

THE COURT OF JUSTICE OF THE EUROPEAN UNION



The Court of Justice of the European Union (CJEU) is the EU's judicial body, ensuring EU law is applied uniformly across all Member States

It plays a key role in resolving legal disputes between national governments and EU institutions, and can rule on cases brought by individuals, companies, or organizations whose rights have been violated. Located in Luxembourg, the CJEU is made up of two courts: **the European Court of Justice** and **the General Court**. From 2005 to 2016, it also included the Civil Service Tribunal, which used to handle disputes between EU institutions and their staff before its duties were merged into the General Court.

Composition of the Court

The European Court of Justice (ECJ) handles cases involving preliminary rulings, annulment of EU acts, and appeals.

It consists of

- **27 judges** (one per EU country) and
- up to **11 Advocates General**, who provide independent legal opinions on cases before the court delivers its judgment.
 - These opinions are influential but not binding.
 - Advocates General only give opinions in cases that raise new legal issues.

The ECJ operates in different formations:

- a full court (**27 judges**) for exceptional cases
- a Grand Chamber (**15 judges**) for complex cases, and
- smaller chambers of 3 or 5 judges for the rest.

The General Court hears cases mostly on competition law, state aid, and trademarks, with

- **54 judges** (two per EU country).
- Cases are heard by chambers of
 - 3 or 5 judges, with a
 - Grand Chamber of 15 judges for complex cases.

Unlike the ECJ, it does not have permanent Advocates General, but judges may assume the role when needed.

Both courts elect Presidents for three-year renewable terms, and since 2012, a Vice-President assists the President.

The Registrar oversees the Court's administrative, language, and information services, which support both courts. Each court has its own registry to manage cases and documents..

Functions of the Court

The Court's main role, as outlined in the EU Treaties, is to ensure that **"the law is observed"** in the interpretation and application of EU law. **To do this, the Court:**

Reviews the legality of actions taken by EU institutions

Enforces Member States' compliance with their Treaty obligations

Interprets EU law

The Court acts as both an administrative and constitutional body, ensuring uniform application of EU law across Member States and can invalidate unlawful actions by EU institutions.

The European Parliament can:

- Bring legal cases to the Court
- Request the Court's opinion on planned international agreements
- Participate in evaluating judge and advocate-general candidates

The European Ombudsman can be removed by the Court at Parliament's request for misconduct. The Ombudsman investigates maladministration in EU bodies but cannot intervene in the Court's judicial work.





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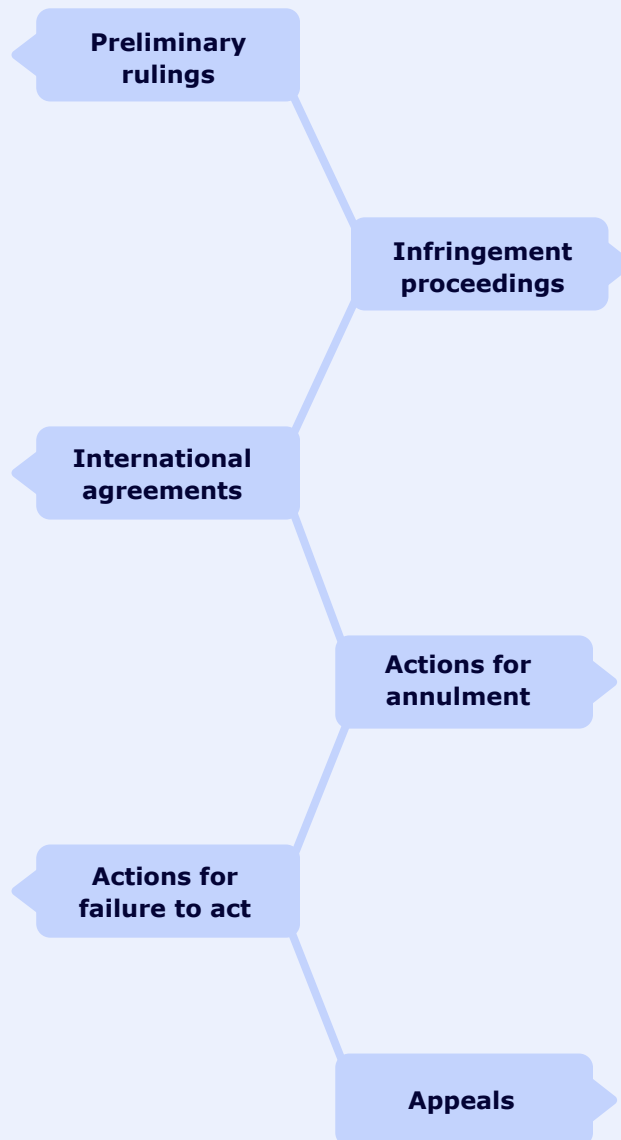
Main powers of the European Court of Justice

The ECJ handles various types of cases, including:

National courts in the EU can ask the ECJ to clarify points of EU law. Once the ECJ provides its interpretation, it is binding for all EU courts. For example, in a 2023 case involving personal data (OQ v. Hesse), the ECJ ruled that using personal data to create credit scores can count as automated decision-making under the GDPR.

The ECJ ensures that international agreements comply with EU law. In 2013, it ruled that the EU's planned accession to the European Convention on Human Rights was incompatible with the Treaties.

The ECJ can hold EU institutions accountable if they fail to fulfill legal obligations. In 2023, the Court ruled that the European Commission did not have to suspend visa exemptions for U.S. nationals, as claimed by the European Parliament.



The ECJ determines if a Member State has violated EU law. The European Commission can initiate this process if a country fails to comply with EU law, potentially leading to fines. For example, in 2019, Germany faced legal action over nitrate pollution, with fines reaching €850,000 per day for non-compliance.

The Court can annul EU laws if they violate EU Treaties. In 2021, the ECJ upheld a European Parliament vote to sanction Hungary for undermining judicial independence, dismissing Hungary's claim of procedural errors.

The ECJ can hear appeals on points of law from judgments made by the General Court.





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Main powers of the General Court

The General Court's jurisdiction covers annulment actions, failure to act, damages, trademark disputes, and staff cases, mostly brought by individuals and companies, with some actions from Member States.

If an EU institution fails to act where it is legally required, such as not addressing State aid complaints, parties can bring an action before the General Court. The institution must be given a formal request first, and if it remains inactive for three months, the action can proceed.

The General Court handles trademark disputes involving the EU Intellectual Property Office (EUIPO). In a notable case, Joop! was denied a trademark for a single exclamation mark due to its lack of distinctiveness.



Individuals or companies can **challenge decisions** from EU bodies if they are directly affected. For instance, companies fined for cartel participation by the European Commission can appeal these decisions. The General Court can either annul the act or uphold it. In 2023, it upheld the Commission's ruling that Valve and others had restricted cross-border video game sales, confirming penalties under EU competition law.

Member States may also challenge Commission decisions, as in the Netherlands v. Commission case (2012) where the General Court annulled a ruling that classified revised terms of aid to ING as unlawful.

The General Court can hear claims for damages caused by EU institutions' illegal actions. For example, Banca Popolare di Bari sought compensation for losses following a Commission decision on State aid but lost the case in 2023.

Disputes between EU institutions and staff, like employment issues, are also heard. In the Pachtitis v. European Commission case (2010), the Court annulled decisions that excluded a candidate from an EU job competition due to faulty selection tests.

Costs: **The losing party usually bears the legal costs.** If companies win, they can recover legal fees, but if they lose, they typically only cover minimal expenses for the EU's legal representation.

In addition, the General Court handles arbitration cases and specialized actions related to intellectual property and staff disputes.

