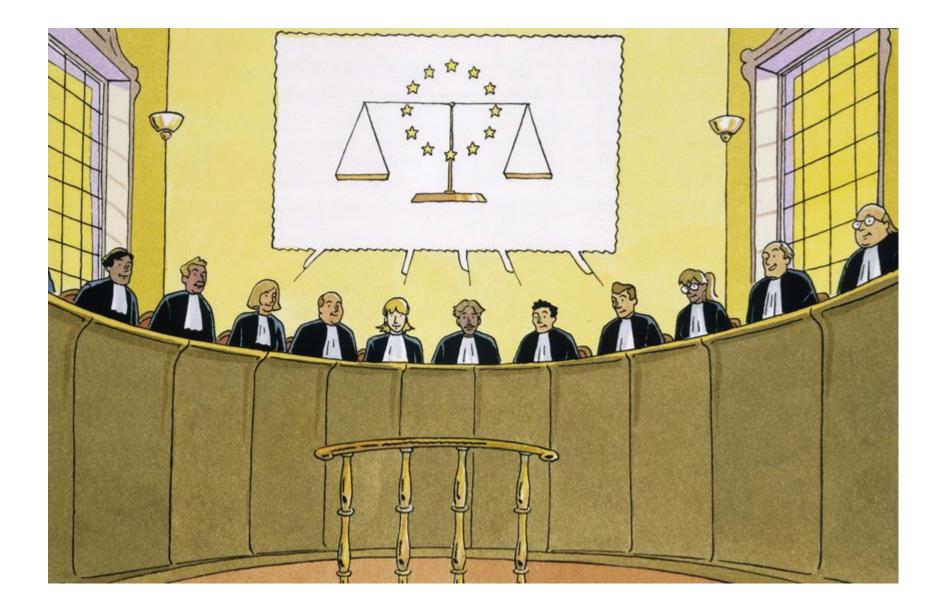
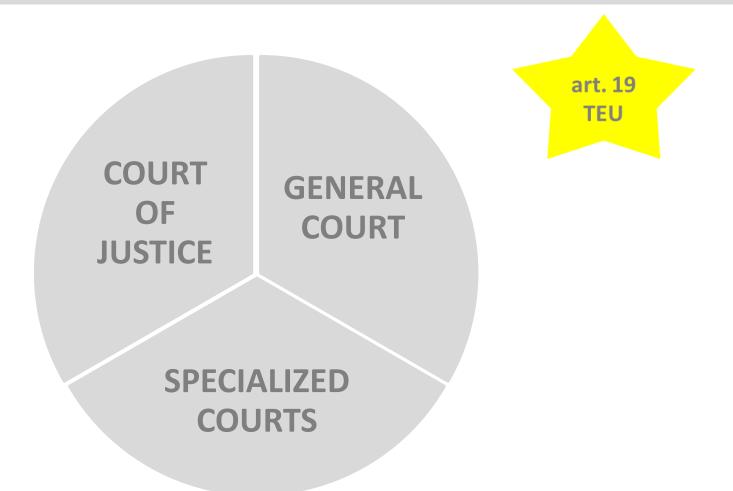
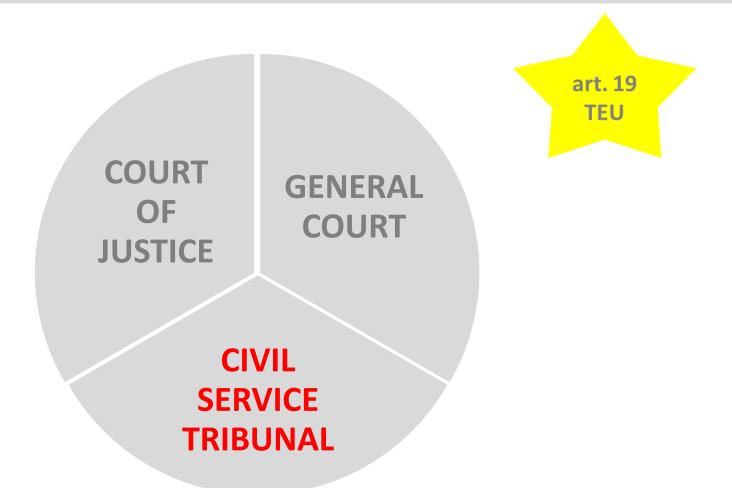
# COURT OF JUSTICE OF THE EUROPEAN UNION



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I. <u>the Court of Justice</u> – the 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

#### matters between the EU and its civil servants

# WHAT THE COURT OF JUSTICE OF THE EUROPEAN UNION DO?

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- I. interprets the law (preliminary rulings)
- **II.** enforces the law (infringement proceedings)
- III. annulls EU legal acts (actions for annulment)
- IV. ensures the EU takes action (actions for failure to act)
- V. sanctions EU institutions (actions for damages)



# **PRELIMINARY RULING**

#### procedure exercised before the Court of Justice

- I. enables national courts to question the Court of Justice on the interpretation or validity of European law
- II. offers a means to guarantee legal certainty by uniform application of EU law



# THE COURT OF JUSTICE

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I. one judge from each Member State

#### II. 11 Advocates General

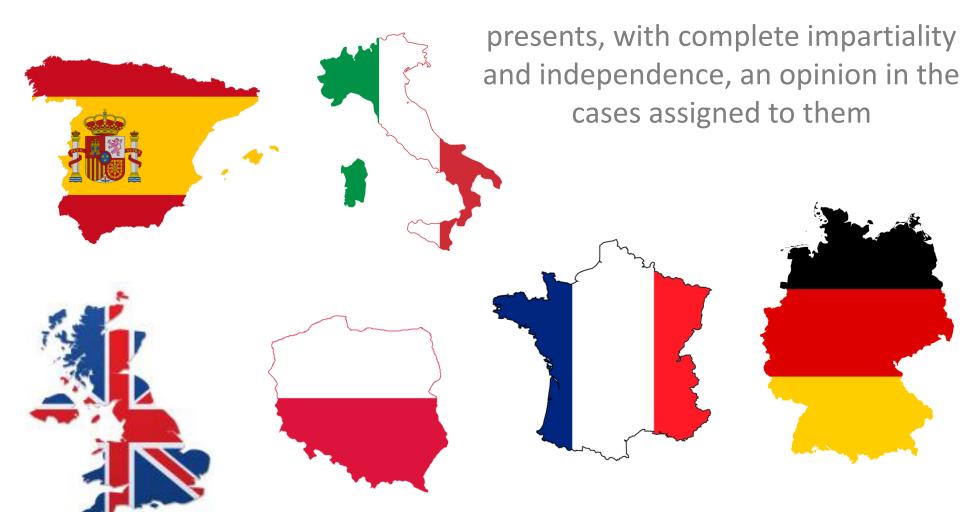
- term: 6 years (renewable)
- chosen from among individuals whose independence is beyond doubt and:
  - who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or
  - who are of recognized competence.
- chambers:
  - a Full Court
  - a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

# JUDGES

# President and Vice-president of the Court



# **ADVOCATES GENERAL**



#### **Full Court**

- In cases prescibed by the Statute of the Court (including proceedngs to dismiss the European Ombudsman or Member of the European Commission who has failed to fullfill his or her obligations)
- When the Court considers that a case is of exceptional importance

#### **Grand Chamber**

- sits when a Member State or an institution which is a party to the proceedings requests
- In particularly complex or important cases

#### **Chambers of 5 Judges**

#### Chambers of 3 Judges

# JURISDICTION

**REFERENCES FOR PRELIMINARY RULINGS BROUGHT BY THE COURTS OF THE MEMBER STATES** (in case of doubts – does the court have to or may ask?)

#### ACTIONS FOR FAILURE TO FULLFILL OBLIGATIONS (INFRINGEMENT PROCEDURE) - ART. 258 TFEU

case brought by the Commission against a Member State

#### ACTIONS FOR ANNULMENT –ART. 263 THE TFEU

concerns annulment of a measure: regulation, directive or decision

case brought by a Member State against the European Parliament and/or against the Council (apart cases which fall over jurisdiction of the General Court), European Commission or ECB or brought by one Union institution against another

#### ACTIONS FOR FAILURE TO ACT - ART. 265 TFEU

brought against European Parliament and/or Council when they have been called on to act

#### APPEALS -ART. 256 TFEU

appeals on judgments given by the General Court may be heard by the Court of Justice only if the appeal is on a point of law

if the appeal is admissible and well founded the Courts sets aside the judgment of the General Court It may itself decide the case or refer the case back to the General Court

### **THE GENERAL COURT**

# THE GENERAL COURT

- 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
- <u>no permanent Advocates General</u>, however there is a possibility to appoint some their task may, in exceptional circumstances, be carried out by a Judge

→ 47 judges since the October 2017

two judges per each Member State since the September 2019

Full Court	Grand Chamber
Chamber	Chamber
composed of 5	composed of 3
judges	judges

1 judge chamber

# JURISDICTION

#### 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

#### **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;

ACTIONS SEEKING COMPENSATION FOR DAMAGE CAUSED BY THE INSTITUTIONS OR THE BODIES, OFFICES OR AGENCIES OF THE EUROPEAN UNION OR THEIR STAFF;

ACTIONS BASED ON CONTRACTS MADE BY THE EUROPEAN UNION WHICH EXPRESSLY GIVE JURISDICTION TO THE GENERAL COURT;

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;

**DISPUTES BETWEEN THE EU AND ITS CIVIL SERVANTS** 

### **STAGES OF PROCEEDINGS** THE COURT OF JUSTICE

Procedure before the Court of Justice			
Direct actions and appeals		References for a preliminary ruling	
Written procedure			
Application Service of the application on the defendant by the Registry <b>Notice of the action in the Official</b> <b>Journal of the EU</b> (C Series) [Interim measures] [Intervention] Defence/Response [Objection to admissibility] [Reply and Rejoinder]	[Application for legal aid] Designation of Judge-Rapporteur and Advocate General	National court's decision to make a reference Translation into the other official languages of the European Union <b>Notice of the questions referred for a</b> <b>preliminary ruling in the Official Journal</b> <b>of the EU</b> (C Series) Notification to the parties to the proceedings, the Member States, the institutions of the European Union, the EEA States and the EFTA Surveillance Authority Written observations of the parties, the States and the institutions	
The Judge-Rapporteur draws up the preliminary report General meeting of the Judges and the Advocates General Assignment of the case to a formation [Measures of inquiry]			
Oral stage			
[ <b>Opinion</b> of the Advocate General] Deliberation by the Judges			
Judgment			

# REFORM OF THE COURT OF JUSTICE OF THE EUROPEAN UNION DECEMBER 2015

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REGULATION (EU, Euratom) 2015/2422 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2015

amending Protocol No 3 on the Statute of the Court of Justice of the European Union

# **REASONS OF REFORM**

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progressive expantion of the CJEU's jurisdiction	long duration of proceedings	lack of usage of specialized courts' establishment option
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increase of the number and variety of legal acts of the institutions, bodies, offices and agencies of the Union

increase of the numer of the volume and complexity of the cases brought

# REFORM

cases which were held in the Civil Service Tribunal cases are held in the General Court

judges of the Civil Service Tribunal

judges of the General Court