps in proceedings, the only relevant date shall be that of lodgment at the Registry.

4. To every pleading there shall be annexed a file containing the documents relied on in support of it, together with a schedule listing them.

5. Where in view of the length of a document only extracts from it are annexed to the pleading, the whole document or a full copy of it shall be lodged at the Registry.

Article 38

1. An application of the kind referred to in Article 22 of the ECSC Statute and Article 19 of the EEC and EAEC Statutes shall contain:

(a) the name and permanent residence of the applicant;

(b) the name of the party against whom the application is made;

(c) the subject matter of the dispute and a brief statement of the grounds on which the application is based;

(d) the submissions of the applicant;

(e) an indication of any evidence founded upon.

2. For the purpose of the proceedings, the application shall state an address for service in the place where the Court has its seat. It shall also give the name of a person who is authorized and has expressed willingness to accept service.

3. The lawyer acting for a party must lodge at the Registry a certificate that he is entitled to practise before a Court of a Member State.

4. The application shall be accompanied, where appropriate, by the documents specified in the second paragraph of Article 22 of the ECSC Statute and in the second paragraph of Article 19 of the EEC and EAEC Statutes.

5. An application made by a legal person governed by private law shall be accompanied by:

(a) the instrument or instruments constituting and regulating that legal person;

(b) proof that the authority granted to the applicant's lawyer has been properly conferred on him by someone authorized for the purpose.

6. An application submitted under Articles 42 and 89 of the ECSC Treaty, Articles 181 and 182 of the EEC Treaty and Articles 153 and 154 of the EAEC Treaty shall be accompanied by a copy of the arbitration clause contained in the contract governed by private or public law entered into by the Communities or on their behalf, or, as the case may be, by a copy of the special agreement concluded between the Member States concerned.

7. If an application does not comply with the requirements set out in paragraphs 2 to 6 of this Article, the Registrar shall prescribe a reasonable

period within which the applicant is to comply with them whether by putting the application itself in order or by producing any of the abovementioned documents. If the applicant fails to put the application in order or to produce the required documents within the time prescribed, the Court shall, after hearing the Advocate-General, decide whether to reject the application on the ground of want of form.

Article 39

The application shall be served on the defendant. In a case where Article 38 (7) applies, service shall be effected as soon as the application has been put in order or the Court has declared it admissible notwithstanding the failure to observe the formal requirements set out in that Article.

Article 40

1. Within one month after service on him of the application, the defendant shall lodge a statement of defence, containing:

(a) the name and permanent residence of the defendant;

(b) the points of fact and law relied on;

(c) the submissions of the defendant;

(d) an indication of the evidence founded upon.

The provisions of Article 38 (2) to (5) of these Rules shall apply in a corresponding manner to the statement of defence.

2. The time limit laid down in paragraph 1 of this Article may be extended by the President on a reasoned application by the defendant.

Article 41

1. The application originating the proceedings and the statement of defence may be supplemented by a reply from the applicant and by a rejoinder from the defendant.

2. The President shall fix the time limits within which these pleadings are to be lodged.

Article 42

1. In reply or rejoinder a party may indicate further evidence. The party must however explain the delay in indicating it.

2. No fresh issue may be raised 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 written procedure.

If in the course of the written procedure one of the parties raises a fresh issue which is so based, the President may, even after the expiry of the normal procedural time limits, acting on a report of the Judge-Rapporteur and after hearing the Advocate-General, allow the other party time to answer on that issue.

The decision on the admissibility of the issue shall be reserved for the final judgment.

Article 43

The Court may, at any time, after hearing the parties and the Advocate-General, order that for the purpose of the written or oral proceedings or of its final judgment, a number of related cases concerning the same subject matter shall be dealt with jointly. The decision to join the cases may subsequently be rescinded.

Article 44

1. After the rejoinder provided for in Article 41 (1) of these Rules has been lodged, the President shall fix a date on which the Judge-Rapporteur is to present his preliminary report as to whether a preparatory inquiry is necessary. The Court shall decide the question after hearing the Advocate-General. The same procedure shall apply:

(a) where no reply or no rejoinder has been lodged within the time limit fixed in accordance with Article 41 (2) of these Rules;

(b) where the party concerned waives his right to lodge a reply or rejoinder.

2. Where the Court orders a preparatory inquiry and does not undertake it itself, it shall assign the inquiry to the Chamber.

Where the Court decides to open the oral procedure without an inquiry, the President shall fix the opening date.

Chapter 2

PREPARATORY INQUIRIES

Section 1 — Measures of Inquiry

Article 45

1. The Court after hearing the Advocate-General shall, by an order setting out the facts to be proved, determine the measures of inquiry to be adopted. The order shall be served on the parties.

2. Without prejudice to Articles 24 and 25 of the ECSC Statute, Articles 21 and 22 of the EEC Statute or Articles 22 and 23 of the EAEC Statute, the following measures of inquiry may be adopted:

(a) the personal appearance of the parties;

(b) a request for information and production of documents;

(c) oral testimony;

(d) experts' reports;

(e) an inspection of the place or thing in question.

3. The measures of inquiry which the Court has ordered may be conducted by the Court itself, or be assigned to the Judge-Rapporteur.

The Advocate-General shall take part in the measures of inquiry.

4. Evidence may be submitted in rebuttal and previous evidence may be amplified.

Article 46

1. A Chamber to which a preparatory inquiry has been assigned may exercise the powers vested in the Court by Articles 45 and 47 to 53 of these Rules; the powers vested in the President of the Court may be exercised by the President of the Chamber.

2. Articles 56 and 57 of these Rules shall apply in a corresponding manner to proceedings before the Chamber.

3. The parties may be present at the measures of inquiry.

Section 2 — The summoning and examination of witnesses and experts

Article 47

1. The Court may, either of its own motion or on application by a party, and after hearing the Advocate-General, order that certain facts be proved by witnesses. The order of the Court shall set out the facts to be proved.

Witnesses may be summoned by the Court either of its own motion or on the application by a party or by the Advocate-General.

An application by a party for the examination of a witness shall state about what facts and for what reasons the witness should be examined.

2. The witness shall be summoned by an order of the Court containing the following information:

(a) the surname, forenames, description and address of the witness;

(b) an indication of the facts about which the witness is to be examined;

(c) where appropriate, particulars of the arrangements made by the Court for reimbursement of expenses incurred by the witness, and of the penalties which may be imposed on defaulting witnesses.

The order shall be served on the parties and the witness.

3. The Court may make the summoning of a witness for whose examination a party has applied conditional upon the deposit with the Cashier of the Court of a sum sufficient to cover the taxed costs thereof; the Court shall fix the amount of the payment.

The Cashier shall advance the funds necessary in connection with the examination of any witness summoned by the Court of its own motion.

4. After the identity of each witness has been established, the President shall inform him that he will be required to give his evidence on oath.

The witness shall give his evidence to the Court, the parties having been given notice to attend. After the witness has given his main evidence the President may, at the request of a party or of his own motion, put questions to him.

The other Judges and the Advocate-General may do likewise.

5. After giving his evidence, the witness shall take the following oath:

'I swear that I have spoken the truth, the whole truth and nothing but the truth.'

The oath may be taken in the manner laid down by the law of the witness's country.

The Court may, with the agreement of the parties, excuse the witness from taking the oath.

6. Under the President's direction, the Registrar shall draw up minutes of the evidence of each witness. The minutes shall be read out and signed by the witness, by the President or Judge-Rapporteur and by the Registrar. They shall constitute an official record.

Article 48

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.

2. If a witness who has been duly summoned fails to appear before the Court, the Court may impose upon him a pecuniary penalty not exceeding 250 EMA units of account and may order that a further summons be served on the witness at his own expense.

The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath.

3. If a witness upon whom a penalty has been imposed proffers a valid excuse to the Court, the penalty may be cancelled.

4. Penalties imposed and other measures ordered under this Article shall be enforced in accordance with Articles 44 and 92 of the ECSC Treaty, Articles 187 and 192 of the EEC Treaty and Articles 159 and 164 of the EAEC Treaty.

Article 49

1. The Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time limit within which he is to make his report.

2. The expert shall receive a copy of the order together with all the documents necessary for carrying out his task. He shall be under the supervision of the Judge-Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

3. At the request of the expert, the Court may order the examination of witnesses. Their examination shall be carried out in accordance with Article 47 of these Rules.

4. The expert may give his opinion only on points which have been expressly referred to him.

5. After the expert has made his report, the Court may order that he be examined, the parties having been given notice to attend.

6. After making his report, the expert shall take the following oath before the Court:

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

The oath may be taken in the manner laid down by the law of the expert's country.

The Court may, with the agreement of the parties, excuse the expert from taking the oath.

Article 50

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

2. An objection to a witness or to 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 any evidence founded upon.

Article 51

1. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses. The Cashier of the Court may make a payment to them towards these expenses in advance.

2. Witnesses shall be entitled to compensation for loss of earnings, and experts to fees for their services.

The Cashier of the Court shall pay witnesses and experts their compensation or fees after they have carried out their respective duties or tasks.

Article 52

The Court may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts, as provided for in the supplementary rules mentioned in Article 109 of these Rules.

Article 53

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

2. The parties may inspect the minutes and any expert's report at the Registry and obtain copies at their own expense.

Section 3 — Closure of the Preparatory Inquiry

Article 54

Unless the Court prescribes a period within which the parties may lodge written observations, the President

shall fix the date for the opening of the oral procedure after the preparatory inquiry has been completed.

Where a period has been prescribed for the lodging of written observations, the President shall fix the date for the opening of the oral procedure after that period has expired.

Chapter 3

ORAL PROCEDURE

Article 55

1. Subject to the priority of decisions provided for in Article 85 of these Rules, the Court shall deal with the cases before it in the order in which the preparatory inquiries in them have been completed. Where the preparatory inquiries in several cases are completed simultaneously, the order in which they are to be dealt with shall be determined by the dates of entry in the register of the applications originating them respectively.

The President may in special circumstances order that a case be given priority over others.

2. On a joint application by the parties the President may order that a case in which the preparatory inquiry has been completed be deferred. In the absence of agreement between the parties the President shall refer the matter for a decision by the Court.

Article 56

1. The proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

2. The oral proceedings in cases which are heard in camera shall not be published.

Article 57

The President may in the course of the hearing put questions to the agents, advisers or lawyers of the parties.

The other Judges and the Advocate-General may do likewise.

Article 58

A party may address the Court only through his agent, adviser or lawyer.

Article 59

1. The Advocate-General shall make his reasoned oral submissions at the end of the oral procedure.

2. After the Advocate-General has made his submissions, the President shall declare the oral procedure closed.

Article 60

The Court may at any time order any measure of inquiry to be taken or that a previous inquiry be repeated or expanded. The Court may direct the Chamber or the Judge-Rapporteur to carry out the measures so ordered.

Article 61

The Court may order the reopening of the oral procedure.

Article 62

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

2. The parties may inspect the minutes at the Registry and obtain copies at their own expense.

Chapter 4

JUDGMENTS

Article 63

The judgment shall contain:

— a statement that it is the judgment of the Court;

— the date of its delivery;

— the names of the President and of the Judges taking part in it;

— the name of the Advocate-General;

— the name of the Registrar;

— the description of the parties;

— the names of the agents, advisers and lawyers of the parties;

— the submissions of the parties;

— a statement that the Advocate-General has been heard;

— a summary of the facts;

— the grounds for the decision;

— the operative part of the judgment, including the decision as to costs.

Article 64

1. The judgment shall be delivered in open court; the parties shall be given notice to attend to hear it.

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; the parties shall be served with certified copies of the judgment.

3. The Registrar shall record on the original of the judgment the date on which it was delivered.

Article 65

The judgment shall be binding from the date of its delivery.

Article 66

1. Without prejudice to the provisions relating to the interpretation of judgments the Court may, of its own motion or on application by a party made within two weeks after the delivery of a judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.

2. The parties, whom the Registrar shall duly notify, may lodge written observations within a period prescribed by the President.

3. The Court shall make its decision in the Deliberation Room after hearing the Advocate-General.

4. The original of the rectification order shall be annexed to the original of the rectified judgment. A note of this order shall be made in the margin to the original of the rectified judgment.

Article 67

If the Court should omit to give a decision on a particular head of the submissions or on costs, any party may within a month after service of the judgment apply to the Court to supplement its judgment.

The application shall be served on the opposite party and the President shall prescribe a period within which that party may lodge written observations.

After these observations have been lodged, the Court shall, after hearing the Advocate-General, decide both on the admissibility and on the merits of the application.

Article 68

The Registrar shall arrange for the publication of reports of cases before the Court.

Chapter 5

COSTS

Article 69

1. The Court shall give a decision as to costs in its final judgment or in the order which closes the proceedings.

2. The unsuccessful party shall be ordered to pay the costs if they have been asked for in the successful party's pleading.

Where there are several unsuccessful parties the Court shall decide how the costs are to be shared.

3. Where each party succeeds on some and fails on other heads, or where the circumstances are exceptional, the Court may order that the parties bear their own costs in whole or in part.

The Court may order even a successful party to pay costs which the Court considers that party to have unreasonably or vexatiously caused the opposite party to incur.

4. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs, unless the discontinuance or withdrawal is justified by the conduct of the opposite party.

If the opposite party has not asked for costs, the parties shall bear their own costs.

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

Article 70

Without prejudice to the second subparagraph of Article 69 (3) of these Rules, in proceedings under Article 95 (1) of these Rules, institutions shall bear their own costs.

Article 71

Costs necessarily incurred by a party in enforcing a judgment or order of the Court shall be refunded by the opposite party on the scale in force in the State where the enforcement takes place.

Article 72

Proceedings before the Court shall be free of charge, except that:

(a) where a party has caused the Court to incur avoidable costs the Court may, after hearing the Advocate-General, 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 scale of charges referred to in Article 15 (5) of these Rules.

Article 73

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

(a) sums payable to witnesses and experts under Article 51 of these Rules;

(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 74

1. If there is a dispute concerning the costs to be recovered, the Chamber to which the case has been assigned shall, on application by the party concerned and after hearing the opposite party and the Advocate-General, make an order, from which no appeal shall lie.

2. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

Article 75

1. Sums due from the Cashier of the Court shall be paid in the currency of the country where the Court has its seat.

At the request of the person entitled to any sum, it shall be paid in the currency of the country where the expenses to be refunded were incurred or where the steps in respect of which payment is due were taken.

2. Other debtors shall make payment in the currency of their country of origin.

3. Conversions of currency shall be made at the official rates of exchange ruling on the day of payment in the country where the Court has its seat.

Chapter 6

LEGAL AID

Article 76

1. A party who is wholly or in part unable to meet the cost of the proceedings may at any time apply for legal aid.

The application shall be accompanied by evidence of the applicant's need of assistance, and in particular by a document from the competent authority certifying his lack of means.

2. If the application is made prior to proceedings which the applicant wishes to commence, it shall briefly state the subject of such proceedings.

The application need not be made through a lawyer.

3. The President shall designate a Judge to act as Rapporteur. The Chamber to which the latter belongs shall, after considering the written observations of the opposite party and after hearing the Advocate-General, decide whether legal aid should be granted in full or in part, or whether it should be refused. Where there is manifestly no cause of action, legal aid shall be refused.

The Chamber shall make an order without giving reasons, and no appeal shall lie therefrom.

4. The Chamber may at any time, either of its own motion or on application, withdraw legal aid if the circumstances which led to its being granted alter during the proceedings.

5. Where legal aid is granted, the Cashier of the Court shall advance the funds necessary to meet the expenses.

In its decision as to costs the Court shall order sums equal to the amounts paid out as legal aid to be paid over to the Cashier of the Court.

The Registrar shall take steps to obtain the recovery of these sums from the party ordered to pay them.

Chapter 7

DISCONTINUANCE

Article 77

If, before the Court has given its decision, the parties reach a settlement of their dispute and intimate to the Court the abandonment of their claims, the Court shall order the case to be removed from the register.

This provision shall not apply to proceedings under Articles 33 and 35 of the ECSC Treaty, Articles 173 and 175 of the EEC Treaty or Articles 146 and 148 of the EAEC Treaty.

Article 78

If the applicant informs the Court in writing that he wishes to discontinue the proceedings, the Court shall order the case to be removed from the register.

Chapter 8

SERVICE

Article 79

1. Where these Rules require that a document be served on a person, the Registrar shall ensure that service is effected at that person's address for service either by the dispatch of a copy of the document by registered post with a form for acknowledgment of receipt or by personal delivery of the copy against a receipt.

The Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with Article 37 (1) of these Rules.

2. The official record of dispatch together with the acknowledgment or the receipt shall be annexed to the original of the document.

Chapter 9

TIME LIMITS

Article 80

1. In the reckoning of any period of time prescribed by the ECSC, EEC or EAEC Treaties, the Statutes of the Court or these Rules for the taking of any procedural step, the day of the event from which the period is to run shall be excluded.

Time shall continue to run during vacations.

2. If the period would otherwise end on a Sunday or on an official holiday it shall be extended until the end of the first following working day.

A list of official holidays drawn up by the Court shall be published in the *Official Journal of the European Communities*.

Article 81

1. The period of time allowed for commencing proceedings against a measure adopted by an institution shall run from the day following the receipt by the person concerned of notification of the measure or, where the measure is published, from the fifteenth day after publication thereof in the *Official Journal of the European Communities*.

2. The extension, on account of distance, of prescribed time limits shall be provided for in a decision of the Court which shall be published in the *Official Journal of the European Communities*.

Article 82

Any time limit prescribed pursuant to these Rules may be extended by whoever prescribed it.

TITLE 3

SPECIAL FORMS OF PROCEDURE

Chapter 1

SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 83

1. An application to suspend the operation of any measure adopted by an institution, made pursuant to the second paragraph of Article 39 of the ECSC Treaty, Article 185 of the EEC Treaty or Article 157 of the EAEC Treaty, shall be admissible only if the applicant is challenging that measure in proceedings before the Court.

An application for the adoption of any other interim measure referred to in the third paragraph of Article 39 of the ECSC Treaty, Article 186 of the EEC

Treaty or Article 158 of the EAEC Treaty shall be admissible only if it is made by a party to a case before the Court and relates to that case.

2. An application of a kind referred to in paragraph 1 of this Article shall state the subject matter of the dispute, the circumstances giving rise to urgency and the factual and legal grounds establishing a prima facie case for the interim measures applied for.

3. The application shall be made by a separate document and in accordance with the provisions of Articles 37 and 38 of these Rules.

Article 84

1. The application shall be served on the opposite party, and the President shall prescribe a short period within which that party may submit written or oral observations.

2. The President may order a preparatory inquiry.

The President 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.

Article 85

The President shall either decide on the application himself or refer it to the Court.

If the President is absent or prevented from attending, Article 7 (2) of these Rules shall apply in a corresponding manner.

Where the application is referred to it, the Court shall postpone all other cases, and shall give a decision after hearing the Advocate-General. Article 84 shall apply in a corresponding manner.

Article 86

1. The decision on the application shall take the form of a reasoned order, from which no appeal shall lie. The order shall be served on the parties forthwith.

2. The enforcement 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 when final judgment is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision of the Court on the substance of the case.

Article 87

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

Article 88

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

Article 89

The provisions of this Chapter shall apply in a corresponding manner to applications to suspend the enforcement of a decision of the Court or of any measure adopted by another institution, submitted pursuant to Articles 44 and 92 of the ECSC Treaty, Articles 187 and 192 of the EEC Treaty or Articles 159 and 164 of the EAEC Treaty.

The order granting the application shall fix a date on which the interim measure is to lapse.

Article 90

1. An application of a kind referred to in the third and fourth paragraphs of Article 81 of the EAEC Treaty shall contain:

(a) the names and addresses of the persons or undertakings to be inspected;

(b) an indication of what is to be inspected and of the purpose of the inspection.

2. The President shall give his decision in the form of an order. Article 86 of these Rules shall apply in a corresponding manner.

If the President is absent or prevented from attending, Article 7 (2) of these Rules shall apply in a corresponding manner.

Chapter 2

PROCEDURAL ISSUES

Article 91

1. A party wishing to apply to the Court for a decision on a preliminary objection or on any other procedural issue shall make the application by a separate document.

The application must set out the grounds of fact and law relied on and the applicant's submissions; any supporting documents must be annexed to it.

2. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party is to lodge a document containing that party's submissions and the grounds for them.

3. Unless the Court decides otherwise, the remainder of the proceedings shall be oral.

4. The Court shall, after hearing the Advocate-General, decide on the application or reserve its decision for the final judgment.

If the Court refuses the application or reserves its decision, the President shall prescribe new time limits for the further steps in the proceedings.

Article 92

The Court may at any time of its own motion consider whether there exists any absolute bar to proceeding with a case, and shall give its decision in accordance with Article 91 (3) and (4) of these Rules.

Chapter 3

INTERVENTION

Article 93

1. An application to intervene must be made before the opening of the oral procedure.

2. The application shall contain:

(a) the description of the case;

(b) the description of the parties;

(c) the name and permanent residence of the intervener;

(d) the reasons for the intervener's interest in the result of the case, having regard to Article 37 of the EEC Statute and Article 38 of the EAEC Statute;

(e) submissions supporting or opposing the submissions of a party to the original case;

(f) an indication of any evidence founded upon and, in an annex, the supporting documents;

(g) the intervener's address for service at the place where the Court has its seat.

The intervener shall be represented in accordance with the first and second paragraphs of Article 20 of the ECSC Statute and with Article 17 of the EEC and EAEC Statutes.

Articles 38 and 39 of these Rules shall apply in a corresponding manner.

3. The application shall be served on the parties to the original case. The Court shall give the parties an opportunity to submit their written or oral observations and shall, after hearing the Advocate-General, give its decision in the form of an order.

4. If the Court allows the intervention, the intervener shall receive a copy of every document served on the parties.

5. The intervener must accept the case as he finds it at the time of his intervention.

The President shall prescribe a period within which the intervener is to state in writing the grounds for his submissions, and a period within which the parties to the original case may answer them.

Chapter 4

JUDGMENTS BY DEFAULT AND APPLICATIONS TO SET THEM ASIDE

Article 94

1. If a defendant on whom an application originating proceedings has been duly served fails to lodge an answer to the application in the proper form within the time prescribed, the applicant may apply for judgment by default.

The application shall be served on the defendant. The President shall fix a date for the opening of the oral procedure.

2. Before giving judgment by default the Court shall, after hearing the Advocate-General, consider whether the originating application is admissible, whether the appropriate formalities have been complied with, and whether the applicant's submissions appear well founded. The Court may order a preparatory inquiry.

3. A judgment by default shall be enforceable. The Court may, however, grant a stay of execution until the Court has given its decision on any application under paragraph 4 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.

4. Application may be made to set aside a judgment by default.

The application to set aside the judgment must be made within one month from the date of service of the judgment and must be lodged in the form prescribed by Articles 37 and 38 of these Rules.

5. After the application has been served, the President shall prescribe a period within which the other party may submit his written observations.

The proceedings shall be conducted in accordance with Articles 44 et seq. of these Rules.

6. The Court shall decide by way of a judgment which may not be set aside.

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 to the original of the judgment by default.

Chapter 5

PROCEEDINGS BY SERVANTS OF THE COMMUNITIES

Article 95

1. Proceedings commenced by an official or other servant of an institution against the institution shall, with the exception of applications for the adoption of interim measures, be tried by a Chamber designated each year by the Court for that purpose.

These Rules shall apply in a corresponding manner to the proceedings before the Chamber. The powers of the President of the Court may be exercised by the President of the Chamber.

2. The Chamber may refer the case to the Court.

Article 96

1. Where an application for the adoption of any interim measure is made to the President in the course of proceedings under Article 95 (1) of these Rules but the President is absent or prevented from hearing the application, his place shall be taken by the President of the designated Chamber.

2. Without prejudice to his power of referral under Article 85 of these Rules, the President may refer the application to the designated Chamber.

Chapter 6

EXCEPTIONAL REVIEW PROCEDURES

Section 1 — Third party proceedings

Article 97

1. Articles 37 and 38 of these Rules shall apply in a corresponding manner to an application originating third party proceedings. In addition such an application shall:

(a) specify the judgment contested;

(b) state how that judgment is prejudicial to the rights of the third party;

(c) indicate the reasons why the third party was unable to take part in the original case.

The application must be made against all the parties to the original case.

Where the judgment has been published in the *Official Journal of the European Communities*, the application must be lodged within two months of the publication.

2. The Court may, on application by the third party, order a stay of execution of the judgment. The provisions of Title 3, Chapter 1, of these Rules shall apply in a corresponding manner.

3. The contested judgment shall be varied on the points on which the submissions of the third party are upheld.

The original of the judgment in the third party proceedings shall be annexed to the original of the contested judgment. A note of the judgment in the third party proceedings shall be made in the margin to the original of the contested judgment.

Section 2 — Revision

Article 98

An application for revision of a judgment shall be made within three months of the date on which the applicant receives knowledge of the facts on which the application is based.

Article 99

1. Articles 37 and 38 of these Rules shall apply in a corresponding manner to an application for revision. In addition such an application shall:

(a) specify the judgment contested;

(b) indicate the points on which the judgment is contested;

(c) set out the facts on which the application is based;

(d) indicate the nature of the evidence to show that there are facts justifying revision of the judgment, and that the time limit laid down in Article 98 has been observed.

2. The application must be made against all parties to the case in which the contested judgment was given.

Article 100

1. Without prejudice to its decision on the merits, the Court sitting in the Deliberation Room shall, after hearing the Advocate-General and having regard to the written observations of the parties, give in the form of a judgment its decision on the admissibility of the application.

2. If the Court finds the application admissible, it shall proceed to consider the merits of the application and shall give its decision in the form of a judgment in accordance with these Rules.

3. The original of the revising judgment shall be annexed to the original of the judgment revised. A note of the revising judgment shall be made in the margin to the original of the judgment revised.

Chapter 7

APPEALS AGAINST DECISIONS OF THE ARBITRATION COMMITTEE

Article 101

1. An application originating an appeal under the second paragraph of Article 18 of the EAEC Treaty shall contain:

(a) the name and permanent address of the applicant;

(b) the description of the signatory;

(c) a reference to the Arbitration Committee's decision against which the appeal is made;

(d) the description of the parties;

(e) a summary of the facts;

(f) the submissions of the applicant and the grounds for them.

2. Articles 37 (3) and (4) and 38 (2), (3) and (5) of these Rules shall apply in a corresponding manner. A certified copy of the contested decision shall be annexed to the application.

3. As soon as the application has been lodged, the Registrar of the Court shall request the Arbitration Committee Registry to transmit to the Court the papers in the case.

4. Articles 39, 40, 55 et seq. of these Rules shall apply in a corresponding manner to these proceedings.

5. The Court shall give its decision in the form of a judgment. Where the Court sets aside the decision of the Arbitration Committee it may remit the case to the Committee.

Chapter 8

INTERPRETATION OF JUDGMENTS

Article 102

1. An application for interpretation of a judgment shall be made in accordance with Articles 37 and 38 of these Rules. In addition it shall specify:

(a) the judgment in question;

(b) the passages whose interpretation is sought.

The application must be made against all the parties to the case in which the judgment was given.

2. The Court shall give its decision in the form of a judgment after having given the parties an opportunity to submit their observations and after hearing the Advocate-General.

The original of the interpreting judgment shall be annexed to the original of the judgment interpreted. A note of the interpreting judgment shall be made in the margin to the original of the judgment interpreted.

Chapter 9

PRELIMINARY RULINGS

Article 103

1. In cases referred to in Article 20 of the EEC Statute and Article 21 of the EAEC Statute, the provisions of Articles 44 et seq. of these Rules shall apply in a corresponding manner after the written statements of case or written observations provided for in those Articles 20 and 21 have been lodged.

The same provisions shall apply even where such documents are not lodged within the time prescribed

in those Articles 20 and 21, or where the parties, the Member States, the Commission or, as the case may be, the Council declare an intention to dispense with them.

2. In cases provided for in Article 41 of the ECSC Treaty, the text of the decision to refer the matter shall be served on the parties in the case, the Member States, the High Authority and the Special Council of Ministers.

These parties, States and institutions may, within two months from the date of such service, lodge written statements of case or written observations.

After these documents have been lodged, or where they have not been lodged within the time prescribed in the preceding subparagraph, the procedure shall follow Articles 44 et seq. of these Rules.

Chapter 10

SPECIAL PROCEDURES UNDER ARTICLES 103 TO 105 OF THE EAEC TREATY

Article 104

1. Four certified copies shall be lodged of an application under the third paragraph of Article 103 of the EAEC Treaty. The Commission shall be served with a copy.

2. The application shall be accompanied by the draft of the agreement or contract in question, by the observations of the Commission addressed to the State concerned and by all other supporting documents.

The Commission shall submit its observations to the Court within a period of ten days, which may be extended by the President after the State concerned has been heard.

A certified copy of the observations shall be served on that State.

3. As soon as the application has been lodged, the President shall designate a Judge to act as Rapporteur.

4. The decision shall be taken in the Deliberation Room after the Advocate-General has been heard.

The agents and advisers of the State concerned and of the Commission shall be heard if they so request.

Article 105

1. In cases provided for in the last paragraph of Article 104 and the last paragraph of Article 105 of the EAEC Treaty, the provisions of Articles 37 et seq. of these Rules shall apply in a corresponding manner.

2. The application shall be served on the State to which the respondent person or undertaking belongs.

Chapter 11

OPINIONS

Article 106

1. A request by the Council for an opinion under Article 228 of the EEC Treaty shall be served on the Commission. Such a request by the Commission shall be served on the Council and on the Member States. Such a request by a Member State shall be served on the Council, the Commission and the other Member States.

The President shall prescribe a period within which the institutions and Member States which have been served with a request may submit their written observations.

2. The opinion may deal not only with the question whether the envisaged agreement is compatible with the provisions of the EEC Treaty but also with the question whether the Community or any Community institution has the power to enter into that agreement.

Article 107

1. As soon as the request for an opinion has been lodged, the President shall designate a Judge to act as Rapporteur.

2. The Court sitting in the Deliberation Room shall, after hearing the Advocate-General, deliver a reasoned opinion.

3. The opinion signed by the President, by the Judges who took part in the deliberations and by the Registrar shall be served on the Council, the Commission and the Member States.

Article 108

Requests for the opinion of the Court under the fourth paragraph of Article 95 of the ECSC Treaty shall be submitted jointly by the High Authority and the Special Council of Ministers.

The opinion shall be delivered in accordance with the provisions of the preceding Article. It shall be communicated to the High Authority, the Special Council of Ministers and the European Parliament.

FINAL PROVISIONS

Article 109

Subject to the provisions of Article 188 of the EEC Treaty and Article 160 of the EAEC Treaty and after consultation with the governments concerned, the Court shall adopt supplementary rules concerning its own practice in relation to:

(a) letters rogatory;

(b) applications for legal aid;

(c) reports of violation of oath by witnesses or experts, delivered pursuant to Article 28 of the ECSC and EAEC Statutes and Article 27 of the EEC Statute.

Article 110

Upon entry into force of these rules the following shall be repealed:

(a) The Rules of the Court of Justice of the European Coal and Steel Community, adopted on 4 March 1953 and published in the *Official Journal of the European Coal and Steel Community* on 7 March 1953;

(b) The Additional Rules of the Court of Justice of the European Coal and Steel Community, adopted on 31 March 1954 and published in the *Official Journal of the European Coal and Steel Community* on 7 April 1954;

(c) The Rules of the Court of Justice of the European Coal and Steel Community on Costs, adopted on 19 May 1954 and published in the *Official Journal of the European Coal and Steel Community* on 26 May 1954;

(d) The Rules of Procedure of the Court of Justice of the European Coal and Steel Community for Disputes referred to in Article 58 of the Staff Regulations of the Community, adopted on 21 February 1957 and published in the *Official Journal of the European Coal and Steel Community* on 11 March 1957.

Article 111

These Rules shall not apply to proceedings commenced before they enter into force.

Article 112

These Rules, drawn up in the official languages, shall be published in the *Official Journal of the European Communities*, the four texts being authentic.

Done at Luxembourg, 3 March 1959.

ANNEX I

DECISION ON OFFICIAL HOLIDAYS

THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES,

Having regard to Article 80 (2) of the Rules of Procedure requiring the Court to draw up a list of official holidays;

HAS DECIDED AS FOLLOWS:

Article 1

For the purposes of Article 80 (2) of the Rules of Procedure the following shall be official holidays:

New Year's Day

Easter Monday

1 May

Ascension Day

23 June

24 June, where 23 June is a Sunday

Whit Monday

15 August

1 November

25 December

26 December.

Article 2

Article 80 (2) of the Rules of Procedure shall apply only to the official holidays mentioned in Article 1 of this Decision.

Article 3

This Decision, which shall constitute Annex I to the Rules of Procedure, shall enter into force on the same day as those Rules.

It shall be published in the *Official Journal of the European Communities.*

Done at Luxembourg, 3 March 1959.

ANNEX II

DECISION ON EXTENSION OF TIME LIMITS ON ACCOUNT OF DISTANCE

THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES,

Having regard to Article 81 (2) of the Rules of Procedure relating to the extension of procedural time limits on account of distance;

HAS DECIDED AS FOLLOWS:

Article 1

In order to take account of distance, procedural time limits for all parties save those habitually resident in the Grand Duchy of Luxembourg shall be extended as follows:

For Belgium	2 days
For Germany, Metropolitan France and the Netherlands	6 days
For Italy	10 days
For other European Countries	15 days
For other Countries	one month

Article 2

This Decision, which shall constitute Annex II to the Rules of Procedure, shall enter into force on the same day as those Rules.

It shall be published in the *Official Journal of the European Communities.*

Done at Luxembourg, 3 March 1959.