

**ADMINISTRATIVE REGULATION N-01/2024/CJ
OF THE COURT OF JUSTICE OF UEMOA**

THE UEMOA COURT OF JUSTICE

Meeting in an internal assembly at its session of 29 July 2024, composed of

- Mr Mahawa Sémou DIOUF, Chairman ;
 Mr Kuami Gameli LODONOU, First Advocate General
- Mr Abdourahamane GAYAKOYE, Judge ;
- Mr Jules CHABI MOUKA, Judge ;
- Mr Kalifa BAGUE, Advocate General ;

With the assistance of Mr Hamidou YAMEOGO, Deputy Registrar, acting as secretariat ;

In the presence of :

- Mr Sangoné FALL, Court Auditor ;
- Mr Ervé DABONNE, Court Auditor ;

HAVING REGARD TO the Treaty signed on 10 January 1994 creating the WAEMU;

HAVING REGARD TO Additional Protocol No. 1 relating to the supervisory bodies of the WAEMU; HAVING REGARD TO Additional Act n° 10/96 of 10 May 1996, on the statutes of the Court of
WAEMU Justice ;

HAVING REGARD TO Regulation n°1/96/ CM of 5 July 1996 laying down the Rules of Procedure of the Court of Justice of the WAEMU;

HAVING REGARD TO Regulation n° 02/96/CM/UEMOA of 20 December
1996 on the Statute of the Registrar of the Court of Justice of UEMOA;

VU the Regulation n° 07/2010/CM/UEMOA on the statute of
staff of the UEMOA ;

HAVING REGARD TO Decision n° 001-2013/CJ of 21 June 2013 on the Statute of
Auditors of the WAEMU Court of Justice;

Adopts the following regulation:

CHAPTER I: DEFINITIONS AND PURPOSE

Section 1: Definitions

Article 1: In these Regulations, the following definitions shall apply: UEMOA: the West African Economic and Monetary Union;

Treaty: The Treaty of the West African Economic and Monetary Union;

Court : The Court of Justice of the West African Economic and Monetary Union; Council:

The Council of Ministers of the West African Economic and Monetary Union; **Commission:**

The Commission of the West African Economic and Monetary Union;

State(s) or Member State(s): Member States of the West African Economic and Monetary Union;

Rules of procedure . Regulation n° 01/96/CM of 05 July 1996 on the Rules of Procedure of the WAEMU Court of Justice ;

Statute of the Registrar: Regulation No. 02/96/CM/UEMOA of 20 December 1996 on the Statute of the Registrar of the Court of Justice of UEMOA;

Statutes or Statutes of the Court : Additional Act No. 10/96 of 10 May 1996 on the Statute of the Court of Justice of the WAEMU;

Chairman: The President of the WAEMU Court of Justice;

Member: The Member of the WAEMU Court of Justice; Judge:

The Judge of the WAEMU Court of Justice;

First Advocate General . The First Advocate General of the WAEMU Court of Justice ;

Advocate **General**: The Advocate General of the WAEMU Court of Justice;

Registrar: The Registrar of the WAEMU Court of Justice;

Deputy Registrar: The Deputy Registrar of the WAEMU Court of Justice ;

Auditor : The Auditor at the WAEMU Court of Justice ;

Organs: The Organs of the West African Economic and Monetary Union;

Dematerialisation of procedures: filing, communication and service of procedural documents by reliable and secure electronic means.

Section 2: Object

Article 2: The purpose of these Rules is to supplement the Statutes and Rules of Procedure of the Court.

CHAPTER II: ORGANISATION OF THE COURT

Section 1: Members

Article 3:

3.1. Members undertake to respect the obligations arising from their office during and after their term of office.

3.2. Any demonstration of hostility to the principles or form governing the Union or the Member States, as well as any demonstration of a political nature incompatible with the reserve imposed on them by their functions, are forbidden to members.

3.3. They are also forbidden to deal in newspapers with subjects other than those of a technical nature. However, they may, without prior authorisation, engage in scientific, literary or artistic work.

3.4. Under article 9 of the Statutes of the Court, dispensations may be granted to members of the Court to teach or to carry out functions or activities which are not such as to impair the dignity and independence of members of the Court.

Article 4:

4.1. Members are required to reside in the place where the Court has its seat, in accordance with the provisions of Article 10 of the Statutes of the Court.

4.2. They may only be absent on leave, unless individual and temporary authorisation is granted by the Chairman, in particular for family or health reasons.

Article 5:

5.1. The Court, in Internal Assembly, shall draw up and amend, if necessary, the list of protocol precedence of the members, in accordance with Article 4 of the Rules of Procedure. A mention thereof shall be made in the minutes of the said Assembly.

5.2. In the drafting of the acts of the Court, the members are listed in the order of protocol established in accordance with the preceding paragraph.

Article 6:

6.1. The members of the Court elect the President from among their number for a renewable period of (3) years. This appointment takes place at the Internal Assembly, by secret ballot.

6.2. The Chairman is elected by an absolute majority. If no candidate obtains the required majority, a second ballot is held and the member with the highest number of votes is elected. In the event of a tie, the senior member is elected. In the event of equal seniority, the oldest member is elected.

6.3. Three months before the expiry of his term of office, the President shall notify the members of the date of the opening of candidacies for this office, as well as the deadlines for the submission of candidacies, which may not be less than one month from the date of the opening of candidacies. Once the deadline for applications has passed, the President, after consulting the First Chairman, sets the date of the Elective General Meeting, with a quorum of five members present or voting.

6.4 If a member is unable to attend a meeting, he may give his proxy to another member; only one proxy may be held.

6.5 The Clerk assists the members of the Court during the internal elective meeting. The electoral board is composed of the most senior non-candidate member, who chairs the electoral board, and the least senior member, who acts as scrutineer. For the application

of these provisions, in the event of equal seniority, the oldest on the one hand and the youngest on the other shall be preferred.

6.6 : The electoral office reads out the registered candidacies and carries out the necessary procedures.

voting operations.

6.7 If there are no candidates, the President shall be automatically reappointed subject to his written agreement, which shall be deposited at the Court Registry. In the absence of such agreement, the most senior Member shall deputise for the President until a new President is elected.

6.8 The Clerk shall draw up a report on the conduct of the ballot, which he shall sign together with the members of the electoral office.

6.9 The election of the new President shall be notified to all the Organs. An extract of the minutes of the meeting is published in the WAEMU Official Bulletin.

6.10 : At the elective Internal General Meeting, the duties of Judge and Advocate General shall be redistributed, if necessary.

Section 2: The Registrar, Deputy Registrars and other officials

Article 7:

7.1 The Registrar assists the Court, the Judges and the AVOCats Général in all the acts of their departments, under the conditions defined by the texts in force. He ensures that the registers of the Registry are properly kept.

7.2 The Registrar is responsible, in particular, under the authority of the Chairman, for :

- general administration, coordination and supervision of the Court's departments;**
- ensuring, with the assistance of senior managers specialising in finance, the financial management of the Court and the Registry's accounts;**
- to provide the secretariat of the Court when it meets in Internal Assembly or in Consultative General Assembly;**
- to carry out the Court's publications;**
- maintaining the Court's archives.**

7.3 In the order of precedence of the Court, the Registrar takes precedence, without distinction as to seniority or age, after the last Member of the Court.

7.4 In the absence of a Deputy Registrar, a member of the Registry staff designated by the President on a proposal from the Registrar.

7.5 If the Registrar is unable to act, the most senior Deputy Registrar of the Court shall act in his place. If there is no Deputy Registrar, the President shall appoint a substitute from among the staff of the Court.

7.6 The Registrar is subject to the obligations and restrictions set out in Articles 4 and 5 above.

7.7 The Registrar is assisted by one or more Deputy Registrars under his authority. The Deputy Registrars take an oath under the same terms and conditions as the Registrar. They assist the Registrar and wear the Registrar's robes at hearings.

Article 8:

8.1 Officials and other servants attached to the Court shall be placed under the responsibility of the Registrar and the authority of the President, in accordance with Article 25 of the Statute and Article 12 of the Rules of Procedure. Before taking up their duties, they shall take an oath before the President, in the presence of the Registrar, in the following form:

"I swear to exercise in all loyalty, discretion and conscience the functions entrusted to me by the Court of Justice of the West African Economic and Monetary Union".

8.2 This oath may be taken in writing if circumstances so require.

8.3 The Registry of the Court comprises all administrative, financial, technical and authentication services.

Section 3: Auditors

Article 9:

9.1 The Auditors participate in the investigation of cases brought before the Court. They work with the President, the Judges and the Advocates General.

9.2 They may be tasked with pre-examining files. In this capacity and before the written procedure is closed, the application may be submitted to them on the instructions of the Chairman for the purposes of

identify obvious problems with the Court's jurisdiction and the admissibility of the application

search for judgments or pending cases involving the same, similar or similar issues;

- a brief legal analysis of the case;
- give advice on any requests for clarification or investigative measures to be considered.

9.3 . If this has not been done before the file is sent to the judge-rapporteur, the judge-rapporteur may ask an auditor to prepare a memorandum or report on one or more of the points listed in 9.2.

9.4 The Auditors are subject to the obligations and restrictions set out in articles 4 and 5 above.

9.5 They are placed under the authority and responsibility of the President of the Court.

Section 4: The Court's organisation chart

Article 10: On the proposal of its President, the Court shall adopt the organisation chart of its departments at the Internal Assembly.

CHAPTER III: OPERATION OF THE COURT

Section 1: The formations of the Court

Article 11:

11.1 The Plenary Assembly provided for by the Statutes of the Court is composed of three or five judges depending on the nature or importance of the case. It is constituted by order of the President and sits in contentious cases in the presence of an Advocate General. Its hearings are public.

11.2 The Court sits in chambers with the same number of Judges as in the plenary session, following a decision taken in the internal session, when the case submitted is of such a nature as to jeopardise public order, public peace and public safety.

11.3 : If necessary, the President shall convene an Extraordinary Plenary Meeting which, sitting in formal session, shall receive the oaths of office of the Members of the Bodies and sworn agents or shall install the President of the Court.

Article 12:

12.1 The General Consultative Assembly provided for in the Statutes of the Court comprises all the members of the Court, the secretariat being provided by the Registrar. The procedure in consultative matters is set out in Articles 29 et seq. of these Administrative Rules.

12.2 The Court meets in Consultative General Assembly to issue an opinion or recommendations on the recommendation of its Chairman, when a request for an opinion is made to the Court:

on draft texts submitted by the Commission ;

formulated by the Conference of Heads of State and Government, the Council of Ministers, the Commission or a Member State on the compatibility of an international agreement with the Treaty or on any difficulty encountered in applying or interpreting acts governed by Community law.

Article 13:

13.1 The Court is convened by the Chairman to hold an internal meeting in order to decide on its Administrative Regulations, on the procedures for applying the General Regulations and on its discipline.

13.2 It also decides on any matter relating to the operation of the Court that the President places on the agenda.

13.3 The Internal Assembly is held with the participation of staff members or their representatives, in accordance with article 16 paragraph 5 of the Statutes of the Court, at least twice a year, at the beginning and at the end of the judicial year, in order to decide on the activities to be carried out or to take stock of them.

13.4 Resolutions adopted by the Internal Shareholders' Meeting are recorded and entered in the Registrar's books; they are appended to the minutes of the Meeting and form an integral part thereof.

Section 2: Judicial holidays and re-openings

Article 14:

14.1 The President of the Court, by order, after deliberation by the Internal Assembly, shall fix the date of commencement and the duration of the 'judicial holidays'; by further order, he shall define the modalities of operation of the Court, as well as those of the departure of the Members and staff on vacancy, during this period.

14.2 A hearing known as the "re-opening of the judicial year" takes place at the end of the judicial holiday period, during which it is established that the year just ended has ended and the new year has begun.

14.3 After the opening hearing, the President, by order, sets the dates of the hearings of the Court sitting in ordinary plenary session, in the General Consultative Assembly and of the Internal Assemblies.

CHAPTER IV: PROCEDURES

Section 1: Proceedings

Article 15:

15.1 The original of any pleading must be signed by the party's agent or lawyer. A document containing a non-handwritten signature, or a document signed by substitution, shall be deemed not to have been signed.

15.2 The agent appointed to represent a State or an Organ in a case pending before the Court must attach to the first pleading filed with the Registry the official document issued by his principal, if the latter has not previously notified the Court.

15.3 The procedural documents intended for the States, within the framework of the prejudicial procedure and the consultative procedure, are addressed to the Ministers in charge of the Economy and/or Finance.

15.4 A lawyer constituted pursuant to article 29 of the Articles of Association and article 12 of the Rules of Procedure must produce, as soon as the first pleading is filed, his letter of constitution and a document certifying that he is duly entered on the roll of a Bar in one of the Member States.

Article 16:

16.J: All pleadings must be dated by their author, filed with the Registry and entered in the register provided for this purpose; the date of receipt at the Registry is the date on which time limits are calculated.

16.2 : As soon as the document is registered at the Registry, the Registrar, using the stamp specifying the date of receipt of the document, the mention of its entry in the register and the registration number assigned, stamps the original and, at the request of the parties, the copies.

16.3 : Schedules to pleadings must be set out in a schedule listing the documents attached. The annexes must be attached to both the original and the certified copies. Where the documents annexed to the original are copies, the author of the document must specify in his schedule that they are copies and state this in clear terms on each annexed copy.

Article 17:

Where the party initiating proceedings is a legal entity governed by private law, the first document it produces must be accompanied by its articles of association or an extract from the Trade and Personal Property Credit Register or any other authentic document attesting to the proof of its legal existence.

Article 18

18.1 A document instituting proceedings which does not comply with the provisions of this section shall be the subject of a request for regularisation in accordance with the provisions of Article 32 of the Statutes. Failing this, as soon as the time limit has expired, the Registrar shall forward the document that has not been regularised to the President for a decision as to whether it should be accepted as a procedural document.

18.2 With the exception of judgments and notices, the Registry may, with the authorisation of the President of the Court and the consent of the parties, send or receive, by means of a reliable and secure electronic device, the procedural documents provided for in the Rules of Procedure and these Administrative Rules.

18.3 The practical arrangements for implementing the above-mentioned provision shall be specified by decision of the President of the Court.

Section 2: Litigation procedure

Article 19:

19.1 At the initial stage of the proceedings, the Court may, without further formality, even before service of an application on the defendant, by judgment, terminate the proceedings where it considers itself manifestly lacking jurisdiction or where the application appears to be manifestly inadmissible.

19.2 : Upon receipt of a request for arbitration or an arbitration agreement, the Registrar, after completing the formalities for registration, shall forward it to the Chairman.

19.3 : Except where the provisions of paragraph 1 above apply, the Registrar, under the supervision of the President, shall communicate to the parties applications, pleadings, replies and rejoinders, together with the supporting documents.

Article 20:

20.1 The President orders the closure of the written procedure

as soon as the rejoinder has been lodged or as soon as the defence has been lodged, if it considers that it is not necessary to lodge a reply and a rejoinder;

- in the absence of a reply, on expiry of the time limit set for lodging statements of defence, replies or rejoinders;

where the interested party declares in writing that he waives his right of reply.

20.2 As soon as the written procedure is closed, the President shall appoint the Judge-Rapporteur, who may be given a time limit; the order appointing the Judge-Rapporteur shall be notified to the Judge-Rapporteur by the Registrar, who shall at the same time send him a complete copy of the file of the proceedings.

20.3 At the same time, the President instructs the Registrar to send the First Advocate General a full copy of the case file for his submissions. In the interests of the proper administration of justice, the President may invite the Advocate General to take the necessary steps.

20.4 The Judge-Rapporteur and the Advocate General shall each file the report or submissions with the Registry as soon as they have completed their studies. In any event, the final report shall be communicated to the Advocates General before the oral procedure.

Article 21:

After examining the case, the judge-rapporteur proposes a preliminary or final report to the Court.

Article 22:

22.1 . The Judge-Rapporteur may propose, in a preliminary report submitted to the Court, any measures of inquiry that he or she considers useful. This preliminary report shall set out the legal problems of the case and, if necessary, the questions to be put to the parties in writing or orally at the hearing, the requests to be made for the production of evidence or, in general, any measures to be taken to enlighten the Court.

22.2 The Court decides what action to take on the proposals made by the Judge-Rapporteur, after hearing the AvOCÉtt Général.

22.3 : Investigative measures may be decided ex officio or at the request of the parties.

Article 23:

23.1 When he considers that the case is in order, the Judge-Rapporteur draws up the documents.

following :

1. A final report that :

- **sets out the facts giving rise to the dispute;**
- **explains the procedure followed;**
examine, where appropriate, the formal arguments relating to forfeiture, withdrawal, no need to adjudicate, time-barring and inadmissibility;
- **presents and discusses the substantive arguments put forward by the parties and other interveners,**
proposes one or possibly several solutions if there is any doubt about the outcome of the case.

2. A draft decision or, where appropriate, several draft decisions.

3. Opinions drawn up in accordance with the model judgment adopted by the Court and appended hereto, setting out the grounds for the judgment and the operative provisions.

23.2 The file, including the final report filed by the Judge-Rapporteur and the Opinion filed by the Advocate General, is reproduced in as many copies as there are Members of the Court and distributed to them for the purpose of preparing for the oral proceedings.

Article 24:

At the request of the parties to the proceedings and with the authorisation of the President of the Court, a copy of the final report may be communicated to them.

Article 25:

25.1 At the hearing, the rapporteur reads his report; he may confine himself to summarising the proceedings and the parties' pleas in law and submissions without setting out the solutions he proposes.

25.2 The parties shall be heard if they so wish, making their oral observations and answering questions put by the members of the Court.

25.3 Once the Advocate General has been heard, the Court is in a position to give its final decision.

Article 26:

26.1 The deliberations of the Court take place in chambers without the presence of the Registrar and the Advocate General.

26.2 The conclusions adopted after discussion by the majority of the Judges composing the Bench shall determine the decision of the Court. Votes during deliberations shall be cast in the order in which they appear in Article 4 of the Rules of Procedure.

Section 3: Preliminary ruling procedure

Article 27:

Where the subject-matter of the action is a reference to the Court of Justice by the national court for a preliminary ruling for the purposes of interpretation or assessment of legality, the national court must inform the Court of Justice so as to enable it to give a decision in full knowledge of the facts by sending it an authenticated copy of the case-file and specifying the circumstances of the case, its legal framework and the relevance of the questions referred and their decisive nature in the resolution of the dispute.

Article 28:

28.1 The decision to refer shall be notified to the parties to the dispute before the national court, to the States, to the Commission and, where appropriate, to the specialised bodies of the Union and to the Council of Ministers if the latter is the author of the act referred to by the applicant. The Union, its Organs and the States shall constitute privileged parties who need not prove an interest in bringing proceedings and shall be heard for their observations in all proceedings concerning the interpretation or assessment of the legality of Union acts.

28.2 The above-mentioned bodies, unless an exemption is granted at their request, have a period of not less than two months in which to submit their written observations. These observations may be presented in writing or orally at the hearing by the authorised representative.

Article 29:

The Court, deliberating on the reference for a preliminary ruling, shall ascertain its own jurisdiction and may, after examination, refuse, by reasoned order, to answer any questions referred, and in particular declare them irrelevant, reword them or interpret them.

Section 4: Consultative procedure

Article 30:

A request for an opinion or a draft act shall not be validly referred to the Court for consultation unless it emanates from the competent authority of the Body which is the author thereof, to represent it in relations with third parties, or from its representative duly empowered for that purpose.

Article 31:

31.1 When it receives a request for a hearing from an organ of the Union, the Court may notify the other organs and the Member States for information. The latter may, within a time limit fixed by the President, make written observations on the request and, if necessary, be invited to explain them orally.

31.2 When a Member State requests an opinion, it is communicated to the Commission and the other Member States for the same purpose and under the same conditions.

31.3 Written observations submitted within the time limits set by the Chairman are sent for information to the person who requested the opinion and to the other persons who submitted observations.

Article 32:

32.1 After registration of the request for an opinion or of the draft instrument submitted to the Court for an opinion, it shall be communicated by the Registrar to the President. The President may order that the Organs and States be notified in accordance with the provisions of Article 30 above for the purpose of any observations they may wish to make.

32.2 As soon as the last observations have been received within the time-limits laid down, or failing that, at the end of those time-limits, the Registrar shall forward the file to the President, together with any observations received and copies of any notifications made. The President shall appoint a rapporteur from among the Members of the Court or the Auditors.

Where a Member is appointed, reference shall be made to the auditor assisting him. Where the designated rapporteur is an auditor, he or she shall prepare the report under the guidance of the President or a Member of the Court.

32.3 The file, including any notes, reports, texts and related documents, shall be sent by the Registrar to the appointed rapporteur and to the other members of the Consultative General Assembly,

Article 33:

33.1 The rapporteur examines the file and, if he or she considers it necessary, obtains an explanation from the body that referred the matter to the Court of the exact meaning and scope of the draft or request for an opinion. To this end, the rapporteur may obtain any useful information or document or interview the person requesting the opinion.

33.2 It may compile a file containing legal instruments or any document likely to enlighten the Court.

Article 34:

34.1 : Once the dossier has been examined, the rapporteur will draw up a report which must

include :

- **An initial section placing the project or application in its legal and, where appropriate,**

factual context and, in particular, exploring its scope;

- A second section with comments and criticisms of the project or request for advice.

34.2 The criticism must be made from a legal and administrative point of view and not on the appropriateness of the measure taken or to be taken. It must focus essentially on the conformity of the act submitted with the Union's legal environment, its internal consistency or, where appropriate, any technical difficulties in its application.

34.3 In the case of draft texts, the rapporteur may propose any drafting changes he or she deems necessary.

34.4 As soon as it has been lodged with the Registry, a copy of the report produced by the rapporteur shall be sent to the other members of the Court and the file shall be registered at the next Consultative General Assembly.

Article 35

35.1 The Consultative General Meeting hears the report and then opens the floor for discussion.

With regard to a request for an opinion and a recommendation on a draft Commission text

- firstly, a general discussion on the economy and scope of the text submitted;
The draft text proposed by the rapporteur is then examined article by article;

With regard to other requests for advice :

- after the general discussion as indicated above,
a detailed study is made of the solution(s) submitted.

35.2 Decisions are adopted by vote:

in the case of a request for an opinion on a draft text, the vote is taken on the amendments in the order in which they are presented, then on the amended or unamended article as a whole;

in the case of a request for an opinion on another subject, the vote is on the rapporteur's proposal for an opinion and on his proposed editorial amendments.

35.3 The General Consultative Meeting may set up an ad hoc committee to study a particular problem and report back to it.

35.4 At the end of the Consultative General Meeting, the rapporteur drafts the text as finally adopted, together with a note of observations indicating any suggested amendments; the Clerk draws up minutes of the debates.

35.5 The opinion of the Consultative General Assembly, to which the draft amended text and the related note are attached, shall bear the signature of the President of the Assembly, that of the Rapporteur and that of the Clerk of the meeting. It shall be transmitted to the requesting Organ of the Union, to the other Organs and to the States which so request.

35.6 A copy of the documents listed above shall be made available to each member of the said Meeting for his or her own documentation.

35.7 The Registrar shall cause the notice to be published in the WAEMU Official Bulletin, by insertion of extracts.

35.8 The Court reserves the right not to comply with a request for a'UiS where it has reason to fear that its opinion may be used as evidence or as a means in proceedings already before it or which may be brought before it. Where appropriate, the Court shall issue a decision.

Section 5: Formalities relating to **special procedures and remedies**

Paragraph 1: Objections and procedural incidents Article

36 :

36.1 When an application is made under Article 77 of the Rules of Procedure, the Registrar shall communicate it to the President before service, in order to fix a time-limit for the other party to submit its pleas in law and submissions in writing.

36.2 The Registrar shall notify the opposing party of the application and of the time-limit fixed by the President. On receipt of the other party's submissions, or failing that, on expiry of the time-limit, the application shall be communicated to the President together with the submissions filed or a notice from the Registrar stating that the submissions have not been filed within the time-limit.

36.3 Unless the Court decides otherwise, the rest of the proceedings on the application will be oral.

36.4 The Court, after hearing the Advocate General, shall rule on the application or join it to the merits. If the Court rejects the application or joins it to the merits, the President shall fix new time-limits for the continuation of the proceedings.

Article 37:

37.1 Pursuant to the provisions of Article 78 paragraph 1^r of the Rules of Procedure, the President of the Court shall forward to the First Advocate General for a ruling as soon as possible any application which he considers to be manifestly inadmissible or for which he considers that the Court lacks jurisdiction.

37.2 In his letter transmitting the application to the First Judge, the President gives reasons for the application's inadmissibility or the Court's lack of jurisdiction.

37.3 As soon as the submissions of the /VOCat Général have been filed, the Court, sitting in chambers, gives its ruling.

Paragraph 2: Interventions

Article 38:

38.1 In the event of an application for leave to intervene, it shall be registered with the Registry and processed in accordance with the procedures set out in Articles 14 and 15 of these Administrative Rules.

38.2 If the President admits the intervention, the Registrar shall communicate to the intervener all procedural documents previously served on the parties. If the application does not contain an address for service at the seat of the Court, the documents in the file shall be communicated by post to the address given on the application to intervene.

Paragraph 3: Opposition, third-party opposition and revision.

Article 39:

39.1 Opposition, third-party opposition and review applications are received and processed at the Registry in accordance with the procedures laid down for the receipt of applications initiating proceedings.

39.2 On receipt of such a request, the Registrar shall attach it to the initial file submitted by the applicant.

to the Chairman and completes the formalities for service.

39.3 At the end of the exchange of documents, the Chairman shall order the closure of the proceedings in accordance with the provisions of Article 18 above and shall proceed as indicated in Articles 19 et seq.

Paragraph 4: Other special procedures

Article 40:

Other special procedures, in particular the interpretation of judgments, the stay of proceedings and other interim measures, shall be dealt with in accordance with the relevant provisions of Part IV of the Rules of Procedure of the Court.

CHAPTER V: LEGAL AID

Article 41:

41.1 The application for legal aid pursuant to Article 65 of the Rules of Procedure of the Court shall be addressed to the President of the Court. It shall be lodged at the Registry and shall include

- **the surname, forenames, profession and address of the applicant, or if the applicant is a legal entity, its name, object and registered office;**
- **either the nature of the dispute and its references if the matter has already been referred to the Court, or a statement of the reasons for the dispute.
summary of the facts, subject-matter and reasons, if not already before the Court ,
the name and address of the lawyer he has appointed or wishes to appoint.**

41.2 The applicant must enclose with his application all information establishing that the applicant is in urgent need, in particular a certificate from the competent authority justifying his indigence.

41.3 As soon as the request is received and after the formalities for registration at the Registry have been completed, the Chairman appoints a rapporteur. The rapporteur may obtain any information, order the production of any documents and arrange for any hearings to be held.

41.4 When the rapporteur considers that he or she has been sufficiently informed, he or she draws up a report on the basis of which the Court, in General Assembly, takes a decision. However, in case of urgency, the President may take a decision on provisional admission and the Court shall meet within a short period of time to decide on definitive admission. Urgency results from the threat of foreclosure of a time limit for bringing the action or performing the act for which legal aid is sought.

41.5 . The costs of legal aid shall be borne by the Court's budget, in accordance with the relevant provisions of the Financial Regulations of the organs of the WAEMU.

41.6 In the event of legal aid being granted, the Court's cashier advances the costs.

41.7 The decision on costs may order that sums paid by way of legal aid be diverted to the Court's fund.

41.8 These sums shall be recovered by the Registrar from the party who has been ordered to pay them.

CHAPTER VI: REPRODUCTION OF COURT DOCUMENTS

Article 42:

42.1 The acts of the Court include :

- Court judgments, orders and opinions ;
- the President's orders ;
minutes of hearings, General Meetings and internal meetings;
- regulations, instructions and decisions taken pursuant to the general regulations applicable to the Court ;
- acts of the Registrar drawn up in application of the regulations and instructions of the Court.

42.2 The acts of the Court are drawn up in indelible ink, initialled and signed by their authors.

42.3 Minutes are kept of the Court's judgments, orders and opinions, the President's jurisdictional orders, the Registrar's acts, as well as the minutes of hearings and those recording the Court's deliberations.

Other documents are drawn up in bre'vet or in the form of administrative decisions. Court documents are authentic instruments.

42.4 Minutes: The original of the authentic instrument kept by the Registrar and of which he issues copies and extracts shall be deemed to be minutes.

42.5 Patent: A patent is an authentic instrument, the original of which is issued and of which no copies or extracts may be made.

Article 43

In all cases where it is necessary to certify the existence or veracity of a fact, event or action which has taken place at the Court and which is not formalised by a deed or document, the Court may issue a certificate of authenticity.

whose act is in the process of being formalised, the President and, where applicable, his acting President or the Registrar, shall each draw up, insofar as they are concerned, attestations or certificates which they shall issue at the request of litigants.

Article 44:

Court documents shall be produced and reproduced without overwriting, erasures, blank spaces or gaps that may be filled in after signature.

Article 45:

45.1 Copy errors, omissions and any formal or material anomalies noted before the signing of any deed, if they do not lead to the seizure of the deed being resumed, shall be rectified by the signatory or signatories at the time of signing. The repair thus made is the subject of a marginal note approved and initialled by the author of the deed.

45.2 When clerical, arithmetical or material errors are noted in a minute already signed by the Court, they shall be repaired by the Court in accordance with Article 58 of the Rules of Procedure.

45.3 If there is reason to make a material correction to a minute, on the instructions of the President, the Registrar shall compile a file which he shall communicate to the First Advocate General for the purposes of his submissions.

45.4 at least three days before the date set for the examination of the case by the Council Chamber, the file shall be returned by the Advocate General to the Registrar, who shall immediately hand it over to the President.

45.5 The rectification shall be made by a decree, which shall be attached to the original minutes, and a rectifying entry shall be made at the foot of the original minutes and of all copies subsequently issued.

45.6 Where the Court fails to give a ruling either on an individual head of claim or on costs, the party who intends to rely on that failure shall apply to the Court within one month of service of the judgment. The application shall be served on the other party and the President shall fix a time-limit within which that party may submit its written observations. After those observations have been submitted, the Court, after hearing the Advocate General, shall rule on the admissibility and merits of the application.

CHAPTER VII: SECURITY, COSTS AND EXPENSES

OF JUSTICE

Article 46:

46.1 In accordance with the provisions of Article 31 paragraph 6 of the Statutes of the Court and Article 26 paragraph 6 of the Rules of Procedure of the Court, the applicant, with the exception of Member States and the organs of WAEMU, is required to deposit at the Registry of the Court, against receipt, a security, the amount of which is fixed by deliberation of the Court.

46.2 The Court shall fix, by deliberation, at the beginning of the judicial year, the amount of the security that any requesting party, with the exception of Member States and WAEMU bodies, is required to deposit at the Court Registry.

46.3 In the letter notifying the applicant of the amount of the security, the Registrar informs the applicant that if the security is not paid within the time limit set, the Court will rule as appropriate.

Article 47:

47.1 Costs: Costs within the meaning of Article 60 of the Rules of Procedure include including

the costs of proceedings incurred by the Court, in particular the costs of communicating pleadings and procedural documents, the costs of transporting files and documents from the Court to the national judge in the context of a preliminary reference, the costs of any work involved in copying and translating pleadings and procedural documents, and the costs incurred by the Members and the Registrar in travelling in connection with the taking of evidence ordered;

the costs of enforcing the Court's judgments and decisions;

- sums due to witnesses and experts ;
- the cost of copies of the minutes and expert reports paid by the parties to the Registry, pursuant to Article 54 of the Rules of Procedure,
- costs of executing letters rogatory ;
- the travel and subsistence expenses of the parties where the Court orders them to appear in person ;
- the remuneration of an agent or lawyer.

47.2 The following are put forward by the Court :

- the costs of proceedings incurred by the Court ;
sums due to witnesses and experts appointed by the Court;
- the costs of executing letters rogatory issued in the context of investigative measures ordered ex officio by the Court,
costs to be borne by the party receiving legal aid.

47.3 Legal costs other than those advanced by the Court shall be borne by the parties, who shall be required to claim reimbursement from the opposing party in accordance with Article 60 of the Rules of Procedure.

47.4 When, at the request of a party, the Court orders a Letter of Request, the summoning of a witness or an expert opinion, the requesting party shall pay to the Registry an advance on costs, unless it is in receipt of legal aid. The Court's decision ordering the measure shall rule on the deposit of the advance and the amount thereof pursuant to Article 49 of the Rules of Procedure.

47.5 In the event of failure to pay the advance ordered within the time limit fixed by the President, unless the Court considers the measure requested to be necessary, the Court shall withdraw the measure and continue the proceedings. If the Court considers the requested measure necessary, it shall order its execution despite the lack of advance payment and shall bear the costs pursuant to Article 44 of the Rules of Procedure, subject to the parties bearing them.

Article 48

The list and costs of the acts of the Court to be borne by the parties are set out in the General Instructions provided for in Article 13 of the Rules of Procedure.

CHAPTER VIII: FINANCIAL AND FINAL PROVISIONS

Article 49:

Advances of costs and the collection of costs, deposits, advance payments and deposits of any cash required for the proceedings are covered by the Court's budget and paid for in accordance with Regulation n° 01/2018/CM/UEMOA on the Financial Regulations of the Organs of the West African Economic and Monetary Union and its implementing texts.

Article 50:

50.1 The President, after consultation with the Court meeting in Internal Assembly, shall adopt, in accordance with the provisions of Article 16 of the Statutes of the Court and Article 13 of the Rules of Procedure, a document entitled "General Instructions relating to the Registry of the Court".

50.2 The purpose of these instructions will be to regulate the opening

days and hours of the Registry's services;

- keeping and updating files;

the conditions and procedures for managing the registers kept by the Registry ;

- the conservation and care of the minutes of judgments, orders and other decisions of the Court ;

- the tariff of Registry services and court fees ;

- Court of Justice publications.

50.3 In the same conditions, the Chairman shall issue practical instructions to the parties.

Article 51:

These Administrative Rules, which repeal and replace Administrative Rule No. 01/2022/CJ of 15 April 2022, will take effect from the date of signature and will be published in the Official Journal of the European Union.

Ouagadougou, 29 July 2024

The Chairman



Mahawa Sémou DI * .NDE

P/Le Greffier
The
Registrar

