



YAŞAR ÜNİVERSİTESİ



JUDICIAL SYSTEM OF THE EUROPEAN UNION

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Agenda:

1. The definition of the judicial system.
 2. Judicial system of the EU
 3. The European Court of Justice
 4. The General Court
 5. Specialised courts (Civil Service Tribunal)
 6. ECJ & ECHR
-

The judicial system is the entirety of courts and judicial authorities in a state or in another sovereign organisation such as the European Union (EU).

2 main tasks of the courts:

- I. to resolve legal disputes;
- II. to ensure that the law is applied correctly and coherently.





THE EU JUDICIAL SYSTEM



The European Court of Justice

Appeal

The General Court

the first instance

Specialised courts

the first instance

**The Civil Service Tribunal
(2004-2016)**



The European Court of Justice

is the judicial institution of the EU and of the
European Atomic Energy Community (Euratom)

Mission: to ensure that "the law is observed"

- reviews the legality of the acts of the institutions of the EU
- ensures that the Member States comply with obligations under the Treaties
- interprets EU law at the request of the national courts and tribunals



Establishment: 1952

Headquarters: Luxembourg

multilingual institution

COMPOSITION



The Main Courtroom

28 Judges (6 years / renewable)

11 Advocates General

3 years / renewable

President

Vice-President

The Advocates General assist the Court. They are responsible for presenting, with complete impartiality and independence, an 'opinion' in the cases assigned to them.

A full
court

A Grand
Chamber of
15 Judges

A Chamber
of five
Judges

A Chamber
of three
Judges



A hearing of the Court of Justice
Grand Chamber



A hearing of the Court of Justice Chamber of five Judges



A hearing of the Court of Justice Chamber of three Judges

Competence

To enable it properly to fulfil its task, the Court has been given clearly defined jurisdiction, which it exercises on references for preliminary rulings and in various categories of proceedings.

- References for preliminary rulings
 - Actions for failure to fulfil obligations
 - Actions for annulment
 - Actions for failure to act
 - Appeals

The General Court

the first instance

Establishment: 1989

Headquarters: Luxembourg



at least one judge from each Member State (46 judges in office as of October 4, 2017) (6 years / renewable)

NO Advocates General !!!!

A Chamber of five Judges

usually

A Chamber of three Judges

a single Judge

A Grand Chamber of 15 Judges

← justified by the legal complexity or importance of the case

Jurisdiction

1. actions brought by natural or legal persons against acts of the institutions, bodies, offices or agencies of the European Union and against regulatory acts or against a failure to act on the part of those institutions, bodies, offices or agencies; for example, a case brought by a company against a Commission decision imposing a fine on that company;
 2. actions brought by the Member States against the Commission;
 3. actions brought by the Member States against the Council relating to acts adopted in the field of State aid, trade protection measures (dumping) and acts by which it exercises implementing powers;
 4. actions seeking compensation for damage caused by the institutions or the bodies, offices or agencies of the European Union or their staff;
 5. actions based on contracts made by the European Union which expressly give jurisdiction to the General Court
 6. actions relating to intellectual property brought against the European Union Intellectual Property Office and against the Community Plant Variety Office;
 7. disputes between the institutions of the European Union and their staff concerning employment relations and the social security system.
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Specialised courts



responsible for examining at first instance claims lodged in certain specific areas. They are part of the Court of Justice of the EU and are attached to the Court

Creation: *by the Council acting by qualified majority under the co-decision procedure with the Parliament at the request of either the Commission or the Court of Justice of the European Union.*

The only specialised court have been created so far is the Civil Service Tribunal.

The Civil Service Tribunal (2004-2016)

Task: to determine disputes between the European Union and EU staff. + Eurojust, Europol, European Central Bank, the European Union Intellectual Property Office, the European External Action Service

Composition: seven Judges appointed by the Council

6 years / renewable

President 3 years / renewable



Members of the Civil Service Tribunal of the EU (2010)

A Chamber of three
Judges

A full court
(difficult and important
case)

The disputes concerned issues relating to employment relations as such (remuneration, career development, recruitment, disciplinary measures, etc.), also the rules on social security benefits (sickness, retirement, invalidity, accidents at work, family allowances)

ECJ



1952

Luxembourg

ECHR



Strasbourg 1959



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION 2000

European Convention on Human Rights 1950

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2. Convention for the Protection of Human Rights and Fundamental Freedoms 1950
3. Official website of the European Court of Justice: <https://curia.europa.eu/>