

Rules of Procedure of the Court of the Eurasian Economic Union

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These Rules determine the manner and conditions of functioning of the Court of the Eurasian Economic Union for the purposes of implementation of the Treaty on the Eurasian Economic Union signed on May 29, 2014.

Article 1. Definitions

For the purposes of these Rules:

“act of the Court” means a judgment of the Court, an advisory opinion of the Court or an order of the Court;

“advisory opinion” means an act of the Court delivered after the consideration of a request for clarification;

“appeal” means an application for revision of a judgment of the Chamber of the Court filed to the Appeals Chamber of the Court;

“applicant” means a Member State, a body of the Union, employees and officials of the bodies of the Union and of the Court in accordance with Paragraph 46 of the Statute of the Court, who files a request for clarification;

“application” means an application of a Member State or an economic entity concerning disputes listed in Paragraph 39 of the Statute of the Court;

“bodies of the Union” means the bodies of the Union listed in Article 8 of the Treaty with the exception of the Court;

“claimant” means a Member State or an economic entity in accordance with Paragraph 39 of the Statute of the Court;

“Commission” means the Eurasian Economic Commission which is the permanent regulating body of the Union;

“Court” means the Court of the Eurasian Economic Union, which is the permanent judicial body of the Union;

“defendant” means a Member State, the Commission;

“intervener” means a Member State, the Commission;

“judgment of the Court” means an act of the Court adopted after the consideration of a case, provided for in Paragraphs 104-110 of the Statute of the Court;

“order of the Court” means an act of the Court adopted in the course of proceedings on procedural matters of functioning of the Court;

“parties” means the claimant and defendant to a dispute under consideration of the Court;

“request for clarification” means an application provided for in Paragraph

46 of the Statute of the Court;

“Statute of the Court” means the Statute of the Court of the Eurasian Economic Union, which is Annex 2 to the Treaty;

”Treaty” means the Treaty on the Eurasian Economic Union signed on May 29, 2014;

“Union” means the Eurasian Economic Union established in accordance with the Treaty.

Article 2. Language use in judicial proceedings

1. All documents shall be submitted to the Court in Russian or with attachment of their certified translation into Russian.

The accuracy of the translation of documents shall be certified by the translator in accordance with the laws of the State on the territory of which the translation is made.

2. The judicial proceedings shall be carried out in Russian. The persons participating in the case, who do not have command of the Russian language, may give explanations in another language and resort to interpreting services.

Chapter I. General matters of the organization and functioning of the Court

Article 3. Organisation and functioning of the Court

Regarding the matters not related to the administration of justice provided for by the Statute of the Court and by these Rules, as well as concerning other matters of organisational character introduced by the President of the Court, the Court shall hold plenary sessions in the manner determined by the President of the Court.

The results of a plenary session shall be formalized in the appropriate minutes.

Article 4. Taking of the oath

When taking up his duties, a Judge of the Court (hereinafter “Judge”) shall take the following oath at the plenary session of the Court:

“I solemnly swear that I will perform my duties honestly and conscientiously, I will be impartial and fair, as the duty of the Judge tells me to do”.

Article 5. Election of the President and the Vice-President of the Court

1. The President and the Vice-President of the Court shall be elected from among all Judges of the Court with regard to Paragraph 15 of the Statute of the Court at a full Court session by secret ballot.

2. Each Judge has one vote which shall be given for one of the candidates

for the position of the President of the Court.

Refusal to vote is not permitted.

3. The Judge obtaining a majority of votes of all Judges shall be elected as the President of the Court.

4. In case of equality in voting, a second ballot shall be held regarding the Judges with the greatest number of votes. In the second ballot the candidate obtaining more votes than the other candidates shall be elected.

5. The election of the Vice-President of the Court shall be carried out in the manner laid down in this Article for the election of the President of the Court, after the election of the President of the Court.

6. The results of the election of the President of the Court and the Vice-President of the Court shall be formalized in the minutes signed by all Judges and submitted to the Supreme Eurasian Economic Council (hereinafter “the Supreme Council”).

Article 6. The initiative to terminate the powers of a Judge

1. The initiative of a Member State of the Union (hereinafter “Member State”) represented by the Judge to terminate his powers on the grounds provided for in Paragraph 12 of the Statute of the Court shall be implemented by forwarding a corresponding written request to the Supreme Council enclosing the necessary documents. The President of the Court shall be informed about it.

2. The initiative of the Court to terminate the powers of the Judge on the grounds provided for in Paragraph 12 of the Statute of the Court shall be implemented by forwarding a corresponding written request by the President of the Court to the Supreme Council enclosing the relevant minutes signed by all Judges (except for the Judge in respect of whom the termination of powers is initiated) and the necessary documents.

3. The initiative of the Judge to terminate his powers on the grounds provided for in Paragraph 12 of the Statute of the Court shall be implemented by forwarding a corresponding written request enclosing the necessary documents to the President of the Court, who shall submit it for consideration to the Supreme Council.

Article 7. Consequences of the termination of powers of a Judge

1. In case of termination of powers of a Judge who is a member of the Grand Chamber of the Court in the manner laid down in Article 6 of these Rules, the dispute resolution proceedings and the clarification proceedings shall be suspended until a new Judge takes office.

2. In case of termination of powers of a Judge who is a member of the Chamber of the Court in the manner laid down in Article 6 of these Rules, another Judge from the same Member State shall be included in the Chamber of

the Court.

3. In case of termination of powers of a Judge who is a member of the Appeals Chamber of the Court in the manner laid down in Article 6 of these Rules, the appeal proceedings shall be suspended until a new Judge takes office.

4. The provisions of this Article shall not be applied in case of termination of powers of a Judge on the grounds provided for in Paragraph 12 (6) of the Statute of the Court.

5. In case of replacement of a Judge the consideration of the case shall be started from the beginning.

Chapter II. Applying to the Court

Article 8. Application of a Member State for dispute resolution

1. An application of a Member State shall contain the following:

- a) the name of the Court;
- b) the official name of the State;
- c) the name of the defendant;

d) the grounds for applying to the Court (in accordance with Paragraph 39 of the Statute of the Court) and the claimant's demands with reference to concrete facts and circumstances;

e) information regarding the contested act of the Commission (name, number, date of adoption, source of publication) and (or) the description of the action (failure to act) of the Commission (in case of disputes referred to in the Subparagraphs 4 and 5 of Paragraph 39 (1) of the Statute of the Court);

f) information regarding the following of a pretrial dispute resolution procedure (in accordance with Paragraph 43 of the Statute of the Court);

g) information regarding the authorized representative, including the location, postal address, telephone number, fax number, e-mail address (if any);

h) the filing date of the application.

The application of a Member State shall be signed by the person referred to in Paragraph 1 of Article 31 of these Rules.

2. The following documents shall be attached to the application of a Member State:

a) documents proving the claims of the Member State;

b) documents confirming the following of a pretrial dispute resolution procedure;

c) the contested act of the Commission (in case of disputes referred to in Subparagraph 4 of Paragraph 39 (1) of the Statute of the Court);

d) documents confirming the authority to sign the application, except for cases, where such confirmation is not required;

e) documents confirming the forwarding of a copy of the application and attached documents to the defendant.

In case of disputes concerning matters of granting of industrial subsidies

which cause damage to a sector of national economy of a Member State, the documents and information provided for in Paragraph 24 of the Protocol on the common rules for granting of industrial subsidies (Annex 28 to the Treaty) shall also be attached to the application.

3. The application and attached documents shall be submitted in one copy in paper format and in electronic form.

Article 9. Application of an economic entity for dispute resolution

1. An application of an economic entity shall contain the following:

- a) the name of the Court;
- b) information regarding the applicant (family name, first name, patronymic (if any) of the natural person and data on its registration as an individual entrepreneur or the name of the legal person and its registration data);
- c) the place of residence of the natural person or the location of the legal person, including the official name of the state, postal address (address for correspondence), as well as telephone and fax numbers, e-mail address (if any);
- d) rights and legitimate interests infringed, in the opinion of an economic entity, by the contested decision of the Commission and (or) actions (failure to act) of the Commission, as well as the factual circumstances and arguments serving as grounds for the claims of an economic entity, provided for in Paragraph 2 of this Article;
- e) information regarding the contested act of the Commission (name, number, date of adoption, source of publication) and (or) the description of the action (failure to act) of the Commission;
- f) information regarding the following of a pretrial dispute resolution procedure;
- g) the filing date of the application.

The application shall be signed by the person referred to in Paragraphs 1 and 2 of Article 32 of these Rules.

2. The application shall state the following claims of an economic entity in accordance with Paragraph 39 (2) of the Statute of the Court: to declare the decision of the Commission or its particular provisions not in line with the Treaty and (or) international treaties within the Union and (or) to declare the contested action (failure to act) of the Commission not in line with the Treaty and (or) international treaties within the Union.

3. The following documents shall be attached to the application of an economic entity:

- a) the contested decision of the Commission (in case of disputes referred to in Subparagraph 2 of Paragraph 39 (2) of the Statute of the Court);
- b) the copy of a certificate of registration of the legal person or of the natural person as an individual entrepreneur;

- c) documents confirming the undertaking of a pretrial dispute resolution procedure;
 - d) a power of attorney or other documents confirming the authority to sign the application;
 - e) the document confirming the payment of the fee;
 - f) documents confirming the forwarding of a copy of the application and attached documents to the defendant;
 - g) other documents and information proving the claims of an economic entity.
4. The application and attached documents shall be submitted in one copy in paper format and in electronic form.

Article 10. Request of a Member State or a body of the Union for clarification

1. A request of a Member State or a body of the Union for clarification shall contain the following:
- a) the name of the Court;
 - b) the official name of the State or the body of the Union;
 - c) provisions of the Treaty, international treaties within the Union and decisions of the bodies of the Union, requiring clarification;
 - d) information regarding the authorized representative, including the location, postal address, telephone and fax numbers, e-mail address (if any);
 - e) the filing date of the request for clarification.
2. The request for clarification shall be signed by the person referred to in Paragraph 1 of Article 31 of these Rules.
3. The necessary documents shall be attached to the request, including documents confirming the authority to sign the request, except for cases, where such confirmation is not required.

Article 11. Request of an employee or an official for clarification

1. A request of an employee or an official for clarification shall contain the following:
- a) the name of the Court;
 - b) information regarding the applicant (family name, first name, patronymic (if any), position, citizenship);
 - c) the place of residence, postal address (address for correspondence), as well as telephone and fax numbers, e-mail address (if any);
 - d) information regarding the documents confirming the fact of employment in a body of the Union or in the Court;
 - e) provisions of the Treaty, international treaties within the Union and decisions of the bodies the Union, related to labour relations, with an issue statement requiring clarification and enclosing of the necessary documents;

f) the filing date of the request for clarification.

2. The request shall be signed by the applicant or his representative, whose authority shall be confirmed by the appropriate documents, issued by the applicant.

3. The documents confirming the fact of employment in a body of the Union or in the Court shall be attached to the request.

Article 12. Registration of an application

The received application, appeal, request for clarification shall be registered in the manner determined by the President of the Court.

Chapter III. Setting up the case. Designation of the formation of the Court

Article 13. Manner for setting up of the case and designation of the formation of the Court, of the Presiding Judge and Judge-Rapporteur for a particular case

1. The President of the Court on the ground of the registered application, appeal, request for clarification shall designate the formation of the Court for consideration of a case, including the Judge-Rapporteur for the case (hereinafter "Judge-Rapporteur"), the court session secretary, and shall assign such an application, appeal, request for clarification to the appropriate formation of the Court for consideration.

2. The Judge shall have no right to refuse to participate in the court session, as well as to leave the court session without permission of the Presiding Judge. The said requirement shall be applied to the delivery of acts of the Court in the deliberation room.

Article 14. Presiding Judge and Judge-Rapporteur in the Grand Chamber of the Court

1. The sessions of the Grand Chamber of the Court shall be conducted by the President of the Court acting as the Presiding Judge.

2. One of the Judges from the Grand Chamber of the Court shall be designated as the Judge-Rapporteur alternately by the family names of the Judges, beginning from the first letter of the Russian alphabet.

Article 15. Presiding Judge and Judge-Rapporteur in the Chamber of the Court

1. One of the Judges from the Chamber of the Court shall be designated as the Judge-Rapporteur in the Chamber of the Court alternately by the family names of Judges, beginning from the first letter of the Russian alphabet.

2. The Presiding Judge in the Chamber of the Court shall be the Judge-Rapporteur.

Article 16. Presiding Judge and Judge-Rapporteur in the Appeals Chamber of the Court

1. One of the Judges from the Appeals Chamber of the Court shall be designated as the Judge-Rapporteur in the Appeals Chamber of the Court alternately by the family names of Judges, beginning from the first letter of the Russian alphabet.

2. The Presiding Judge in the Appeals Chamber of the Court shall be the Judge-Rapporteur.

Article 17. Court session secretary

The court session secretary shall be, as a rule, the assistant of the Judge-Rapporteur.

Chapter IV. General principles of the judicial proceedings

Article 18. General principles of the judicial proceedings

The judicial proceedings shall be carried out on the basis of the principles, listed in Paragraphs 53 and 69 of the Statute of the Court.

Article 19. Independence of Judges

1. The Judges shall administer justice independently from any external influence, governed by the law of the Union, generally recognized principles and rules of international law.

2. Any interference in the activity of Judges during administration of justice shall not be permitted.

Article 20. Transparency of the proceedings

1. The court sessions in all the cases shall be held openly and transparently. Limitation of transparency of the proceedings is permitted in order to ensure the protection of restricted information.

2. If there are documents containing restricted information on the case, the Court on its own initiative or on the petition of the parties shall have the right to hold sessions in camera in compliance with all the regulations laid down in these Rules.

Article 21. Publicity

1. The acts of the Court shall be announced publicly and published in the official bulletin of the Court and on the official website of the Court in telecommunication network "Internet" (hereinafter "the official website of the Court").

2. For the cases heard in camera the Court may limit the publicity of case materials in the part related to the restricted information.

Article 22. Equality of the parties to the dispute

The parties to the dispute enjoy equal procedural rights and discharge equal procedural duties.

Article 23. Adversarial nature of the judicial proceedings

1. The claimant shall substantiate his claims and the defendant shall have the right to raise objections regarding the claims stated.

2. The parties are entitled to know each other's arguments prior to the start of the judicial proceedings.

3. The parties shall bear the risk of the consequences for their performing or failure to perform procedural actions.

Article 24. Collegiality

The Court shall administer justice in the Grand Chamber of the Court, the Chamber of the Court and the Appeals Chamber of the Court.

Chapter V. Dispute resolution proceedings

Article 25. Parts of the dispute resolution proceedings

1. The dispute resolution proceedings shall comprise two parts: a written part and an oral one.

2. The written procedure shall consist of filing an application to the Court, submission of other documents and materials related to the dispute or their certified copies, the report of a specialized group (in case of composition of such a group).

3. The oral procedure shall consist of the report of the Judge-Rapporteur, hearing of persons participating in the dispute, the reports of experts and specialists, as well as announcement of documents and materials, orders of the Court and judgments of the Court.

Article 26. Judge-Rapporteur

The Judge-Rapporteur:

a) preliminarily determines the jurisdiction of the Court over a dispute;
 b) verifies the correctness of the drawing-up of the application, its compliance with the requirements;

c) controls the following of a pretrial dispute resolution procedure and the presence of documents confirming the following of such a procedure;

d) determines the fullness and sufficiency of the documents and materials submitted;

e) controls the existence of an effective judgment of the Court on a previously considered dispute between the same parties, on the same subject-matter, the same grounds and circumstances;

- f) prepares a proposal for the acceptance or dismissal of the application;
- g) ensures the composition of specialized group in cases listed in Paragraph 82 of the Statute of the Court;
- h) arranges the session of the Court;
- i) exercises other competence in accordance with these Rules.

Article 27. Presiding Judge

The Presiding Judge in the court session:

- a) opens the court session and announces what particular dispute is subject to consideration;
- b) announces the composition of the Court, the court session secretary, the persons participating in the dispute, the interveners;
- c) checks the appearance in court session of representatives of the parties, other persons participating in the dispute, the interveners, their identification documents and the documents confirming their authority;
- d) ascertains whether the persons having failed to appear in court session were properly notified, and clarifies the reasons for their failure to appear;
- e) explains to the parties, other persons participating in the dispute and interveners, their procedural rights and duties;
- f) ascertains the possibility of the case hearing, including the necessity to consider the case in camera;
- g) invites persons participating in the dispute and the interveners into the courtroom for the hearing;
- h) suggests to the Court to determine the sequence of procedural actions and fixes it taking into account both the opinion of the Court and the parties;
- i) conducts the court session, ensures a comprehensive and full examination of evidence and circumstances of the case, suggests to the persons participating in the dispute to give explanations and introduce evidence for the circumstances significant to the dispute resolution;
- j) ensures the consideration of applications and petitions of the persons participating in the dispute;
- k) takes measures to ensure the proper order in the court session;
- l) announces a break in the court session for rest, because of the onset of non-working time, for preparation of the parties or their representatives for the closing submissions, as well as in case of circumstances being an obstacle to a normal course of a court session, or for some other reasons.

Article 28. Court session secretary

The court session secretary:

- a) sets up the case materials and prepares the inventory of documents;
- b) notifies the persons participating in the dispute and the interveners of place and time of the court session;

- c) checks preliminarily the appearance of the persons participating in the dispute and the interveners;
- d) provides access of persons participating in the dispute to the case materials and to obtaining of copies of the acts of the Court by them;
- e) takes and draws up the minutes of the court session and ensures the fullness and validity of their content;
- f) provides storage of the case materials in the course of proceedings;
- g) executes other instructions of the Judge-Rapporteur.

Article 29. Persons participating in the dispute

1. The persons participating in the dispute are the following:
 - a) the parties, their representatives;
 - b) experts, including experts from specialized groups, specialists, witnesses and interpreters.
2. The parties and their representatives shall have the right to:
 - a) access the case materials, make extracts and copies, obtain copies of the acts of the Court in the form of a separate document;
 - b) file motions to recuse specialists, experts, including experts from specialized groups, file petitions, make statements, give explanations whether in written, oral and electronic form, present their arguments regarding all issues arising in the course of the dispute consideration;
 - c) submit any documents or materials significant to the correct resolution of the dispute, and participate in their examination;
 - d) access petitions filed by other persons participating in the dispute and to raise objections;
 - e) put questions to other persons participating in the dispute;
 - f) enjoy other procedural rights granted to them by these Rules, the Statute of the Court and international treaties within the Union.
3. The parties and their representatives shall:
 - a) appear when summoned by the Court;
 - b) forward copies of the procedural documents to the other party;
 - c) take measures to secure the appearance before the Court of an expert, specialist, witness, interpreter, summoned upon their petition;
 - d) exercise their rights in good faith and not abuse them;
 - e) discharge other procedural duties provided for in these Rules, in the Statute of the Court and international treaties within the Union.
4. The expert, the specialist shall have the right to:
 - a) access the case materials related to the subject-matter of the expert examination;
 - b) put questions to other persons participating in the dispute;
 - c) file petitions for providing additional materials in order to prepare the report.

5. The expert, the specialist shall appear when summoned by the Court, and provide a report in written form on the posed questions.

The expert, the specialist shall act in their personal capacity, shall not be representatives of the Member States or organizations, shall work independently and shall not be related to either party to the dispute and may not obtain any instructions from them.

The expert, the specialist may not participate in the consideration of a dispute, in which they have been involved previously as representatives, attorneys or lawyers of a party or in any other capacity.

6. The experts from specialized groups shall have the right to:

a) be present in the court sessions;

b) access the case materials, related to the subject-matter of the dispute, make extracts, make copies of case materials, access the audio and video recordings of the court sessions;

c) put questions to other persons participating in the dispute;

d) file petitions for providing additional materials in order to prepare the report and for holding a court session.

7. The interpreter shall appear when summoned by the Court. The interpreter may put questions leading to more accurate translation.

8. The witness shall appear when summoned by the Court, communicate information related to the merits of the dispute under consideration, known to him personally, and shall respond to the additional questions of Judges and persons participating in the dispute.

Article 30. Interveners

1. The interveners are a Member State or the Commission, whose petition for permission to intervene, provided for in Paragraph 60 of the Statute of the Court, is granted by the Court.

2. The petition to intervene shall be filed before the delivery of a judgment of the Court. Persons referred to in Paragraph 1 of Article 31 of these Rules may act as representatives of an intervener.

3. The Court shall grant the petition referred to in Paragraph 2 of this Article by the appropriate formation of the Court without summoning the parties and adopt an order.

Article 31. Representatives of the Member States and the Commission before the Court

1. As representatives of the Member States and the Commission before the Court may act respectively:

a) an official of the Member State, who can represent his State without producing his powers under international law;

b) heads of authorized bodies and organizations of the Member States

determined according to Paragraph 49 of the Statute of the Court;

c) the Chairman of the Board of the Commission;

d) other persons whose authority is confirmed by appropriate documents issued by the persons referred to in Paragraphs 1 (a) – 1 (c) of this Article.

2. The authority of representatives shall be inspected by the Presiding Judge in the court session by examining the documents submitted to the Court and confirming such authority. The Court on the ground of the submitted documents shall consider the acknowledgment of the corresponding authority and the admission of the indicated persons to participate in the court session as representatives of the Member States and (or) of the Commission before the Court.

Documents confirming the authority of representatives of the Member States and (or) of the Commission before the Court, shall be attached to the case materials, or the information from these documents shall be entered into the minutes of the court session.

A Member State, the Commission shall have the right to replace their representative at any time, or to appoint an additional representative that does not entail legal consequences for the proceedings before the Court.

3. In case of failure to submit the required documents the Court shall refuse to acknowledge the authority of the representative of the Member State and (or) the Commission and shall adopt an appropriate order.

Article 32. Representatives of an economic entity before the Court

1. As representatives of the claimant who is an economic entity before the Court shall act the head of an economic entity, if it is a legal person, or the economic entity itself (individual entrepreneur), who signed the application to the Court.

2. As representatives of an economic entity shall also act other persons whose authority is confirmed by appropriate documents issued by the persons referred to in Paragraph 1 of this Article.

3. The authority of representatives of an economic entity before the Court shall be inspected by the Presiding Judge in the court session by examining the documents submitted to the Court and confirming such authority. The Court on the ground of the submitted documents shall consider the acknowledgment of the corresponding authority and the admission of the said persons to participate in the court session as representatives.

Documents confirming the authority of the representatives of an economic entity shall be attached to the case materials, or the information from these documents shall be entered into the minutes of the court session.

The claimant shall be entitled to replace his representative at any time, or to appoint an additional representative, that does not entail legal consequences for the proceedings before the Court.

4. In case of failure to submit the required documents the Court shall refuse to acknowledge the authority of the representative of an economic entity and shall adopt an appropriate order.

Article 33. Acceptance of an application. Dismissal of an application. Provisional deferment of an application.

1. The Court shall adopt an order on acceptance of the application, unless otherwise provided in Paragraphs 2 and 3 of this Article.

2. The Court shall adopt an order on dismissal of the application if:

a) the consideration of the dispute does not apply to the Court's jurisdiction;

b) the prescribed pretrial dispute resolution procedure is not followed;

c) prior to the adoption by the Court of the order on acceptance of the application, the claimant has filed the petition for withdrawal of the application;

d) there is an effective judgment of the Court on a previously considered dispute between the same parties, on the same subject, on the same grounds and circumstances;

e) the application is submitted by a state body or organization that are not stated in the list, determined in accordance with Paragraph 49 of the Statute of the Court;

f) the applicant has not corrected the defects serving as grounds for provisional deferment of the application.

3. The Court shall adopt an order on provisional deferment of the application if:

a) the fee is not paid or is not paid in full;

b) the application does not meet the requirements provided for in these Rules, and (or) the documents provided for in Articles 8 or 9 of these Rules are not attached to the application.

In the order on provisional deferment of the application the Court shall specify the grounds for provisional deferment of the application and the time-limit for the applicant to correct the defects serving as grounds for provisional deferment of the application.

If the defects serving as grounds for provisional deferment of the application will be corrected within the time-limit prescribed in the order of the Court, the application shall be accepted. The day of the receipt of the application, acceptance of which was provisionally deferred, shall be the day of the receipt of the appropriate documents by the Court.

If the defects serving as grounds for provisional deferment of the application will not be corrected within the time-limit prescribed in the order of the Court, the Court shall dismiss the application.

4. In case of dismissal of the application the fee paid by an economic entity shall not be refunded.

Article 34. Notifications of acceptance of the application, dismissal of the application, provisional deferment of the application

1. The Court within the time-limit not exceeding 10 calendar days from the date of the receipt of the application shall notify the parties of the acceptance of the application, of the provisional deferment of the application or of the dismissal of the application, and shall enclose a copy of the order to the notification. The Court shall also notify the possible interveners.

2. In case of dismissal of the application on the grounds provided for in Subparagraph (e) of Paragraph 2 of Article 33 of these Rules, the Court within a time-limit not exceeding 10 calendar days from the date of the receipt of the application shall also notify the Member State via diplomatic channels and enclose a copy of the order to the notification.

Article 35. Adversarial and other documents and materials

1. Adversarial documents related to the dispute are written documents submitted to the Court by the persons participating in the dispute or obtained by the Court on the initiative of the parties, or information, explanations, other documents and materials serving as grounds for the Court to establish the presence or absence of circumstances proving the claims or objections of the parties and other circumstances significant to the resolution of the dispute.

2. Written comments or other documents may not be submitted after the expiring of the time-limit fixed by the Court or prescribed by these Rules. Written comments or other documents submitted in violation of these time-limits may not be attached to the case materials, unless otherwise established by an order of the Court.

The confirmed date of the dispatch of a document, or in case of its absence, the actual date of its receipt by the Court shall be regarded as the date of filing of a document.

3. The Court evaluates the adversarial documents, as well as materials obtained in accordance with Paragraph 55 of the Statute of the Court, according to its inner conviction, based on a comprehensive, full, unbiased and direct examination of the available case materials.

Article 36. Notification of time and place of the court session

The persons participating in the dispute and the interveners shall be notified within a reasonable time-limit of time and place of the court session or of the performance of an individual procedural action.

The said information shall be placed on the official website of the Court not later than 15 calendar days prior to the start of the court session or the performance of an individual procedural action, unless otherwise provided by these Rules.

Article 37. Time-limits

1. The Court shall deliver a judgment after the consideration of a dispute within the time-limit laid down in Paragraph 96 of the Statute of the Court.

2. In case of disputes the subject-matter of which is the granting of industrial subsidies, agricultural state support measures, the application of safeguard, anti-dumping and countervailing measures, the time-limit for delivery of the judgment may be extended in accordance with Paragraph 97 of the Statute of the Court and Chapter VI of these Rules.

The time-limit for delivery of the judgment on the indicated disputes including the extension may not exceed 135 calendar days.

3. The procedural time-limits shall be specified by the Court for performance of individual procedural actions within the time-limits laid down in Paragraphs 1 and 2 of this Article.

4. The request of a party for extension of the procedural time-limits set by the Court shall be considered by the Court within 5 calendar days from the date of receipt of such a request; the Court shall adopt an appropriate order.

5. The suspension of proceedings in accordance with Article 52 of these Rules shall suspend the running of time-limits. From the day of the resumption of the proceedings, the suspended period shall be resumed.

6. The running of time-limits shall be suspended during the judicial vacations from 20 July to 31 August.

7. A break in the court session and the postponement of proceedings shall not suspend the running of time-limits.

8. A time-limit shall start on the next day, following the calendar date or the day of occurrence of an event, determining the beginning of the time-limit.

If the last day of the time-limit is a non-working day, the first subsequent working day shall be regarded as the last day of the time-limit.

Article 38. Defendant's objections

1. The defendant has the right within 15 calendar days from the date of the receipt of the notification of the Court of acceptance of an application to submit to the Court and to the claimant his objections, containing:

- a) the name and location of the defendant;
- b) legal arguments and factual circumstances serving as grounds for the defendant's position;
- c) information regarding the forwarding of the objections to the claimant;
- d) a list of attached documents and materials;
- e) the date and defendant's signature.

2. If the defendant does not raise his objections in respect of the

application, the Court may consider the dispute on the base of documents and materials available in the case.

Article 39. Preparing the case for consideration

1. In course of preparation of the case for consideration the Judge-Rapporteur shall be entitled to:

a) suggest to the claimant to submit within a specified time-limit documents or materials which he considers to be relevant to the dispute;

b) suggest to the defendant to submit within a specified time-limit the objections in respect of the application, unless they have been previously submitted to the Court;

c) suggest to the parties to specify their claims and objections, and set the time-limit for the submission of necessary additional documents and materials;

d) determine the readiness of the case for consideration;

e) perform other procedural actions provided for by these Rules intended to ensure the consideration of the case in due time.

2. The Court shall have the right to consider the necessity of appointment of an expert examination, drawing of specialists, submitting requests in accordance with Paragraph 55 of the Statute of the Court, of the intervention, as well as the right to consider with the consent of the parties the question of the joinder and separation of several claims.

3. On the proposal of the Judge-Rapporteur the Court shall determine the time and place of the court session as well as the circle of persons to be summoned to the court session and shall properly notify thereof the persons participating in the dispute and the interveners.

Article 40. Presence of representatives of state bodies and organizations

The Court provides an opportunity to be present in the court sessions for the representatives of state bodies and organizations of the Member States if there is a request submitted by the authorized bodies and organizations determined in accordance with Paragraph 49 of the Statute of the Court.

Article 41. Self-recusation

1. A Judge may not participate in the resolution of any dispute, if he was an employee, representative, attorney or lawyer of one of the parties, or if he has an interest in the outcome of the proceedings for other reasons.

2. The circumstances specified in Paragraph 1 of this Article are the ground for self-recusation of a Judge.

3. The self-recusation must be declared before the start of the consideration of the dispute on its merits. In the course of consideration of the dispute a declaration of self-recusation is allowed only if the grounds for the

self-recusation have become known after the start of the consideration of the dispute on its merits.

4. The declaration of self-recusation of a Judge shall be considered by the formation of the Court that accepted the case. The Judge who has declared the self-recusation shall not participate in the adoption of an order of the Court on this matter.

Article 42. Recusation (self-recusation) of a specialist, expert

1. A specialist, expert, including an expert from specialized group, may not participate in the proceedings, if they are or were employees, representatives, attorneys or lawyers of one of the parties, or if they have an interest in the outcome of the proceedings for other reasons.

2. The circumstances specified in Paragraph 1 of this Article are the ground for the recusation of a specialist, expert, including an expert from specialized group.

3. A recusation (self-recusation) of a specialist, expert, except for an expert from specialized groups, must be declared before the start of the consideration of the dispute on its merits. In the course of consideration of the dispute an application for recusation (self-recusation) is allowed only if the grounds for the recusation (self-recusation) have become known after the start of the consideration of the dispute on its merits.

4. The application for recusation (self-recusation) of a specialist, expert, including an expert from specialized group, shall be considered by the formation of the Court that accepted the case.

5. After the consideration of the application for recusation (self-recusation) of a specialist, expert, including an expert from specialized group, the Court shall adopt an appropriate order.

Article 43. Rules of conduct in the court session

1. All persons in the courtroom shall rise when Judges enter the courtroom.

2. Persons participating in the dispute shall address the Court and the Judges in the following way: “The High Court!” or “Your Honor!”.

Persons participating in the dispute should always stand while giving their explanations and testimonies to the Court and answering questions by the permission of the Presiding Judge in the court session. Any deviation from this rule may be allowed only by the permission of the Presiding Judge.

3. Directions of the Presiding Judge concerning the order in the court session shall be obligatory for all persons present in the courtroom.

If a person violates the order in the court session after being warned, he may be removed by the Court from the courtroom and an appropriate note shall be made in the minutes of the court session.

The Court may inform the party, the intervener about violation of the order in the court session by their representatives and an appropriate note shall be made in the minutes of the court session.

4. The use of technical recording devices is allowed by the permission of the Court with regard to the opinions of the parties. An appropriate note about the usage of technical devices shall be made in the minutes of the court session.

Article 44. Judicial proceedings

1. The consideration of a case shall be carried out in an open court session.

2. The Judge-Rapporteur shall inform the Court of the work done to prepare the case for judicial proceedings, and state the content of the case materials. The Judge-Rapporteur in his report shall not have the right to express his own opinion regarding the dispute.

Only the Judges have the right to put questions to the Judge-Rapporteur.

3. Consideration of the dispute begins with statements of the representatives of the claimant and the defendant.

The indicated persons may give explanations to the Court regarding the evidence presented by them and the evidence ordered for presentation by the Court upon their petition, may respond to clarifying questions of Judges on the merits of the dispute under consideration, and put questions in the court session to the other party to the dispute by the permission of the Presiding Judge.

4. The sequence of examination of experts, specialists and witnesses in the court session shall be determined by the Court. The Judges and the representatives of the parties may put questions to the said persons in the court session by the permission of the Presiding Judge.

Article 45. Verification in cases on application of an economic entity for contesting a decision of the Commission or its particular provisions, and (or) actions (failure to act) of the Commission

1. When considering the case on the application of an economic entity for contesting a decision of the Commission or its particular provisions, and (or) actions (failure to act) of the Commission the Court in the court session shall verify:

- a) the competence of the Commission to adopt the contested decision;
- b) the fact of violation of rights and legitimate interests of economic entities in the area of business and other economic activities, granted to them by the Treaty and (or) international treaties within the Union;
- c) the contested decision or its particular provisions, and (or) the contested action (failure to act) of the Commission for compliance with the Treaty and (or) international treaties within the Union.

2. In case of consideration of the disputes concerning the application of

safeguard, anti-dumping and countervailing measures the Court shall not exceed the limits of factual circumstances and arguments stated in the application and serving as grounds for the claims of an economic entity, and of the materials of the investigation preceding the adoption of the contested decision of the Commission.

The verification of a decision of the Commission on the application of a safeguard, anti-dumping and countervailing measure, in accordance with Subparagraph (c) of Paragraph 1 of this Article, shall be limited to verification of:

the compliance by the Commission of essential procedural requirements, the correct application of law preceding the adoption of the contested decision;

the proper use of obtained information by the Commission, the proper ascertainment of the grounds for the adoption of the contested decision, the substantiation of the relevant conclusions based on which the Commission in the manner laid down in the Protocol on the application of safeguard, anti-dumping and countervailing measures to third countries (Annex 8 to the Treaty) has adopted the contested decision.

Article 46. Minutes of a court session

1. The minutes of a court session must contain:

a) the place and date of the court session, as well as its starting and ending time;

b) the composition of the Court and the information on persons participating in the dispute and the interveners;

c) a summary of the issues under consideration and given explanations, testimonies;

d) the record of procedural actions of the Court in the sequence they occurred, the note regarding the undertakings given by the experts, including experts from specialized groups, specialists, witnesses and interpreters;

e) the minute orders adopted by the Court.

2. The minutes shall be signed by the Presiding Judge and the court session secretary. The written statements submitted by the parties during the judicial pleadings may be attached to the minutes.

3. In order to ensure the completeness of the minutes of the court session, the audio and video recordings shall be carried out that is provided by the Secretariat of the Court.

The audio and video recordings of the court session shall be attached to the case materials.

Article 47. Failure to appear in a court session

1. The representatives of the parties are obliged to participate in a court session. The parties may notify the Court of the possibility of consideration of

the dispute in their absence. If the application for consideration of the dispute in their absence has not been submitted and in case of their failure to appear in the court session the Court may postpone the judicial proceedings.

The failure to appear in the court session of the parties and an intervener, properly notified of the time and place of the court session, shall not be an obstacle for the Court to consider the dispute on its merits.

2. In case of failure to appear in the court session of experts, specialists, witnesses, interpreters, properly notified of the time and place of the court session, the Court may postpone the judicial proceedings, unless the parties have filed a petition for the consideration of the dispute in the absence of the indicated persons.

Article 48. Statements and petitions of the parties

Statements and petitions of the parties, including those on the merits of stated claims and objections, shall be submitted to the Court in written form, may be presented orally in a court session, shall be entered into the minutes of the court session and be resolved by the Court directly in the court sessions after hearing the opinion from the other party.

After the consideration of statements and petitions of the parties the Court shall adopt an appropriate order.

Article 49. Participation in the court session of experts, including experts from specialized groups, specialists, witnesses, interpreters

1. Upon the petition of the parties or if necessary on the initiative of the Court experts, specialists, witnesses, interpreters may be involved in the consideration of the dispute. The party filing a petition to summon the indicated persons must submit their personal data (family name, first name, patronymic and place of residence) and take measures to ensure their appearance before the Court.

2. Experts from specialized groups participate in court sessions on disputes provided for in Paragraph 82 of the Statute of the Court.

3. Before the report of an expert, including an expert from specialized group, specialist, interpreter, the Presiding Judge ascertains their data (family name, first name, patronymic, place of employment, information on education) and explains their procedural rights and duties. An appropriate note shall be made in the minutes of the court session. After that the expert, including the expert from specialized group, specialist, interpreter shall give the corresponding undertaking.

An expert (specialist) gives an undertaking as follows: “I, (full name), pledge to discharge my duties of expert (specialist) honestly and in good faith, based on professional knowledge and guided by my own convictions”.

An interpreter gives an undertaking as follows: “I, (full name), pledge to

interpret accurately and completely”.

After reading and signing, an undertaking shall be attached to the case materials, an appropriate note shall be made in the minutes of the court session.

4. Prior to the start of the testimony of a witness, the Presiding Judge ascertains the identity of the witness and explains his procedural rights and duties, an appropriate note shall be made in the minutes of the court session.

The witness gives an undertaking as follows: “I, (full name), pledge to give to the Court testimony of only truthful and complete character, about personally known information and materials relating to the dispute under consideration”.

After reading and signing by the witness, an undertaking shall be attached to the case materials, an appropriate note shall be made in the minutes of the court session.

Article 50. Break in a court session

1. Upon the petition of the representatives of the parties or on its own initiative the Court may declare a break in a court session during the day.

In case of a break for a longer period the Court shall specify the time and place for the resumption of the court session.

An appropriate note regarding the break in a court session and its duration shall be made in the minutes of the court session.

2. Persons participating in the dispute and interveners, who was present in the courtroom before the announcement of a break, shall be regarded as properly notified of the time and place of the resumption of the court session, and their failure to appear in the court session after the break shall not be considered as an obstacle for the resumption of the court session.

Article 51. Postponement of the court proceedings

1. The Court shall postpone the court proceedings in case of failure to appear in the court session of a person participating in the dispute, if in respect of that person the Court has no information on the notification of the person of the time and place of the court session.

2. If the person participating in the dispute and properly notified of the time and place of the court session has filed a petition to postpone the court session with substantiation of his failure to appear in the court session, the Court may postpone the court session if it recognizes the reasons for failure to appear as valid.

3. The Court may grant the petition of a party for postponement of the court session on the grounds of the necessity of introduction of additional evidence by the party or performance of other procedural actions by the Court.

The court proceedings may be postponed in case of illness of a Judge or for other reasons due to which the court session cannot be held for a time-limit

not exceeding 14 calendar days.

4. In case of granting of the petition for postponement of the court session, the Court may examine the present witnesses, if the parties are present in the court session. Testimonies of these witnesses shall be announced in a new court session.

5. The Court shall adopt an order on the postponement of the court session.

6. The judicial proceedings in the new court session shall be resumed from the point, where it was postponed.

Article 52. Suspension and resumption of proceedings

1. The Court shall have the right to suspend the proceedings in cases of:

- a) reorganization of the claimant;
- b) termination of powers of a Judge, who is a member of the Grand Chamber of the Court;
- c) termination of powers of a Judge, who is a member of the Appeals Chamber of the Court;
- d) failure to transfer (or transfer in full) monetary assets for payment for the services of experts from a specialized group in disputes provided for in Paragraph 82 of the Statute of the Court.

2. The Court upon the request of the parties or on its own initiative shall resume the proceedings after the termination of the circumstances serving as grounds for the suspension of the proceedings.

3. The Court shall adopt an order on the suspension of the proceedings as well as on its resumption within a time-limit not exceeding 5 calendar days from the date of onset or termination of the circumstances referred to in Paragraph 1 of this Article, serving as grounds for the suspension or resumption of the proceedings. A copy of this order shall be forwarded to the parties and the interveners.

Article 53. Judicial pleadings and replications

1. After examination of all evidence the Presiding Judge in the court session shall declare the examination of evidence completed and make a transition to the judicial pleadings.

2. The judicial pleadings shall consist of the statements of the parties or their representatives who substantiate their position on the dispute.

The participants of judicial pleadings shall have no right to refer to the circumstances that have not been ascertained by the Court and to evidence that has not been examined during the court session.

3. After the statements of all participants of the judicial pleadings, each of them shall have the right to make replications. The representative of the defendant shall have the right to the last replication.

4. After the judicial pleadings and replications the Court shall retire to deliver judgment; it shall be announced to all present in the courtroom and an appropriate note shall be made in the minutes of the court session.

Article 54. Settlement agreement

Parties to the dispute may settle the dispute before the delivery of the judgment of the Court at any time through conclusion of a settlement agreement and shall inform the Court about it.

Article 55. Renunciation of claims or withdrawal of the application

The claimant shall have the right to renounce the claims in part or in whole, or to withdraw the application at any time before the delivery of the judgment of the Court.

Article 56. Termination of the judicial proceedings

1. The Court shall terminate the proceedings, if it establishes that:
 - a) the Court has no jurisdiction over the dispute consideration;
 - b) the parties have concluded a settlement agreement;
 - c) the claimant has renounced the claims or has withdrawn the application;
 - d) there is an effective judgment of the Court on a previously considered dispute between the same parties, on the same subject-matter and on the same grounds and circumstances.
2. The Court shall adopt an order on the termination of the proceedings within a time-limit not exceeding 5 calendar days from the date of onset or termination of circumstances serving as grounds for the termination of the proceedings. A copy of this order shall be forwarded to the parties and the interveners.

Chapter VI. Specialized groups

Article 57. Composition of a specialized group

1. The composition of a specialized group shall be provided by the Judge-Rapporteur in accordance with Subparagraph (g) of Article 26 of these Rules.
2. The Judge-Rapporteur shall prepare proposals on the composition of the specialized group and submit them for consideration to the Court.

In determining the composition of the specialized group the Judge-Rapporteur shall preliminarily coordinate with the experts nominated for inclusion in the composition of the group the possibility of their participation in the case and inquire them about the presence or absence of a conflict of interest, referred to in Paragraph 89 of the Statute of the Court, within the framework of the dispute under consideration.
3. The Court shall adopt an order on the composition of a specialized

group.

4. The experts from specialized groups and the parties shall be informed about the adoption of the order on the composition of a specialized group and about the time-limits for filing of applications for recusation (self-recusation) of the experts from specialized group in case of failure to fulfil the requirements laid down in Paragraphs 88 and 89 of the Statute of the Court.

At the same time all materials related to the dispute shall be forwarded to the experts from a specialized group.

5. The parties or an expert from specialized group shall have the right to declare recusation (self-recusation) of an expert from specialized group with a statement of its grounds respectively.

Recusation (self-recusation) of an expert from a specialized group may be declared not later than the date specified in the order of the Court on composition of a specialized group.

The Court shall consider an application for recusation (self-recusation) of an expert from a specialized group and adopt an order on its granting in case of failure to fulfill the requirements of Paragraphs 88, 89 of the Statute of the Court.

6. If the Court finds that the expert has not disclosed the presence of a conflict of interest deliberately, the Court shall exclude him from the composition of a specialized group and at the same time shall notify thereof the Member State that has nominated this expert in order to consider the possibility of his participation as an expert from a specialized group in consideration of other disputes provided for in Paragraph 82 of the Statute of the Court.

7. In case of granting the application for recusation (self-recusation) of an expert from specialized group, as well as in case specified in Paragraph 6 of this Article, the replacement of the retired expert from a specialized group shall take place in the manner laid down in Paragraphs 1–4 of this Article.

Article 58. Organization of functioning of the specialized group

1. Informational, organizational and technological support of the activity of a specialized group shall be provided by the Secretariat of the Court with regard to Paragraph 88 of the Statute of the Court.

2. The experts from a specialized group shall organize their work on the preparation of the report of the specialized group independently.

Article 59. Report of the specialized group

1. A report of a specialized group shall be submitted to the Chamber of the Court within a time-limit not exceeding 30 calendar days from the date of the composition of a specialized group.

The time-limit for preparation of the report of a specialized group may be extended by an order of the Chamber of the Court upon a substantiated request

of experts from the specialized group as a rule for no more than 15 calendar days.

2. The report of a specialized group shall contain the following information:

a) the results of examination of circumstances and arguments serving as grounds for the demands of the claimant and objections of the defendant, the circumstances and arguments presented by other persons participating in the dispute;

b) international practice of considering similar disputes and application of corresponding provisions;

c) conclusions regarding the presence or absence of a violation;

d) conclusions regarding the application of the appropriate compensatory measures in case of presence of a violation in delivering judgment by the Court on disputes concerning the granting of industrial subsidies or agricultural state support measures;

e) other information that a specialized group considers necessary to include in its report.

3. The report shall be signed by the experts from the specialized group and forwarded for consideration to the Court.

4. The report of a specialized group shall be announced in the court session and examined together with other evidence in the case.

The experts from a specialized group after the announcement of the report shall be required to provide the necessary explanations for it and to answer the questions of the Court and the persons participating in the dispute.

Chapter VII. Judicial proceedings before the Appeals Chamber of the Court

Article 60. Consideration of the case before the Appeals Chamber of the Court

The Appeals Chamber of the Court shall examine the case in the court session in accordance with the rules for consideration of the case by the Chamber of the Court laid down in these Rules with regard to the specific features established by the Statute of the Court and this Chapter.

Article 61. Right to file an appeal

A judgment of the Chamber of the Court may be appealed in the Appeals Chamber of the Court.

An appeal against the judgment of the Chamber of the Court can not contain any new claims, which were not subject-matter of consideration by the Chamber of the Court.

Article 62. Time-limit for filing an appeal

An appeal may be filed within 15 calendar days from the date of delivery of the judgment by the Chamber of the Court.

Article 63. Content of an appeal

1. The appeal shall contain the following information:
 - a) the name of the Court;
 - b) the case number and the date of delivery of the judgment, names of the parties to the dispute, the subject-matter of the dispute;
 - c) information regarding the person filing the appeal (family name, first name, patronymic (if any) of a natural person and data on its registration as an individual entrepreneur or the name of a legal person and its registration data);
 - d) the place of residence of a natural person or location of a legal person, including the official name of the state, postal address (address for correspondence), as well as telephone and fax numbers, e-mail address (if any);
 - e) the claims of the person filing the appeal to overturn entirely or in part or to amend the judgment of the Chamber of the Court or to deliver a new judgment on the case in accordance with Paragraphs 108 and 109 of the Statute of the Court;
 - f) the arguments serving as grounds for the claims of the person with reference to the provisions of the Treaty and (or) international treaties within the Union, the violated rights and legitimate interests, factual circumstances of the case and the evidence available in the case;
 - g) the date of filing of the appeal.
2. The appeal shall be signed by a person referred to in Paragraph 1 of Article 31, Paragraphs 1 and 2 of Article 32 of these Rules.
3. The following documents shall be attached to the appeal:
 - a) a copy of the disputed judgment of the Chamber of the Court;
 - b) documents substantiating the claims of the person filing the appeal;
 - c) documents confirming the forwarding to or service on the other party of a copy of the appeal and attached documents;
 - d) a power of attorney or other documents confirming the authority to sign the appeal.
4. The appeal and attached documents shall be submitted to the Court in one copy in paper format and in electronic form.

Article 64. Acceptance of an appeal. Dismissal of an appeal

1. The formation of the Court, determined in accordance with Article 13 of these Rules, shall accept the appeal, if it meets the requirements laid down in Article 63 of these Rules.
2. The Court shall dismiss an appeal if:
 - a) the appeal is filed by a person not entitled to appeal against the judgment of the Chamber of the Court;

b) the appeal is filed after the expiration of time-limit laid down in these Rules;

c) prior to the adoption of the order on acceptance of the appeal by the Appeals Chamber of the Court, the party, who filed the appeal, has filed a petition for its withdrawal.

3. If the appeal does not meet the requirements of Article 63 of these Rules and (or) the documents provided for in the indicated Article are not attached, the Court shall adopt an appropriate order in the manner laid down in Paragraph 3 of Article 33 of these Rules.

Article 65. Notifications of acceptance of the appeal, provisional deferment of the appeal, dismissal of the appeal

The Court shall notify the parties about the acceptance of the appeal, provisional deferment of the appeal or dismissal of the appeal with an enclosed copy of the order within a time-limit not exceeding 10 calendar days from the date of receipt of the appeal by the Court.

Article 66. Objections regarding the appeal

A party shall have the right to submit to the Court and to the other party its objections regarding the appeal in accordance with the requirements laid down in Article 38 of these Rules.

Article 67. Termination of appeal proceedings

1. The Court shall terminate appeal proceedings, if it establishes that:
 - a) after the acceptance of the appeal a petition was filed for its withdrawal by the party who filed the appeal;
 - b) the parties have concluded a settlement agreement.
2. The Court shall adopt an order on termination of appeal proceedings within a time-limit not exceeding 5 calendar days from the date of onset of the circumstances serving as grounds for the termination of proceedings. A copy of this order shall be forwarded to the parties.

Article 68. Time-limit for the consideration of an appeal

The Court shall consider an appeal within the time-limit not exceeding 45 calendar days from the date of receipt of the appeal.

Article 69. Limits for consideration of the case brought before the Appeals Chamber of the Court

1. The Court shall consider the appeal on the ground of materials available in the case, within the arguments stated in the appeal and in objections in respect of it, which may be supplemented by the parties in the course of proceedings.

Additional evidence may be accepted by the Court, if the party has substantiated the impossibility of its submission to the Chamber of the Court due to reasons beyond its control, and these reasons are recognized by the Court as valid.

2. When considering an appeal the Court shall verify the conclusions of the Chamber of the Court on the application of the rules of law for compliance with the circumstances established in the case and with the evidence available in the case, as well as the observance of the rules of law, establishing the manner of judicial proceedings before the Court.

3. If a party appeals against only a part of the judgment, the Court examines the substantiation of the judgment in the disputed part.

Article 70. Grounds for amendment or overturn of the judgment of the Chamber of the Court

1. The ground for amendment or overturn of the disputed judgment of the Court shall be the incorrect application of and (or) non-compliance with the rules of law by the Chamber of the Court.

2. Incorrect application and (or) non-compliance with the rules of law, establishing the manner of proceedings before the Court, shall be the grounds for amendment or overturn of the judgment of the Chamber of the Court, if this violation has resulted in the delivery of incorrect or unsubstantiated judgment.

Article 71. Powers of the Appeals Chamber of the Court

1. After the consideration of the appeal the Court shall be entitled to:

- a) leave the judgment of the Chamber of the Court without amendment and reject the appeal;
- b) overturn entirely or in part, or amend the judgment of the Chamber of the Court, or to deliver a new judgment on the case in accordance with Paragraphs 108 and 109 of the Statute of the Court.

2. The Court shall also have the right to overturn the judgment of the Chamber of the Court and terminate the proceedings in case of conclusion of the settlement agreement by the parties.

Chapter VIII. Clarification proceedings

Article 72. The judicial proceedings

The judicial proceedings on requests for clarification includes the filing of a request for clarification and other documents and materials related to the issue stated in the request for clarification or certified copies of such documents and materials, as well as the preparation of the advisory opinion by the Court.

Article 73. Dismissal of the request for clarification

The Court shall dismiss the request for clarification if:

- a) the request does not meet the requirements laid down in Articles 10 and 11 of these Rules;
- b) the Court previously delivered an advisory opinion on the same subject-matter, on the same grounds and circumstances;
- c) the request was received from the applicants, not mentioned in Paragraphs 46 and 49 of the Statute of the Court.

Article 74. Notifications of acceptance of the request for clarification, dismissal of the request for clarification

The Court shall notify the applicant of the acceptance or dismissal of the request (in case of dismissal – with the indication of grounds for dismissal) with an enclosed copy of the order within a time-limit not exceeding 10 calendar days from the date of receipt of the request for clarification.

Article 75. Preparation of the request for clarification for judicial proceedings

1. In the course of preparation of the request for clarification for judicial proceedings the Judge-Rapporteur shall be entitled to:

- a) determine the circle of persons who may be drawn as specialists and experts to present written opinions (arguments) in connection with the questions raised in the request;
- b) specify the time-limit for submission of reports (arguments) by specialists, experts;
- c) perform other procedural actions to ensure the consideration of the issues raised in the request for clarification.

2. The Secretariat of the Court shall prepare materials necessary for the consideration of the issues stated in the request for clarification.

Article 76. Withdrawal of the request for clarification

1. The applicant shall have the right to withdraw the request for clarification at any time before the Court delivers an advisory opinion.

2. The withdrawal of the request for clarification shall be the ground for termination of the clarification proceedings.

3. The Court shall adopt an order on termination of the clarification proceedings within a time-limit not exceeding 5 calendar days from the day of receipt of the written notification of withdrawal of the request for clarification and forward this order to the applicant.

Chapter IX. Acts of the Court

Article 77. Delivery of the judgment of the Court

1. The judgment shall be delivered by the Court in the deliberation room.
2. Information regarding the content of the discussion in course of

delivery of the judgment by the Court, the position of certain Judges of the Court shall be the secret of the deliberation of Judges.

3. The judgment of the Court shall be delivered by the majority of votes by open ballot. The Presiding Judge shall vote last.

Refusal to vote by the Judge of the Court is not allowed.

4. If in the course of delivery of the judgment the Court finds it necessary to ascertain new circumstances or additionally examine the evidence relevant to the consideration of a dispute, as well as to perform an expert examination, to draw a specialist, the Court shall resume the proceedings and adopt an appropriate order.

Article 78. General requirements for the judgment of the Court

1. A judgment of the Court shall consist of an introductory part, a descriptive part, a judgment rationale and an operative part.

2. The introductory part of the judgment of the Court shall state the time and place of the delivery of the judgment, the name of the Court which delivered the judgment, the composition of the Court, the court session secretary, information regarding the parties to the dispute and other persons participating in the dispute, the interveners, the subject-matter of the dispute.

3. The descriptive part of the judgment of the Court shall contain a statement of the applicant's claims, the defendant's objections or his acknowledgment of the claims, the explanation given by the claimant, as well as by other persons participating in the dispute, the circumstances of the dispute, ascertained by the Court.

4. The judgment rationale of the judgment of the Court shall indicate the rules of law, by which the Court was guided, evidence serving as grounds for the conclusions of the Court and the arguments on which the Court does not accept one or other evidence, including the report of a specialized group.

5. The operative part of the judgment of the Court shall contain the conclusions of the Court in accordance with Paragraphs 104–110 of the Statute of the Court regarding the satisfaction of the demands of the claimant or their rejection entirely or in part, the provisions on the refund of the fee, time-limits and procedure for lodging an appeal against the judgment.

6. The judgment of the Court must be logical, not contain internal contradictions and inconsistent provisions. The judgment of the Court shall be signed by all the Judges who have participated in its delivery, including those having a separate opinion.

7. Conditional and alternative judgments of the Court are not allowed.

8. If the absence of violations identified by the Court under Article 45 of these Rules could not result in other outcome of safeguard, anti-dumping or countervailing investigation proceeding prior to the adoption of the contested decision of the Commission related to the application of a safeguard, anti-

dumping or countervailing measure, the decision of the Commission can be declared as complying with the Treaty and (or) international treaties within the Union.

Article 79. Separate opinion

1. In case of disagreement with the judgment of the Court or its particular provisions the Judge may declare a separate opinion during the delivery of a judgment of the Court.

2. The Judge within 5 calendar days from the date of announcement of the judgment of the Court shall be required to submit a written separate opinion to be attached to the case materials and published.

Article 80. Announcement of the judgment of the Court, forwarding of copies of the judgment of the Court and of the separate opinion

1. The judgment of the Court shall be announced in the court session by the Presiding Judge or the Judge-Rapporteur after it was signed by the Judges. The absence of any of the persons participating in the dispute in the courtroom shall not be an obstacle for the announcement.

The operative part of the judgment can be announced upon the request of the parties or in their absence.

If there is a separate opinion, the Court shall mention it during the announcement of the judgment of the Court.

2. After the announcement of the judgment the Court shall forward a copy of it to the parties, as well as to the interveners, and place the judgment on the official website of the Court no later than the day following the day of delivery of the judgment.

3. In case of attachment of a separate opinion to the case materials, a copy of it shall be forwarded to the parties and interveners within a time-limit not exceeding 6 calendar days from the date of announcement of the judgment of the Court.

Article 81. Judgment of the Grand Chamber of the Court

1. A judgment of the Grand Chamber of the Court shall be final and without appeal.

2. A judgment of the Grand Chamber of the Court shall enter into force from the date of its delivery.

Article 82. Judgment of the Chamber of the Court

A judgment of the Chamber of the Court shall be the judgment of the Court and shall enter into force after 15 calendar days from the date of its delivery, if it was not appealed to the Appeals Chamber of the Court in the manner laid down in Chapter VII of these Rules.

Article 83. Judgment of the Appeals Chamber of the Court

A judgment of the Appeals Chamber of the Court shall be the judgment of the Court, enter into force from the date of its delivery, shall be final and without appeal.

Article 84. Order of the Court

1. An order shall be adopted in cases laid down in these Rules.

An order shall be adopted in the form of a separate act of the Court or as a minutes order.

2. An order of the Court in the form of a separate act shall be adopted by the Court in the deliberation room.

A minutes order can be adopted by the Court without retiring of the Judges from the courtroom, shall be declared verbally and entered into the minutes of the court session.

An order of the Court adopted in the form of a separate act must comply with the requirements established for a judgment of the Court in these Rules.

3. An order of the Court shall be final and without appeal.

Article 85. Advisory opinion of the Court

1. An advisory opinion of the Court shall be delivered by the majority of votes by open ballot and signed by all Judges. The Presiding Judge shall vote last.

Refusal to vote by the Judge of the Court is not allowed.

2. A copy of the advisory opinion of the Court shall be forwarded to the applicant.

3. An advisory opinion of the Court shall be translated into official languages of the Member States in the manner laid down for the translation of the acts of the bodies of the Union and placed on the official website of the Court.

Article 86. Clerical mistakes

1. The Court upon the petition of the parties or their representatives as well as on its own initiative may rectify clerical mistakes committed in the act of the Court without amending its content, and shall adopt an appropriate order.

2. The order of the Court on correction of clerical mistakes shall become an integral part of the act of the Court which is corrected and shall be attached to the case materials.

3. A copy of the order of the Court shall be forwarded to the parties or their representatives and to other persons, to whom the act of the Court was forwarded in accordance with these Rules.

Article 87. Clarification of the judgment of the Court

1. Upon a duly substantiated petition of the parties the Court shall give a clarification of the delivered judgment and adopt an appropriate order.

The order of the Court on clarification of the judgment shall be adopted by the same formation of the Court which delivered the judgment.

2. The clarification of the judgment of the Court shall not amend the essence and content of the judgment of the Court.

3. The order of the Court on clarification of the judgment of the Court shall be adopted within a time-limit not exceeding 30 calendar days from the date of receipt of the petition for clarification of the judgment.

4. A copy of the order of the Court on clarification of the judgment of the Court shall be forwarded to the parties and interveners, to whom the judgment of the Court was forwarded.

Chapter X. Restricted information**Article 88. Measures to ensure protection of restricted information**

1. The restricted information includes the confidential information in accordance with Paragraph 3 of this Article and the information restricted according to the legislation of the Member States and to the Union law.

2. When performing operations in the Court with restricted documents, measures shall be taken for the protection of restricted information, ensuring:

a) the prevention of unauthorized access to restricted information (the acquaintance with such information by persons having no right of access to it, or the transmission of such information to the said persons);

b) the detection in due time and prevention of unauthorized access to restricted information;

c) the constant supervision to ensure the level of protection of restricted information;

d) the prevention of exposure of hardware processing restricted information resulted in its malfunction;

e) the registration of persons having obtained access to restricted information;

f) the prevention of unauthorized exposure of the restricted information (exposure of information in violation of the rules established for changing of the information, leading to its distortion, falsification, destruction (total or partial), theft, interception, copying, blocking of access to information, as well as the loss, destruction or malfunction of the material data carrier);

g) the prevention of unintended exposure of the restricted information (exposure of information as a result of user errors, failure of hardware and software information systems, natural phenomena or other events not aimed at changing information, leading to its distortion, falsification, destruction (total or partial), theft, interception, copying, blocking of access to information, as well

as the loss, destruction or malfunctioning of the material data carrier);

h) the prevention of deliberate exposure of the restricted information (intentional exposure, including electromagnetic and (or) other exposure, performed for an illicit purpose).

3. Information shall be regarded as confidential information, if a party or any other person participating in the dispute, which submitted it to the Court, has defined it as confidential one.

Documents containing confidential information and submitted by an economic entity within the dispute resolution procedure shall have a stamp “Confidential” or “Commercial Secret” marked in the upper right-hand corner of each sheet.

4. A party or any other person participating in the dispute who provided the restricted information shall have the right to file a petition to the Court to determine (restrict) the circle of persons having access to such information, as well as to set additional requirements and measures for the protection and the procedure of access to such information. After consideration of the petition the Court shall adopt an order.

5. The Judges, officials and employees of the Administration of the Court, persons participating in the dispute, including experts from specialized groups, for acquaintance with the restricted information shall sign an individual written undertaking of non-disclosure.

6. The Judges, officials and employees of the Administration of the Court, persons participating in the dispute, including experts from specialized groups, are required not to disclose or transmit to third parties the restricted information acquired in the course of consideration of the case without a written consent of the person, who provided such information.

7. The restricted information shall not be disclosed in the judgment of the Court, in the reports of specialized groups, minutes or transcripts of court sessions and shall not be transmitted to persons who are not entitled to access such information.

8. The organization of activities directed at the protection of restricted information in the Court shall be assigned to the President of the Court.

9. The manner of circulation of documents containing restricted information shall be determined by the President of the Court.

10. Upon an agreement of the parties additional requirements and procedures related to the protection and procedure of access to restricted information can be established.