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Important amendments to the Rules of Procedure of the Court of Justice and of the General Court enter into force on 1 September

The new rules implement the amendments to the Statute of the Court of Justice of the European Union and modernise the procedures before the two courts

The Court of Justice and the General Court amended their respective **Rules of Procedure** in order to implement the amendments to the Statute of the Court of Justice of the European Union decided by the European Parliament and the Council of the European Union ¹. At the same time, the new rules modernise and simplify the procedures before the two courts. The draft amendments, presented by the Court of Justice and by the General Court respectively, were approved by the Council of the European Union in June, before being formally adopted by each court in July ². In addition, the Court of Justice adopted a new version of the **Practice Directions to Parties** concerning cases brought before it ³ and the General Court adopted a new version of its **Practice Rules for the implementation** of its Rules of Procedure ⁴.

Implementation of the amendments to the Statute

Part of the new rules seeks to implement the amendments to the Statute of the Court of Justice of the European Union. These include, in particular, the provisions that are necessary to enable the transfer from the Court of Justice to the General Court of part of the jurisdiction to give preliminary rulings, applicable from 1 October 2024 ⁵.

The **amendments to the Rules of Procedure of the Court of Justice** lay down, first of all, **the detailed rules for the initial processing of requests for a preliminary ruling submitted to the Court of Justice in order to determine which court has jurisdiction to deal with them**. Next, they introduce provisions that are necessary to ensure that **requests for a preliminary ruling that the General Court refers to the Court of Justice** on the ground that they require a decision of principle likely to affect the unity or consistency of Union law are dealt with swiftly. Last, they lay down **detailed rules for the online publication**, within a reasonable time after the closing of the case, **of the written observations submitted** by interested persons **in preliminary ruling cases** that will be the subject of a decision from 1 September 2024, unless such person **objects**. The new **Practice Directions to Parties** provide details on how to raise such objections.

The **amendments to the Rules of Procedure of the General Court** concern, in the first place, certain aspects concerning the **structure and organisation of the General Court**. In particular, they provide for the creation of an **Intermediate Chamber** between Chambers of five Judges and the Grand Chamber sitting with fifteen Judges, which will be composed of **nine Judges** and will be presided over by the **Vice-President of the General Court**. **Requests for a preliminary ruling** will be assigned to **Chambers with particular responsibility for hearing and determining those cases**, sitting with **five Judges**, without prejudice to the possibility of referring them to another court formation, depending on the difficulty and importance of the case. The Judges called upon to perform the

duties of an **Advocate General in preliminary ruling cases** and those called upon to replace them if they are prevented from acting are to be elected by the General Court and assist the competent court formation in all preliminary ruling cases, mirroring the participation of Advocates General in proceedings before the Court of Justice. In the second place, the new rules lay down **the procedures under which requests for a preliminary ruling** transmitted by the Court of Justice **will be dealt with by the General Court**. In order to provide national courts and tribunals, as well as interested persons, the same safeguards as are applied by the Court of Justice, **the General Court has reproduced the provisions of the Rules of Procedure of the Court of Justice that are applicable to requests for a preliminary ruling**, subject to any adjustments necessary to maintain the overall consistency of the procedural provisions applicable to the General Court. Similarly, as concerns the handling of requests for a preliminary ruling, the new **Practice Rules** are largely based on the practice of the Court of Justice.

Other amendments to the Rules of Procedure

Other rules are not linked to the amendments to the Statute of the Court of Justice of the European Union and aim to improve, simplify and modernise the way in which the Court of Justice and the General Court deal with cases brought before them.

As regards the **Rules of Procedure of the Court of Justice**, new provisions which aim to take account of the experience gained during the health crisis expressly provide for the possibility, for the parties or their representatives, of **making oral submissions by videoconference**, in compliance with the legal and technical requirements laid down in the Practice Directions to Parties. In addition, rules on the protection of **personal data**, and on **the methods of lodging and service of procedural documents** have been clarified. As regards, lastly, the **broadcasting of hearings before the Court of Justice**, which contributes to the transparency and accessibility of justice, the arrangements already put in place for hearings before the Grand Chamber and for the delivery of judgments and opinions, are now set out in a new provision.

The new **Practice Directions to Parties** adopted by the Court of Justice take account of the amendments to the Rules of Procedure of the Court of Justice and provide further clarification on several practical issues relating to the written or oral part of the procedure.

Other amendments to the **Rules of Procedure of the General Court** include the following:

1. Removal of **Registry** charges for extracts from the register of the Registry, copies of procedural documents, and authenticated copies of orders and judgments;
2. Modernisation of the rules concerning the **methods of lodging and service of procedural documents**;
3. Possibility of **proceeding by way of simple decision** in order to take procedural measures which so far required the adoption of an order (reopening of the oral part and joinder of cases in the absence of a request for confidential treatment);
4. Limitation of the period for the lodging of a **modification of the application** where a measure the annulment of which is sought is replaced or amended by another measure with the same subject matter;
5. Possibility of adopting directly a **measure of inquiry requesting information or the production of material** without prior adoption of a measure of organisation of procedure;
6. Clarification and streamlining of the rules concerning the **assignment** to a court formation of **ancillary claims** (rectification, failure to adjudicate, setting aside judgments by default, third-party proceedings, interpretation, revision, dispute on costs);
7. **Broadcasting of hearings before the General Court**, which will be possible only after the entry into force of an implementing decision.

The new **Practice Rules** adopted by the General Court explain and detail the provisions of the Rules of Procedure of the General Court as regards, inter alia, the **protection of personal data**, the **confidential treatment of certain data** in direct actions, the **submission of procedural documents and their annexes**, and **participation in hearings**, including per **videoconference**.

The new Rules of Procedure, which enter into force on 1 September 2024, and the consolidated versions of the Statute and of the Rules of Procedure of both courts, are available on the Curia website under [Court of Justice/Procedure](#) and [General Court/Procedure](#).

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¹ Those amendments were published in the *Official Journal of the European Union* on 12 August 2024: [Regulation \(EU, Euratom\) 2024/2019](#) of the European Parliament and of the Council of 11 April 2024 amending Protocol No 3 on the Statute of the Court of Justice of the European Union; see also [Press Release No 125/24](#).

² The amendments in question were also published in the *Official Journal of the European Union* on 12 August 2024: Amendments to the Rules of Procedure of the Court of Justice [[2024/2094](#)] and Amendments to the Rules of Procedure of the General Court [[2024/2095](#)].

³ The Practice Directions to Parties concerning cases brought before the Court were published today in the *Official Journal of the European Union*: [[2024/2173](#)].

⁴ Practice Rules for the implementation of the Rules of Procedure of the General Court [[2024/2097](#)].

⁵ See [Press Release No 125/24](#).