



EUropa.S. 2022

EUROPEAN COURT OF JUSTICE (ECJ)

RULES OF PROCEDURE

**Organized by the Institute of Research & Training on European Affairs
| 15/4/2022 - 18/4/2022 | UNIVERSITY OF PIRAEUS**

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A. GENERAL RULES OF SITTING

A.1. Overview

The following rules apply to the Grand Chamber of the European Court of Justice (ECJ) of EUropa.S. 2022.

In the European Court of Justice (hereafter the ECJ), which consists of Agents, Judges, Witnesses and Experts, the members of the Board are responsible for the application of the Rules of Procedure and any possible deviations to facilitate the debate and lie at their discretion. The final decision upon the application of the Rules, in case of conflict of interpretation, is also at the discretion of the Board.

A.2 Language

The official language of the Court of Justice of the European Union of the EUropa.S. 2022 is English.

A.3 Credentials

All participants will receive their credentials (badges and placards) from the EUropa.S. staff prior to the opening of the Conference, upon registration.

Everybody should wear their approved credentials at all times during the conference.

Any modification of the credentials can only be initiated in communication with the Organizing Team of EUropa.S. 2022.

A.4 Intellectual Property

All signs, logos, credentials, documents, and other material related to the conference constitute intellectual property of the conference and cannot be used or reprinted in part or as a whole, without written permission of the Institute of Research & Training on European Affairs (I.R.T.E.A.).

A.5 Code of conduct

All participants are expected to follow high standards of conduct throughout the duration of the conference. Diplomatic courtesy is to be exercised in formal and informal procedures alike. Respect should be shown to all fellow MEPs and Participants, members of the Board, the Secretariat, the Organizing Team, staff members, journalists, translators and all other participants and observers attending the conference.

During all sessions, participants should refrain from engaging in aggressive dialogue and from using insulting or abusive language or gestures of any kind.

Participants should be granted the floor by the Board before speaking and should stand when addressing the House or the Board.

Violation of any of the aforementioned rules may lead to temporary or permanent exclusion from specific proceedings or expulsion from the conference, as a whole. The decision is at the discretion of the Secretariat.

A.6 Dress Code

Formal attire, meaning suit and tie for gentlemen and a similar degree of formality for ladies (e.g., suits/dresses), is required at all times during the conference. Informal clothing (T-shirts, jeans, sneakers etc.) will not be allowed. The use of national costumes and religious symbols is not in order. The dress code is to be respected throughout the duration of the conference.

MEPs not respecting the dress code of the conference may be excluded from the conference at the discretion of the Secretariat.

B. ORGANIZATION OF THE COURT

B.1 The Court

The European Court of Justice (ECJ), officially the Court of Justice, is the highest court in the European Union in matters of European Union law. It is tasked with interpreting EU law and

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ensuring its equal application across all Member States. It is composed of one Judge per member state.

B.2 Chambers

The Court can sit either as full Court or as a Grand Chamber of 15 judges (including the president and the judge rapporteur), or in chambers of three or five Judges.

B.3 Grand Chamber

The Grand Chamber shall adjudicate a case in so far, the difficulty or importance of the case or particular circumstances are such as to require that a Member State or an Institution of the European Union participating in the proceedings has requested that the case be assigned to the Grand Chamber. For the purposes of EUropa.S., the Court will be sitting as Grand Chamber.

B.4 Unanimous decisions

The Court acts as a collegial body: decisions are those of the court rather than of individual Judges; no minority opinions are given and indeed the existence of a majority decision rather than unanimity is never suggested.

B.5 Court's composition

The Court shall be composed of the Board, the Judges, the Agents, the Witnesses, and the Experts.

The members of the Board are responsible for the application of the Rules of Procedure and any possible deviations to facilitate the procedure lie at their discretion. The final decision upon the application of the Rules in case of conflict of interpretation is also at the Board's discretion. The Board of the Court of Justice of the European Union consists of the President, the Judge Rapporteur and the Advocate-General.

B.6 Competence of the Board

The competence of the Board may not be questioned by the Judges, Agents, Witnesses and Experts.

B.7 President

The President of the Court of Justice presides over hearings and deliberations, directing both judicial business and administration.

B.8 Judge Rapporteur

The duty of the Judge Rapporteur is to assist the President in the performance of his duties and to present a preliminary report before the deliberation of the Judges.

B.9 Advocate-General

The Judges are assisted by one Advocate-General who is responsible for presenting a legal opinion on the cases assigned to them. He can question the parties involved and then give his/her opinion on a legal solution to the case before the Judges deliberate and deliver their judgment. The intention behind having an Advocate-General attached is to provide independent and impartial opinions concerning the Court's cases. The Advocate-General's opinions are advisory and do not bind the Court.

B.10 Judges

The Judges of the Court of Justice shall be chosen from persons whose independence is beyond doubt and who possess adequate legal qualifications. Their duties entail the preparation of a preliminary report before the trial and the participation in the hearings and the deliberations of the Court, in order to deliver the judgment.

B.11 Agents and other persons appearing before the Court

Agents, witnesses, and experts appearing before the Court are obliged to respect the judicial courtesy.

B.12 The procedure generally

The procedure before the Court shall consist of a written part and an oral part¹².

C. THE WRITTEN PROCEDURE

C.1 The Written Procedure generally

The written procedure shall consist of the submission and communication to the parties of the application and defence, as well as of the reply and rejoinder. Communications shall be made by the Court's Board in the order and within the time laid down in the Rules of Procedure³.

C.2 Application

A case shall be brought before the European Court of Justice by a written application addressed to the Board. The application shall contain:

1. the name and address of the applicant;
2. the name of the party against whom the application is made;
3. the subject-matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law;

¹ Protocol (no 3) on the Statute of the Court of Justice of the European Union, C 83/210, Official Journal of the European Union, 30.3.2010, article 20, hereinafter referred as "Statute" followed by the article's number. (http://curia.europa.eu/jcms/upload/docs/application/pdf/2008-09/statut_2008-09-25_17-29-58_783.pdf)

² Consolidated version of the Rules of Procedure of the Court of Justice of 25 September 2012, article 53, hereinafter referred as "Rules of Procedure" followed by the article's number. (http://curia.europa.eu/jcms/upload/docs/application/pdf/2012-10/rp_en.pdf)

³ Statute 20

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4. the form of order sought by the applicant⁴.

Any preliminary objections or issues not going to the substance of the case shall be submitted with the application in the same document. The Court will rule on the preliminary issues when it rules on the substance of the case⁵.

C.3 Defence

Within five days after service on him of the application, the defendant shall lodge a defence, stating:

1. the name and address of the defendant;
2. the pleas in law and arguments relied on and a summary of those pleas in law;
3. the form of order sought by the defendant⁶.

If the application contains any preliminary objections or issues not going to the substance of the case, these shall be addressed by the defendant in the document of the defence.

C.4 Maximum length of written pleadings

The maximum length of written pleadings lodged before the Court (both application and defence) shall not extend 3000 words, including tables of contents, footnotes, and titles. Footnotes are not necessary.

C.5 Reply and rejoinder

The application initiating proceedings and the defence may be supplemented by a reply of the applicant and a rejoinder of the defendant⁷. The reply must be submitted to the Court's Registry within 5 days after the communication of the defence to the Applicant. The rejoinder must be

⁴ Statute 21; Rules of Procedure 120.

⁵ Rules of Procedure 151

⁶ Rules of Procedure 124

⁷ Rules of Procedure 126.

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submitted to the Court's Registry within 5 days after the communication of the reply to the Defendant.

C.6 Maximum length of reply and rejoinder

The maximum length of reply and rejoinder shall not extend 1000 words, including tables of contents, footnotes, and titles. Footnotes are not necessary.

C.7 Communications

The written application, defence, reply and rejoinder shall be communicated to the other parties or the interested persons by Court's Board.

C.8 New pleas in law

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 procedure⁸.

C.9 Written testimony of witnesses and report of experts

The witnesses or experts shall submit to the Court's Board a written testimony or report respectively, briefly presenting the points that will be addressed during the oral procedure. The documents provided shall be communicated to both parties by the Court's Board.

C.10 Preliminary report

When the written part of the procedure is closed, namely after the communication of all the aforementioned documents to the parties, the President shall fix a date on which the Judges are to present a preliminary report, which shall be addressed to the Court's Board. The preliminary

⁸ Rules of Procedure 127.

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report shall contain a first evaluation of the case, addressing all pleas in law of sides, the applicant, and the defendant.⁹

D. THE ORAL PROCEDURE

D.1 The oral procedure generally

The oral procedure shall consist of the reading of the report presented by the Judge Rapporteur, the hearing by the Court of Agents in three Oral Rounds and of the submissions of the Advocate-General, as well as the hearing, if any, of Witnesses and Experts¹⁰.

D.2 The hearing is public

The hearing in Court shall be public, unless the Court of Justice, of its own motion or on application by the parties, decides otherwise for serious reasons¹¹.

During the hearings, the Court of Justice may examine the Experts, the Witnesses, and the parties themselves. The latter, however, may address the Court of Justice only through their representatives¹².

D.3 Conduct of oral proceedings

Oral proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing¹³.

⁹ Rules of Procedure 59.

¹⁰ Statute 20.

¹¹ Statute 31.

¹² Statute 32.

¹³ Rules of Procedure 78.

D.4 Oath

Before the commencement of the Court's proceedings, the Judges shall, before the Court of Justice sitting in open court, take an oath to perform their duties impartially and conscientiously as well as to preserve the secrecy of the deliberations of the Court¹⁴.

The oath has as follows:

*"I swear that I will perform my duties impartially and conscientiously; I swear that I will preserve the secrecy of the deliberations of the Court."*¹⁵

D.5 Quorum and verification of the Quorum

A quorum constitutes the majority of the membership of the Court and is verified through the Roll Call procedure. Proceedings may not commence before the quorum has been established.

The quorum needs to be verified with 50% + 1 to start the session. But the President maintains the right to begin without a verification, if deemed necessary.

D.6 Roll Call

At the beginning of each Court session the Board shall determine the attendance by calling out the names of all Judges in an alphabetical order. The Judges shall establish their presence in the Court by raising their placards and stating "Present" when their names are called out. This is the "Roll Call" procedure. The Roll Call begins automatically, and no motion is required. At the end of the Roll Call procedure, the Board should announce the total number of present Judges.

¹⁴ Statute 2.

¹⁵ Rules of Procedure 4.

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Judges arriving late at the Court (after being declared absent during the Roll Call procedure or after the procedure has finished) should send a note to the Board notifying it of their presence. In any other case, they will be considered as absent.

D.7 Questions

The Judges and the Advocate General may in the course of the hearing pose questions to the agents of each party, except for the first and last minute of their speeches.

If two or more Judges wish to put a question concurrently, the President shall immediately decide the order of the questions.

D.8 Agents' objections to a Judge's question

The agents may raise one of the following objections to a Judge's question.

1. **Leading Question:** a question that suggests its own answer;
2. **Compound Question:** a question that contains 2 separate inquiries;
3. **Vague Question:** incomprehensible, incomplete, requiring an answer that will be ambiguous;
4. **Argumentative Question:** asks the witness to accept the examiner's summary, inference, or conclusion rather than present a fact;
5. **Narrative Question:** question calls for a narrative answer - answer does not allow opposing agent to frame objections;
6. **Asked and Answered (Question):** repeating the same question, already posed, and answered;
7. **Assuming facts not in Evidence** contains as a predicate a statement of fact not proven.

The President shall immediately rule either the question or the objection out of order. If the question is ruled out of order the agent may continue his/her speech, without answering the question. Even if the question is in order, the agent may refuse to answer it.

D.9 First Oral Round

The agents shall speak no more than 45 minutes in the first oral round. This time-limit may be distributed equally or unequally between the agents that represent each party.

Subsequently each party will be granted 5 minutes for rebuttal.

D.10 The evidence examination I

An evidence examination takes place after the first oral round, as supporting material to the relevant argumentation.

D.11 Special deliberation I

In the special deliberation I, the Judges shall express a first opinion on the case, discuss the pleas in law of the parties and decide with a 2/3 majority which from the evidence presented will be taken into consideration for the final verdict.

In the deliberation apply the rules of part F. The duration of the deliberation shall be decided by the Board.

D.12 Second oral round

The agents shall speak no more than 45 minutes in the second oral round. This time-limit may be distributed equally or unequally between the agents that represent each party.

Subsequently each party will be granted 5 minutes for rebuttal.

D.13 The evidence examination II

An evidence examination takes place after the second oral round, as supporting material to the relevant argumentation.

D.14 Special deliberation II

In the special deliberation II, the Judges shall further discuss the pleas in law of the parties and decide with a 2/3 majority which from the evidence presented in the evidence examination II will be taken into consideration for the final verdict.

In the deliberation apply the Rules of part F. The duration of the deliberation shall be decided by the Board.

D.15 Final oral round

The agents shall speak no more than 45 minutes in the final oral round. This time-limit may be distributed equally or unequally between the agents that represent each party.

Subsequently each party will be granted 5 minutes for rebuttal.

D.16 Close of the hearing

After the parties have presented their oral arguments, the President shall declare the hearing closed¹⁶.

The President reserves the right to ask for one more oral round, if he deems that the Court lacks sufficient information or where the case must be decided on the basis of an argument which has not been debated between the parties¹⁷.

D.17 Delivery of the Opinion of the Advocate General

The Opinion of the Advocate General shall be delivered after the close of that hearing. The President shall declare the oral part of the procedure closed after the Advocate General has delivered his Opinion¹⁸.

¹⁶ Rules of procedure 81.

¹⁷ Rules of procedure 83.

¹⁸ Rules of procedure 82.

D.18 Final Deliberation

After the closure of the oral part of the procedure only the Judges and the Board remain in the Courtroom for the final deliberation. Part F of these rules is applicable.

E. POINTS

E.1 Points' overview

Points may not interrupt a speaker or the Board with the sole exception of a point of personal privilege pertaining to audibility. All other points are entertained by the Board when the floor is open or when the Board requests that any existing points shall be stated.

E.2 Points of Personal Privilege

Whenever a participant's ability to participate in the Court proceedings is impaired or is in discomfort, he/she may rise to a Point of Personal Privilege. The Board will request that the speaker raise his/her volume or speak more clearly. This is the only point that may interrupt a speaker and it shall refer to the audibility of the speech; for any other discomfort, a participant shall inform the Board by sending a note.

E.3 Point of Order

A participant may rise to a Point of Order if a rule of judicial procedure is not properly observed by an agent, a Judge or by the Board. The Board will rule on the validity of the point. A Point of Order ruled dilatory by the Board may not be appealed. This point may not interrupt a speaker.

E.4 Point of Judiciary Inquiry

When the floor is open, a participant may rise to a Point of Judiciary Inquiry requesting an explanation from the Board on the rules of procedure in general or their application on a particular circumstance or any other procedural matter. This point may not interrupt a speaker.

F. MOTIONS

F.1 Motions' Overview

Motions are proposals for specific procedural actions to be taken by the Court. Motions may not interrupt a speaker and are entertained by the Board only when the floor is open or when the Board requests that any existing motions be stated. In order for a motion to be entertained it should be firstly ruled in order by the Board. The Board will then entertain motions one by one, starting from the most superseding. In the case of several motions having equal priority, the Board shall decide the order of voting. If there are any motions to extend a current Debate on a sub-topic or a recess, they should be voted upon before any other motions. A motion shall be seconded by at least one Judge other than the one proposing it in order to pass. In case a Judge objects to a motion, the motion shall be put to vote. If there are no objections, the motion can be adopted without prior voting. If a motion passes, all other motions previously raised are removed from the floor.

F.2 Motion to Verify the Quorum

Every session starts with a Motion to Verify the Quorum and a Roll Call. This motion automatically passes.

F.3 Motion to Set Speaker's Time

In both Open Debate and Debate on a sub-topic there is a limit in individual speaker's time. In Open Debate, a Judge may move to set individual speaker's time.

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The Motion needs to be first approved by the President and then is voted upon –if objected-, requiring simple majority to pass. If there is more than one Motion to Establish a Speakers' time, suggesting a different Speaker's Time, they will be voted upon, starting from the most disruptive one.

A Judge exceeding the allotted speaker's time will be requested to come to his/her concluding remarks or yield the floor to the Board.

F.4 Motion for a Debate on a sub-topic

A Judge may move to a Debate on a sub-topic thereby suggesting limiting the discussion in a specific aspect of the case for a specific time. The Judge who proposes this motion must suggest the total duration, the individual speaker's time, and the proposed sub-topic. The Board may suggest different Debate's duration or a different phrasing without changing the essence of the sub-topic originally proposed for the sake of the procedure and put it to vote or may rule the Debate on a sub-topic dilatory without possibility of appeal.

F.5 Motion to Extend the Debate on a sub-topic

A Judge may move to extend the Debate on a sub-topic if he/she feels that additional time would benefit the work of the Court. The Judge who moves for an Extension of the Debate on a sub-topic must suggest the duration of the extension, which shall not exceed the duration of the original Debate on a sub-topic. The Board may suggest a different Debate's duration and put it to vote or may rule the Extension of the Debate on a sub-topic dilatory without possibility of appeal. Only one extension of the Debate on a sub-topic is allowed.

F.6 Motion for a Recess

A Judge may move for a Recess thereby suggesting a change from formal to informal debate. The Judge who proposes this motion must suggest the total duration and the purpose of the Recess. Normally, the main purpose of the Recess shall be the preparation of the document of the judgment. The Board may suggest a different Recess duration for the sake of the procedure and

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put it to vote or may rule the Recess dilatory without possibility of appeal. Once the Motion has passed, the Court will proceed to an informal discussion on the topic specified in the Motion inside the Courtroom with the help and coordination of the Board.

F.7 Motion to Extend the Recess

All the aforementioned for the extension of the Debate on a sub-topic apply in this case, respectively.

F.8 Motion to Introduce a Draft Judgment

Judges may move to a Motion to Introduce a Draft Judgment once it has been approved and numbered by the Board and distributed to the Court. The introduction of a Draft Judgment shall be a procedural matter raised by this motion and shall be limited to the reading of the Draft Judgment as a whole.

The Judge-Rapporteur of the Draft Judgment shall be granted the floor as the first speaker on the Draft Judgment for 3 minutes.

F.9 Motion for a Debate on the Draft Judgment

After the Judge-Rapporteur reads the Draft Judgment and finishes his/her speech, a motion for a Debate on the Draft Judgment shall be in order. The Judge proposing the motion shall specify the total duration and the individual speaker's time.

F.10 Motion to Close Debate

A Judge may move to Close Debate in order to enter immediately the voting procedure on the Draft Judgment. If the Board rules the Motion in order, there can only be one (1) Judge speaking against the Motion. Two-thirds (2/3 of the present Court members) majority vote is required to

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pass the Motion to close deliberation. At the time the Motion passes the Court shall enter immediately voting procedure.

F.11 Motion for a Roll Call Vote

A Judge may move to a Motion for a Roll Call Vote when the Board announces that the Court is entering the voting procedure or when entertained to raise this motion by the Board.

A Roll Call Vote is a voting procedure where Judges state their vote when their name is called out by the Board without raising placards. This motion is put to vote and if there are no objections, it passes automatically. If there are objections, it is at the discretion of the Board whether to accept the motion or not; the decision is not subject to appeal. The Roll Call Vote takes place in alphabetical order unless the Board decides otherwise in order to facilitate the procedure.

F.12 Motion for the Suspension of the Meeting

A Judge may move for the Suspension of the meeting to suspend all Court activities until the next scheduled meeting time. Simple majority is required to adopt this motion. The Board may rule out the Motion without possibility of appeal or put it to vote.

F.13 Motion for the Adjournment of the Meeting

A Judge may propose a motion to adjourn the Session in order to cease permanently all Court's activities. The Board may rule out the Motion without possibility of appeal or put it to vote.

This motion will not be entertained by the Board until the end of the last session of the Court. Once entertained, it shall not be appealed. A simple majority is required to adopt the motion.

G. SPECIAL RULES CONCERNING THE EVIDENCE EXAMINATION

G.1 Measures of Inquiry

The following measures of inquiry may be adopted:

- a) The personal appearance of the parties;
- b) Oral testimony of a witness;
- c) The commissioning of an expert's report and his examination¹⁹.

G.2 The procedure of the evidence examination

The Agents of the Applicant declare the names and the order of the Witnesses and Experts that are intended to present as measures of inquiry. If the other party objects to a Witness or an Expert on the ground that he is not a competent or proper person to act as a Witness or Expert or for any other reason, he/she must raise the objection immediately. The matter shall be resolved by the Court during the special deliberation that follows the evidence examination.

Subsequently, the Witnesses and Experts are examined in accordance with the following articles. The same procedure applies for the Witnesses and Experts of the Respondent.

G.3 Examination of Witnesses

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. The witness shall give his evidence to the Court²⁰. After the witness has given his evidence, questions may be putted to the Witness in the following order:

- By the President
- By the Judge Rapporteur
- By the Advocate General

¹⁹ Rules of Procedure 65.

²⁰ Rules of Procedure 67.

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- By the Judges
- By the Agents

G.4 Witnesses' Oath

After giving his evidence and answering to the questions, the Witness shall take the following oath:

'I swear that I have spoken the truth, the whole truth and nothing but the truth.' The Court may, after hearing the parties, exempt a Witness from taking the oath²¹.

G.5 Examination of Experts

If an Expert has submitted his report and that report has been served on the parties, the Court may order that the expert be examined²². The Expert shall present his report to the Court. After that, questions may be put to the Expert in the same order as provided for the Witnesses.

G.6 Expert's Oath

After making his report and answering to the questions, the Expert shall take the following oath:

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

The Court may, after hearing the parties, exempt the Expert from taking the oath²³.

G.7 Closure of the evidence examination

²¹ Rules of Procedure 68.

²² Rules of Procedure 70.

²³ Rules of Procedure 71.

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Upon the proposal of a Judge or the Board, the Court decides with simple majority to close the evidence examination and to proceed to a special deliberation. The President may rule this proposal out of order if he deems that further evidence examination is required.

H. SPECIAL RULES CONCERNING THE DELIBERATIONS OF THE JUDGES

H.1 Participants to the deliberations and verification of the Quorum

This part of the Rules shall apply only to the deliberations of the Court. Only the Judges and the members of the Board participate in the deliberations. Each deliberation begins with the verification of the quorum via a Roll Call. The rules F.2 and F.3 apply here, but a motion to verify the quorum is required.

H.2 Substantive and procedural issues

A substantive issue is one that pertains to the substance of the case under discussion or to the content of a document being debated (e.g., Judgment, order) as opposed to procedural matters that refer to the procedure followed. No Roll Call vote or abstentions are permitted in voting on procedural issues.

Each Judge has one vote. Abstentions are permitted only on substantive issues and do not count against unanimity. In case a Judge votes against any substantive matter, this would automatically mean that unanimity has not been reached.

H.3 Default Form of Debate

Unless the Board decides otherwise, Open Debate will be the default form of debate during all deliberations of the Court. Any Judge wishing to speak should raise his/her placard and be recognized by the Board.

H.4 Debate on a sub-topic

A Judge or the Board can, at any time the floor is open to points or motions, propose a Debate on a sub-topic for a specific time in order to limit the discussion to a specific aspect of the topic. A Debate on a sub-topic is a “parenthesis” to the Open Debate – a way of dividing the general topic area in sub-questions and debate time accordingly. The Judge proposing the Motion must briefly explain its purpose and specify a time limit for the Debate on a sub-topic and a time limit for individual speeches. Simple majority is required to adopt the motion.

H.5 Recess

Formal debate (Open Debate and Debate on a sub-topic) may be interrupted by a motion for a Recess, proposed by a Judge or the Board. The Judge making the motion must briefly explain its purpose and propose a total duration for the Recess. The time limit for the Recess remains at the Board’s discretion. Simple majority is required to adopt the motion. A Recess is an informal procedure where Judges are allowed to move around the room, discuss, negotiate, and start drafting the Judgement.

During a Recess, the official language of EUropa.S. is used, and Judges are not allowed to exit the room without the Board’s permission.

H.6 Opening Statements

At the beginning of the first special deliberation of the Court, Judges shall be given 3 minutes each for an opening statement (tour de table). The Board is excluded from this provision.

H.7 Recognition and interruptions

A Judge may only address the Court if he/she has been recognised by the Board. No points or motions may interrupt a speaker or the Board with the sole exception of a Point of Personal Privilege pertaining to audibility.

H.8 Relevance of Speech

The Board may call a Judge to order if his/her speech is not relevant to the topic under discussion, or if he/ not respecting judicial courtesy.

H.9 Points

During the deliberations, the Judges may raise all the points described in articles E.

H.10 Working Paper

A Working Paper is an informal document used by Judges to work on building a Draft Judgment.

There is no specific format to be applied to a Working Paper. A Working Paper is not introduced to the Court but may be communicated to the Board and to the other Judges. The Working Paper will be distributed at the Board's discretion if requested by a Judge or will be presented to the Court via projector.

H.11 Judge-Rapporteur

The Judge-Rapporteur is responsible for presenting the Draft Judgment when introduced before the Court.

I. VOTING PROCEDURE AND JUDGEMENT

I.1 Voting Procedure

When the Board announces that the Court is entering the voting procedure, no entering or exiting the room will be permitted, unless there is an emergency or until the voting procedure has come to an end. Note passing will be suspended until the procedure has come to an end. The Board may allow the Administrative Staff to remain in the room.

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At this time, a Motion for a Roll Call Vote is in order.

The Court votes on the Draft Judgment as a whole.

I.2 Voting Options

Each Judge has one vote and must demonstrate his/her voting intentions by standing unless a motion for a Roll Call Vote has passed. The Judges can vote in favour or against. Judges that are in favour of the Judgment shall stand up whereas those against shall remain seated.

I.3 Roll Call Vote

A Roll Call Vote is a voting procedure where Judges state their vote when their name is called out by the Board. It is proposed via a motion by a Judge or the Board and if there are no objections, it passes automatically. If there are objections, it is at the discretion of the Board whether to accept the motion or not; the decision is not subject to appeal. The Roll Call vote shall take place in alphabetical order unless the Board decides otherwise in order to facilitate the procedure.

I.4 Majority

The Court reaches its decision unanimously or if unanimity cannot be achieved, by simple majority. In this case the opinion of the majority becomes the opinion of the Court. There are not dissenting opinions.

I.5 Delivery of the Judgment

Once a Draft Judgment has received unanimity or simple majority by the Judges, it is considered to have been adopted by the Court and it automatically becomes the Judgment.

The Judgment will be read out to the public by the Judge-Rapporteur.