

Reform of CJEU Statute Adopted



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News

The Council and the European Parliament agreed on the reform of the Statute of the Court of Justice of the EU [amending Protocol No 3](#) on the Statute of the Court of Justice. The [EP adopted](#) the draft regulation on 27 February 2024 and the [Council gave green light](#) to it on 19 March 2024. The final act was signed on 11 April 2024. Under the amendment, jurisdiction to give preliminary rulings is transferred from the Court of Justice to the General Court in the following areas:

- The common system of value added tax;
- Excise duties;
- The customs code;
- The tariff classification of goods under the combined nomenclature;
- Compensation and assistance for passengers whose transport services are delayed or cancelled or who are denied boarding;
- The scheme for greenhouse gas emission allowance trading.

The General Court will be assisted by one or more Advocates General in dealing with requests for a preliminary ruling transmitted.

The Court of Justice will retain jurisdiction to hear and determine requests for a preliminary ruling that raise independent questions relating to the interpretation of primary law, public international law, general principles of Union law or the Charter of Fundamental Rights of the European Union.

Furthermore, the reform introduces an extended filtering mechanism for appeals against decisions of the General Court when they concern a decision of a Union body, office, or agency (with an independent board of appeal). Under the amendment, a case that has been considered by an independent board of appeal and then by the General Court can only proceed to the Court of Justice if it raises a significant issue with respect to the unity, consistency, or development of EU law.

With regard to the transparency of proceedings, the reform provides that written observations submitted by an interested person pursuant to Art. 23 of Protocol No 3 will be made public on the Court's website in reasonable time after the proceedings have been closed, unless that person raises objections to the publication of his/her own written submissions.

Over the next several months, next to the amended Statute of the Court of Justice, the Rules of Procedure of the Court of Justice and the Rules of Procedure of the General Court will need to be modified and adopted. The publication of all three texts will be coordinated such that they can enter into force at the same time.

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