

Powers and jurisdiction of the Court of Justice

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Powers and jurisdiction of the Court of Justice

The judicial institution, in the same way as the other institutions, has available to it only those powers expressly conferred upon it by the treaties (*conferred powers*). Those powers, originally vested solely in the Court of Justice, are now divided among various judicial bodies.

The institution's general remit is defined as follows in Article 220 of the Treaty establishing the European Community (EC) [see also Article 136 of the Treaty establishing the European Atomic Energy Community (EAEC or Euratom)]:

‘The Court of Justice and the Court of First Instance, each within its jurisdiction, shall ensure that in the interpretation and application of this Treaty the law is observed.

In addition, judicial panels may be attached to the Court of First Instance under the conditions laid down in Article 225a in order to exercise, in certain specific areas, the judicial competence laid down in this Treaty.’

To date, only one judicial panel has been created, namely the Civil Service Tribunal of the European Union. Creation of a second specialised judicial panel, the Community Patent Tribunal, is under consideration (see the Proposal for a Council Decision establishing the Community Patent Court and concerning appeals before the Court of First Instance — COM/2003/0828 final).

The powers conferred upon the judicial institution are exercised in the framework of various legal remedies provided for in the founding treaties [Treaty establishing the European Coal and Steel Community (ECSC), Treaty establishing the European Economic Community (EEC) — subsequently EC Treaty — EAEC Treaty]. The available legal remedies include, on the one hand, direct actions brought against Member States, Community institutions and bodies (for example: action for failure to fulfil obligations, action for annulment or for declaration of failure to act, compensation proceedings) and, on the other hand, submission by national courts of questions for a preliminary ruling. The Court of Justice also possesses consultative competence.

In addition to the primary legal remedies, there exist a number of ancillary or exceptional review procedures, governed by the Statute of the Court of Justice, such as applications for interim measures, intervention, interpretation of a judgment, revision of a judgment, application to have a judgment set aside, application by a third party to have a judgment set aside, together with appeal, introduced by the Single European Act, and the review procedure, introduced by the Treaty of Nice.

Certain specific judicial powers have been conferred upon the Court of Justice by the Treaty on European Union and certain international treaties (for example the Agreement on the European Economic Area). Only the powers conferred under the Community Treaties have been the subject of division among the Court of Justice, the Court of First Instance and the Civil Service Tribunal.