



PECUCS

Participation of European Citizens
in the Union's Climate Strategy



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The Court of Justice and the ECB

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DIPARTIMENTO DI GIURISPRUDENZA

The Court of Justice

- The Court of Justice of the European Union comprises the Court of Justice, the General Court and the specialised courts

(Article 19 TEU)

The Court of Justice

- It is composed of one judge per Member State and is assisted by Advocates-General.
- It is based in Luxembourg.
- It is a body of individuals, in the sense that its members do not represent their respective States of origin and therefore do not receive any instructions from them.

The Court of Justice

Judges and advocates-general are appointed by common agreement by the Member States, i.e. by the conference of representatives of the Member States, for a term of six years, from among persons who offer every guarantee of independence and who satisfy the conditions required for the exercise, in their country of origin, of the highest judicial functions or who are jurists of recognised competence.

The Court of Justice

referred to in Article 255 TFEU

- composed of seven persons who are former members of the Court of Justice and the General Court, members of the highest national courts and lawyers of recognised competence, one of whom is proposed by the European Parliament (Article 255 TFEU)
- provides an opinion on the suitability of candidates to perform the duties of judge and advocate general

The Court of Justice

the President of the Court

- is elected from among the judges for a term of three years
- directs the work of the Court as a whole, both judicially and administratively
- presides over plenary hearings

The Court of Justice

- appoints the reporting judge for each case
- has jurisdiction over precautionary and emergency measures, as well as the suspension of the enforcement of judgments.

The Court of Justice

The Advocate General

- has the task of presenting publicly, in complete independence from the parties and the Union, written and reasoned “conclusions” in cases brought before the Court.
- has the role of amicus curiae and defender not of a party, but of the law

The Court of Justice

The Court may sit

- in its plenary composition, the so-called grand plenum
- in the composition of a small plenum, called the 'grand section' (13 judges)
- in sections of five or three judges.

The Court of Justice

The Court appoints the Registrar for a period of six years, who:

- performs the duties normally associated with this position (keeping the register of cases, receiving all documents and records relating thereto, notifications, et similia)
- is responsible for the administration and financial management of the Court, under the responsibility of the President

The Court

The Court:

- It shall consist of at least one judge per Member State, with requirements similar to those of the members of the Court and appointed in the same manner, after consultation with the committee (Article 255 TFEU).

The Court

- is not systematically assisted by the Advocate General, who is appointed, in the cases provided for by the Statute, by selecting him from among the judges, only when the Court sits in plenary session or when the difficulties in law or the complexity of the facts of the case so require.

The Court

- In the case of direct appeals, judgments of the Court of First Instance may be appealed before the Court of Justice only on points of law.
- The right of appeal is open not only to the unsuccessful party, but also to Member States and institutions, even if they did not participate in the proceedings at first instance

The Court

Article 256 TFEU establishes that the Court of First Instance may be given jurisdiction to hear preliminary rulings, albeit in specific matters indicated in the Statute:



The Court

in questi casi (si tratterà di materie di natura tecnica) il Tribunale potrà anche decidere di rinviare la decisione alla Corte qualora ravvisi «la necessità di una decisione di principio tale da poter compromettere l'unità o la coerenza del diritto dell'Unione».

Civil Service Tribunal

specialised Courts

- the European Union Civil Service Tribunal, a court specialising in so-called personnel disputes.
- The Civil Service Tribunal is composed of seven judges, appointed for a renewable term of six years.

Civil Service Tribunal

- Decisions taken by specialised courts maybe appealed before the General Court on points of law;
- the judgment of the General Court on appeal maybe reviewed by the Court of Justice if there is a serious risk that the unity or consistency of Union law will be affected.

The European Central Bank

- Since 1 January 1999, the European Central Bank (ECB) has assumed responsibility for conducting monetary policy for the euro area, which represents the second largest economy in the world after the United States.



The European Central Bank

- The European Central Bank and the national central banks constitute the Euro system, the central banking system of the euro area. The main objective of the Euro system is to maintain price stability, i.e. to safeguard the value of the euro.
- Within the Single Supervisory Mechanism, which also includes the national competent authorities, the European Central Bank is responsible for the prudential supervision of credit institutions established in the euro area and in participating Member States outside the euro area. In this way, it contributes to the safety and soundness of the banking system and to the stability of the financial system in the EU and in each participating Member State. The European Central Bank and the national central banks



The European Central Bank

- The legal basis for the single monetary policy is defined by the Treaty on the Functioning of the European Union and the Statute of the European System of Central Bank and of the European Central Bank.
- The European Central Bank is the core of the Euro system and the ESCB. The ECB and the national central banks perform the tasks assigned to them in cooperation with each other. The ECB has legal personality under public international law.



The European Central Bank

- The European System of Central Banks
- The ESCB comprises the ECB and the national central banks of all EU Member States, regardless of whether they have adopted the euro.



The European Central Bank

- The Euro system
- The Euro system comprises the ECB and the NCBs of the countries that have introduced the single currency. The Euro system and the ESCB will coexist as long as there are EU Member States that do not belong to the euro area.