

María Carro Pitarch¹

Composition and division of jurisdiction of the Court of Justice of the European Union

I. Composition

The main function of the Court of Justice of the European Union or CJEU is to ensure that EU law is respected in the interpretation and application of the Treaties.

The CJEU consists of a Court of Justice, a General Court and, where necessary, specialised courts.

a) Court of Justice

The Court of Justice is composed of one judge per Member State (art. 19.2 TEU, art. 252 TFEU). Judges are elected for a term of six years, renewable every three years, from among persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence. They shall be appointed by common accord of the governments of the Member States (art. 19.2 TEU, art. 253 TFEU, art. 255 TFEU).



Esta obra está protegida con una [Licencia Creative Commons](#)
[Atribución-NoComercial-SinDerivar 4.0 Internacional](#).

¹ PhD Candidate (ACIF 2021) and Professor of Legal Institutions of the European Union. University of Valencia (Spain). EU Jean Monnet Holder (Project ENVEU).

Co-financed by the European Union. The views and opinions expressed are those of the author(s) alone and do not necessarily reflect those of the European Union or the European Executive Agency for Education and Culture (EACEA). Neither the European Union nor the EACEA can be held responsible for them.

The Judges shall elect the President of the Court of Justice from among their number for a term of three years. His term of office is renewable.

The Court of Justice is assisted by Advocates General, whose role is to make, in full independence and impartiality, reasoned submissions to the public on cases which, in accordance with the Statute of the Court, require their involvement.

The Treaty on the Functioning of the European Union provides for eight Advocates General, which may be increased by the Council acting unanimously. There are currently eleven.

The Court of Justice will sit in chambers of three or five judges, in a Grand Chamber of fifteen judges, or in plenary session of twenty-seven judges.

b) General Court

The Treaty on European Union provides for the General Court to have at least one judge per Member State. At present, it is composed of 54 judges, two per Member State, and has no permanent Advocates General (art. 19.2 TEU, art. 254 TFEU).

The election of judges and the length of their term of office is identical to that explained for the judges of the Court of Justice (art. 19.2 TEU, art. 254 TFEU, art. 255 TFEU).

The General Court will sit as a single judge, in chambers of three or five judges, in a Grand Chamber of fifteen judges or, very exceptionally, as a full court.

c) Specialised courts

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may set up specialised courts attached to the General Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas (art. 257 TFEU).

In the past there was the Civil Service Tribunal, composed of seven judges appointed for a renewable term of six years. The Civil Service Tribunal had jurisdiction at first instance in European civil service disputes, which amounted to approximately 150 cases a year. The Tribunal was dissolved on 1 September 2016.

II. Jurisdiction of the Court of Justice

The Court of Justice is a court of first instance: (a) for actions brought by individuals for failure to fulfil obligations; (b) for all actions for annulment or for failure to act brought by an institution; (c) for actions for annulment or for failure to act brought by Member States against acts of the European Parliament and/or the Council; (d) and for preliminary rulings 'referred to it' by the General Court.

It is a court of second instance for appeals limited to points of law in respect of decisions of the General Court given at first instance; and exceptionally for review of decisions given by the General Court on questions

referred for a preliminary ruling, where there is a serious risk of the unity or consistency of Union law being affected (art. 256. TFEU).

The Court of Justice acts as a court of third instance for decisions given by the General Court at second instance in appeals against decisions of the specialised courts.

Finally, it has advisory jurisdiction, which it expresses in the form of opinions.

III. Jurisdiction of the General Court

The General Court, for its part, is a court of first instance for all direct actions brought by individuals, with the exception of actions for failure to fulfil obligations and those expressly assigned to a specialised court, and for actions for annulment and actions for failure to act brought by Member States against acts of the Commission and the European Central Bank (art. 256.1 TFEU).

It is also a court of first instance for preliminary rulings but may decline jurisdiction in favour of the Court of Justice if it considers that the case requires a decision of principle likely to affect the unity or consistency of Union law (art. 256.3 TFEU). It will also hear and determine at first instance such other actions as the Statute of the Court may provide for (art. 256.1 *in fine* TFEU).

It is also a court of second instance in respect of decisions of specialised courts. An appeal on the points of law might be raised at the General Court or, where the rules of procedure establishing the specialised court provide, of appeals also on matters of fact (art. 257 TFEU).

IV. Jurisdiction of specialized courts

The specialised courts have jurisdiction in specific matters. They are courts of first instance, whose decisions may be appealed to the General Court (art. 257 TFEU).



**Cofinanciado por
la Unión Europea**

ENVEU
Jean Monnet Module

Project No. 101085459