

# STRENGTHENING *UNIVERSITY* COOPERATION *OSIJEK – PÉCS*

## *SUNICOP*

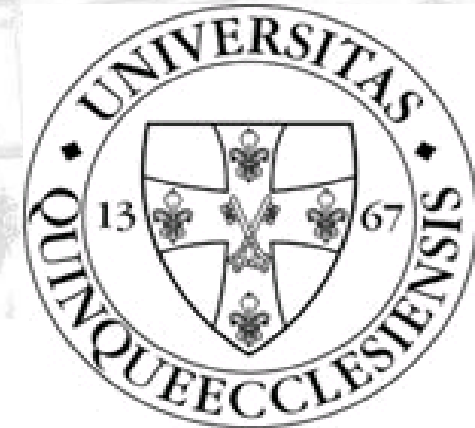


Project is co-financed by European Union



**Hungary-Croatia**

IPA Cross-border Co-operation Programme





# **EU Law – Institutions of the European Union**

**Osijek 25-27 April 2012**

**Dr.sc. Tunjica Petrašević**



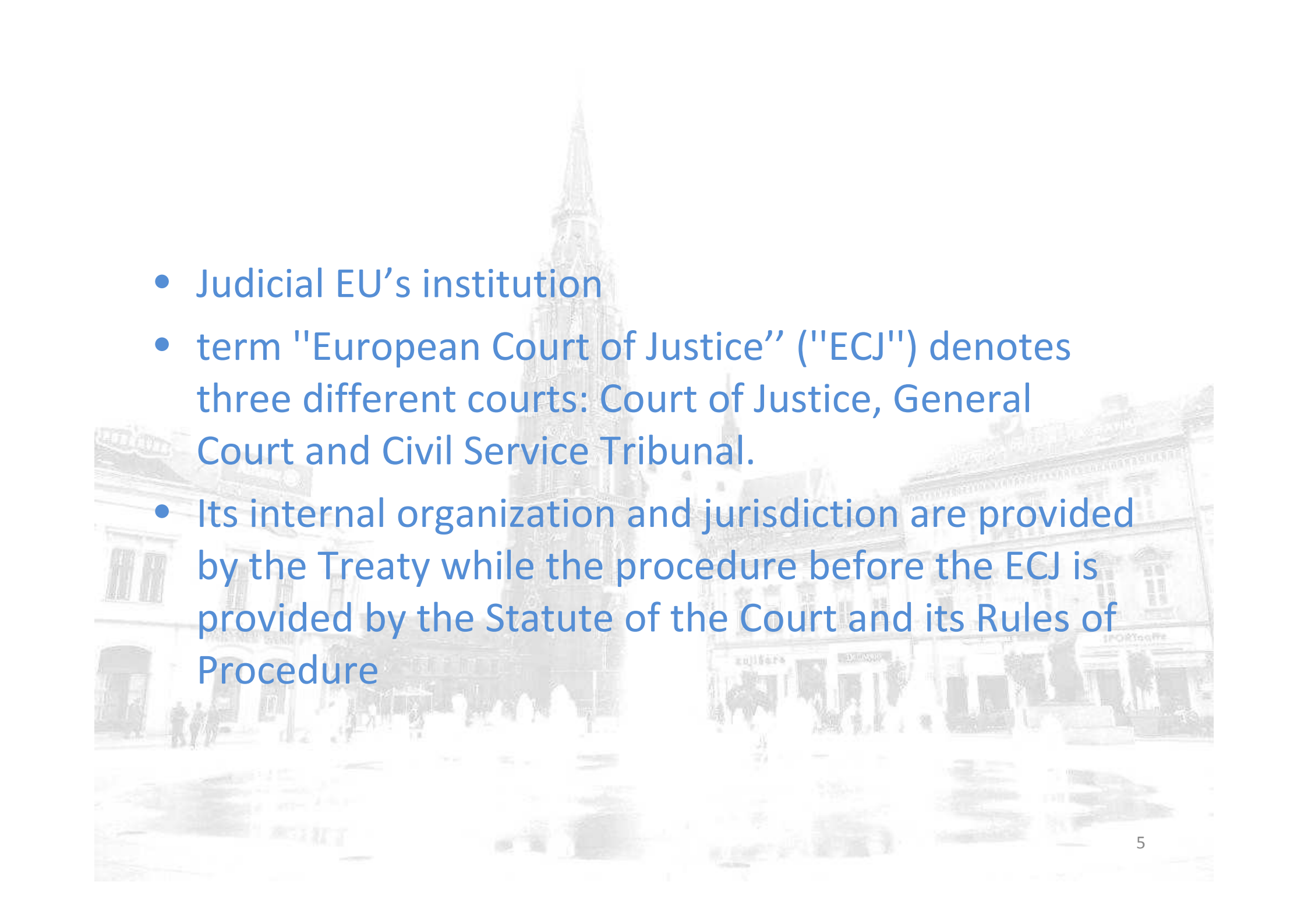
# Part I

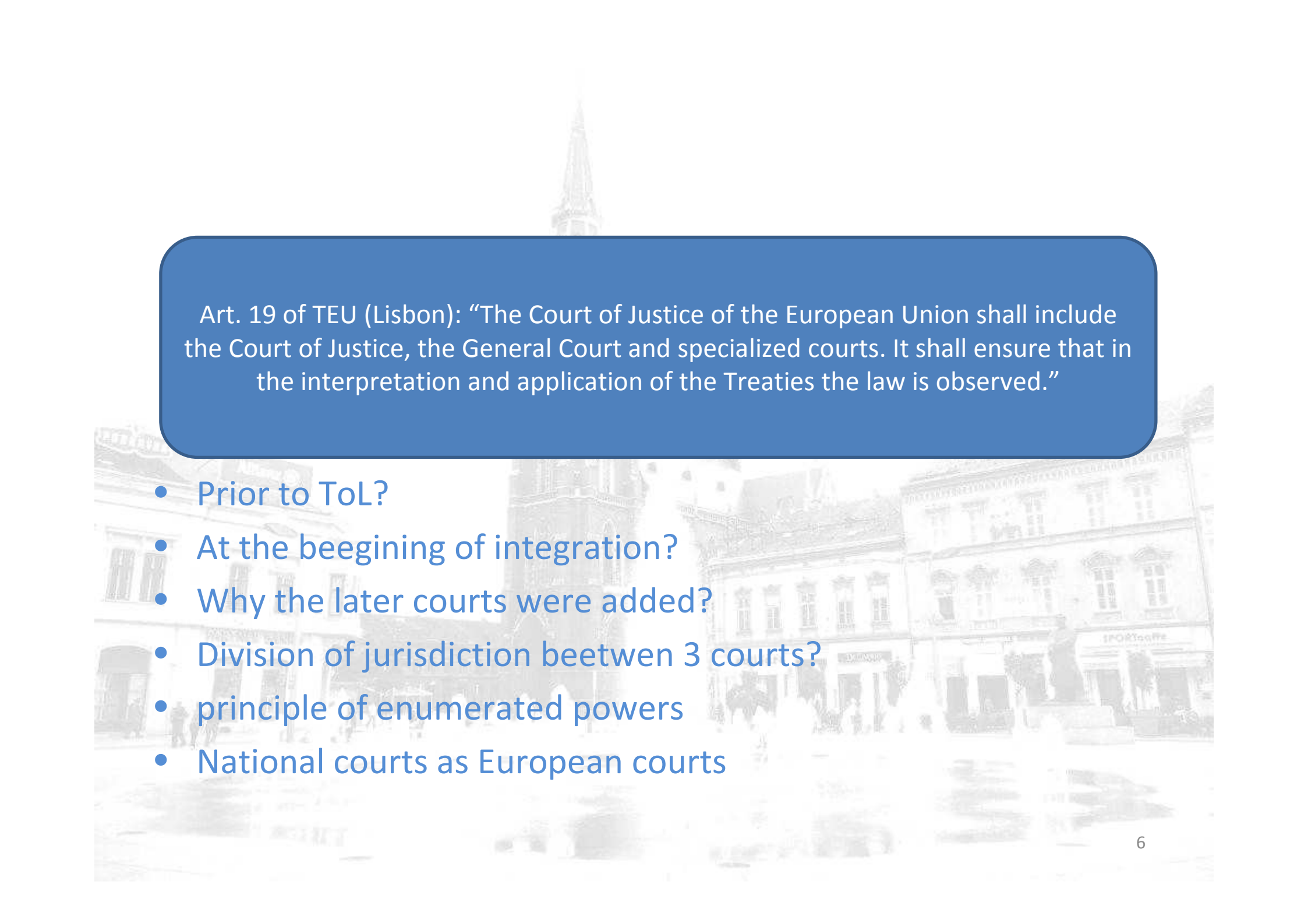
## The Court of Justice of the EU – ECJ

(composition and organization)





- 
- Judicial EU's institution
  - term "European Court of Justice" ("ECJ") denotes three different courts: Court of Justice, General Court and Civil Service Tribunal.
  - Its internal organization and jurisdiction are provided by the Treaty while the procedure before the ECJ is provided by the Statute of the Court and its Rules of Procedure



Art. 19 of TEU (Lisbon): “The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialized courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.”

- Prior to ToL?
- At the beginning of integration?
- Why the later courts were added?
- Division of jurisdiction between 3 courts?
- principle of enumerated powers
- National courts as European courts

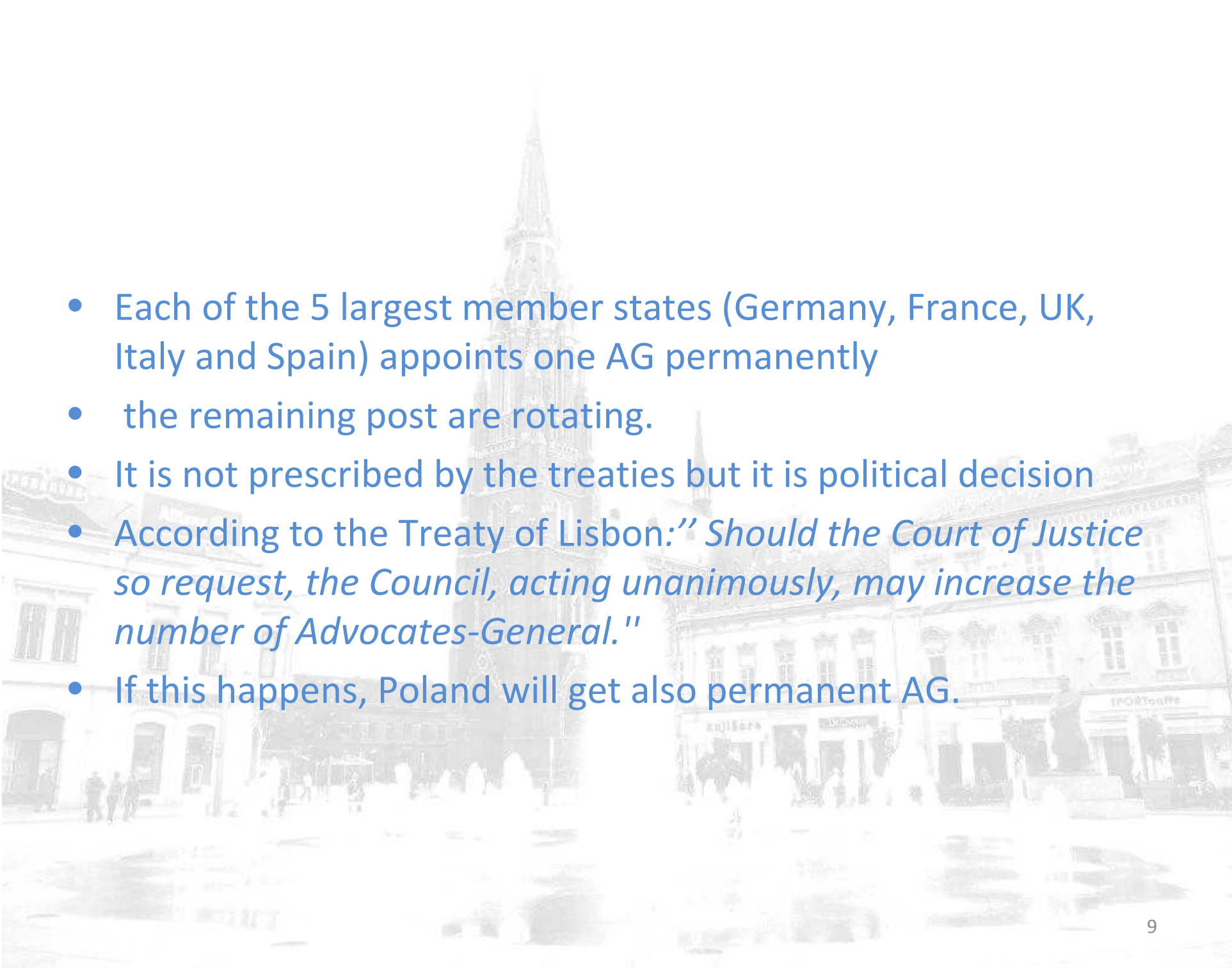
## 1.1. The Court of Justice

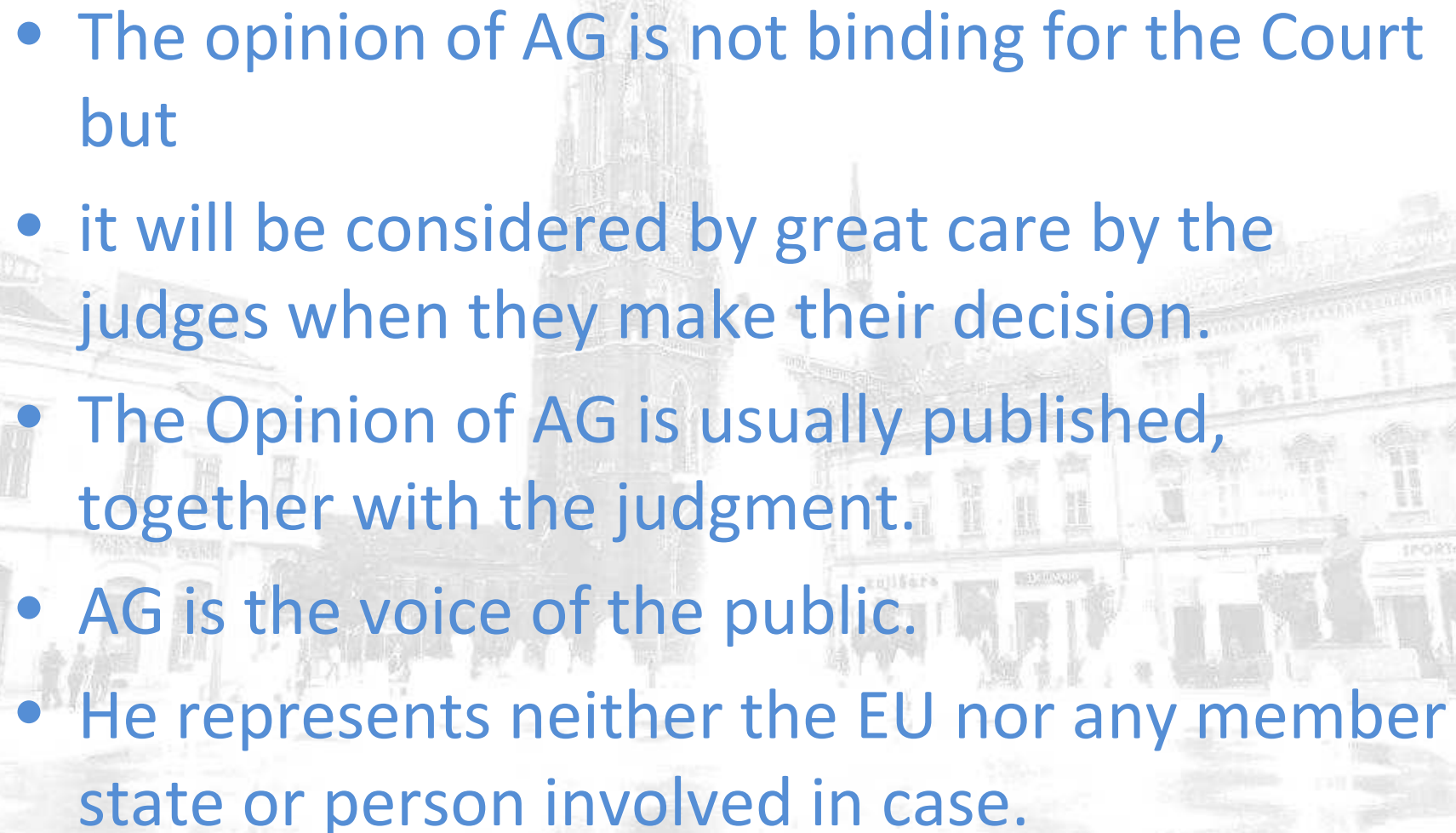
- 27 Judges and 8 Advocates General (AG)
- Appointment?
- qualifications required for appointment?
- Term of office?
- impartiality and independence
- one judge from each member state as a rule

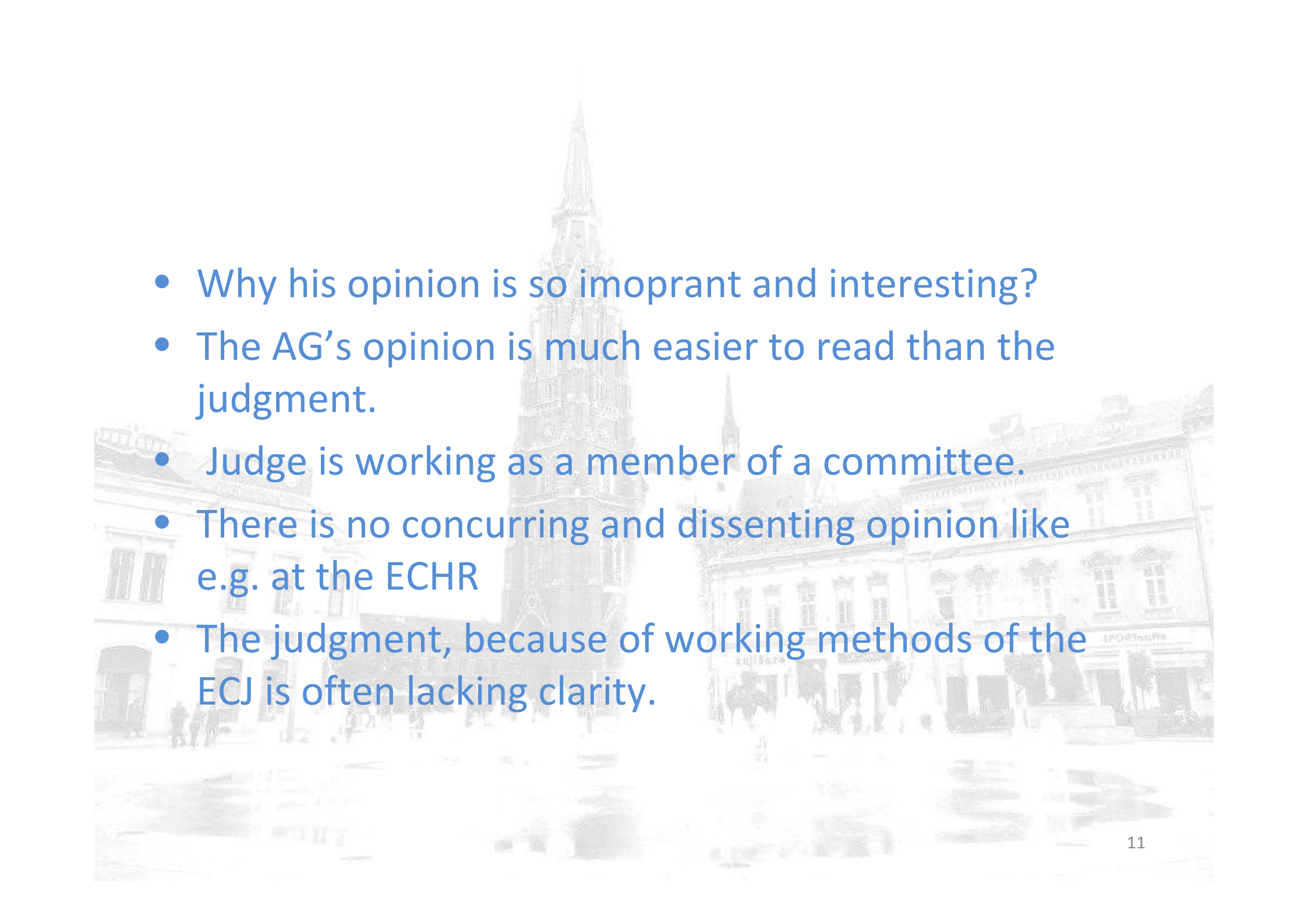
# Advocate General



- Routs?
- Task: assists the Court
- the same legal status as a judge
- the same legal provisions regarding appointment, qualifications, tenure and removal apply to them as to the judges
- Impartial and independent OPINION
- First AG

- 
- Each of the 5 largest member states (Germany, France, UK, Italy and Spain) appoints one AG permanently
  - the remaining post are rotating.
  - It is not prescribed by the treaties but it is political decision
  - According to the Treaty of Lisbon: " *Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General.*"
  - If this happens, Poland will get also permanent AG.

- 
- The opinion of AG is not binding for the Court but
  - it will be considered by great care by the judges when they make their decision.
  - The Opinion of AG is usually published, together with the judgment.
  - AG is the voice of the public.
  - He represents neither the EU nor any member state or person involved in case.

- 
- Why his opinion is so important and interesting?
  - The AG's opinion is much easier to read than the judgment.
  - Judge is working as a member of a committee.
  - There is no concurring and dissenting opinion like e.g. at the ECHR
  - The judgment, because of working methods of the ECJ is often lacking clarity.

## 1.2. The General Court

- is made up of at least one Judge from each MS
- Appointment?
- Unlike the Court of Justice, the General Court does not have permanent Advocates General.
- However, that task may, in exceptional circumstances, be carried out by a Judge.
- The General Court sits in Chambers of five or three Judges or, in some cases, as a single Judge.
- It may also sit as a Grand Chamber (thirteen Judges) or as a full court when this is justified by the legal complexity or importance of the case.
- More than 80% of the cases brought before the General Court are heard by a Chamber of three Judges.

## 1.3. The EU Civil Service Tribunal

- The Treaty of Nice made a basis for the establishment of Civil Service Tribunal as a judicial panel.
- The intention was to reduce the workload of The Court of Justice and The court of First instance.
- The European Union Civil Service Tribunal is composed of seven Judges appointed by the Council for a period of 6 years which may be renewed
- It has jurisdiction to hear and determine at first instance disputes between the European Union and its servants pursuant to Article 270 TFEU.
- An appeal from their decisions is possible to the General Court but on points of law only.