**EUROPEAN UNION POWERS**

EU is an integration process which starts in 1951 with the Treaty of Paris in 1957 and the treaty of Rome.   
  
*Start Integration Process*:   
On 19th of September 1946 in Zurich (Switzerland), Mr. Churchill posed to devastating speech about the concept of Europe and the idea of European International Organization as a political structure and organization.   
In 1947, was signed the Treaty of Dunkirk, in which France and Britain arranged to defend each other.  
In 1948, was signed the Treaty of Brussels which includes BENELUX, along with Britain and France. Also raised a joint military structure. Since 1954 renamed Western European Union, due to the entry of Germany.

*The creation of the European Communities*:   
Community ECSC was established by the Treaty of Paris in 1951, for just a period of 50 years (ceased to exist in 2002).   
Schuman on 9th of May in 1950 issued the famous Schuman declaration, which in the creation of a European international scope of everything that had to do with the extraction and production of coal and steel.   
Jean Monnet was the responsible for the modernization and matching France, was the guiding mind was behind Schuman.   
The main objective of the ECSC was to break the distrust between France and Germany creating an organization in which Germany and France with Benelux and Italy formed the ECSC.  
  
It was suggested that the creation of a CED and PCE, was much more than what the Europeans were willing to give. For that they return to the original philosophy, which was *the functionalists*, it means, that step by step look what scopes of necessity European development needed. Two areas were searched of significant meanings that were the subject of two treaties:   
- Atomic Energy; -The market.   
And hence arised the treaties of Rome in 1957, creating the EEC and EAEC-EURATOM.   
  
Treaty of Paris, 1951 -> ECSC (valid until 2002)   
Treaties of Rome, 1957 -> EEC and EURATOM   
  
-Scope of powers by the EC, aimed at creating a common market for all products, and EURATOM wanted to demonstrate the safety and potential of atomic energy;   
With the Treaties of Rome, each of the Communities, had his own advice, his own committee, his own assembly and its own court.   
  
But along with the Treaties of Rome signed a treaty known as "treaty of common institutions," which suggested that the Assembly and the court, would be the same for all three Communities. The Assembly would be called: Assembly of the European Communities and the Court of European Communities.   
  
In 1965 he signed a merger of the executives, which the Council and the Commission became the same for the three Communities. Therefore, there is one institutional system for the three Communities. What has always been different is the ECSC Consultative Committee, which was maintained, created for the EEC and EURATOM, an own Advisory Committee, called ESC (Economic and Social Committee).   
The treaty of the failed European Constitution, was to replace the founding treaties, but it was not because never entered into force.   
And the so-called mini-treaty (Lisbon Treaty) keeps them.   
  
On the other hand, sought to create a parallel community (EFTA), because Britain were not interested in the concept of supra-nationality, and still maintaining the character of an organization of European countries had to be intergovernmental. This character is going to give the OEEC (Organization for European Economic Cooperation). Were raised that some countries of the OEEC, had to settle for a field of integration itself, but not based on economic cooperation, in creating a market that favors free trade. This resulted in the creation in 1959 of the EFTA, which included several non-parties of the European Communities. Was approved by the Stockholm Convention in 1959, including Britain, Denmark, Sweden, Norway, Portugal, Switzerland, and entered Austria, Finland and Liechtenstein.   
  
There are only today in the EFTA: Liechtenstein, Switzerland, Finland, which is also part of the EU, Norway and Iceland.   
Between the EEC and EFTA is established a collaboration agreement, the so-called EEA (European Economic Area). Claims to be the common denominator between the European Community and the EFTA, is only related to trade, but no supranational intergovernmental.   
  
The EU Treaty of 1992 also known as the famous Treaty of Maastricht. Since the entry into force of this can begin to talk about European Union.   
This treaty was made as an overlay, keeping the ECSC, EEC and EURATOM.

**Treaties timeline**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Signed** **In force** [**Treaty**](http://en.wikipedia.org/wiki/Treaties_of_the_European_Union) | 1948 1948 [**Brussels**](http://en.wikipedia.org/wiki/Treaty_of_Brussels) | 1951 1952 [**Paris**](http://en.wikipedia.org/wiki/Treaty_of_Paris_(1951)) | 1954 1955 [**Paris Agr.**](http://en.wikipedia.org/wiki/London_and_Paris_Conferences) | | 1957 1958 [**Rome**](http://en.wikipedia.org/wiki/Treaties_of_Rome) | 1965 1967 [**Merger**](http://en.wikipedia.org/wiki/Merger_Treaty) | 1986 1987 [**Single Act**](http://en.wikipedia.org/wiki/Single_European_Act) | 1992 1993 [**Maastricht**](http://en.wikipedia.org/wiki/Maastricht_Treaty) | | 1997 1999 [**Amsterdam**](http://en.wikipedia.org/wiki/Amsterdam_Treaty) | 2001 2003 [**Nice**](http://en.wikipedia.org/wiki/Treaty_of_Nice) | | [2007](http://en.wikipedia.org/wiki/Signing_of_the_Treaty_of_Lisbon) 2009 [**Lisbon**](http://en.wikipedia.org/wiki/Treaty_of_Lisbon) | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) | | | | | | [Pix.gif](http://en.wikipedia.org/wiki/File:Pix.gif) |
|  |  |  |  | |  |  |  |  | |  |  | |  | |  | | | |  | | | | |  | |  | |  | | | |  | | | |  | |
| [European Communities](http://en.wikipedia.org/wiki/European_Communities) | | [Three pillars of the European Union](http://en.wikipedia.org/wiki/Three_pillars_of_the_European_Union) | | | | |  | | |  | | | | |  | | |  | |  | | | | |  | | | | |  | |
|  | [European Atomic Energy Community](http://en.wikipedia.org/wiki/European_Atomic_Energy_Community)(EURATOM) | | → |  | | | ← |  | | |  | |  | | |  | |  | |  | |  | | |  | | | | |  | | | |
|  | | | | [European Coal and Steel Community](http://en.wikipedia.org/wiki/European_Coal_and_Steel_Community) (ECSC) | | *Treaty expired in 2002* | |  | **European Union**(EU) | |  |  | | | |  | |  | |  | |  | | |  | | | |  | | | | |
|  | |  |  | [European Economic Community](http://en.wikipedia.org/wiki/European_Economic_Community) (EEC) | |  | [European Community](http://en.wikipedia.org/wiki/European_Community) (EC) | |  | | |  | | | | |  | | | |  | |  | |  | | |  | | | | |  | | | |  | |
|  |  |  | → | [Justice and Home Affairs](http://en.wikipedia.org/wiki/Police_and_Judicial_Co-operation_in_Criminal_Matters#History) (JHA) |  | | |  | | |
|  | [Police and Judicial Co-operation in Criminal Matters](http://en.wikipedia.org/wiki/Police_and_Judicial_Co-operation_in_Criminal_Matters)(PJCC) | | ← |
| [European Political Cooperation](http://en.wikipedia.org/wiki/European_Political_Cooperation) (EPC) | → | [Common Foreign and Security Policy](http://en.wikipedia.org/wiki/Common_Foreign_and_Security_Policy) (CFSP) | | | ← |  | |  | | | |  | | | | |  | |  | |  | |  | | | |  | | | | |  | | |
| *Unconsolidated bodies* | | | [Western European Union](http://en.wikipedia.org/wiki/Western_European_Union) (WEU) | | | |  | |  | |  | | |  | | | | |  | | | |  | |  | |  | |  | | | | | |  | | | |  | |
| *Treaty terminated in 2010* | | | | |  | |  | | | | |  | | | | |  | | | |  | | | |  | |
|  |  | |  |  |  |  |  | |  |  | | |  | | | | | | | | | | | | | | | | | | | | | | | |

**The European Union is composed of 27**[**sovereign**](http://en.wikipedia.org/wiki/Sovereign_state)**Member States**:

[Austria](http://en.wikipedia.org/wiki/Austria), [Belgium](http://en.wikipedia.org/wiki/Belgium), [Bulgaria](http://en.wikipedia.org/wiki/Bulgaria), [Cyprus](http://en.wikipedia.org/wiki/Cyprus), the [Czech Republic](http://en.wikipedia.org/wiki/Czech_Republic), [Denmark](http://en.wikipedia.org/wiki/Kingdom_of_Denmark), [Estonia](http://en.wikipedia.org/wiki/Estonia), [Finland](http://en.wikipedia.org/wiki/Finland), [France](http://en.wikipedia.org/wiki/France), [Germany](http://en.wikipedia.org/wiki/Germany), [Greece](http://en.wikipedia.org/wiki/Greece), [Hungary](http://en.wikipedia.org/wiki/Hungary), [Ireland](http://en.wikipedia.org/wiki/Republic_of_Ireland), [Italy](http://en.wikipedia.org/wiki/Italy), [Latvia](http://en.wikipedia.org/wiki/Latvia), [Lithuania](http://en.wikipedia.org/wiki/Lithuania), [Luxembourg](http://en.wikipedia.org/wiki/Luxembourg), [Malta](http://en.wikipedia.org/wiki/Malta), [Netherlands](http://en.wikipedia.org/wiki/Kingdom_of_the_Netherlands), [Poland](http://en.wikipedia.org/wiki/Poland), [Portugal](http://en.wikipedia.org/wiki/Portugal), [Romania](http://en.wikipedia.org/wiki/Romania), [Slovak Republic](http://en.wikipedia.org/wiki/Slovak_Republic), [Slovenia](http://en.wikipedia.org/wiki/Slovenia), [Spain](http://en.wikipedia.org/wiki/Spain), [Sweden](http://en.wikipedia.org/wiki/Sweden), and the [United Kingdom](http://en.wikipedia.org/wiki/United_Kingdom).

The Union's membership has grown from the original [six founding states](http://en.wikipedia.org/wiki/Inner_Six)–Belgium, France, (then-[West) Germany](http://en.wikipedia.org/wiki/West_Germany), Italy, Luxembourg and Netherlands–to the present day 27 by successive enlargements as countries acceded to the [treaties](http://en.wikipedia.org/wiki/Treaties_of_the_European_Union) and by doing so, pooled their sovereignty in exchange for representation in the [institutions](http://en.wikipedia.org/wiki/Institutions_of_the_European_Union).

To join in the EU a country must meet the [Copenhagen criteria](http://en.wikipedia.org/wiki/Copenhagen_criteria), defined at the 1993 Copenhagen European Council. These require a stable democracy that respects [human rights](http://en.wikipedia.org/wiki/Human_rights) and the [rule of law](http://en.wikipedia.org/wiki/Rule_of_law); a functioning [market economy](http://en.wikipedia.org/wiki/Market_economy)capable of competition within the EU; and the acceptance of the obligations of membership, including EU law. Evaluation of a country's fulfilment of the criteria is the responsibility of the [European Council](http://en.wikipedia.org/wiki/European_Council).

No member state has ever left the Union, although [Greenland](http://en.wikipedia.org/wiki/Greenland) (an [autonomous province](http://en.wikipedia.org/wiki/Autonomous_area) of [Denmark](http://en.wikipedia.org/wiki/Denmark)) withdrew in 1985. The [Lisbon Treaty](http://en.wikipedia.org/wiki/Treaty_of_Lisbon) now provides a clause dealing with how a member leaves the EU.

There are three official candidate countries, [Croatia](http://en.wikipedia.org/wiki/Croatia), [Macedonia](http://en.wikipedia.org/wiki/Republic_of_Macedonia) and [Turkey](http://en.wikipedia.org/wiki/Turkey). [Albania](http://en.wikipedia.org/wiki/Albania), [Bosnia and Herzegovina](http://en.wikipedia.org/wiki/Bosnia_and_Herzegovina), [Montenegro](http://en.wikipedia.org/wiki/Montenegro), [Serbia](http://en.wikipedia.org/wiki/Serbia) and [Iceland](http://en.wikipedia.org/wiki/Iceland) are officially recognised as potential candidates. [Kosovo](http://en.wikipedia.org/wiki/Kosovo) is also listed as a potential candidate but the European Commission does not list it as an independent country because not all member states recognise it as an independent country separate from Serbia.

Four [Western European](http://en.wikipedia.org/wiki/Western_Europe) countries that have chosen not to join the EU have partly committed to the EU's economy and regulations: [Iceland](http://en.wikipedia.org/wiki/Iceland), which has now applied for membership, [Liechtenstein](http://en.wikipedia.org/wiki/Liechtenstein) and [Norway](http://en.wikipedia.org/wiki/Norway), which are a part of the [single market](http://en.wikipedia.org/wiki/Single_market) through the [European Economic Area](http://en.wikipedia.org/wiki/European_Economic_Area), and [Switzerland](http://en.wikipedia.org/wiki/Switzerland), which has similar ties through [bilateral treaties](http://en.wikipedia.org/wiki/Switzerland_and_the_European_Union). The relationships of the [European microstates](http://en.wikipedia.org/wiki/Microstates_and_the_European_Union), [Andorra](http://en.wikipedia.org/wiki/Andorra), [Monaco](http://en.wikipedia.org/wiki/Monaco), [San Marino](http://en.wikipedia.org/wiki/San_Marino) and the [Vatican](http://en.wikipedia.org/wiki/Vatican_City) include the use of the [euro](http://en.wikipedia.org/wiki/Euro) and other areas of co-operation.

**The failure of the Constitutional Treaty and the Lisbon horizon**:   
A constitutional treaty was signed on 28th of October, 2004. The ratification of the treaty was initiated by the approval of Parliament, but some States called referendums in 2005. The first was in Spain, where the document was approved with 77% support. However, the ratification hit a major obstacle when voters in France and Netherlands rejected the document. This ratification largely stopped, with only a few states want to adopt. Luxembourg went ahead with their vote and approved the Constitution by 57%. But things changed.   
However, the leaders announced that they entered a "period of reflection" on the rejection.   
In 2007 European leaders formally ended the "period of reflection" with the signing of the Declaration of Berlin on 25th of March, 2007 (on the 50th anniversary of the signing of the Treaties of Rome). The statement was intended to give new impetus to search for a new institutional settlement before the European elections in 2009.   
In 2007, the European Council agreed that the Constitution had failed, although most of its changes would remain in a modification of the earlier treaties, as opposed to the Constitution, which would replace all previous treaties.   
Thus, on 13th of December, 2007, was signed the famous Treaty of Lisbon (in force since 1st of December, 2009).

**Legal nature of the European Communities**:   
The Treaty of European Union does not establish a fixed aim, so that means the EU as a step toward European integration.   
The EU is the set of the European Communities and the intergovernmental pillars.   
  
Community pillar. It incorporates the three Communities: ECSC, EEC and EURATOM.   
The difference between the Community pillar and the remaining two and intergovernmental organizations is that the first pillar is falling in the functioning of all institutions and forms of community control. It is a supranational pillar because their decisions are above the state decision, because the skills are European, and because the European institutions are those that govern such powers.   
Institutions that compose "Council of Union," European Commission-European Parliament-Trib of Justice EC;-Trib of Auditors.   
These five are the European Institutions.   
  
Above the institutions is the European Council, but this is not a European institution, but a promoting body. 

**Intergovernmental pillars**:   
Pilar CFSP / PSD (Common Foreign and Security Policy / Security and Defence Policy). From the Treaty of Nice is known as PSD (Arts 11-27 TEU). The EU approach does have a single policy framework outside.   
  
CAJAI (cooperation on justice and home affairs). Arts 28-42 TEU.   
On criminal matters   
  
The EU is a set of skills divided into three distinct areas: the community level, formed in turn by two European Communities, EEC and EURATOM, and two intergovernmental pillars: CFSP / PSD and CAJAI.   
Skills are developed through an institutional system, comprising x five institutions and a number of organs, and are also led by the European Council.   
  
The U.S. has a meaning with three different aspects:   
**1)** The principle of progressivity: The EU is a process, evolutionary and progressive.   
**2)** The federal vocation: It eliminated formal reticence federal qualification, but essentially is a kind of supranational federalism.   
**3)** The multilevel constitutionalism: it is a legal category that led the authors to explain how the mechanisms of competence at national and European level.

**The objectives of the EU:**   
The EU was created with the aim of achieving peace. Aim was actually achieved with the creation of the European Communities.   
*EU objectives*:   
**1)** Economic objective: is to get a free space without borders, where there is free movement of persons, goods and capital.   
The economic element is the achievement of Economic and Monetary Union (EMU). There can be no free space, borders; there can be economic and social cohesion without an economic and monetary union, which has not yet been achieved, since not all EU countries have adopted the euro as their currency.   
**2)** Objective of the construction of a European citizenship appears with the creation of the EU. European citizenship is superimposed on the national level. It aims to share rights, not to replace them by others and also share a legal status.   
**3)** Aim to create a common foreign policy: it gets to the second intergovernmental pillar. It is not the exclusive competence of the EU, is shared with States.   
**4)** Cooperation in Justice and Home Affairs: Since the signing of the Treaty on European Union, there is a police and judicial cooperation, which establishes common bonds to fight organized crime.   
**5)** Consolidation of the acquis communautaire: the set of case law, rules and European policies have to respect the countries of the EU.   
The objective of the EU is to develop, create their own rules, jurisprudence and go slowly integrating expertise in the Community pillar.   
  
**Distribution of competence EU-States:**   
Application of competence is based on a set of principles because the system is quite complex skills. It would have been that the EU had an exclusive listing and other shared competencies which established the European Constitution.   
  
- *Three categories of skills*:   
Those that are included in these categories are exclusive to the States.   
The Art 7.1 TCE establishes the principle of attribution by which the EU can exercise only the powers are expressly conferred.   
Art 308 EC establishes a flexible open clause.   
Exclusive powers of the EU: in the field of customs union, fishing, monetary policy, and common commercial policy, conservation of fishery resources and marine resource management, fair competition policy.   
Any legislation on these issues is European. State legislation is complementary. States involved in the implementation. Powers are transferred to a first level.   
2- *Shared competences EU / States*: Includes a catalog of more powers. The European standard for domestic moves, but it is necessary and more appropriate than national levels to achieve the objectives pursued. This uses the directives, understood as the legal instrument by which the EU sets out objectives and means puts the state.   
3- *Additional Competencies to the EU States*: a part added to complement the European and national provisions: in education, sports, culture ...   
The principle of subsidiary is governed by Art 5 ECA established an alternative protocol to the Amsterdam Treaty: if the competition was best carried out while in the States not be moved to the U.S. The State has a preference to stay with the powers.   
The principle of proportionality means that media cannot be given powers to the EU, but also give the necessary means. So what governs the Art 6.4 TEU. 

**COMPETENCES IN JUSTICE**

The Court of Justice and the Court of First Instance have been facing a considerable increase in cases and workload over recent years. They are finding it ever more difficult to do their work rapidly and effectively. In the light of this situation and the forthcoming enlargement of the Union to 27 Member States, important measures were taken in the Nice Treaty to improve the operation of the judicial system of the European Union (EU).

These reforms concern mainly the composition of the Court of Justice and the Court of First Instance, the division of jurisdiction between these two bodies (strengthening the role of the Court of First Instance), the arrangements for adopting their Statute and their rules of procedure and the handling of disputes regarding Community industrial property rights.

The provisions in the Nice Treaty on the judicial system are many: they can be found in nine main Articles, a Protocol on the Statute of the Court of Justice and the Court of First Instance and five declarations.

**2. – Court of Justice in the EU.**

**A. –**Election, composition, internal organization and operation.

It is currently regulated in the arts. 220 to 245 TEC. Since its origin, is a unique institution, as we know. As collects art. 220, has a crucial role, as is ensuring compliance with the law in the interpretation and application of the Treaties. Have the judiciary power in the context of the EU, and noted that the judicial power is exercised by the Tribunal, but is also shared by judges and national courts of different Member States, since the latter should also apply Community law. Thus, national judges are the ordinary courts of Community law. Community law is an autonomous right, but applicable and integrated in the Member States.

Art. 220 also speaks of the Court of 1st Instance. This was not always so, since it was created by the 80s, under a provision of the Single Act, which was attributed the power to establish a Court of 1st Instance attached to the Court of Justice, and which would work to it. Thus, in 1988, under the Single European Act, adopted a decision establishing this Tribunal. All this because, over the years, there has been a heavy workload in the courts, which has slowed the work, even with the creation of the Court of 1st Instance was not enough to solve this problem. In this sense, the Treaty of Nice tries to reorganize work within the Court, in order to make it work as effectively as possible. Thus, the Treaty of Nice reorganizes the distribution of powers between the Court and the Court of 1st Instance. It also introduces the possibility of creating specialized judicial panels. In fact, only recently has started the work of the Court of Civil Community, which would be the first specialized panel established under this provision of the Treaty of Nice. Another point worth highlighting is that, today, the Court will operate only in full for a few occasions, so that will work in rooms, just to try to ensure that their work is done in the most effective.

**B. –** Composition of the COURT, organization and procedure

As for the composition, art. 221 speaks of a judge per Member State, just to try to ensure understanding of the legal system of each State. He will be assisted by eight lawyer-general, whose role will be publicly presented, with complete impartiality and independence, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice, require his involvement, as derived from the art. 222 TEC. This figure bears no resemblance with another figure of Spanish law. They have an important role, because sometimes it helps to understand the Court and, therefore, is very convenient.

Both judges and lawyer- general are also elected. Thus the art. 223 has to be chosen from persons whose independence is beyond doubt and who possess the qualifications required in the exercise, in their respective countries, the highest judicial office or be judges-consulting  of recognized standing, appointed by common accord of the governments Member States for a period of six years

Every three years there shall be a partial replacement of judges and lawyer-general, under the conditions laid down in the Statute of the Court. This will ensure that it is completely renewed the Court, in the face that there are some members with sufficient experience in office.

The Judges shall elect among themselves the President of the Court of Justice for a term of three years, with its renewed mandate.

|  |  |
| --- | --- |
| **Año** | **Presidentes del Tribunal de Justicia de la UE** |
| 1952–1958 | [Massimo Pilotti](http://es.wikipedia.org/w/index.php?title=Massimo_Pilotti&action=edit&redlink=1#_blank) |
| 1958–1964 | [Andreas Matthias Donner](http://es.wikipedia.org/w/index.php?title=Andreas_Matthias_Donner&action=edit&redlink=1#_blank) |
| 1964–1967 | [Charles Léon Hammes](http://es.wikipedia.org/w/index.php?title=Charles_Léon_Hammes&action=edit&redlink=1#_blank) |
| 1967–1976 | [Robert Lecourt](http://es.wikipedia.org/w/index.php?title=Robert_Lecourt&action=edit&redlink=1#_blank) |
| 1976–1980 | [Hans Kutscher](http://es.wikipedia.org/w/index.php?title=Hans_Kutscher&action=edit&redlink=1#_blank) |
| 1980–1984 | [Josse Mertens de Wilmars](http://es.wikipedia.org/w/index.php?title=Josse_Mertens_de_Wilmars&action=edit&redlink=1#_blank) |
| 1984–1988 | [John Mackenzie-Stuart](http://es.wikipedia.org/w/index.php?title=John_Mackenzie-Stuart&action=edit&redlink=1#_blank) |
| 1988–1994 | [Ole Due](http://es.wikipedia.org/w/index.php?title=Ole_Due&action=edit&redlink=1#_blank) |
| 1994–2003 | [Gil Carlos Rodríguez Iglesias](http://es.wikipedia.org/wiki/Gil_Carlos_Rodríguez_Iglesias#_blank) |
| 2003–  ? | [Vassilios Skouris](http://es.wikipedia.org/w/index.php?title=Vassilios_Skouris&action=edit&redlink=1#_blank) |

The membership of the Court has always been odd, and in cases where the number of Member States was even, some States had two judges. All this to avoid possible draws.

For  preserve the total independence of the members of the Court, the mandate of them is fixed, ceasing only by death, resignation or by unanimous decision of other members of the Tribunal.Furthermore, the deliberations are secret and judges are required to maintain discretion about how they have developed their deliberations.

As the Court of 1st Instance, Art. 224 provides that comprise at least one judge per Member State. The number of judges will be determined by the Statute of the Court. Today, you do not have the assistance of attorneys general, but, if considered appropriate, a judge member may perform the duties of general counsel. The designation procedure and conditions required are basically the same.

Is renamed by the Treaty of Lisbon "General Court", as did the European Constitution.

Art. 225 provides that this Court shall have jurisdiction at first instance actions or proceedings referred to in Art. 230, 232, 235, 236 and 238, with the exception of those assigned to a judicial panel and those reserved in the Statute the Court of Justice. The Statute may provide for the Court of 1st Instance has jurisdiction in  
other categories of resources. Decisions given by the Court of 1st Instance, an appeal may be brought before the Court of Justice on points of law on the conditions and within the limits specified in the statute.

Also be competent to hear and determine appeals against decisions of the judicial panels set up under art. 225 A.

Regarding the functioning of the Court, Art. 221 provides that the Court shall sit in chambers or in a Grand Chamber, in accordance with the rules laid down in the Statute of the Court. When the statute so provides, the Court may also sit in plenary session, usually for cases of exceptional importance. The House can work with a minimum quorum of 15 judges, but the ordinary operation will be in Chambers and Grand Chamber. Chambers may be 3 or 5 judges, and, currently, there are May 3 and March 3, but the number of judges in each chamber is larger and rotate. The Boards of three judges often deal with cases where there is already an established case law. For its part, the Chambers of five judges often deal with matters that require a jurisprudential development. Finally, the Big Board would address the issues of greatest importance, the fundamental principles or where there is no case law. The Big Board would be chaired by the Chief Justice, and would also comprise the Chairmen of the Boards of five judges.

With regard to languages, has established a procedural language, which is considered the authentic version, and that translates all the documentation. All official EU languages may be procedural languages. It determines the language of the proceedings, in regard to direct actions, with the applicant who chooses, but we are with one exception, when the defendant is a Member State or an individual or a national legal Member State, in this case being the official language of that State. In regard to the questions, the language of proceedings would be the national language of the national court that the raises. And in the appeals, the procedural language is that of the decision.

Judges and lawyers-general can always use any official language of the Community and Member States can always use their own language, although not the language of proceedings.Similarly, witnesses and experts may be allowed to use another language than that of procedure.

The internal working language is actually French. All judges know French.

As for the procedure discussed in the first place of the general characteristics.

The proceedings before the Court of Justice of the European Communities, is based on the procedural rules applied by the French administrative courts, and in particular by the French Council of State. It is characterized as "contradictory and public, too, mixed and inquisitive."

The contradictory character derives from the fact that all of the parties are entitled to be heard and present their arguments and to be informed of all proceedings. Moreover, the views are always public, unless for serious reasons, the Court decides otherwise, ex officio or upon application.

It is a combined procedure because it consists of a written, followed by an oral, which allows the parties to develop and complete the arguments contained in their pleadings. It is also inquiring into the effect that a complaint has been filed the Court is actively involved in the proceedings, setting the dates for submission of the remaining pleadings, deciding to adopt the means of instruction needed …

On the representation of parties in the process, Article 17 of the Statute of the ECJ imposes the principle of mandatory intervention of a lawyer. While Member States and Community institutions are represented by their Agents, and, where appropriate, by an adviser or lawyer.The natural and legal persons must act represented by an attorney licensed to practice in the Member States. The application of this principle is qualified in preliminary ruling proceedings, which takes into account the rules on the applicable party in the case before the national court.

There are different phases:

**Written:**

This phase is intended that judges and attorneys general have an exhaustive statement of the facts and the reasons for the dispute, and the arguments and claims of the parties. The written procedure has variations depending on whether it is a direct appeal to an appeal or a question.

In direct actions, the written procedure begins with the letter of filing the claim, which is served on the defendant to present the defense. These writings can be and often supplemented by a reply from the applicant and a rejoinder from the complainant.

In the case of an appeal against a decision of the Court of First Instance, the written procedure begins with the letter of application, which is followed by the defense and, if the president authorizes it, the reasoned request of the parties , you can submit the reply and rejoinder.

The written preliminary processes begins with the transfer of the national court's decision raised the question. In these processes, the written procedure is non-adversarial and the parties may have an intervening period of two months from notification of the decision to refer to present their

Once all pleadings submitted, the rapporteur judge issues a preliminary report to determine if additional measures are necessary instruction requiring inquiry, posed questions to the parties for them to respond in writing the proposed judicial training must judge the merits of the case.After completing these actions, if necessary, completes the written procedure.

However, during this phase can be written to raise some additional issues, such as the request for interim measures, procedural incidents or request for third party intervention.

-     **Speaking.**

The oral supplement the written procedure, but its importance is minor. Thus, recent reforms of the Rules of Procedure allow their removal in some cases. According to Article 44 bis and 120 of the same, allowing the suppression of the hearing, the appeals where there is no objection of a party based on the need to complete their submissions by a presentation and, in Questionswhere the parties have not requested oral comments.

18.4 º The Art of the ECJ Statute provides that "the oral proceedings consist of the reading of the report of a Judge-Rapporteur, the hearing by the Court of agents, advisers and lawyers and the Advocate-General and, if it involves, the hearing of witnesses and experts. " In practice this is not true for two reasons, first, the report by the rapporteur judge is not read at the hearing, the lawyers sent three weeks before the hearing, and second, the Advocate-General are submitted after sight.

The purpose and usefulness of live view on the possibility that the lawyers for the parties briefly analyze the most complex and difficult of its pleadings, highlighting and articulating to the judges and the attorney general the grounds of their claims. It also allows members of the ECJ to formulate any questions they deem necessary to the lawyers. If the lawyers of the parties are limited to a mechanical repetition and summary of the arguments in the pleadings, the usefulness of the oral is low or zero.

-     Advocate-General, deliberation and decision

Formally, the Lawyer-General are part of the oral procedure, but in practice have been at a later stage of the procedure.

Barring exceptional cases, general counsel at the hearing only indicate the filing date of its conclusions, made in writing and distributed to members of the Court before they are read at a hearing. The author is not necessarily the attorney general. Is not performed a complete reading of the findings, but the settlement proposal submitted by the attorney general to judges. In addition, all matters requiring the submission of the findings, although no hearing has been concluded.

The reading of the findings involved the termination and the entry of the case at the stage of deliberation by the judges, to sentencing.

The judgment is the normal resolution processes to resolve the ECJ, although the Court uses the file to resolve procedural incidents, requests for legal aid or inadmissibility issues. The deliberations of the judges to make the decision can be initiated in different ways, at the discretion of the judge rapporteur.

In the case of coincidence with the solution proposed by the attorney general, the standard is the development by the rapporteur of a draft ruling that other judges undergo training. In other cases, it begins with an introductory note to the deliberation, in order to reach a basic agreement on the wording of the draft ruling.

The judgment is binding and displays the effect of res judicata from the day of delivery. As the ECJ is a court that resolves always, ultimately, their judgments are not appealable, you can only bring extraordinary resources, including review, interpretation of sentence, and third-party opposition.

As the Court's jurisdiction, the powers can be grouped into contentious, advisory and preliminary.

The jurisdiction would be the most numerous and include all proceedings in a case which is submitted directly to the Court, and among them we can mention, first, those relating to infringement proceedings, the resources directed to review the legality Community; tort or resources.

The advisory powers, meanwhile, refer to those cases in which the Court issues an opinion, mandatory in some cases, other optional, but always binding.

Finally, the preliminary rulings are contained in art. 234 TEC, and refer to those issues that are raised by the national judges to the Tribunal. As are those who ordinarily have to apply Community law, they can raise doubts in its application.

As to the panels, has created one, but is expected to create more. With the Lisbon Treaty, they are called specialized courts.

**DISTRIBUTION OF POWERS BETWEEN THE COURT AND THE COURT OF FIRST INSTANCE**

The Treaty sets out the division of powers between the Court and the Court of First Instance, but specifies that the scope of these may be specified by the status of both institutions (Article 225 EC).

The Court shall review the legality of acts of common law for all direct actions, including actions for annulment (Article 230 EC) by default (Article 232 EC), responsibility (Article 235 EC), except those that are sent to a judicial panel and those reserved in the Statute the Court of Justice.

The Court, acting as the supreme court of the Union retains jurisdiction over other disputes relating to key issues for the Community order and performs this task by the procedure of the questions submitted to it by national courts. The provision of the Treaty provides, however, that the statute may give the Court of First Instance ruling competition in some specific areas.

To clarify the details of this deal, the Declaration No. 12 annexed to the Treaty that the Court of Justice and the Commission to carry out without delay a comprehensive study of the distribution of powers, so that may be examined after the entry into force on Treaty of Nice.

The Lisbon Treaty does not change substantially.  
A new procedure for 'emergency' was introduced in the preliminary reference system, which would allow the Court to act "with the minimum of delay" when a case involves an individual prisión.16  
The foreign policy issues would remain excluded from the jurisdiction of the Court, although there will be new jurisdiction to review the foreign policy of sanctions measures. They also have jurisdiction over certain matters not related to police cooperation and criminal ("Area of Freedom, Security and Justice (AFSJ )). 17  
At the Court of First Instance was changed its name to "General Court."  
Tribunal set up to download work to the European Court.  
Its main function is to serve the resources of individuals and / or corporate legal acts and omissions of the European Union institutions.

**JUSTICE AND HOME AFFAIRS**

Since the creating of the EU in 1993, it has developed its competencies in the area of justice and home affairs, initially at an intergovernmental level and later by supranationalism. To this end, agencies have been established that co-ordinate associated actions: [Europol](http://en.wikipedia.org/wiki/Europol) for co-operation of police forces, [Eurojust](http://en.wikipedia.org/wiki/Eurojust) for co-operation between prosecutors, and [Frontex](http://en.wikipedia.org/wiki/Frontex) for co-operation between border control authorities. The EU also operates the [Schengen Information System](http://en.wikipedia.org/wiki/Schengen_Information_System) which provides a common database for police and immigration authorities. This cooperation had to particularly be developed with the advent of open borders through the [Schengen Agreement](http://en.wikipedia.org/wiki/Schengen_Agreement) and the associated cross border crime.

Furthermore, the Union has legislated in areas such as extradition, [family law](http://en.wikipedia.org/wiki/Family_law), asylum law, and [criminal justice](http://en.wikipedia.org/wiki/Criminal_justice). Prohibitions against sexual and nationality discrimination have a long standing in the treaties. In more recent years, these have been supplemented by powers to legislate against discrimination based on race, religion, disability, age, and [sexual orientation](http://en.wikipedia.org/wiki/Sexual_orientation). By virtue of these powers, the EU has enacted legislation on [sexual discrimination](http://en.wikipedia.org/wiki/Sexism) in the work-place, [age discrimination](http://en.wikipedia.org/wiki/Ageism), and [racial discrimination](http://en.wikipedia.org/wiki/Racism). By virtue of the [Treaty of Lisbon](http://en.wikipedia.org/wiki/Treaty_of_Lisbon), the EU is now bound by its [Charter of Fundamental Rights](http://en.wikipedia.org/wiki/Charter_of_Fundamental_Rights_of_the_European_Union) which consolidates a large array of citizens rights.