



Bringing an application: changes to the rules and application form with effect from 1 January 2016

On 1 January 2016 a slightly amended version of Rule 47 of the Rules of Court, which sets out the conditions for applying to the Court and for lodging a complete and valid application, will come into force. The changes are as follows:

The Practice Direction on the Institution of Proceedings, which supplements Rules 45 and 47, will also be amended to provide better guidance to applicants.

- Where a legal person or organisation, such as a company, association or non-governmental organisation, applies to the Court, it must be possible to identify the individual(s) authorised to represent the applicant body. The name and other identifying or contact details of the relevant officer or official must therefore be indicated on the application form.
- The amended Rule now also sets out the Court's practice that the application form must be accompanied by documents which show that the official or officer has standing to represent the organisation under domestic law, namely by providing a copy of the company registration, minutes of a chamber of commerce or board of directors' meeting, etc.
- If an applicant is represented by a lawyer or other person, the identifying details of the representative must be indicated on the application form.
- Both the applicant and the representative must sign the authority section on the application form. The applicant's signature provides the necessary proof that the representative has been authorised by the applicant to act on the latter's behalf; the representative's signature, which is a new requirement, provides confirmation that this person has in fact accepted to act for the applicant. Where the applicant is an organisation, it is the official or officer of that organisation and the lawyer who sign.
- A separate authority form will not be accepted without an adequate explanation as to why it was not possible to provide the information and signatures on the application form when lodging the application.

The changes in the Court's application form are principally cosmetic but include the following substantial developments:

- There is a box for signature by an applicant's representative in the authority section to reflect the amended Rule.

- There are two pages on the application form, instead of one, for the applicant to put down the Articles of the Convention or Protocols that are alleged to have been violated and the explanation as to how any right invoked has been violated.
- An applicant must now fill in his or her place of birth.

Applicants and their lawyers and other representatives should take care to use the updated and current application form which will be available on 1 January 2016. Old application forms which have been downloaded since 1 January 2014 and sent before 1 January 2016 will still be accepted if otherwise in conformity with the Rule 47 requirements containing the necessary information and supported by all relevant documents.