LAW & DATA
2023/2024

University of Padova

29 November 2023
<table>
<thead>
<tr>
<th>LITIGATION PROCEEDINGS BEFORE THE ECJ</th>
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<td><strong>DIRECT APPEALS</strong></td>
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<td>263 TFEU</td>
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- **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

**LITIGATION before the ECJ**
- Initiative by individuals, legal persons, and Member States
- Damage must be proved as unlawful, serious, certain

**2 months for acting**
- Non-performance
NON-LITIGATION PROCEEDINGS BEFORE THE ECJ

PRELIMINARY RULINGS

ECJ (not 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

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