

FACULDADE DE DIREITO DA UNIVERSIDADE DE LISBOA

Mestrado Profissionalizante

Ciências Jurídico-Forenses

EUROPEAN UNION PROCEDURAL LAW

23/07/2024

Prof.^a Doutora Ana Soares Pinto

I

Quid juris

Preliminary ruling procedures (Article 267 TFEU): purpose: direct cooperation between Court of Justice and national courts and tribunals; separation of functions; jurisdiction: GC is incompetent; scope of the question: only interpretation of EU Law and validity of non-primary EU Law, inadmissibility regarding the Venice Commission's Opinion; distinction power/duty to refer, exceptions; caselaw;

Interim measures: purpose; article 278 TFEU: inadmissibility; article 279 TFEU: initiative isn't restricted to GC; admissibility requirements; substantive requirements; interim measures applicable by national courts; caselaw;

Action for infringement: purpose; infringement procedure (pre-litigation phase: Article 258 TFEU and litigation phase: Article 260(1) TFEU); competent jurisdiction (CJ): GC is incompetent; Commission's discretionary powers: no obligation to act;

Action for failure to act (Article 265 TFEU): purpose; initiative; procedure (pre-litigation phase and litigation phase); competent jurisdiction (GC); no obligation to act: action is inadmissible;

See Judgment of the Court of Justice of 20 April 2021, *Repubblika*, case C-896/19 - ECLI:EU:C:2021:311.

II

Comment the following sentence:

EU judiciary: characterization; role of national courts; independence requirements; rule of law as an EU value (Article 2 TEU); caselaw;

System of cooperation: Article 47 CFREU and Article 19 TEU;

Preliminary rulings, in particular: purpose; scope; distinction power/duty to request a preliminary ruling; exceptions; competent jurisdiction (CJ); interaction between the reference for a preliminary ruling and the national proceedings; EU fundamental principles established by caselaw;

EU rights protection: presumption of Member States compliance and limits; mutual trust; preliminary rulings; article 7 TEU; rule of law, European semester;

Conclusions.

Time allowed: 1h30m

I: 11; II: 8; writing: 1.