



2024/2096

12.8.2024

DECISION OF THE GENERAL COURT
of 10 July 2024
on the lodging and service of procedural documents by means of e-Curia
[2024/2096]

THE GENERAL COURT,

Having regard to the Rules of Procedure of the General Court and, in particular, Article 56a(2) and (5) thereof,

Whereas:

- (1) In order to take account of developments in communication technology, an information technology application has been developed to allow the lodging and service of procedural documents by electronic means.
- (2) This application, which is based on an electronic authentication system using a combination of a user identification and a password, meets the requirements of authenticity, integrity and confidentiality of documents exchanged.
- (3) Having regard to the advantages of the immediacy of paperless communication offered by this application, its use has become mandatory for the lodging and service of procedural documents in direct actions before the General Court.
- (4) National courts or tribunals have the opportunity to lodge or to receive procedural documents using this application when the General Court is dealing with requests for a preliminary ruling.
- (5) In preliminary ruling cases, the interested persons referred to in Article 23 of the Statute also have the opportunity to use the application in question.
- (6) In the interests of the proper administration of justice – and for the purpose of dealing with preliminary ruling cases only – the same opportunity is to be given to persons who are authorised, under national procedural rules, to represent themselves or to represent a party before national courts or tribunals.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter and definitions

The information technology application known as ‘e-Curia’, common to the constituent courts of the Court of Justice of the European Union, allows the lodging and service of procedural documents by electronic means under the conditions laid down by this Decision.

The definitions set out in Article 1 of the Rules of Procedure shall apply to this Decision.

Article 2

Access to the application

Use of the e-Curia application shall require the opening of an access account and use of a personal user identification and password.

It is available to representatives of parties or, in the context of requests for a preliminary ruling, of the interested persons referred to in Article 23 of the Statute (‘representative’ account), to persons acting on behalf of a national court or tribunal (‘court’ account), or to persons who are authorised, under national procedural rules, to represent themselves or to represent a party before national courts or tribunals (‘authorised person’ account).

It is also available, on a complementary basis, to assistants mentioned by name by the holder of one of the above accounts ('assistant' account).

Article 3

Lodging of a procedural document

A procedural document shall be lodged via e-Curia where the personal user identification and password of the representative of a party or an interested person referred to in Article 23 of the Statute, of a person authorised to represent himself or to represent a party to the main proceedings, or of a person acting on behalf of a national court or tribunal have been used to effect the lodging. Use of that user identification and password shall constitute the signature of the document concerned.

Article 4

Annexes

A procedural document lodged via e-Curia must be accompanied by the annexes referred to therein and a schedule listing such annexes.

Article 5

Date and time of lodging

A procedural document shall be deemed to have been lodged for the purposes of Article 72(2) and Article 205(3) of the Rules of Procedure at the time of validation of the lodging of that document by the representative of a party or an interested person referred to in Article 23 of the Statute, by the person authorised to represent himself or to represent a party to the main proceedings, or by the person acting on behalf of the court or tribunal concerned.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

Article 6

Service of procedural documents

Procedural documents, including judgments and orders, shall be served via e-Curia on the holders of e-Curia accounts who, in a case, represent a party or an interested person referred to in Article 23 of the Statute or act on their own behalf or on behalf of a party to the main proceedings or on behalf of a national court or tribunal. Those documents shall also be served on holders of assistant accounts.

In the cases provided for by the Statute and by the Rules of Procedure, service on Member States, other States which are parties to the EEA Agreement, non-Member States, the institutions, and the EFTA Surveillance Authority shall be effected via e-Curia if the intended recipient has accepted this method of service.

Procedural documents may also be served in accordance with the other methods of transmission provided for by the Rules of Procedure if required because of the size or nature of the item or where the use of e-Curia is not possible for technical reasons.

Where the use of e-Curia is not possible for technical reasons and if urgency requires, the Registrar shall transmit the procedural documents by any means appropriate. That transmission must be followed by service via e-Curia as soon as it is again technically possible to use that application.

*Article 7***Date and time of service**

The intended recipients of the documents served referred to in Article 6 shall be notified by email of any document served on them via e-Curia.

A procedural document shall be served at the time when the user requests access to that document. In the absence of any request for access, the document shall be deemed to have been served on the expiry of the seventh day following the day on which the notification email was sent.

Where a party or an interested person referred to in Article 23 of the Statute is represented by more than one person, or where several persons are authorised to act on behalf of a party to the main proceedings or on behalf of a national court or tribunal, or where the holder of a 'representative' account, a 'court' account, or an 'authorised person' account has opened an account for one or more of his assistants, the time to be taken into account in the reckoning of time limits shall be the time when the first request for access was made.

The relevant time shall be the time in the Grand Duchy of Luxembourg.

*Article 8***Technical impossibility of using e-Curia for lodging in direct actions**

In direct actions, where it is technically impossible to lodge a procedural document via e-Curia, the representative of a party must notify the Registry of the General Court of this immediately by email (GC.Registry@curia.europa.eu) or by an electronic means of transmission used by the General Court, indicating:

- the type of document the representative wishes to lodge,
- where appropriate, the relevant time limit for the lodging of that document,
- the nature of the technical impossibility identified, for verification by the staff of the institution if it is due to the unavailability of e-Curia.

If that representative is bound to comply with a time limit, he shall transmit a copy of the document to the Registry of the General Court by any appropriate means (lodging of a paper version or transmission by post, email or any other electronic means of transmission used by the General Court). That transmission must be followed by the lodging of the document via e-Curia as soon as it is again technically possible to use that application.

The General Court or the President of the General Court will if necessary give a ruling on whether to accept a document which has been lodged via e-Curia after the prescribed time limit, taking into consideration information provided by the person lodging that document to prove that it was technically impossible to lodge that document via e-Curia within the prescribed period.

*Article 9***Technical impossibility of using e-Curia for lodging in preliminary ruling cases**

In preliminary ruling cases, where the representative of an interested person referred to in Article 23 of the Statute, the person authorised to represent himself or to represent a party to the main proceedings, or the person acting on behalf of a national court or tribunal has an access account and it is technically impossible to lodge a procedural document via e-Curia, that representative or that person is requested to notify the Registry of the General Court of this immediately by email (GC.Registry@curia.europa.eu) or by an electronic means of transmission used by the General Court.

If that representative or that person is bound to comply with a time limit, he shall transmit a copy of the document to the Registry of the General Court by any appropriate means (lodging of a paper version or transmission by post, email or any other electronic means of transmission used by the General Court). That representative or that person is requested to lodge the document via e-Curia as soon as it is again technically possible to use that application.

Article 10

Conditions of use of the application

The Registrar shall draw up the conditions of use of e-Curia and ensure that they are observed. Any use of e-Curia contrary to those conditions may result in the deactivation of the access account concerned.

The General Court shall take the necessary steps to protect e-Curia from any abuse or malicious use.

Users shall be notified by email of any action taken pursuant to this Article that prevents them from using their access account.

Article 11

Repeal

This Decision repeals and replaces the Decision of the General Court of 11 July 2018 on the lodging and service of procedural documents by means of e-Curia ⁽¹⁾.

Article 12

Entry into force

This Decision shall enter into force on 1 September 2024.

Done at Luxembourg, 10 July 2024.

Registrar
V. DI BUCCI

President
M. VAN DER WOUDE

⁽¹⁾ OJ L 240, 25.9.2018, p. 72.