

COURT OF JUSTICE OF THE EUROPEAN UNION



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STRUCTURE



- I. **the Court of Justice** -*European Court of Justice (ECJ)*
deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals

- II. **the General Court** -
rules on actions for annulment brought by individuals, companies and, in some cases, EU governments
in practice, this means that this court deals mainly with competition law, State aid, trade, agriculture, trade marks

- III. **the Civil Service Tribunal** -
rules on disputes between the EU and its staff

PRELIMINARY RULING

- procedure exercised before the Court of Justice of the European Union
- enables national courts to question the Court of Justice on the interpretation or validity of European law
- offers a means to guarantee legal certainty by uniform application of EU law



WHAT THE COURT OF JUSTICE OF THE EUROPEAN UNION DO?

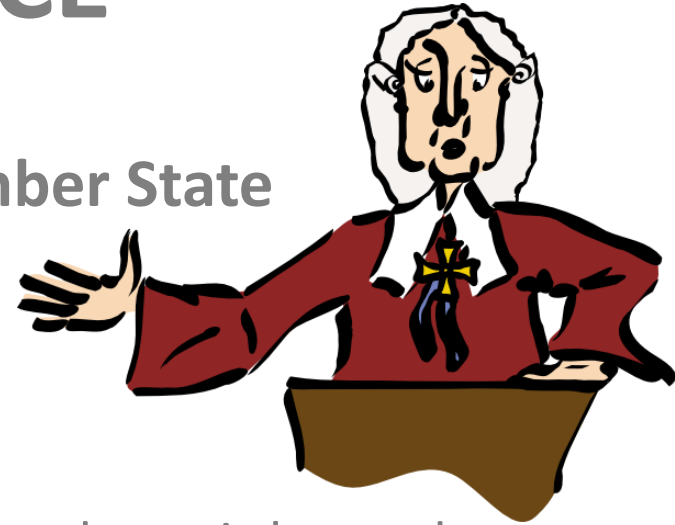
- **interpreting the law** (preliminary rulings)
- **enforcing the law** (infringement proceedings)
- **annulling EU legal acts** (actions for annulment)
- **ensuring the EU takes action** (actions for failure to act)
- **sanctioning EU institutions**
(*actions for damages*)



THE COURT OF JUSTICE

THE COURT OF JUSTICE

- I. one judge from each Member State
- II. 9 Advocates General



- term: 6 years (renewable)
- chosen from among individuals whose independence is beyond doubt and:
 - who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or
 - who are of recognized competence.
- chambers:
 - a Full Court
 - a Grand Chamber (15 Judges)
 - Chambers of 3 or 5 Judges

THE COURT OF JUSTICE

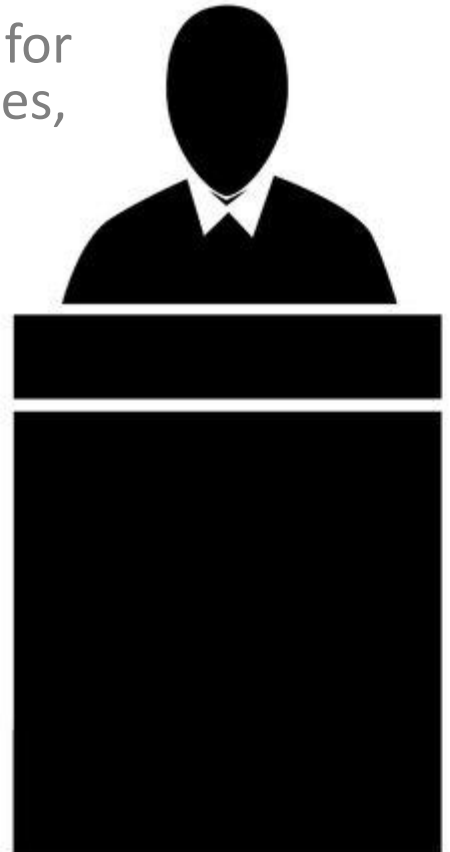
- I. References for preliminary rulings
- II. Actions for failure to fulfill obligations
- III. Actions for annulment
- IV. Actions for failure to act
- V. Appeals
- VI. Reviews



THE GENERAL COURT

THE GENERAL COURTS

- **at least one judge from each Member State**
 - term of office: 6 years (renewable)
 - chosen from among individuals:
 - whose independence is beyond doubt
 - who possess the qualifications required for appointment, in their respective countries, to the high judicial offices
- no Advocates General, however there is a possibility to appoint some their task may, in exceptional circumstances, be carried out by a Judge
- chambers:
 - (a Full Chamber)
 - a Grand Chamber (15 Judges)
 - chambers of 5 or 3 (or 1) Judges



THE GENERAL COURT



- I. actions brought by natural or legal persons**
 - against acts of the institutions, bodies, offices or agencies of the European Union,
 - against regulatory acts
 - against a failure to act on the part of those institutions, bodies, offices or agencies

- II. actions brought by the Member States**
 - against the Commission;
 - against the Council relating to acts adopted in the field of State aid, trade protection measures and acts by which it exercises implementing powers;

- III. actions seeking compensation for damage caused by the institutions or the bodies, offices or agencies of the European Union or their staff;**

- IV. actions based on contracts made by the European Union which expressly give jurisdiction to the General Court;**

- V. actions relating to intellectual property brought against the Office for Harmonization in the Internal Market (Trade Marks and Designs) and against the Community Plant Variety Office;**

- VI. appeals, limited to points of law, against the decisions of the Civil Service Tribunal.**

THE CIVIL SERVICE TRIBUNAL

THE CIVIL SERVICE TRIBUNAL

SINCE THE NOVEMBER 2004



- **7 Judges**

- appointed by the Council
- term: 6 years (renewable)
- chosen from among individuals:
 - whose independence is beyond doubt
 - who possess the qualifications required for appointment, in their respective countries, to the judicial offices

when appointing the Judges on the proposal of the committee, **the Council ensures a balanced composition of the Civil Service Tribunal on as broad a geographical basis and as broad a representation of the national legal systems as possible.**

- Chambers:
 - (a full Court)
 - chambers of (5), 3, (1) Judges



Sean Van
Raepenbusch



Horstpeter
Kreppel



Maria Isabel
Rofes i Pujol



Ezio
Perillo



René
Barents



Kieran
Bradley



Jesper
Svenningsen



THE CIVIL SERVICE TRIBUNAL

I. disputes between the European Union and its servants pursuant to Article 270 TFEU

- working relations in the strict sense (pay, career progress, recruitment, disciplinary measures, etc.),
- social security system (sickness, old age, invalidity, accidents at work, family allowances)

II. cases concerning certain specific employees, in particular, those of Eurojust, Europol, the European Central Bank, the Office for Harmonisation in the Internal Market (OHIM) and the European External Action Service.



may not hear and determine cases between national administrations and their employees

STAGES OF PROCEEDINGS

THE COURT OF JUSTICE



I. WRITTEN STAGE



- the parties give written statements to the Court – and observations can also be submitted by national authorities, EU institutions and sometimes private individuals
- all of this is summarized by the Judge-Rapporteur and then discussed at the Court's general meeting, which decides:
 - how many judges will deal with the case (3, 5 or 15 judges (the whole Court), depending on the importance and complexity of the case).
 - whether a hearing (oral stage) needs to be held and whether an official opinion from the Advocate General is necessary.

II. ORAL STAGE

- Lawyers from both sides can put their case to the judges and Advocate General, who can question them.
- If the Court has decided an Opinion of the Advocate General is necessary, this is given some weeks after the hearing.
- The judges then deliberate and give their verdict.



