

COURT OF JUSTICE OF THE EUROPEAN UNION



Marta Statkiewicz
Department of International and European Law
Faculty of Law, Administration and Economics
University of Wrocław



STRUCTURE

STRUCTURE



STRUCTURE



STRUCTURE

- I. **the Court of Justice** – *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?

WHAT THE COURT OF JUSTICE OF THE EUROPEAN UNION DO?

- 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

THE COURT OF JUSTICE

- 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



presents, with complete impartiality and independence, an opinion in the cases assigned to them



Full Court

- **In cases prescribed by the Statute of the Court** (including proceedings to dismiss the European Ombudsman or Member of the European Commission who has failed to fulfill 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** → **47 judges since the October 2017**
 - 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 permanent Advocates General**, however there is a possibility to appoint some their task may, in exceptional circumstances, be carried out by a Judge
- two judges per each Member State since the September 2019**

Full Court

Grand
Chamber

Chamber
composed of 5
judges

Chamber
composed of 3
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
**Notice of the action in the Official
Journal of the EU (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
**Notice of the questions referred for a
preliminary ruling in the Official Journal
of the EU (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

[**Opinion** of the Advocate General]

Deliberation by the Judges

Judgment

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

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

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

REASONS OF REFORM

progressive expansion
of the CJEU's
jurisdiction

long duration of
proceedings

lack of usage of
specialized courts'
establishment option

increase of the number
and variety of legal acts
of the institutions,
bodies, offices and
agencies of the Union

increase of the number
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