

Composition, organisation and competences of the Court of Justice of the European Union (CJEU)

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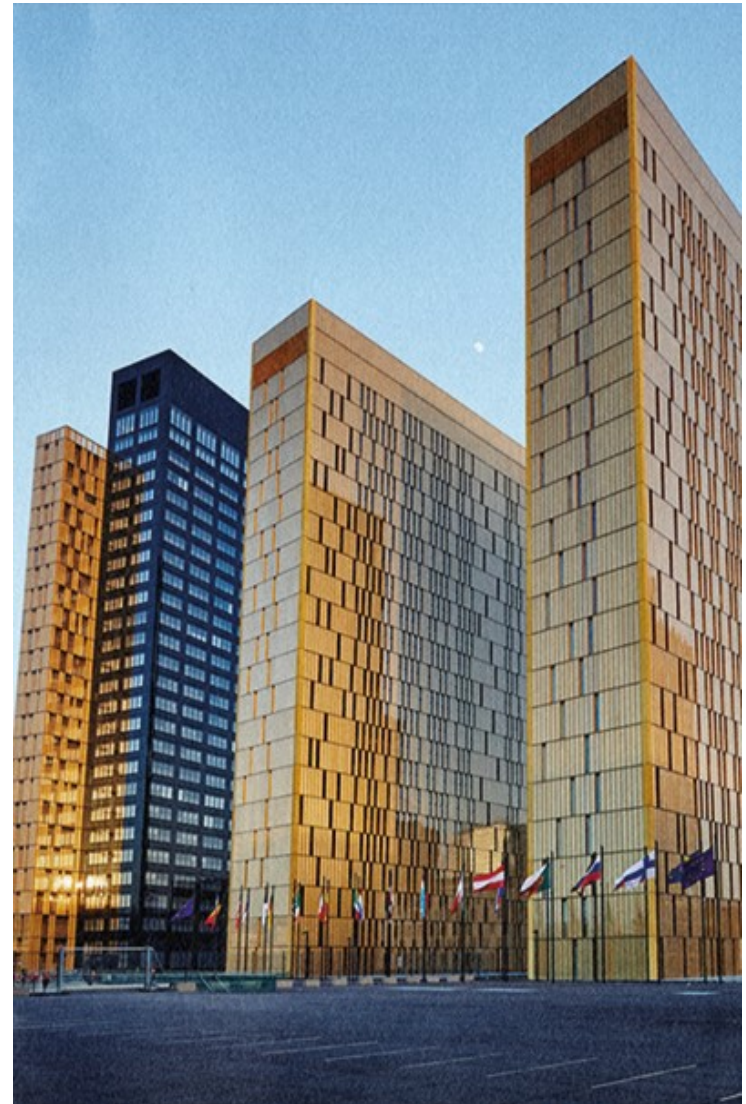
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The CJEU as an Institution (1)

- One single EU institution (Art 13 TUE)
- Includes two courts (Art 19, para 1, TEU):
 - **Court of Justice** (established 1952, functionally “EU Constitutional and Supreme Court”)
 - **General Court** (established 1989, mainly first instance jurisdiction, functionally “EU Administrative Court”)



The CJEU as an Institution (2)

- Holds the exclusive competence to review the legality of European Union acts
(Cf Art 263, 267 and 277 TFEU; Judgment of 28 March 2017, Case C-72/15, *Rosneft*, para 66)
- Ensures, besides national courts and tribunals,
 - the full application of EU law
 - judicial protection of the rights of individuals(Cf Art 19, para 1, TEU; Judgment of 24 June 2019, Case C-619/18, *Commission v Poland*, para 47)
- Thus, guarantees the rule of law (Cf Art 2 TEU)

The CJEU as an Institution (3)



2 254 officials and other staff



612 lawyer-linguists to translate written documents



81 judges



24 languages of the case



11 Advocates General



budget: EUR: **465** million

from the

27 Member States



Average duration
of proceedings

16.3
months

Composition (1)

- **Court of Justice:**

- 27 Judges (ie one per MS; art 19, para 2, TEU)
- 11 Advocates-General
 - rotation system
 - five permanent AGs for DE, ES, FR, IT, PL (Declaration No 38)
- Appointed for a term of six years (renewable) and to be chosen from *“persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence”* (Art 253 TFEU)
- Election of President, Vice-President (three years) and Registrar (six years), terms are renewable

Composition (2)

- **General Court:**
 - Two Judges per MS since Sept 2019 (art 48 of the Statute)
 - No Advocates-General, task may be carried out by a Judge
 - Appointed for a term of six years (renewable) and to be chosen from *“persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office”* (Art 254, para 2, TFEU)
 - Election of President, Vice-President (three years) and Registrar (six years), terms are renewable

Composition (3)

- **Appointment of Judges and AGs**
 - by common accord of the governments of the Member States (Art 253 and 254 TFEU)
 - after consultation of the panel pursuant to Art 255 TFEU
 - set up in order to give an opinion on candidates' suitability to perform the duties
 - comprise seven persons chosen from among
 - former members of the Court of Justice and the General Court
 - members of national supreme courts and
 - lawyers of recognized competence
 - partial replacement of Judges every three years

Internal organisation (1)

- **Advocate General**

- Assists the Court
- Acts impartially and independently
- Makes reasoned submissions („opinion“; not binding), except if case raises no new point of law
- Assigned to a case by the First Advocate-General

- **Registry**

- Maintains the case files and keeps the register in which all procedural documents are entered
- External communication with parties (parties have no direct contact with Judges!)
- Support in conduct of proceedings
- In charge of the publications of the Court

Internal organisation (2)

- **Staff/services**

- Legal secretaries (*référéndaires*)
 - Carry out the preparatory work for Judges and Advocates-General
- Interpreting service, translation service, research and documentation department, library, secretarial staff, etc

- **Working language**

- French
- Used only for internal purposes (e.g. deliberations, preliminary reports, drafting of judgments, etc)
- Not to be confused with the language of the case

Internal organisation (3)

- **Chambers:**

- Court of Justice

- 10 Chambers: **5 Judges (standard formation)** or 4 or 3 Judges
- Grand Chamber (15 judges)
 - upon request by MS/institution
 - due to importance of the case
- Full Court
 - for cases prescribed by the Statute (eg dismissal of a Member of the Commission)
 - For cases of exceptional importance (Brexit Judgment of 10 December 2018, Case C-621/18, *Wightman*)

- General Court:

- 10 Chambers: **3 Judges (standard formation)** or 5 Judges
- Single Judge (very seldom)
- Grand Chamber (15 Judges)
- Full Court

- Election of President of Chamber for each Chamber

Internal organisation (4)

- **Assignment of a case:**

- Court of Justice:

- **Judge Rapporteur is designed by the President** of the Court
 - Case is assigned to the formation of judgment at an **administrative meeting** at the end of the written procedure (preliminary report and view of AG are taken into account)

- General Court:

- Case is **assigned to Chamber of three Judges** as soon as possible after the application has been lodged
 - Following **rotas**
 - Derogation in order to take **connection between cases** into account

Internal organisation (5)

- **Judge-Rapporteur**

- Draws up report for the hearing (intended for the Parties)
- Draws up the preliminary report
 - after the closure of the written phase
 - intended for
 - the general administrative meeting (Court of Justice)
 - the competent Chamber (General Court)
 - contains proposals:
 - Formation which should deal with the case (Court of Justice; General Court only if case is to be referred to a chamber with a different number of Judges)
 - Measures of organization of procedure or inquiry
 - Requests of clarification to the referring court (only in the context of preliminary rulings)
- Draws up the draft judgment
 - constitutes the basis for deliberations
 - to be revised according to the Chamber's view of the case

Internal organisation (6)

- **Deliberations**

- Secret
- Judges are not being assisted by anybody (interpreters or other staff are not admitted)
- Conducted on the basis of the draft judgment (provided by the Judge Rapporteur)
- Majority vote required for adoption of the final decision (uneven number of Judges)

Competences (1)

- **General Court (1)** (only direct actions)

- Action for annulment (Art 263 TFEU)

- (alleged) unlawful binding acts of Union institutions, bodies, offices or agencies (e.g. decision imposing a fine)

- Action for failure to act (Art 265 TFEU)

- (alleged) unlawful inaction of Union institutions, bodies, offices or agencies (e.g. failure to adopt an act)

EXCEPTION for certain direct actions of MS (Art 51 Statute) → CJ

- Action for damages (Art 268 and art 340, para 2 and 3, TFEU)

- non-contractual liability of the Union for damages caused by its institutions or servants

- Dispute between the Union and its civil servants (Art 270 TFEU)

- Action pursuant to arbitration clause (Art 272 TFEU)

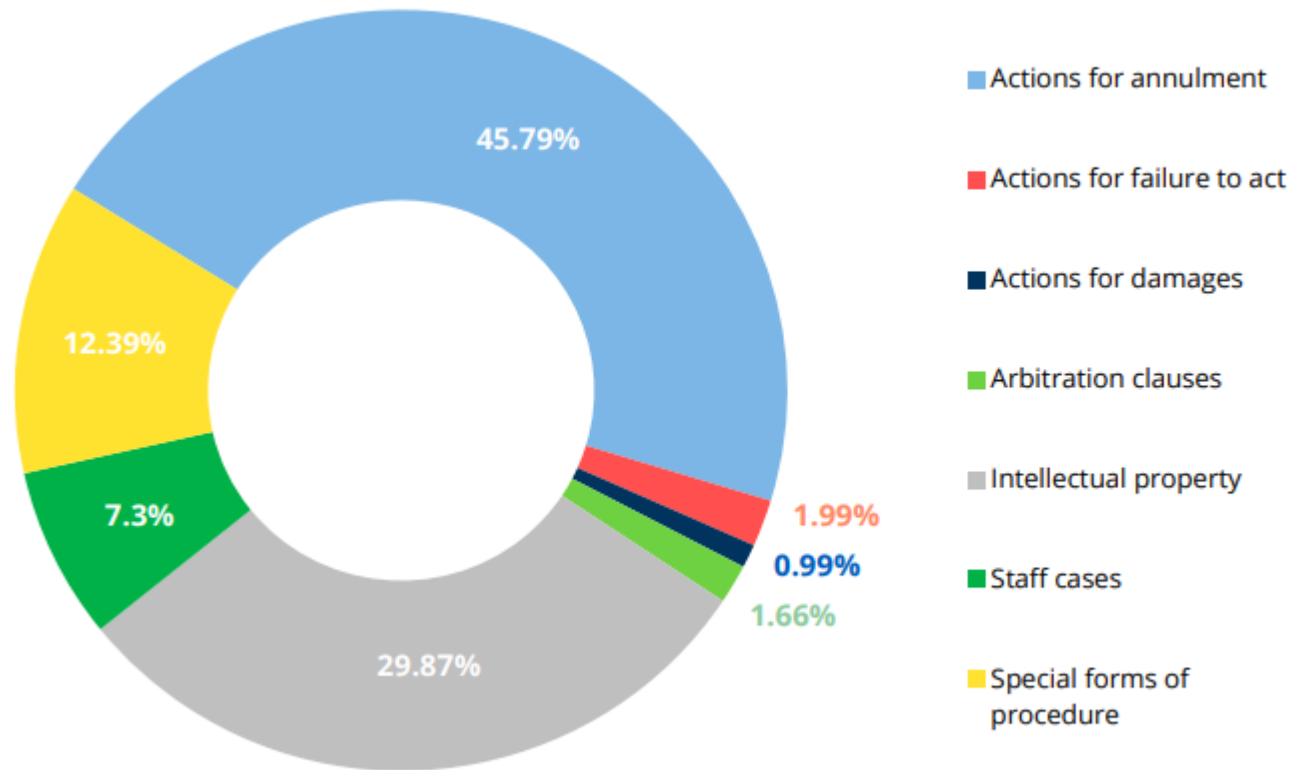
- Currently not applicable:

- Appeals against decisions of specialised courts (Art 257 (3) TFEU)
- Preliminary rulings in specific areas (Art 256 (3) TFEU)

Competences (2)

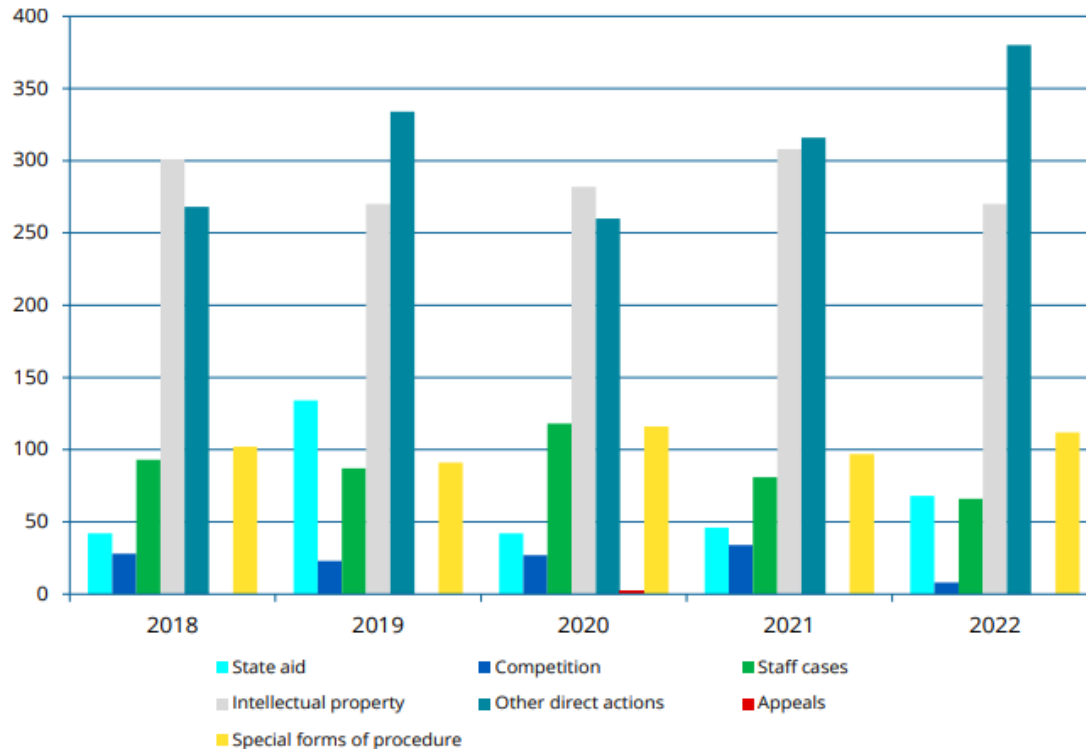
- General Court (2)

2022



Competences (3)

- General Court (3)



	2018	2019	2020	2021	2022
State aid	42	134	42	46	68
Competition	28	23	27	34	8
Staff cases	93	87	118	81	66
Intellectual property	301	270	282	308	270
Other direct actions	268	334	260	316	380
Appeals			2		
Special forms of procedure	102	91	116	97	112
Total	834	939	847	882	904

Competences (4)

- **Court of Justice (1)**

- Appeals against (first instance) decisions of General Court (Art 256 (1) TFEU)
 - limited to points of law
- Preliminary ruling (Art 267 TFEU)
 - Interpretation of the Treaties
 - Validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union
- Infringement proceedings (Art 258-260 TFEU)
 - (alleged) failure to fulfil an obligation under the Treaties by a MS
 - may be brought before the Court
 - by the Commission (Art 258 TFEU)
 - by another MS (Art 259 TFEU)

Competences (5)

- **Court of Justice (2)**

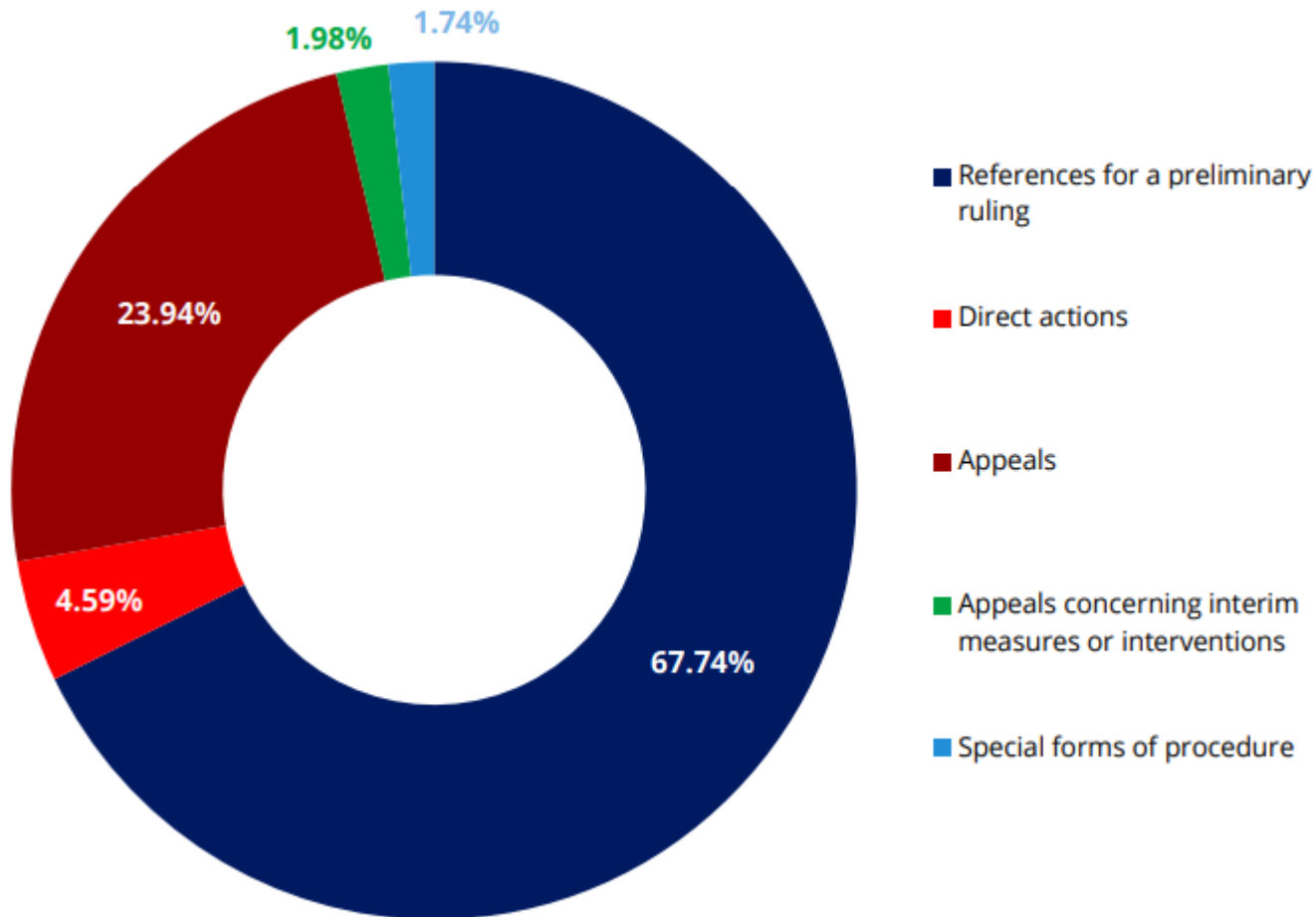
- Other types of proceedings

- upon request of a MS, the Parliament, the Council or the Commission: **opinion whether an International agreement envisaged is compatible with the Treaties** (Art 218 (11) TFEU)
 - upon request of a MS: **review of acts adopted pursuant to Art 7 TEU** (Art 269 TFEU)
 - action brought by a MS on **infringement of the principle of subsidiarity** (Art 8 Protocol No 2)

Competences (6)

- Court of Justice (3)

2022



Thank you for your attention!