LAW & DATA
2023/2024

University of Padova

24 November 2023
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

<table>
<thead>
<tr>
<th>DIRECT APPEALS</th>
<th>FAILURE TO ACT</th>
<th>COMPENSATION FOR DAMAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>263 TFEU</td>
<td>265 TFEU</td>
<td>340(2) TFEU</td>
</tr>
</tbody>
</table>

**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

**PRELITIGATION**

- Letter of formal notice
- 2 months for acting

**LITIGATION before the ECJ**

- Initiative by individuals, legal persons, and Member States
- Damage must be proved as unlawful, serious, certain