

The Court of Justice of the EU Organization and Jurisdiction

Tamara Čapeta
Jean Monnet Chair
2017

EU Judicial System (curia.europa.eu)

- Court of Justice of the European Union
 - European Court of Justice (C-11/06)
 - General Court [ex Court of First Instance] (T-11/06)
 - Civil Service Tribunal (F-11/06) – merged into the General Court

 - All Member States' courts
-



Who are the judges?

□ Court of Justice

□ General Court



European Court of Justice – Internal Organization

- ❑ One judge from each Member State (currently 28)
 - ❑ 11 Advocates General
 - ❑ Appointed by common accord of Member States for period of 6 years, renewable
 - ❑ Lisbon: consultative panel in the appointment process (255 ToFEU)
 - ❑ Seats in 3 or 5 judges Chambers, Grand Chamber (15 judges) or in plenary session
-



General Court

- Internal Organization

- At least one judge from each Member State
- Current reform – 2 judges per Member State (in stages – 2016, 2017, 2019)
- No Advocates General
- Appointment for 6 years (renewable) by common accord of Member States
- Judges in 3 or 5 Chambers, as single judge, rarely Grand Chamber or plenary

Decision-making in the Court

- ❑ Secret deliberations
 - ❑ French
 - ❑ Decisions – colegiality
 - ❑ No separate opinions
 - ❑ Appearance of unanimity –
advantages and disadvantages
-

Jurisdiction

- ❑ Court of limited jurisdiction
 - ❑ Member States' courts have jurisdiction in all issues in which the Court of Justice of the EU has no jurisdiction
 - ❑ Lisbon Treaty – full jurisdiction in the former third pillar
 - ❑ No jurisdiction in CFSP (with exception) [275 TFEU]
-

Most Important Powers

- Control of Member States: Articles 258 – 260 TFEU [ex 226-228 EC]
 - Judicial Review of EU Law: Article 263 UFEU; Article 267 TFEU [ex 230-231 EC; 234 EC]
 - Preliminary Ruling Procedure: Article 267 TFEU [ex 234 EC]
-

Control of Member States Action

- ❑ Procedure initiated by the Commission
 - ❑ Two phases of procedure: prejudicial + judicial
 - ❑ Possibility of sanctioning States by financial penalties (since the Maastricht Treaty)
-

Judicial Review of EU Law

- Direct Action for Annulment
 - Privileged, semi-privileged and non-privileged applicants
 - Consequence of illegality: annulment of the act *ex tunc*
 - Indirect Way of Judicial Review – national court + preliminary ruling on validity
 - Plea of Illegality [277 TFEU]
 - Action in Damages against EU Institutions [268 TFEU]
-

Preliminary Ruling

- ❑ In interpretation or assessment of validity of EU law
 - ❑ Basic Purpose – to achieve uniformity in the application of EU law
 - ❑ Communication between European and National Courts
 - ❑ Difference between National Courts of lower and of last instances (+ difference between validity or interpretation)
-