



ARTICLE

REFORM OF THE STATUS OF THE COURT OF JUSTICE OF THE EUROPEAN UNION.



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The European Parliament^[1] and the Council of the European Union adopted,^[2] on February 27th, 2024 and March 19th, 2024 respectively, their position on the adoption of a regulation amending Protocol No. 3 to the Status of the Court of Justice of the European Union (the “Court of Justice”).

This reform aims at making the Court of Justice more efficient faced with an increase in the number and complexity of the cases heard by it. Several points are worth noting:

Transfer to the General Court of jurisdiction to hear and determine questions referred for a preliminary ruling: the reform provides for the transfer to the General Court of jurisdiction to issue preliminary rulings in specific areas such as the common system of value added tax, excise duties, the Customs Code, the tariff classification of goods under the Combined Nomenclature, compensation and assistance to passengers in the event of denied boarding or of delay or cancellation of transport services; as well as the system for greenhouse gas emission allowance trading. The Court of Justice will retain jurisdiction to hear and determine questions referred for a preliminary ruling that raise independent questions relating to the interpretation of primary law, international public law, general principles of Union law or the Charter of Fundamental Rights of the European Union.

Nomination of Advocates General: the General Court will be assisted by one or more Advocates General in dealing with requests for a preliminary ruling. The judges of the General Court will have to elect from their own number those members called upon to serve as an Advocate General. During the period during which such members perform the duties of an Advocate General, they may not sit as judges to hear and determine questions referred for a preliminary ruling.

Notification and intervention: If a national court or tribunal suspends its proceedings and refers a case to the Court of Justice, it must so notify the Court of Justice. That decision must then be notified by the registrar of the Court of Justice to the parties, to the Member States, to the European Parliament, to the Council, to the Commission and to the European Central Bank, as well as to the institution, body, office or agency of the Union which adopted the act the validity or interpretation of which is in dispute.

The parties, Member States, the Commission and, when they consider having a particular interest in the matters raised, the European Parliament, the Council and the European Central Bank, will then have a period of two months from such notification in which to submit statements of case or written observations to the Court of Justice.

Publicity of proceedings: To further ensure confidence in the EU and the transparency of proceedings, the parties' written submissions will be made public after the decision, unless the party concerned objects.

[1] <https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1777393&t=e&l=fr>

[2] <https://www.consilium.europa.eu/en/press/press-releases/2024/03/19/reform-of-the-statute-of-the-court-of-justice-adopted/>
