

LAW & DATA

2023/2024

University of Padova

24 November 2023



EUROPEAN COMMISSION

27 Commissioners – approved by the EP (5 years' term)

but independent from MS, appointed with a procedure involving EP, President of the Commission and MS
(President is proposed by the European Council)

Divided into Directorates General

Representing the **interests of the EU as a whole**

FUNCTIONS:

LEGISLATIVE – initiative

EXECUTIVE AND ADMINISTRATIVE – enforcement of EU law

BUDGETARY – management of EU budget

SUPERVISORY – on MS (possible breaches of EU law) and on private entities



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

