



Rules of procedure of the Board Of Appeal of EASA

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DOCUMENT CONTROL SHEET

Reference documents

a) Procedures

N/A

b) Internal documents

WI.IMS.00123 – Practice directions to parties to appeal proceedings before the Board of Appeal of EASA
FO.IMS.00112 – Appeal Form

Abbreviations/Definitions

BoA – Board of Appeal
EC – European Commission
EU – European Union
MB – Management Board





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Foreword

THE BOARD OF APPEAL OF THE EUROPEAN UNION AVIATION SAFETY AGENCY

HAVING REGARD TO:

Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (hereinafter “**the Basic Regulation**”);¹

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency (hereinafter “**the Board of Appeal Regulation**”);²

Commission Implementing Regulation (EU) 2019/2153 of 16 December 2019 on the fees and charges levied by the European Union Aviation Safety Agency, and repealing Regulation (EU) No 319/2014 (hereinafter “**the Regulation on Charges**”);³

Article 2 of Decision MB 03-2006 of the Management Board of the European Aviation Safety Agency, concerning the Board of Appeal’s obligation to adopt its own rules of procedure;⁴

WHEREAS:

the Basic Regulation⁵ and the Board of Appeal Regulation lay down the fundamental rules on the functioning of the Board of Appeal;

the Regulation on Charges lays down the rules on the calculation and payment of compulsory charges (hereinafter “**appeal charges**”), in order to process the appeal;

those rules do not detract from the necessity, in the interest of an efficient, transparent and fair conduct of the proceedings, to establish more detailed provisions;

ADOPTS THE FOLLOWING RULES OF PROCEDURE:

¹ OJ L 212, 22.8.2018, page 1.

² OJ L 16, 23.1.2004, page 20.

³ OJ L 327, 17.12.2019, page 36.

⁴ Decision MB 03-2006 of the Management Board of the European Aviation Safety Agency is available under: <http://www.easa.europa.eu/system/files/dfu/signed%20MB%20Decision%2003-2006.pdf>

⁵ In particular Articles 105 to 114 of the Basic Regulation.





Title I – Organisation of the Board of Appeal

Chapter 1 - Powers of the Board of Appeal

Article 1

1. A Board of Appeal shall be established as part of the administrative structure of the European Union Aviation Safety Agency (hereinafter “the Agency”).
2. The Board of Appeal shall be responsible for deciding on appeals against the decisions referred to in Article 108(1) of the Basic Regulation.
3. The Board of Appeal shall be convened as necessary.

Chapter 2 - Composition and Members of the Board of Appeal

Article 2

1. The Board of Appeal shall consist of a Chairperson and two other Members.
2. The Chairperson and the other Members shall have alternates to replace them in their absence.
3. The Chairperson, the other Members and their alternates shall be appointed by the Agency’s Management Board from a list of qualified candidates established by the European Commission.
4. Where the Board of Appeal considers that the nature of the appeal so requires it may call up to two further alternates.
5. The Board of Appeal endeavours to take its/ decision, referred to in paragraph 4, at the earliest convenient moment of the proceedings. The parties shall be informed of such a decision by the Board of Appeal’s Registrar without undue delay.

Article 3

1. The term of office of the Members of the Board of Appeal, including the Chairperson and any alternates, shall be five years and shall be extendable for a further five years. The term of office shall begin on the date of appointment by the Agency’s Management Board.





2. The Members of the Board of Appeal shall be independent. In making their decisions they shall neither seek nor take instructions from any government or from any other body.
3. The Members of the Board of Appeal shall not perform any other duties within the Agency. The members of the Board of Appeal may work on a part-time basis.
4. The Members of the Board of Appeal shall not be removed from office or from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the European Commission, after receiving the opinion of the Agency's Management Board, has taken a decision to that effect.
5. The European Commission is empowered to adopt delegated acts, in accordance with Article 128 of the Basic Regulation, to determine the qualifications required for the Members of the Board of Appeal, their status and contractual relationship with the Agency, the powers of individual Members in the preparatory phase of decisions and the rules of, and procedure for, voting.⁶

Article 4

1. Members of the Board of Appeal shall not take part in any appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties to the proceedings or if they participated in the adoption of the decision under appeal.
2. If, for one of the reasons listed in paragraph 1 or for any other reason, a Member of the Board of Appeal considers that she/he should not take part in any appeal proceeding, she/he shall inform the Board of Appeal accordingly, without undue delay. The Board of Appeal may at any moment take up a matter under paragraph 1 if it comes to its knowledge that there are circumstances mentioned in paragraph 1.
3. Members of the Board of Appeal may be objected to by any party to the appeal proceedings on any of the grounds given in paragraph 1, or if any such Member is suspected of partiality. Any such objection shall not be admissible if, while being aware of a reason for objecting, the party to the appeal proceedings has taken a procedural step. No objection may be based on the nationality of Members.
4. The Board of Appeal shall decide as to the action to be taken in the cases specified in paragraphs 2 and 3 without the participation of the Member concerned. For the purposes of taking this decision, the Member concerned shall be replaced on the Board of Appeal by her/his alternate. In case a party has objected to the Board of Appeal's composition, the Board of Appeal's decision on that matter shall be reasoned and notified by the Board of Appeal's Registrar to the parties without undue delay.

⁶ This paragraph has been newly inserted in March 2019, due to the entering into force of the Basic Regulation.





Chapter 3 - Powers of the Chairperson and role of the rapporteurs

Article 5

1. The Board of Appeal shall be convened by its Chairperson. The Chairperson shall ensure the quality and consistency of the Board's decisions.
2. The Chairperson shall assign the examination of an appeal to one of the Board's Members as rapporteur.
3. The Chairperson shall decide on necessary replacements of Board Members by alternates in cases of absence referred to in Article 2(2). Any Member asking to be replaced by an alternate shall, without delay, inform the Chairperson of the Board of Appeal of her/his unavailability, in which case the Chairperson will call an alternate for the appeal proceedings concerned. If the Chairperson requires replacement, she/he shall inform, without delay, her/his alternate to assume responsibility for acting as Chairperson in the appeal proceedings concerned.

Article 6

1. The rapporteur shall carry out a preliminary study of the appeal.
2. The rapporteur shall ensure a close consultation and exchange of information with the parties to the proceedings. For that purpose, the rapporteur shall:
 - (a) prepare communications to the parties subject to the direction of the Chairperson of the Board;
 - (b) communicate any deficiencies to be remedied by a party to the proceedings;
 - (c) set appropriate procedural time limits in accordance with Article 112 of the Basic Regulation; and
 - (d) sign all communications on behalf of the Board of Appeal.
3. The rapporteur shall prepare internal meetings of the Board of Appeal and the oral procedure.
4. The rapporteur shall draft the decision.





Chapter 4 - Deliberations, voting and order

Article 7

1. Only Members of the Board of Appeal shall participate in the deliberations; the Chairperson may, however, authorise other officers such as personnel of the Registry or interpreters to attend. Deliberations shall be secret.
2. During the deliberations between Members of the Board of Appeal, the opinion of the rapporteur shall be heard first and the Chairperson last.

Article 8

1. Decisions of the Board of Appeal shall be taken by a majority of its Members. In the event of a tie, the vote of the Chairperson of the Board shall be decisive.
2. If voting is necessary, votes shall be taken in the sequence provided for in Article 7(2). Abstentions shall not be permitted.

Chapter 5 - Registry

Article 9

1. The Agency's Executive Director shall attach a Registry to the Board of Appeal. The Registry is headed by a Registrar who is appointed by the Agency's Executive Director. The Registrar shall not participate in any of the Agency's proceedings relating to decisions that can be brought under appeal.
2. The Registrar shall in particular be responsible for:
 - (a) the keeping of a register in which all appeals and supporting documents are lodged in chronological order;
 - (b) the receipt, transmission and custody of documents;
 - (c) the performance of other support functions to the Board of Appeal, which involve no legal or technical discretion, particularly with regard to representation, the submission of translations and notifications;
 - (d) ensuring that the deadlines and other formal conditions relating to the presentation of an appeal and of the statement of grounds are respected;
 - (e) the submission to the Chairperson of the Board of a report on the formal admissibility of each newly-filed appeal;
 - (f) where necessary, drawing up the minutes of oral procedures;





- (g) the publications of the Board of Appeal;
- (h) ensuring the collection of appeal charges, in accordance with the Agency's financial procedure; and
- (i) coordinating the translation of documents.

Article 10

The Registrar shall inform the parties of the composition of the Board of Appeal chamber that will hear the appeal and inform them that any communication concerning the appeal shall be lodged with the Registry.

Article 11

1. On receipt of the appeal, the Registrar shall mark the appeal with the date of receipt and file number of the appeal proceedings and notify the appellant of the time limit for paying the appeal charges, pursuant to the Regulation on Charges.
2. When an appeal is registered, the case shall be given a serial number followed by a mention of the year and a statement of either the name of the appellant or the subject-matter of the appeal. Cases shall be referred to by their serial numbers.
3. The Registrar shall transmit without delay a copy of the appeal so marked, accompanied by a note signed by the Registrar giving the number of the case and the registration number of the document to any other parties to proceedings.

Article 12

1. Procedural documents in cases brought before the Board of Appeal, including documents lodged by the parties and documents served by the Registrar, shall be entered in the register.
2. An annex that has not been lodged at the same time as the procedural document to which it relates shall be separately registered.





Article 13

1. Entries in the register are made chronologically in the order in which the documents to be registered are received or sent.
2. Procedural documents shall be registered as soon as they are lodged at the Registry. Documents drawn up by the Board of Appeal shall be registered on the day of issue.
3. The entry in the register shall contain the information necessary for identifying the document and in particular:
 - (a) the date of registration;
 - (b) the reference to the case;
 - (c) the nature of the document; and
 - (d) the date of the document.
4. Numbers shall be written in figures and usual abbreviations are permitted.
5. Where a correction is made in the register a note to that effect, initialled by the Registrar, shall be made in the margin.

Article 14

1. The registration number of every document drawn up by the Board of Appeal shall be noted on its first page.
2. A note of the registration, worded as follows, shall be stamped on the original of every document lodged by the parties:

"Registered at the Board of Appeal under No . . . Cologne, . . . day of . . . 20 . . ."





Title II – Procedure

Chapter 1 - Decisions subject to appeal

Article 15

1. An appeal lodged pursuant to Article 108(1) of the Basic Regulation may be brought against decisions the Agency has adopted pursuant to Articles 64, 65, 76(6), 77 to 83, 85 or 126 of the Basic Regulation.
2. An appeal lodged pursuant to paragraph 1 shall not have suspensory effect. Where the Executive Director considers that circumstances so permit, she/he may suspend the application of the decision appealed against.
3. An appeal shall only be made against a final decision of the Agency. However, a decision whose legal effects are binding on, and capable of affecting the interests of, one of the parties by bringing about a definitive and distinct change in the parties' legal position, may be subject to a separate appeal.

Chapter 2 - Persons entitled to appeal, form, time limits, address and representation

Article 16

Any natural or legal person may appeal against a decision addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to the former. The parties to proceedings before the Agency may be party to the appeal proceedings.

Article 17

1. The appeal, together with a substantiated statement of grounds thereof, shall be filed in writing at the Board of Appeal's Registry⁷ within two months of the notification of the measure to the person concerned or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.
2. The original appeal shall be sent directly to the Board of Appeal's Registry using the following address:

European Aviation Safety Agency
- Registry of the Board of Appeal -
Postfach 10 12 53
50452 Köln / Cologne
Germany

⁷ Article 110 of the Basic Regulation refers to the "Board of Appeal's secretariat". However, the function of the "secretariat" is performed by the Board of Appeal's Registry.





3. Submissions by fax (+49 (0) 221 8999 0999) or email (registrar.board.appeal@easa.europa.eu) shall be accepted provided that the original appeal, including the statement of grounds, bearing the appellant's or representative's handwritten signature, is lodged at the Registry's address, referred to in paragraph 2, no later than 10 working days after the date on which the appeal was lodged by fax or email.

4. The appeal shall comply with the mandatory requirements referred to in Article 25.

Article 18

1. The appellant may act for her-/himself or choose to appoint a representative.

2. If a party is represented before the Board of Appeal by a third person that person shall provide its power of attorney/representation to the Registry. The power of attorney/representation shall be submitted together with the appeal within the mandatory deadlines mentioned in Article 17.

Chapter 3 - Processing appeals and appeal charges

Article 19

1. Appeal charges shall be paid to the Agency for processing an appeal lodged pursuant to Article 108(1) of the Basic Regulation. The amount of appeal charges due in each case is calculated in accordance with the method set out in Part III of the Annex to the Regulation on Charges.

2. Where the appellant is a legal person it shall submit to the Agency a certificate signed by an authorised officer of that legal person concerned specifying the financial turnover of the appellant. The certificate shall be submitted together with the appeal within the mandatory deadlines mentioned in Article 17.

3. Appeal charges shall be denominated and payable in euros.

Article 20

1. The appellant shall pay the appeal charges, according to the applicable procedure established by the Agency, within 60 calendar days from the date on which the appeal was filed at the Agency in accordance with Article 17.

2. The appeal shall be admissible only when the appeal charges have been paid within the time period referred to in paragraph 1.

3. If the appeal is concluded in favour of the appellant, the appeal charges paid shall be reimbursed by the Agency.





Chapter 4 - Interlocutory revision

Article 21

1. Before examining the appeal, the Board of Appeal shall give the Agency the opportunity to review its decision. If the Agency's Executive Director considers the appeal to be well founded, she/he shall rectify the decision within two months from being notified by the Board of Appeal. This shall not apply where the appellant is opposed to by another party to the appeal proceedings.

2. If the decision is not rectified within two months after its notification to the Agency, upon receipt of the Appeal Form in original duly signed including the statement of grounds for the appeal and the other mandatory documents, the Agency shall forthwith decide whether or not to suspend the application of the decision pursuant to the second sentence of Article 108(2) of the Basic Regulation, and shall remit the appeal to the Board of Appeal for its further assessment.

Chapter 5 - Admissibility and examination of appeals

Article 22

1. The Registrar shall submit to the Chairperson of the Board of Appeal a report on the formal admissibility of each newly-filed appeal.

2. If an appeal is manifestly inadmissible on formal grounds, the Registrar shall inform the appellant by way of a letter that the case is closed. The letter shall be signed by the Chairperson of the Board of Appeal.

Article 23

1. If the appeal is admissible, the Board of Appeal shall examine whether the appeal is well founded.

2. When examining the appeal pursuant to paragraph 1, the Board of Appeal shall act expeditiously. The Board of Appeal shall as often as necessary invite the parties to the appeal proceedings to file, within specified time limits, written observations on notifications issued by itself or on communications from other parties to the appeal proceedings. The Board of Appeal may decide to hold an oral hearing, either of its own motion or at the substantiated request of one of the parties to the appeal.





Chapter 6 - Stages of the proceedings and time limits

Article 24

1. The proceedings before the Board of Appeal shall consist of a written part and an oral presentation when a party exerts its right to it or the Board of Appeal deems it necessary.
2. The written proceedings shall consist of (1) the appeal and (2) the Agency's defence.
3. The defence shall be lodged within two months after notification of the appeal by the Registrar to the Agency.
4. When the appeal, together with the statement of grounds thereof, is communicated by the Registrar to the Agency for interlocutory revision that communication serves as notification for the purposes of paragraph 3.
5. Where the Board of Appeal invites the parties to lodge further submissions, the time limit for lodging those submissions shall be one month, unless the Board of Appeal decides otherwise.

Chapter 7 - Mandatory requirements for the appeal

Article 25

1. The appeal shall:
 - (a) Identify the decision subject of the appeal and attach, as an annex, a copy of the decision.
 - (b) State the grounds on which it is based.
 - (c) State the form of order sought, i.e. to what extent an amendment or complete/partial annulment of the contested decision is requested.
 - (d) Identify the name, address, contact details, nationality and/or state of incorporation of the appellant, or just the name and the Agency customer number.
 - (e) In case of representation, indicate the name, address and contact details of the representative or representatives and attach to the appeal a power of attorney/representation, referred to in Article 18(2).
 - (f) Where the appellant is a legal person, attach to the appeal a signed certificate by an authorised officer of that legal person concerned specifying the financial turnover of the appellant, referred to in Article 19(2).
 - (g) Bear the appellant's or representative's handwritten signature. The name of the undersigned person shall be indicated.
 - (h) Bear a date.





2. Lack of providing any of the mandatory requirements in paragraph 1 shall render the appeal inadmissible. For lodging appeals orderly, the Agency shall provide an “Appeal Form”, available on the Agency’s website, which shall assist appellants to be compliant with all mandatory requirements.

Chapter 8 - Oral presentations

Article 26

1. When a party has requested an oral presentation or the Board of Appeal deems such a presentation necessary, the convocation for the oral procedure shall be communicated to the parties by the Registrar with reasonable notice.
2. The oral procedure shall take place at the Agency’s headquarters, unless the Board of Appeal exceptionally decides otherwise in the interest of a smooth and efficient conduct of the proceedings, after hearing the parties.
3. The oral procedure is public, except where the Board of Appeal or the parties consider the information to be confidential or where the Board of Appeal has decided that the oral procedure shall be closed.
4. The oral procedure shall be directed by the Chairperson of the Board of Appeal who is responsible for the proper conduct of the procedure.
5. A party may waive its right to an oral presentation. A party’s absence from the oral procedure will not be construed as acquaintance to the submissions of the other party.

Article 27

1. The Registrar shall draw up minutes of every oral procedure.
2. The minutes shall contain:
 - (a) the date and place of the oral procedure;
 - (b) the names of the Members of the Board of Appeal and the Registrar present;
 - (c) the reference to the case;
 - (d) the names of the parties;
 - (e) the names and description of the parties’ representatives;
 - (f) an indication of the submissions made by the parties in the course of the oral procedure; and
 - (g) the decisions of the Board of Appeal given at the oral procedure.
3. The minutes shall be signed by the Chairperson of the Board of Appeal and the Registrar and constitute an official record.
4. The parties may inspect the minutes at the Registry and obtain copies at their own expense.





Chapter 9 - Joinder of appeal proceedings

Article 28

1. The Board of Appeal may, after giving the parties an opportunity to express their views, join several appeals, filed against the same decision, in the same proceedings.
2. The Board of Appeal may, after giving the parties an opportunity to express their views, join several appeals concerning the same subject-matter, filed against different decisions, in the same proceedings.
3. The appeals may subsequently be disjoined.

Chapter 10 - Measures of organisation of procedure

Article 29

1. The purpose of measures of organisation of procedure shall be to ensure that cases are prepared, procedures carried out and appeals resolved under the best possible conditions. The Board of Appeal may order them, via the Registrar, at any moment of the procedure.
2. Measures of organisation of procedure may, in particular, consist of:
 - (a) putting questions to the parties;
 - (b) inviting the parties to make written and oral presentations on certain aspects of the case;
 - (c) asking the parties or third parties for information or particulars;
 - (d) asking for documents or any papers relating to the case to be produced; and
 - (e) summoning the parties' representatives or the parties in person to meetings.
3. Measures of organisation of procedure may be conducted by the Board of Appeal itself or be assigned to the Rapporteur.





Chapter 11 - Suspension of proceedings and discontinuance

Article 30

The Board of Appeal may upon request from a party and after hearing the other party, suspend the proceedings. The Board of Appeal may also, on its own initiative and after hearing the parties, suspend the proceedings. If one party is opposed to the suspension, the suspension shall be made by reasoned decision.

Article 31

1. If, before the Board of Appeal has given its decision, the parties reach a settlement of their dispute and inform the Board of Appeal of the abandonment of their claims, the Chairperson of the Board shall order the case to be closed.

2. If the appellant informs the Board in writing that she/he wishes to discontinue the proceedings, the Chairperson of the Board shall order the case to be closed.

Chapter 12 - Re-opening of oral procedure

Article 32

If the Board of Appeal takes a decision, referred to in Article 2(4), to call up one or two further alternates or in cases of absence, referred to in Article 5(3), exceptionally after an oral procedure has taken place, the Board of Appeal may re-open the oral procedure.

Chapter 13 - Decisions on appeal

Article 33

Where the Board of Appeal finds that the appeal is not admissible or that the grounds for appeal are not founded, it shall reject the appeal. Where the Board of Appeal finds that the appeal is admissible and that the grounds for appeal are founded, it shall remit the case to the Agency. The Agency shall take a new reasoned decision taking into account the decision by the Board of Appeal.

Article 34

1. Decisions of the Board of Appeal putting an end to the appeal proceedings shall be reasoned.

2. The decision shall contain:

(a) the names of the Board Members taking part in the appeal;

(b) the name of the Registrar;





- (c) the names of the parties, their agents, advisers or lawyers;
- (d) a summary of the decision appealed against, setting out the issues ruled upon;
- (e) a statement as to the course of the proceedings, making clearly reference to the submissions of the parties and any other material considered;
- (f) a summary of the relevant facts;
- (g) a statement of the form of order sought by the parties;
- (h) a summary of the parties' arguments;
- (i) the grounds for the decision;
- (j) the operative part of the decision; and
- (k) an "appeal clause", which mentions the judicial remedy provided for by Article 263 of the Treaty on the Functioning of the European Union.

3. The decision shall be signed by the Board Members participating and the Registrar.

4. The decision shall be binding from the date of notification to the parties.

Chapter 14 - Notification and publication

Article 35

The Registrar shall ensure that the decisions and communications of the Board of Appeal are notified to the parties. The Registrar shall also ensure that the decisions are published under the relevant applicable rules and in accordance with the publication practice of the Agency. This may be done by making the decisions available on the Agency's website.

Chapter 15 - Actions before the Court of Justice and direct appeals

Article 36

Actions may be brought before the Court of Justice for the annulment of acts of the Agency intended to produce legal effects *vis-à-vis* third parties, for failure to act and, in accordance with Article 97 of the Basic Regulation, for the non-contractual liability and, pursuant to an arbitration clause, the contractual liability for damages caused by acts of the Agency.





Article 37

1. Actions for the annulment of decisions of the Agency taken pursuant to Articles 64, 65, 76(6), 77 to 83, 85 or 126 of the Basic Regulation may be brought before the Court of Justice only after all appeal procedures within the Agency have been exhausted.
2. Member States and the European Union institutions may bring actions against decisions of the Agency directly before the Court of Justice, without being required to exhaust the appeal procedures within the Agency.
3. The Agency shall take all necessary measures to comply with the judgment of the Court of Justice.⁸

⁸ This paragraph has been newly inserted in March 2019, due to the entering into force of the Basic Regulation.





Title III – Miscellaneous Provisions

Chapter 1 - Confidentiality and personal data

Article 38

1. Without prejudice to Regulation 1049/2001,⁹ cf. Article 119(1) of the Basic Regulation, any party shall indicate to the Board of Appeal whether it considers its submissions in full or in part to be confidential.
2. The information gathered by the Board of Appeal is subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data¹⁰.

Chapter 2 - Time limits

Article 39

1. Time limits under Articles 110, 111 and 112 of the Basic Regulation and other time limits mentioned in these Rules of Procedure shall be calculated in accordance with Council Regulation 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits¹¹.
2. Time limits set by the Board of Appeal may be extended by the Board of Appeal, on its own motion or upon request by the parties. The Board of Appeal may hear the other party on such a request before it takes its decision.

Chapter 3 - Languages

Article 40

1. The working language of the Board of Appeal shall be English.
2. Any natural or legal person is entitled to address her-/himself in writing to the Board of Appeal in the language in which the procedure before the Agency, leading up to the contested decision, was conducted. Documents submitted in another language than English shall be translated into English to the extent that it is found necessary by the Board of Appeal. The Board of Appeal shall arrange for the translation.

⁹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2002, page 43).

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, page 39).

¹¹ OJ L 124, 8.6.1971, page 1.





3. Where the appellant states that she/he is unable to adequately express her-/himself in English for the purpose of the oral procedure, the Board of Appeal shall arrange for interpretation to and from English. Such a request shall be submitted by the appellant at least 4 weeks in advance of the oral procedure.

4. Where a witness or expert states that she/he is unable to adequately express her-/himself in English, the Board of Appeal may authorise her/him to give her/his evidence in another language. The Board of Appeal shall arrange for interpretation to and from English. Such a request shall be submitted at least 4 weeks in advance of the oral procedure.

Chapter 4 - Publication and entry into force

Article 41

1. The Registrar ensures that the Rules of Procedure are published under the relevant applicable rules and in accordance with the publication practice of the Agency. This may be done by making the Rules of Procedure available on the Agency's website.

2. The Registrar ensures that the Rules of Procedure are communicated or made known to the parties to the appeal proceedings. This may be done by referring the parties to the place on the Agency's website where the Rules of Procedure are published.

Article 42

1. The Rules of Procedure shall enter into force on the day of their signature by the Board of Appeal's Chairperson and be published in accordance with the preceding Article.

2. The present Rules of Procedure shall replace the Board of Appeal's previously adopted Rules of Procedure and internal administrative instructions to the Registry.

