The Court of Justice of the EU
Organization and Jurisdiction

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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
- 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)