

Organisation and operation of the Community jurisdictions

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Organisation and operation of the Community jurisdictions

The organisation and operation of the Community jurisdictions are governed by the Founding Treaties, the Protocol on the Statute of the Court of Justice adopted in Nice on 26 February 2001, as subsequently amended, and the Rules of Procedure of the Court of Justice, the Court of First Instance and the Civil Service Tribunal.

The Statute of the Court of Justice adopted in Nice replaced the three previously existing Statutes of the Court, each established by means of a Protocol annexed to each Treaty: the Treaty establishing the European Coal and Steel Community (ECSC), the Treaty establishing the European Economic Community (EEC) — subsequently the Treaty establishing the European Community (EC) — and the Treaty establishing the European Atomic Energy Community (EAEC or Euratom). Since the entry into force of the Nice Treaty, the Court's unified Statute may be amended by the Council, acting unanimously (Article 245 of the EC Treaty and Article 160 of the EAEC Treaty). Title I, which deals with the rights and duties of the Judges and Advocates General, may not, however, be so amended, Title I remaining subject to the procedure for revision of the Treaties. Title IV of the Statute is devoted to the Court of First Instance, and Annex I to the Civil Service Tribunal.

The Court establishes its own Rules of Procedure, which require the approval of the Council, acting (since the Nice Treaty) by a qualified majority (Article 223 of the EC Treaty and Article 139 of the EAEC Treaty). The Rules of Procedure currently in force were adopted by the Court on 19 June 1991. A number of amendments have already been made to them.

The Court of First Instance and the Civil Service Tribunal establish their own Rules of Procedure in agreement with the Court of Justice; those Rules require the approval of the Council, acting by a qualified majority (Articles 224 and 225a of the EC Treaty and Articles 140 and 140b of the EAEC Treaty).

The Rules of Procedure of the Court of First Instance were adopted on 2 May 1991 and have been amended many times. The Rules are very closely modelled on those of the Court of Justice.

The Rules of Procedure of the Civil Service Tribunal were adopted on 25 July 2007 and will enter into force on 1 November 2007. While its Rules of Procedure are influenced by those of the Court of First Instance and Court of Justice, they are not identical or similar to the Courts' in every respect.