

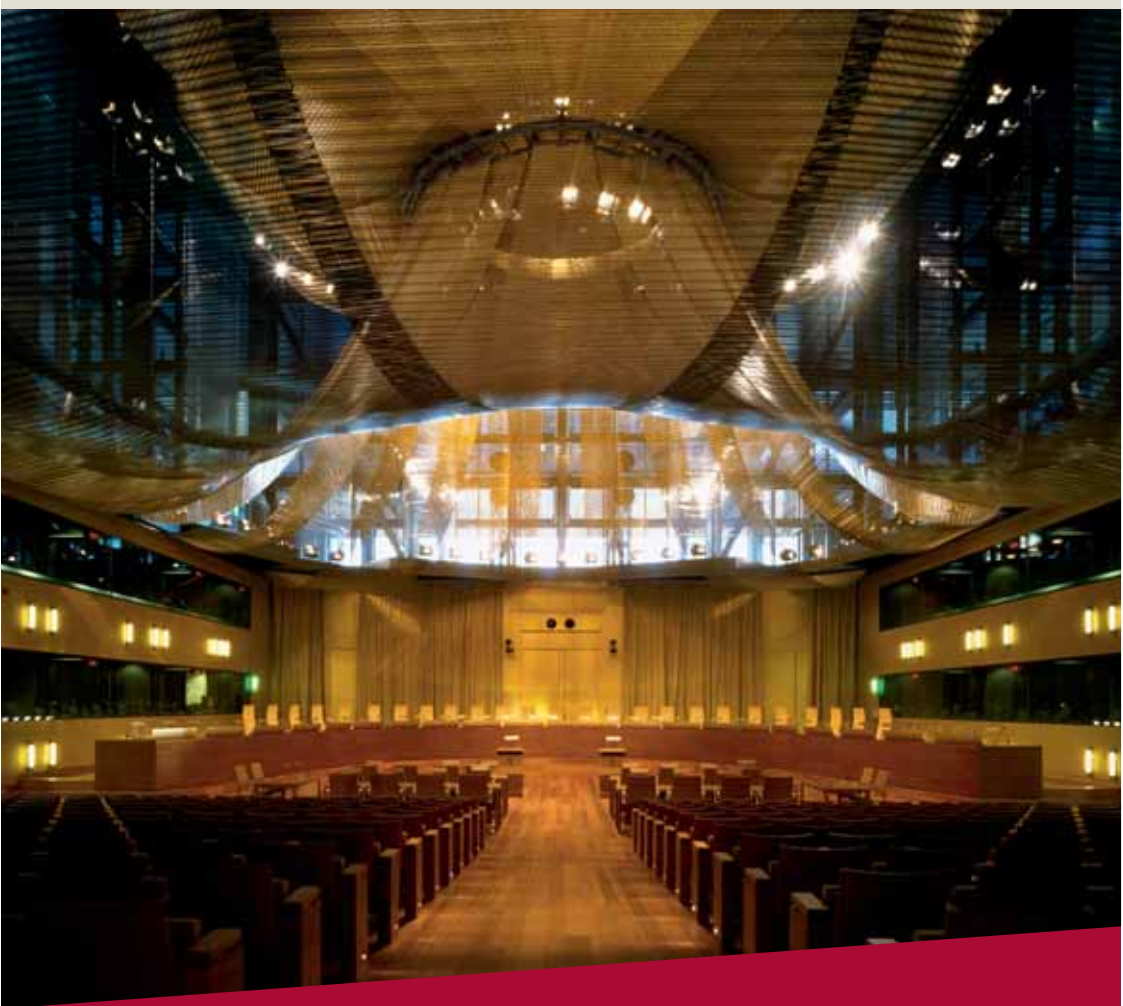


CVRIA



Your questions

on the Court of Justice
of the European Union





WHY IS THERE A COURT OF JUSTICE OF THE EUROPEAN UNION (CJEU)?

For the purpose of European construction, the Member States (now 28 in number) concluded treaties creating first European Communities and subsequently a European Union, with institutions which adopt rules of law in specific fields. Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union now has legal personality and has acquired the competences previously conferred on the European Community.

Thus, the European Union produces its own legal norms, its own legislation (regulations, directives and decisions).

To ensure that the law is observed, understood and uniformly applied in all Member States, a judicial institution is essential.

That institution is the Court of Justice of the European Union (CJEU). It is composed of three courts: **the Court of Justice** (created in 1952), **the General Court** (created in 1988) and **the Civil Service Tribunal** (created in 2004).

In other words, the Court of Justice of the European Union constitutes, together with the national courts, the European Union's judiciary. The main task of the Court of Justice is to interpret European Union law uniformly and to rule on its validity. In particular, it answers questions referred to it by the national courts and tribunals, which play a vital role, as they apply European Union law at local level.

The case-law of the Court of Justice of the European Union makes up — together with the treaties, regulations, directives and decisions — European Union law.



ARE EUROPEAN CITIZENS AFFECTED BY THE CASE-LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION?

Yes. European Union law has a direct impact on the various activities of ordinary citizens. Many national rules of law are based on European Union law, whether in the field of employment law, the environment, consumer protection, free movement of goods or the freedom to provide services.

Furthermore, European Union law takes precedence over national law and applies in all the Member States.

In interpreting European Union law and ensuring that it is observed, the Court of Justice thus has to take account of the concerns of citizens in various aspects of their daily life.



HOW DO I KNOW IF MY LEGAL PROBLEM IS COVERED BY EUROPEAN UNION LAW AND WHETHER THE COURT OF JUSTICE OF THE EUROPEAN UNION CAN HEAR IT?

It is usually necessary to ask the advice of a professional (for example, a solicitor) who will examine whether it is a problem relating to European Union law. He will also be able to advise you about the procedure to follow in order to claim your rights.



I LOST MY CASE BEFORE THE NATIONAL COURT OF LAST INSTANCE. CAN I BRING AN APPEAL BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION?

No, in these circumstances you cannot appeal to the Court of Justice of the European Union. **The Court does not hear appeals against judgments delivered by national courts.** It can never overturn or change decisions handed down by national courts.



CAN ANY INDIVIDUAL GAIN ACCESS TO THE COURT OF JUSTICE OF THE EUROPEAN UNION?

Yes, any individual can gain access to the Court of Justice or the General Court. There are two ways to do so: directly and indirectly.

It is possible first of all where a case is being dealt with by national courts. If the national court is faced with a legal problem which concerns European Union law it may, and sometimes must, suspend the proceedings and make **a reference for a preliminary ruling** asking the Court of Justice to give an interpretation or to review the validity of a rule of European Union law. Individuals will then be able to gain access to the Court by means of that procedure.

An individual may also directly contest before the General Court a decision taken by a European Union institution, body, office or agency. In order to do so, he or she must be the addressee of the decision or directly and individually concerned by the act in question.

On the other hand, an individual cannot bring an action against another person (natural or legal) or against a Member State before the Court of Justice or the General Court.



WHAT IS THE GENERAL JURISDICTION OF THE COURT OF JUSTICE, THE GENERAL COURT AND THE CIVIL SERVICE TRIBUNAL?

The primary task of **the Court of Justice**, as with a supreme court or constitutional court, is to examine the legality of acts of the European Union institutions and to ensure, in particular by examining references for a preliminary ruling, that **European Union law is interpreted and applied uniformly**. It also applies European Union law and resolves disputes between the European Union institutions, between those institutions and the Member States, or even between Member States.

The **General Court** deals with **actions brought by the Member States against the Commission and against certain acts of the Council**, as well as actions brought before it by **natural or legal persons** against decisions of the European Union institutions, bodies, offices or agencies (for example, an action brought by a company against a decision of the European Commission to impose a fine on it) which are addressed to them or which are of direct and individual concern to them and against regulatory acts (which are of direct concern to them and which do not entail implementing measures).

The **Civil Service Tribunal** resolves disputes between the European Union institutions and their staff.





WHAT IS A REFERENCE FOR A PRELIMINARY RULING?

European Union law is incorporated into the national legal systems.

Therefore, it is possible that a dispute before a national court or tribunal is covered by rules of European Union law.

The national court may find it necessary to apply and interpret rules of European Union law. In particular, it must refrain, where necessary, from applying a provision of national law which is incompatible with European Union law.

It may be that difficulties arise concerning the interpretation of European Union law, or the national court may be uncertain as to the legality of acts of the European Union institutions.

In those circumstances, the national court may make a reference for a preliminary ruling, asking the Court of Justice to interpret European Union law at issue or to give a ruling on the validity of an act of a European Union institution.

That means that the national court suspends the dispute it is hearing in order to wait for the Court of Justice's interpretation or its decision on the

validity of an act. It is in the course of this procedure that citizens will have the opportunity, through their lawyers or advisers, to make their views known to the Court.

The Court of Justice does not, however, decide the dispute itself. It simply gives an **interpretation** or a ruling on the **validity of an act**.

It is always the national court which decides the case before it, after the Court has answered the question referred for a preliminary ruling.



ARE THE NATIONAL COURTS OBLIGED TO FOLLOW THE INTERPRETATION OF THE COURT OF JUSTICE?

Yes. Whenever the Court concludes that an act of a European Union institution is incompatible with the treaties, or whenever it gives an interpretation of European Union law, that decision is **binding** and the national court which made the reference and all the other courts in the Member States are obliged to follow that ruling. The national courts are therefore bound by the interpretation of the Court. The same is true for other public authorities.



MUST THE PARTIES USE A LAWYER IN ORDER TO BE REPRESENTED BEFORE THE COURT OF JUSTICE, THE GENERAL COURT OR THE CIVIL SERVICE TRIBUNAL?

In the context of a reference for a preliminary ruling, the parties may be represented by persons who are entitled to plead cases before the national court hearing the case, according to the rules in their own Member State.

For other kinds of action the parties must be represented by a lawyer who is entitled to appear before a court of a Member State or of another State party to the Agreement on the European Economic Area.



WHAT IS THE COST OF PROCEEDINGS BEFORE THE COURT OF JUSTICE, THE GENERAL COURT OR THE CIVIL SERVICE TRIBUNAL?

In preliminary ruling proceedings it is for the national court to decide on the costs of the dispute according to the national rules in force.

Proceedings before the Court of Justice, the General Court and the Civil Service Tribunal are free of charge: no fees or duties are payable.

However, lawyers' fees are not reimbursed by those Courts. A party who is unable to meet the costs of the proceedings may, however, apply for legal aid.



WHAT IS THE COMPOSITION OF THE COURT OF JUSTICE, THE GENERAL COURT AND THE CIVIL SERVICE TRIBUNAL?



The Court of Justice is composed of **28 Judges**, appointed by the governments of the Member States after consultation of a panel responsible for giving an opinion on the suitability of candidates to perform the duties in question. They are appointed for a renewable term of six years. The Judges elect one of their number as President for a term of three years.

The Court of Justice also has **9 Advocates General**. Their role is to assist the Court of Justice by giving 'opinions' on cases, that is to say, reasoned proposals as to how the Court should decide the case. However, the Court of Justice is not bound to follow those opinions.

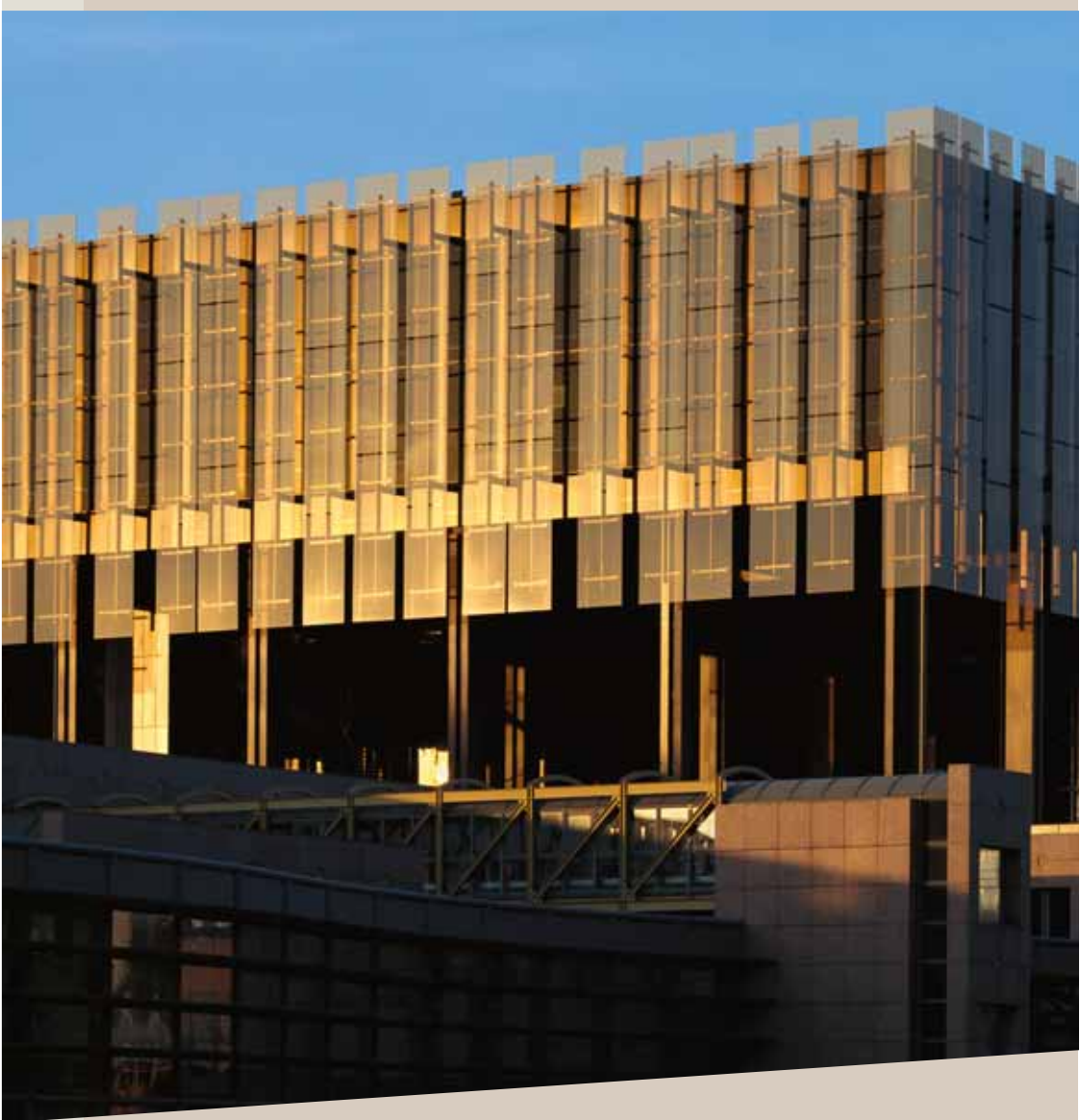
The General Court is composed of at least one Judge per Member State. The Judges are appointed by the Member States' governments after consultation of a panel responsible for giving an opinion on the suitability of candidates to perform the duties in question. They are appointed for a renewable term of six years. The Judges elect one of their number as President, also for a term of three years.

The Civil Service Tribunal is composed of seven Judges appointed by the Council, for a renewable term of six years, after a call for applications and the opinion of a panel of seven persons chosen from among former Members of the Court of Justice and the General Court and lawyers of recognised competence.

The Judges and Advocates General act with complete impartiality and independence.

The institution's administration (approximately 2 000 people) is directed by a Registrar who exercises the function of secretary general under the authority of the President of the Court of Justice. It consists of various departments, such as Translation, Interpretation, Research and Documentation, Information Technology, Library and Press and Information.

Each Court has its own registry.







➔ WHAT LANGUAGES ARE USED BY THE COURT OF JUSTICE OF THE EUROPEAN UNION?

Each of the **24** official languages of the European Union may be designated as the **language of the case**. In the case of a reference for a preliminary ruling, the language of the case is the language in which the national court refers the questions to the Court of Justice.

The Court thus uses many interpreters and has a language service which accounts for almost half of its staff. That situation reflects the principle of equal access for all European Union citizens to justice.

The judges deliberate, without interpreters, in a common language which, traditionally, is French.

➔ WHICH DOCUMENTS ARE ACCESSIBLE TO THE PUBLIC AND WHERE CAN THEY BE FOUND?

Most of the judgments, orders and opinions are published in all the official languages of the European Union in the *Reports of Cases before the Court of Justice and the General Court* and *Reports of European Union Staff Cases*.

Those documents are available on the Court's Internet site: www.curia.europa.eu.

The Court's Press and Information Service, responsible for contact with the media and the public, also make available to the public press releases on the most important cases which have direct impact on the life of citizens.

➔ HOW MANY CASES ARE DECIDED BY THE COURT OF JUSTICE, THE GENERAL COURT AND THE CIVIL SERVICE TRIBUNAL AND WHICH AREAS OF EUROPEAN UNION LAW ARE THE MOST FREQUENTLY DEALT WITH?

Since its creation, and until the end of 2009, the Court of Justice has dealt with approximately 14 904 cases.

The General Court decided about 6 229 cases between 1989 and the end of 2009.

The Civil Service Tribunal has dealt with 155 cases since its creation.

The areas of European Union law which are the most frequently involved in the cases decided by the Court of Justice are the environment and consumer rights, agriculture, tax, social policy and institutional law.

The General Court deals particularly with cases relating to competition law, State aid, trade marks and agriculture.

Court of Justice of the European Union: www.curia.europa.eu

Case-law: http://curia.europa.eu/jcms/jcms/j_6/

Press releases: http://curia.europa.eu/jcms/jcms/Jo2_16799

Gateway of the European Union institutions: www.europa.eu

Access to the law of the European Union: www.eur-lex.europa.eu

Photos: Georges Fessy

September 2010 Edition

doi:10.2862/30312



Court of Justice of the European Union
Press and Information
L-2925 Luxembourg

www.curia.europa.eu

