

**COMMUNITY COURT OF JUSTICE, ECOWAS**  
**(THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES)**  
**RULES OF THE COMMUNITY COURT OF JUSTICE OF**  
**THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

**Effective Date 2002**

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**Rules of the Court of Justice of the Economic Community of West African States.**

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**INTERPRETATION**

**Article 1**

In these Rules:

"**Treaty**" means the Revised Treaty of the Economic Community of West African States and includes protocol and conventions and annexure;

**"Authority"** means the Authority of Heads of State and Government of the Community established by Article 7 of the Treaty.

**"Chairman of the Authority "** means the current Chairman of the Authority of Heads of State and Government of the Community, elected in accordance with the provisions of Article 8.2 of the Treaty;

**"Community"** means the Economic Community of West African States referred to under Article 2 of the Treaty;

**"Court of Justice"** means the Court of Justice of the Community established under Article 15 of the Treaty ;

**"Member State or Member States "** means Member State or Member States of the Community;

**"Council "** means the Council of Ministers of the Community established by Article 10 of the Treaty;

**"Parliament "** means the community parliament established under Article 13 of the Treaty;

**"Executive Secretariat"** means the Executive Secretariat established under Article 17 of the Treaty;

**"Protocol"** means the Protocol relating to the Court of Justice of the Community;

**"Executive Secretary"** means the Executive Secretary of the Community appointed under Article 18.1 of the Treaty;

**"Court"** means the Community Court of Justice (C.C.J) established by Article 15 of the Treaty;

**"Member of the Court"** or **"Members of the Court"** means a person or persons appointed as Judge or Judges in accordance with the provisions of Article 3 of the Protocol;

**"Judge" or "Judges" or "Justice"** means Members of the Community Court of Justice;

**"Judge – Rapporteur"** means a Judge nominated by the President to summarize or give a report on a case or issue.

## TITLE I

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### ORGANISATION OF THE COURT

#### CHAPTER I

##### JUDGES

###### **Article 2**

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

###### **Article 3**

1. Before taking up his duties, a Judge shall before assuming his appointment take the following oath before the Chairman of the Authority:

"I... Solemnly swear (declare) that I will perform my duties and exercise my powers as member of the Court honorably, faithfully, impartially and conscientiously"

2. Immediately after taking the oath, a Judge shall sign the declaration.

###### **Article 4**

1. When the Court is called upon to decide whether a member no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President shall invite the Judge in the presence of the other judges to make representations to the Court, in closed session and in the absence of the Chief Registrar. Article 4.7 of the Protocol shall apply.
2. Where it involves the President, the Vice President shall preside.

###### **Article 5**

1. Judges shall rank equally in precedence according to their seniority in the Court. Where there is equal seniority in office, precedence shall be determined by age. Retiring Judges who are reappointed shall retain their former precedence.

#### CHAPTER II

### PRESIDENCY AND COMPOSITION OF THE COURT

###### **Article 6**

1. The Members of the Court shall be appointed by the Authority and selected from the list of persons nominated by Member States; no Member State shall nominate more

than two persons. The President and the Vice President of the Court shall take precedence before all other Members.

2. If the office of the President of the Court falls vacant before the normal date of expiry thereof, the Court shall elect by consensus a successor for the remainder of the term.
3. Failure to reach a consensus the election shall be by secret ballot. If a Judge obtains an absolute majority he shall be 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 serving Judge shall be deemed elected.

#### ***Article 7***

The President is responsible for the administration of the Court; and he presides at hearings and deliberations.

#### ***Article 8***

1. When the President of the Court is absent or prevented from attending or when the office of the President is vacant, the functions of the President shall be exercised by the Vice President according to the order of precedence laid down in Article 5 of these Rules.
2. If the President and Vice President are prevented from attending or their posts are vacant at the same time, the functions of the President and Vice President shall be exercised by one of the other Judges according to the order of precedence laid down in Article 5 of these Rules.

### **CHAPTER III**

#### **REGISTRY**

##### **The Chief Registrar and the Registrars**

#### ***Article 9***

1. The Court shall appoint the Chief Registrar. Two weeks before the date fixed for making the appointment, the President shall inform the Members of the Court 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 any languages, present and past occupations and experience, if any, in judicial and international fields.
3. The Chief Registrar shall be appointed for a term of six years. He may be reappointed for a further term.

4. The Chief Registrar shall take the oath in accordance with Article 17(2) of these Rules before the President of the Court.
5. The Chief 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 take its decision after giving the Registrar an opportunity to make representations.
6. If the office of Chief Registrar falls vacant before the normal date of expiry of the term thereof, the Court shall appoint a new Chief Registrar for a term of six years.

**Article 10**

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

**Article 11**

Where the Chief Registrar and the Registrars are absent or prevented from attending or their posts are vacant, the President shall designate an official or other servant to carry out temporarily the duties of the Chief Registrar and Registrars.

**Article 12**

The Court acting on a proposal from the President shall adopt instructions to the Chief Registrar.

**Article 13**

1. There shall be kept in the Registry, under the control of the Chief Registrar, a register initialed by the President, in which all pleadings and supporting documents shall be entered in the order in which they are lodged.
2. When a document has been registered, the Chief 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 be authentic.
4. Rules for keeping the register shall be prescribed by the Instructions to the Chief Registrar referred to in Article 12 of these Rules.
5. Persons having an interest may consult the Chief Registrar at the Registry and may obtain copies or extracts on payment of a charge on a scale fixed by the Court on a proposal from the Chief 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 Community of the* date registration of an application initiating proceedings, the names and addresses of the parties, the subject- matter of the proceedings, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments.

#### **Article 14**

1. The Chief Registrar shall be responsible, under the authority of the President, for the acceptance, transmission and custody of documents and for effecting service as provided for by these Rules.
2. The Chief Registrar shall assist the Court, the President and the Judges in all their official functions.

#### **Article 15**

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

#### **Article 16**

Except as otherwise provided in these Rules, the Chief Registrar shall attend the sittings of the Court.

### **Section 2: Other Departments**

#### **Article 17**

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 Court:

"I swear (declare) that I will perform loyally, discreetly and conscientiously the duties assigned to me by the Court of Justice of the Economic Community of West African States"

#### **Article 18**

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

#### **Article 19**

The Court shall set up a translating service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the Court in accordance with Article 87(2) of the Treaty.

**Article 20**

1. The Chief Registrar shall be responsible, under the Authority of the President, for the administration of the Court.
2. The financial and Accounts management of the Court shall be carried out by the Management Accountant under the Authority of the President.

**CHAPTER IV**

**THE WORKING OF THE COURT**

**Article 21**

1. The dates and times of the sessions of the Court shall be fixed by the President in accordance with Article 27 of the Protocol.
2. The Court may choose to hold one or more sessions in a place other than that in which the Court has its seat in accordance with Article 26 (2) of the Protocol.

**Article 22**

1. Where, by reason of a Judge being absent or prevented from attending, there is an even number of Judges, the most junior Judge within the meaning of Article 5 of these Rules shall abstain from taking part in the deliberations, unless he is the Judge – Rapporteur. In that case the judge immediately senior to him shall abstain from taking part in the deliberation.
2. If after the Court has been convened it is found that the quorum referred to in Article 14 (2) of the Protocol has not been attained, the President shall adjourn the sitting until there is a quorum.
3. The sitting of the Court shall comprise of an uneven number of its members.
4. The sitting of the Court shall be public. The Court may however sit in camera at the request of one of the parties or for reasons, which only the Court may determine.

**Article 23**

1. The Court shall deliberate in closed session.
2. Only those Judges who were present at the oral proceedings, shall take part in the deliberations.
3. Where one of its members who was present at the oral proceedings is absent, the Court nevertheless shall continue its hearing provided that its parties to disputes so agree in accordance with Article 27(4) (b) of the Protocol.



4. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.
5. Any Judge may require that any questions be formulated in the language of his choice and communicated in writing to the Court before being put to the vote.
6. The conclusions 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 5 of these Rules.
7. In case of divergent opinions the subject in order of question or interpretation shall be decided by votes.
8. Where the deliberations of the Court concern questions of its own administration, it shall be put to vote. The Chief Registrar shall be present, unless the Court decides to the contrary.

#### **Article 24**

1. Subject to any special decision of the Court, its vacations shall be as follows:
  - a) from 18 December to 10 January,
  - b) 4 days before Easter to 4 days after Easter,
  - c) From 15 July to 15 September.
2. The holidays of the Court shall include Sallah holidays, public holidays and ECOWAS public holiday.
3. During the vacations, the functions of the President shall be exercised at the Place where the Court has its seat by the President himself or the Vice President or any other Judge designated in that respect.
4. Where necessary, the President may convene the Judges during the vacations.
5. The Court shall observe the official holidays of the place where it has its seat.
6. The Court may, in proper circumstances, grant leave of absence to any Judge

### **CHAPTER V**

#### **LANGUAGES**

#### **Article 25**

1. The official languages of the Court shall be the languages of the Community in accordance with Article 87 (2) of the Treaty.

2. The language of a case shall be chosen by the applicant, except that: Where the defendant is 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.
3. The language of the case shall in particular be used in the written and oral pleadings of the parties and in supporting documents, and also in the minutes and decisions of the Court. Any supporting documents expressed in another language must be accompanied by a translation into the language of the case.
4. In the case of lengthy documents, translations may be confined to extracts. However, the Court may, of its own motion or at the request of a party, at any time call for a complete or fuller translation.
5. Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in paragraph (1) of this Article, the Court may authorize him to give his evidence in another language.
6. The Court may in conducting oral proceedings, use one of the languages referred to in paragraph 1 of this Article other than the language of the case.

#### **Article 26**

1. The Chief Registrar shall, at the request of any Judge, or of a party, arrange for anything said or written in the course of the proceedings before the Court to be translated into the languages in Article 25(1).
2. Publications of the Court shall be issued in the languages referred to in Article 25(1) of these Rules.

#### **Article 27**

The texts of documents drawn up in the language of the Court or in any other language authorized by the Court pursuant to Article 25(1) of these Rules shall be authentic.

### **CHAPTER VI**

#### **RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS**

#### **Article 28**

1. Agents, advisers and lawyers appearing before the Court or before any judicial authority to which 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 Chief Registrar and of the person concerned;
  - (b) Agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.
- (3) The lawyer acting for a party must lodge at the Registry a certificate that he is authorized to practice before a Court of a member State or of another State, which is a party to the Treaty.

**Article 29**

In order to qualify for the privileges, immunities and facilities specified in Article 28, persons entitled to them should furnish proof of their status as follows:

- (a) Agents shall produce an official document issued by the party for whom they act, and shall forward without delay a copy thereof to the Chief Registrar.
- (b) Advisers and lawyers shall produce a certificate signed by the Chief 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 30**

1. The privileges, immunities and facilities specified in Article 28 of these Rules are granted exclusively in the interests of the proper conduct of proceedings.
2. The Court may waive the immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

**Article 31**

1. Any adviser or lawyer whose conduct towards the Court or a Judge 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. 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.

## **TITLE II**

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### **PROCEDURES**

#### **CHAPTER I**

#### **WRITTEN PROCEDURE**

##### ***Article 32***

1. The original of every pleading must be signed by the party's agent or lawyer. The original, accompanied by all annexes referred to therein, shall be lodged together with five copies for the Court and a copy for every other party to the proceedings. The party lodging them in accordance with Article 11 of the Protocol shall certify copies.
2. Institutions shall in addition produce, within time limits laid down by the Court, translations of all pleadings into the other languages provided for by Article 25(1) of these Rules.
3. All pleadings shall bear a date. In the reckoning of time limits for taking steps in proceedings, only the date of lodgment at the Registry shall be taken into account.
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.
6. Without prejudice to the provisions of paragraphs 1 to 5, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by telefax or other technical means of communication available to the Court shall be deemed to be the date of lodgment for the purposes of compliance with the time- limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by the annexes and copies referred to in the second subparagraph of paragraph 1 above, is lodged at the Registry no later than ten days thereafter.

##### ***Article 33***

1. An application of the kind referred to in Article 11 of the Protocol shall state:
  - (a) the name and address of the applicant;
  - (b) the designation of the party against whom the application is made;
  - (c) the subject- matter of the proceedings and a summary of the pleas

in law on which the application is based;

(d) the form of order sought by the applicant;

(e) where appropriate, the nature of any evidence offered in support.

2. For the purpose of the proceedings, the application shall state an address for service in the place where the Court has its seat and the name of the person who is authorized and has expressed willingness to accept service.
3. In addition to, or instead of, specifying an address for service as referred to in the first subparagraph; the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.
4. If the application does not comply with the requirements referred to in the first and second subparagraphs, all service on the party concerned for the purpose of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the agent or lawyer of that party. By way of derogation from Article 77(1), service shall then be deemed to be duly effected by the lodging of the registered letter at the post office of the place where the Court has its seat.
5. The application shall be accompanied, where appropriate, by the documents Specified in the first paragraph of Article 15 of the protocol.
6. If the application does not comply with the requirements set out in paragraphs 1 to 4 of this Article, the Chief Registrar shall prescribe a period not more than thirty days within which the applicant is to comply with them whether by putting the application itself in order or by producing any of the above-mentioned documents.
7. 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 party, decide whether the non-compliance with these conditions renders the application formally inadmissible.

#### ***Article 34***

The application shall be served on the defendant. In a case where Article 33 (6) applies, service shall be affected as soon as the application has been put in order.

#### ***Article 35***

1. Within one month after service on him of the application, the defendant shall lodge a defense, stating:
  - (a) the name and address of the defendant;
  - (b) The arguments of fact and law relied on;
  - (c) the form of order sought by the defendant;
  - (d) the nature of any evidence offered by him.

The provisions of Article 32 of these Rules shall apply to the defense.

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 36**

1. The application initiating the proceedings and the defense may be supplemented by a reply to be filed within one month from the date of receipt of the defence and by a rejoinder by the defendant within one month from the date of the receipt of the reply by the applicant.
2. The time limits laid down in paragraph 1 of this Article may be extended by the President.

**Article 37**

1. In reply or rejoinder a party may offer further evidence. The party must, however, give reasons for the delay in offering it.
2. No new plea in law may be introduced 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 procedure.
3. If in the course of the procedure one of the parties puts forward a new plea in law 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 parties, allow the other party time to answer on that plea.
4. The decision on the admissibility of the plea shall be reserved for the final judgment.

**Article 38**

1. The Court may, at any time, after hearing the parties, order that two or more cases concerning the same subject matter shall, on account of the connection between them, be joined for the purposes of the written or oral procedure or of the final judgment.
2. The cases may subsequently be disjoined.

**Article 39**

1. The President shall fix a date on which the Judge Rapporteur is to present his preliminary report to the Court, either
  - (a) After the rejoinder has been lodged, or
  - (b) Where no reply or no rejoinder has been lodged within the time limit fixed in Accordance with Article 59 of these rules, or
  - (c) Where the party concerned has waived his right to lodge a reply or rejoinder, or

(d) Where the expedited procedure referred to in Article 59 is to be applied, when the President fixes a date for the hearing.

2. The preliminary report shall contain recommendations as to whether a preparatory inquiry or any other preparatory step should be undertaken. It shall also contain a relief, if any, as to the possible omission of the oral part of the procedure as provided for in Article 53. of these rules.
3. The Court shall decide, what action to take upon the recommendations of the Judge – Rapporteur.

#### ***Article 40***

1. Without prejudice to any special provisions laid down in these Rules, the procedure before the Court shall also include an oral part. However, after the pleadings referred to in Article 32 - 39 as the case may be, have been lodged, the Court, acting on the application of a party setting out the reasons for which he wishes to be heard, may decide otherwise.
2. The application shall be submitted within a period of one month from notification to the party of the close of the written procedure. The President may extend that period.

## **CHAPTER II**

### **PREPARATORY INQUIRIES AND OTHER PREPARATORY MEASURES**

#### **Section 1: Measures of inquiry**

#### ***Article 41***

1. The Court shall decide the measures of inquiry that it considers appropriate. Before the Court decides on the measures of inquiry the parties shall be heard.
2. Without prejudice to Article 16 of the protocol 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) The commissioning of an expert's report;
  - (e) An inspection of the place or thing in question.
3. The measures of inquiry that the Court has ordered shall be conducted by the Court itself. The Court and parties shall take part in the measures of inquiry.
4. Evidence may be submitted in rebuttal and previous evidence may be amplified.

## **Article 42**

The parties shall be entitled to attend the measures of inquiry.

## **Section 2: The summoning and examination of witnesses and experts**

### **Article 43**

1. The Court may, either of its own motion or on application by a party, order that witnesses prove certain facts. The order of the Court shall set out the facts to be established.
2. The Court may summon a witness of its own motion or on application by a party to attend.
3. An application by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.
4. 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.
5. The order shall be served on the parties and the witnesses.
6. The Court may make the summoning of a witness for whose examination a party has applied conditional upon the deposit with the Registry of the Court of a sum sufficient to cover the taxed costs thereof; the Court shall fix the amount of the payment. The Registry shall advance the funds necessary in connection with the examination of any witness summoned by the Court of its own motion.
7. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in these Rules.
8. 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.
9. The other Judges may do likewise. Subject to the control of the President, the representatives of the parties may put questions to witnesses.



10. Before giving his evidence, the witness shall take the following oath:

"I swear or declare that I will speak the truth, the whole truth and nothing but the truth."

11. The Chief Registrar shall draw up minutes in which the evidence of each witness is reproduced.

(i) The minutes shall be signed by the President and by the Chief Registrar. Before the minutes are thus signed, witnesses must be given an opportunity to check the content of the minutes and to sign them. The minutes shall constitute an official record.

(ii) Proceedings may be recorded by any modern technological means.

#### ***Article 44***

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 UA 1 0001 and may order that a further summons be served on the witness at his own expense.
3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath or where appropriate to make a solemn affirmation equivalent thereto.
4. If the witness proffers a valid excuse to the Court, the pecuniary penalty imposed on him may be cancelled. The pecuniary penalty imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

#### ***Article 45***

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. The Court may request the parties or one of them to lodge security for the costs of the expert's report.
4. At the request of the expert, the Court may order the examination of witnesses. Their examination shall be carried out in accordance with Article 43 of these Rules.
5. The expert may give his opinion only on points, which have been expressly referred to him.

6. After the expert has made his report, the Court may order that he be examined, the parties having been given notice to attend.
7. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.
8. Before carrying out his task, the expert shall take the following oath in written form or before the Court:

“I swear or declare that I shall conscientiously and impartially carry out my task”.

***Article 46***

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, to take the oath or to make a solemn affirmation equivalent thereto, the matter shall be resolved 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 the nature of any evidence offered.

***Article 47***

Witnesses and Experts summoned by the Court shall be entitled to reimbursement of their travel and subsistence expenses. The Registry of the Court may make a payment to them towards these expenses in advance.

***Article 48***

The Court may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts.

***Article 49***

1. The Chief Registrar shall draw up minutes of every hearing. The minutes shall be signed by the President and by the Chief 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 50**

1. 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.
2. Where a period had 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.

### **Section 4: Preparatory Measures**

#### **Article 51**

The Court may request the parties to submit within a specified period all such information relating to the facts, and all such documents or other Particulars, as they may consider relevant. The information and/or documents provided shall be communicated to the other parties.

## **CHAPTER III**

### **ORAL PROCEDURE**

#### **Article 52**

1. Subject to the priority of decisions provided for in 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 initiating them respectively.
2. The President may in special circumstances order that a case be given priority over others. The President may in special circumstances, after hearing the parties, either on his own initiative or at the request of one of the parties, defer a case to be dealt with at a later date. On a joint application by the parties the President may order that a case be deferred.

#### **Article 53**

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 heard *in camera* shall not be published.

#### **Article 54**

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

2. The other Judges may do likewise.

**Article 55**

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

**Article 56**

After the conclusion by the parties, the President shall declare the oral procedure closed.

**Article 57**

1. The Court may at any time, in accordance with these rules, after hearing the parties, order any measure of inquiry to be taken or that a previous inquiry be repeated or expanded.
2. The Court may direct the Judge - Rapporteur to carry out the measures so ordered.

**Article 58**

The Court may order the reopening of the oral procedure.

**CHAPTER IV**

**EXPEDITED PROCEDURES**

**Article 59**

1. On application by the applicant or the defendant, the President may exceptionally decide, on the basis of the facts before him and after hearing the other party, that a case is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules, where the particular urgency of the case requires the Court shall give its ruling with the minimum of delay.
2. An application for a case to be decided under an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defense, as the case may be.
3. Under the expedited procedure, the originating application and the defense may be supplemented by a reply and a rejoinder only if the President considers this to be necessary.
4. An intervener may lodge a statement in intervention only if the President considers this to be necessary.
5. Once the defense has been lodged or, if the decision to adjudicate under an Expedited procedure is not made until after that pleading has been lodged, once

that decision has been taken, the President shall fix a date for the hearing, which shall be communicated forthwith to the parties.

6. He may postpone the date of the hearing where the organization of measures of inquiry or of other preparatory measures so requires.
7. Without prejudice to rules, the parties may supplement their arguments and offer further evidence in the course of the oral procedure. They must, however, give reasons for the delay in offering such further evidence.
8. The Court shall give its ruling after hearing the parties.

## **CHAPTER V**

### **JUDGMENTS**

#### ***Article 60***

The judgment shall contain:

1. a statement that is the judgment of the Court,
2. the date of its delivery,
3. the names of the President and of the Judges taking part in it,
4. the name of the parties,
5. the name of the Chief Registrar,
6. the description of the parties,
7. the names of the agents, advisers and lawyers of the parties,
8. a statement of the forms of order sought by the parties,
9. a statement that the parties have been heard,
10. a summary of the facts,
11. the grounds for the decision.
12. the operative part of the judgment, including the decision as to costs.

#### ***Article 61***

1. The judgment shall be delivered in open court.
2. The parties shall be given notice to attend to hear it.
3. The original of the judgment, signed by the President, and by the Judges who took part in the deliberations and by the Chief Registrar, shall be sealed and deposited at the Registry.
4. The parties shall be served with certified copies of the judgment.
5. The Chief Registrar shall record on the original of the judgment the date on which it was delivered.

**Article 62**

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

**Article 63**

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 one month after the delivery of a judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.
2. The parties whom the Chief Registrar shall duly notify may lodge written observations within a time prescribed by the President.
3. 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 of the original of the rectified judgment.

**Article 64**

1. Where the Court omits to give a decision on a specific head of claim or on costs, any party may within a month after service of the judgment apply to the Court to supplement its judgment.
2. The application shall be served on the opposite party who has one month within which to lodge written observations. The time limit laid down in paragraphs 1 and 2 of this Article may be extended by the President on a reasoned application by the party.
3. After these observations have been lodged, the Court shall decide both on the admissibility and on the substance of the application.

**Article 65**

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

**CHAPTER VI**

**COSTS**

**Article 66**

1. A decision as to costs shall be given in the 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 applied for in the successful party's pleadings.

3. Where there are several unsuccessful parties the Court shall decide how the costs are to be shared.
4. Where each party succeeds on some and fails on other heads, or where the Circumstances are exceptional; the Court may order that the costs be shared or that the parties bear their own costs.
5. The Court may order a party, even if successful, to pay costs which the Court considers that party to have unreasonably or vexatious caused the opposite party to incur.
6. The Member States and institutions which intervene in the proceedings shall bear their own costs.
7. The Court may order an intervener other than those mentioned in the preceding subparagraphs to bear his own costs.
8. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's observations on the discontinuance.
9. However, upon application by the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.
10. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.
11. If costs are not claimed, the parties shall bear their own costs.
12. Where a case does not proceed to judgment the costs shall be in the discretion of the Court.

#### ***Article 67***

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

#### ***Article 68***

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 parties, 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 Chief Registrar considers it excessive, be paid for by that party on the scale of charges referred to in Article 13(5) of these Rules.

**Article 69**

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

- (a) Sums payable to witnesses and experts under Article 47 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 70**

1. If there is a dispute concerning the costs to be recovered, the Court shall, on application by the party concerned and after hearing the opposite party, make an order.
2. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

**Article 71**

1. Sums due from the Registry of the Court shall be paid in the currency of the country where the Court has its seat.
2. 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.
3. Other debtors shall make payment in the currency of their country of origin.
4. 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 VII**

**DISCONTINUANCE**

**Article 72**

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 President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 66(8), having regard to any proposals made by the parties on the matter.



**Article 73**

If the applicant informs the Court in writing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 66(8) of these Rules.

**CHAPTER VIII**

**SERVICE**

**Article 74**

1. Where these Rules require that a document be served on a person, the Chief 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 acknowledgement of receipt or by personal delivery of the copy against a receipt.
2. The Chief Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with Article 32(1) of these Rules.
3. Where, in accordance with the second subparagraph of Article 33(3), the addressee has agreed that service is to be effected on him by telefax or other technical means of communication, any procedural document other than a judgment or order of the Court may be served by the transmission of a copy of the document by such means.
4. Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in paragraph 1 of this article.
5. The addressee shall be so advised by telefax or other technical means of communication.
6. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place where the Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Chief Registrar, within three weeks of being advised by telefax or other technical means of communication, that the document to be served has not reached him.

## **CHAPTER IX**

### **TIME-LIMITS**

#### **Article 75**

1. Any period of time prescribed by the Community Treaty or , the Court or these Rules for the taking of any procedural step shall be reckoned as follows:
  - (a) where a period expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;
  - (b) a period expressed in weeks, months or in years shall end with the expiry of Whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months or in years, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;
  - (c) Where a period is expressed in months and days, it shall first be reckoned in whole months, then in days;
  - (d) Periods shall include official holidays, Sundays and Saturdays;
  - (e) Periods shall not be suspended during the judicial vacations.
2. If the period would otherwise end on a Saturday, Sunday or 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 Community*.

#### **Article 76**

1. Where the period of time allowed for initiating proceedings against a measure Adopted by an institution runs from the publication of that measure, that period shall be calculated, for the purposes of Article 75(1)(a), from the end of the 14th day after publication thereof in the *Official Journal of the Community*.
2. The prescribed time limits shall be extended on account of distance by a single period of ten days.

#### **Article 77**

1. Any time-limit prescribed pursuant to these Rules may be extended by whoever prescribed it.
2. The President may delegate to the Vice President power of signature for the purpose of fixing time limits which, pursuant to these Rules, it falls to them to prescribe or of extending such time- limits

## **CHAPTER X**

### **STAY OF PROCEEDINGS**

#### ***Article 78***

1. The proceedings may be stayed:
  - (a) in all cases, by decision of the President adopted after hearing the parties And, save in the case of references for a preliminary ruling.
  - (b) The proceedings may be resumed by order or decision, following the same procedure.
  - (c) The orders or decisions referred to in this paragraph shall be served on the parties.
2. The stay of proceedings shall take effect on the date indicated in the order or Decision of stay or, in the absence of such indication, on the date of that order or decision.
3. While proceedings are stayed time shall cease to run for the purposes of prescribed time limits for all parties.
4. Where the order or decision of stay does not fix the length of stay, it shall end on the date indicated in the order or decision of resumption or, in the absence of such indication, on the date of the order or decision of resumption.
5. From the date of resumption time shall begin to run afresh for the purposes of the time limits.

## ***TITLE III***

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### **SPECIAL FORMS OF PROCEDURE**

#### **CHAPTER 1**

### **SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER**

#### **INTERIM MEASURES**

#### ***Article 79***

1. An application under Article 20 of the Protocol shall state the subject- matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measures applied for.
2. The application shall be made by a separate document and in accordance with the provisions of Articles 32 and 33 of these Rules.

### **Article 80**

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.

### **Article 81**

1. The President shall refer the application to the Court within 48 hours
2. If the President is absent or prevented from attending, Article 8 of these Rules shall apply. Where the application is referred to it, the Court shall postpone all other cases, and shall give a decision after hearing the parties. Article 80 shall apply.

### **Article 82**

1. The decision on the application shall take the form of a reasoned order. The order shall be served on the parties forthwith.
2. The execution 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 83**

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

### **Article 84**

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 85**

The provisions of this Chapter shall apply to applications to suspend the execution of a decision of the Court or of any measure adopted by another institution, submitted pursuant to these rules. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

### **Article 86**

1. The President shall give his decision in the form of an order. Article 82 of these Rules shall apply.

2. If the President is absent or prevented from attending, Article 8 of these rules shall apply.

## **CHAPTER II**

### **PRELIMINARY PROCEDURE**

#### ***Article 87***

1. A party applying to the Court for a decision on a preliminary objection or other preliminary plea not going to the substance of the case shall make the application by a separate document.
2. The application must state the pleas of fact and law relied on and the form of order sought by the applicant and any supporting documents must be annexed to it.
3. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party may lodge a document containing a statement of the form of order sought by that party and its pleas in law.
4. Unless the Court decides otherwise, the remainder of the proceedings shall be oral.
5. The Court shall, after hearing the parties 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 88***

1. Where it is clear that the Court has no jurisdiction to take cognizance of an action or where the action is manifestly inadmissible, the Court may, by reasoned order, after hearing the parties and without taking further steps in the proceedings, give a decision
2. The Court may at any time of its own motion consider whether there exists any absolute bar to proceeding with a case or declare, after hearing the parties, that the action has become devoid of purpose and that there is no need to adjudicate on it; it shall give its decision in accordance with Article 87(4) and (5) of these Rules.

## **CHAPTER III**

### **INTERVENTION**

#### ***Article 89***

1. An application to intervene must be made within six weeks of the publication of the notice referred to in Article 13(6) of these Rules. The application shall contain:
  - (a) the description of the case;

- (b) the description of the parties;
  - (c) the name and address of the intervener;
  - (d) the intervener's address for service at the place where the Court has its seat;
  - (e) the form of order sought, by one or more of the parties, in support of which the intervener is applying for leave to intervene;
  - (f) a statement of the circumstances establishing the right to intervene, where the Application is submitted pursuant to Article 21 of the protocol. The intervener shall be represented in accordance with Article 12 of the protocol. Articles 32 and 33 of these rules shall apply.
2. The application shall be served on the parties. The President shall give the parties an opportunity to submit their written or oral observations before deciding on the application. The President shall refer the application to the Court.
  3. If the court allows the intervention, the intervener shall receive a copy of every document served on the parties. The court may, however, on application by one of the parties, omit secret or confidential documents.
  4. The intervener must accept the case as he finds it at the time of his intervention.
  5. The President shall prescribe a period within which the intervener may submit a statement in intervention. The statement in intervention shall contain:
    - (a) a statement of the form of order sought by the intervener in support of or opposing, in whole or in part, the form of order sought by one of the parties;
    - (b) the pleas in law and arguments relied on by the intervener;
    - (c) Where appropriate, the nature of any evidence offered.
  6. After the statement in intervention has been lodged, the President shall, where Necessary, prescribe a time limit within which the parties may reply to that statement.
  7. Consideration may be given to an application to intervene, which is made after the expiry of the period prescribed in paragraph 1 but before the decision to open the oral procedure provided for in Article 40(1). In that event, if the President allows the intervention, the intervener may, on the basis of the Report for the Hearing communicated to him, submit his observations during the oral procedure, if that procedure takes place.

## CHAPTER IV

### JUDGMENTS BY DEFAULT AND APPLICATIONS TO SET THEM ASIDE

#### *Article 90*

1. If a defendant on whom an application initiating proceedings has been duly served fails to lodge a defense to the application in the proper form within the time prescribed, the applicant may apply for judgment by default.
2. The application shall be served on the defendant.
3. The Court may decide to open the oral procedure on the application.
4. Before giving judgment by default the Court shall, after considering the circumstances of the case consider
  - (a) Whether the application initiating proceedings is admissible,
  - (b) Whether the appropriate formalities have been complied with, and
  - (c) Whether the application appears well founded.
5. The Court may order a preparatory inquiry.
6. A judgment by default shall be enforceable.
7. The Court may, however, grant a stay of execution until the Court has given its decision on any application under paragraph 8 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.
8. Application may be made to set aside a judgment by default.
9. 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 32 and 33 of these Rules.
10. After the application has been served, the President shall prescribe a period within which the other party may submit his written observations.
11. The proceedings shall be conducted in accordance with Article 40 of these Rules.
12. 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.
13. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

## CHAPTER V

### EXCEPTIONAL REVIEW PROCEDURES

#### **Section 1 : Third-party proceedings**

##### ***Article 91***

1. Articles 32 and 33 of these Rules shall apply to an application initiating 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 for which the third party was unable to take part in the original case.
2. The application must be made against all the parties to the original case.
3. Where the judgment has been published in the *Official Journal of the community*. The application must be lodged within two months of the publication.
4. The Court may, on application by the third party, order a stay of execution of the judgment.
5. The provisions of Title III, Chapter I, of these Rules shall apply.
6. The contested judgment shall be varied on the points on which the submissions of the third party are upheld.
7. 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 of the original of the contested judgment.

#### **Section 2 : Revision**

##### ***Article 92***

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

##### ***Article 93***

1. Articles 32 and 33 of these Rules shall apply to an application for revision.
2. 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 92 has been observed.

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

#### **Article 94**

1. Without prejudice to its decision on the substance, the Court, in closed session, shall, after hearing the parties 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 Substance 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 of the original of the judgment revised.

### **CHAPTER VI**

#### **INTERPRETATION OF JUDGMENTS**

#### **Article 95**

1. An application for interpretation of a judgment under Article 23 of the Protocol shall be made in accordance with Articles 32 and 33 of these Rules. In addition it shall specify:
  - (a) The judgment in question;
  - (b) The passages of which interpretation is sought.
2. The application must be made against all the parties to the case in which the judgment was given.
3. 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 parties. .
4. The original of the interpreting judgment shall be annexed to the original of the judgment interpreted.
5. A note of the interpreting judgment shall be made in the margin of the original of the judgment interpreted.

## **CHAPTER VII**

### **OPINIONS**

#### ***Article 96***

1. Any request by any of the institutions of the Community, for an Opinion pursuant to Articles 10 of the Protocol shall be served on the Chief Registrar, who shall immediately inform member states, notifying them of the time limit fixed by the President for receipt of their written observations or for hearing their Oral declarations.
2. The request for advisory opinion as contained in paragraph 1 of Article 10 shall be made in writing.
3. The request shall contain a statement of the question upon which the advisory opinion is required.
4. The statement shall be accompanied by all relevant documents likely to throw light upon the question.
5. The Court shall give the advisory opinion in public.
6. In the exercise of its advisory function, the Court shall be governed by the provisions of the Protocol, which applied in contentious cases where the Court recognizes them to be applicable.

#### ***Article 97***

1. As soon as the request for an Advisory Opinion has been lodged, the President shall designate a judge to act as Rapporteur
2. The Court sitting in closed session shall, after hearing the Judge give its decision.
3. The Opinion shall be delivered in accordance with the provisions of Article 10 of the Protocol.
4. The Opinion, signed by the President, by the Judges who took part in the Deliberations and by the Chief Registrar, shall be served on the Institution concerned.

**TITLE IV**

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**CHAPTER I**

**MISCELLANEOUS PROVISIONS**

***Article 98***

The President shall instruct any person who is required to take an oath before the Court, as witness or expert, to tell the truth or to carry out his task conscientiously and impartially, as the case may be, and shall warn him of the criminal liability provided for in his national law in the event of any breach of this duty.

***Article 99***

Subject to the provisions of the protocol and after consultation, the Court shall adopt supplementary rules concerning its practice in relation to:

- (a) Letters rogatory;
- (b) Reports of perjury by witnesses or experts.

***Article 100***

The Court may issue practice directions relating in particulars to the preparation and conduct of the hearings before it and to the lodging of written statements of case or written observations.

***Article 101***

These Rules, which are authentic in the languages mentioned in Article 87 of the Treaty shall be published in the official journal of Community and shall become valid soon after their publication.