

LAW & DATA

2024/2025

University of Padova

8 November 2024



EUROPEAN COURT OF JUSTICE

European Court of Justice + General Court of the EU

JUDGES and ADVOCATES GENERAL

whose number depends on the number of MS (usually one per MS)
6 years' term – renewable every three years

Appointed among individuals possessing qualifications required for appointment to the highest judicial offices in their respective countries or jureconsults of recognised competence BUT independent from their MS

FUNCTIONS:

JURISDICTIONAL

→ litigation

INTERPRETATIVE / PRELIMINARY RULINGS

→ not litigation

ADVISORY / CONSULTATIVE

→ not litigation

LITIGATION PROCEEDINGS BEFORE THE ECJ

DIRECT APPEALS

263 TFEU

Appeal of acts adopted
by EU Institutions

PUBLIC initiative

MS, other EU institutions

PRIVATE initiative

Any natural or legal person
*«against an act addressed to that
person or which is of direct and
individual concern to them, and against
a regulatory act which is of direct
concern to them and does not entail
implementing measures»*

➤ VICES

lack of competence, invalidity, voidness,
misuse of powers

➤ Time-limit: 2 months + 10 days

FAILURE TO ACT

265 TFEU

PRELITIGATION

Letter of formal notice

2 months for acting

Non-performance

LITIGATION before the ECJ

COMPENSATION FOR DAMAGES

340(2) TFEU

Initiative by individuals, legal
persons, and Member States

Damage must be proved as
unlawful, serious, certain

NON-LITIGATION PROCEEDINGS BEFORE THE ECJ

PRELIMINARY RULINGS

ECJ + General Court
267 TFEU

Initiative: by **any jurisdiction** of any MS (nature and instance – also upon the parties' request)

Object: **INTERPRETATION** of any EU law provision
VALIDITY of acts of EU Institutions

Development:

1. MS National proceedings
2. national judge refers the preliminary rulings to the ECJ
3. (usually) suspension of the national proceedings
4. Decision of the ECJ (judgment / order) which is **compulsory** for the national judge

BODIES OF THE EU

- **European Data Protection Supervisor (EDPS)**
independent body ensuring that EU institutions and bodies respect people's right to privacy when processing their personal data
- **European Data Protection Board (EDPB)**
independent body ensuring the consistent application of data protection rules throughout the EU, promoting cooperation between national data protection authorities in the EU
- **Agencies of the European Commission**
 - EU decentralised bodies distinct from the institutions
 - specific tasks

FUNDAMENTAL RIGHTS AGENCY

