



CVRIA



# Your questions about:

the Court of Justice of the European Union

the EFTA Court

the European Court of Human Rights

the International Court of Justice

the International Criminal Court

# CJEU

## COURT OF JUSTICE OF THE EUROPEAN UNION

### ORIGIN

**1952:** ECSC Court established<sup>1</sup>

**1957:** Became Court of Justice of the European Communities

**1989:** Court of First Instance established

**2004:** Civil Service Tribunal established

**2009:** The CJEC became the Court of Justice of the European Union (CJEU), composed of the Court of Justice, the General Court and the Civil Service Tribunal



**SEAT:** Luxembourg

### APPLICABLE LAW

EAEC Treaty,<sup>2</sup>

Treaty on European Union (TEU),

Treaty on the Functioning of the European Union (TFEU),

Secondary legislation.

### MEMBER STATES

Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and United Kingdom.

### TASK

Ensure that in the interpretation and application of European Union Law the law is observed.

### JURISDICTION

#### Court of Justice

1. References for preliminary rulings from national courts on the interpretation of the treaties and acts of the institutions, bodies, offices or agencies of the Union or on the validity of acts of the Union.
2. Direct actions for which it has exclusive jurisdiction, namely:
  - Actions for failure of a Member State to fulfil its obligations;
  - Actions for annulment or for failure to act brought by:
    - a Union institution against another institution;
    - a Member State against the European Parliament and/or the Council, except for actions against the Council concerning State aid, dumping or the Council's implementing powers;
    - a Member State against the Commission concerning enhanced cooperation as provided for in the Treaty on the Functioning of the European Union
3. Appeals against decisions of the General Court
4. The review of decisions of the General Court ruling on appeals brought against decisions of the Civil Service Tribunal.

#### General Court

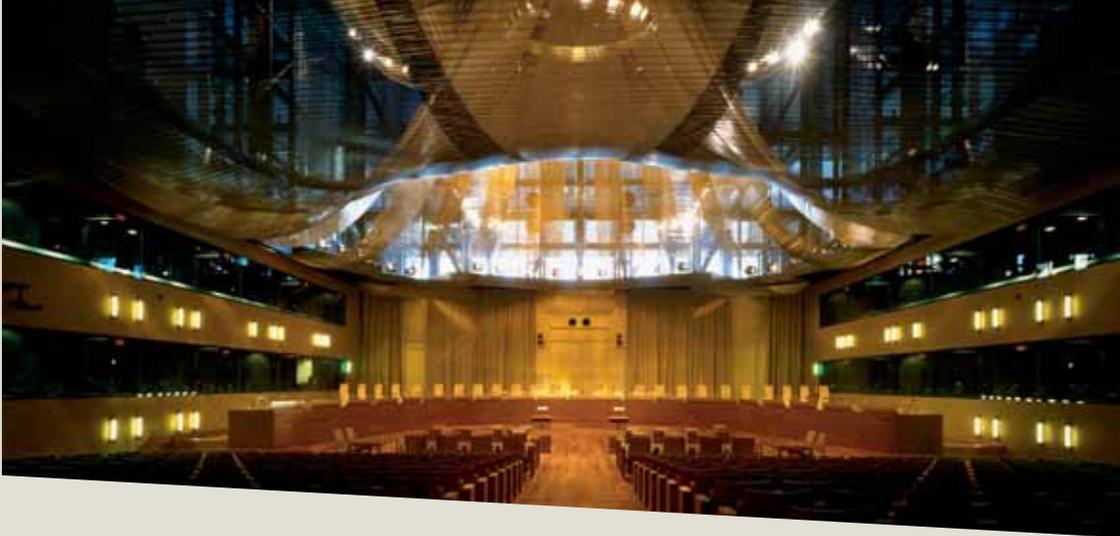
All direct actions except those for which the Court of Justice has exclusive jurisdiction.

#### Civil Service Tribunal

Disputes between the European Union and its servants, and the staff of certain bodies and agencies, in particular that of Eurojust, Europol and OHIM.

<sup>1</sup> European Coal and Steel Community

<sup>2</sup> European Atomic Energy Community



### ACCESS BY CITIZENS

A natural or legal person may bring an action before the General Court:

- against an act of one of the institutions, of one of the bodies, offices or agencies of the European Union which is addressed to him or which is of direct and individual concern to him;
- against a regulatory act which concerns him directly and which does not entail implementing measures.

In addition, citizens of the Union also have the possibility to submit their observations to the Court of Justice where a national court, called upon to decide a dispute which concerns them, decides to refer questions for a preliminary ruling to the Court.

### COMPOSITION

#### **Court of Justice**

- 1 Judge per Member State (currently 27) and 8 Advocates General,
- 6 year term of office, renewable;

#### **General Court**

- At least 1 judge per Member State, currently 27,
- 6 year term of office, renewable.

#### **Civil Service Tribunal**

- 7 Judges
- 6 year term of office, renewable.

### LANGUAGES

Any of the official languages of the European Union may be used as the language of the case. In general, the language of the case is that of the 'applicant'. For preliminary rulings, it is the language of the national court that has referred the question to the Court of Justice. In actions for failure to fulfil obligations, the language of the case is that of the State against which the action is brought while, in appeals, the language of the case is generally that in which the decision of the General Court was given.

### SPECIAL FEATURES

European Union law takes precedence over national law and is to be applied in a uniform manner in all the Member States.

The judgments of the Court of Justice of the European Union are binding in all the Member States.

#### **ADDRESS**

Court of Justice of the European Union - Press and Information - L-2925 Luxembourg  
Tel: (+ 352) 43 03 1- Fax: (+ 352) 43 03 25 00 - Internet: <http://www.curia.europa.eu>

# EFTA COURT



— **ORIGIN:** 1994

— **SEAT:** Luxembourg (since 1996)

— **APPLICABLE LAW**

Agreement on the European Economic Area (EEA) and protocols,

Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and protocols;

Secondary EEA legislation.

— **MEMBER STATES**

Iceland, Liechtenstein and Norway.

— **TASK**

Ensure that in the interpretation and application of the Law of the EEA the law is observed.

— **JURISDICTION**

Interpretation of the law of the EEA.

Disputes between Contracting Parties, between the EFTA Surveillance Authority and Contracting Parties, and between the EFTA Surveillance Authority and the addressee of a decision of the Authority or a person directly and individually concerned by such a decision.

References for advisory opinions sought by national courts unsure as to the interpretation of the law of the EEA.



#### **ACCESS BY CITIZENS**

A natural or legal person may bring an action if:

- he is the addressee of a decision of the EFTA Surveillance Authority,
- or he is directly and individually concerned by such a decision.

In addition, a reference for an advisory opinion also gives citizens the possibility of access to the EFTA Court by means of questions put by national courts in the context of a case pending before a national court.

#### **COMPOSITION**

3 judges (1 per Member State).

#### **LANGUAGES**

English and the language of the national court requesting an advisory opinion.

#### **SPECIAL FEATURES**

EEA law which has been adopted in the EFTA States is directly applicable in those States. It prevails over national law and includes the principle of State liability.

Judgments in direct actions are binding, but advisory opinions are not.

#### **ADDRESS**

EFTA Court - 1 Rue du Fort Thüngen - L-1499 Luxembourg

Tel: (+ 352) 42 10 81 - Fax: (+ 352) 43 43 89

Internet: <http://www.eftacourt.int> - e-mail: [eftacourt@eftacourt.int](mailto:eftacourt@eftacourt.int)

# ECHR

## EUROPEAN COURT OF HUMAN RIGHTS

### ORIGIN

**1959:** European Court of Human Rights established

**1998:** Entry into force of Protocol N° 11 to the European Convention on Human Rights (1950) establishing a single court sitting full-time and replacing the European Commission of Human Rights (1954) and the European Court of Human Rights (1959).



**SEAT:** Strasbourg (France)

### APPLICABLE LAW

European Convention for the Protection of Human Rights (1950) and additional protocols.

### MEMBER STATES

States which have ratified the European Convention on Human Rights (in 2009, 47 States).

Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, 'former Yugoslav Republic of Macedonia', Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.

### TASK

Ensure that commitments arising for the High Contracting Parties to the European Convention on Human Rights and its protocols are complied with.

### JURISDICTION

Any Contracting State (inter-State application) or any individual claiming to be the victim of a breach of the Convention (individual application) may make an application directly to the Court alleging a breach by a Contracting State of a right guaranteed by the Convention.

### ACCESS BY CITIZENS

An application may be made to the Court by any natural person, non-governmental organisation or group of individuals claiming to be the victim of a breach by one of the High Contracting Parties of a right guaranteed by the Convention or its protocols.

The Court may deal with the matter only after all domestic remedies have been exhausted and within six months of the final national decision. The Court will declare an individual application inadmissible if it is anonymous or substantially the same as a matter that has already been examined by the Court, or has already been submitted to another procedure of international investigation or settlement, or if the Court considers it to be contrary to the provisions of the Convention or its protocols, or clearly unfounded or abusive.



A lawyer's assistance is required only once the case has been notified to the defendant government. Under the Rules of the Court, legal aid may be granted to the applicant from that stage, provided that it is necessary for the proper conduct of the case before the Chamber and that the applicant has insufficient means to meet all or part of the costs entailed.

#### **COMPOSITION**

The number of judges is equal to the number of High Contracting Parties (currently 47). Term of office of 6 years, renewable.

The Court sits in Committees of 3 judges, in Chambers of 7 judges and in a Grand Chamber of 17 judges. The judge elected in respect of a State Party concerned in a case is an ex officio member of the Chamber and the Grand Chamber.

#### **LANGUAGES**

English and French.

Before the application has been notified to the defendant government, the applicant may use one of the official languages of the High Contracting Parties. Observations must normally be made in one of the two official languages of the Court, unless the President of the Chamber authorises the applicant to continue using the official language of a High Contracting Party.

#### **SPECIAL FEATURES**

Role of the Grand Chamber: a Chamber may at any time, subject to certain conditions, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties objects.

Within three months from the date of a judgment of a Chamber, any party may ask for the case to be referred to the Grand Chamber. In exceptional cases, a panel of five judges accepts the request for referral.

#### **ADDRESS**

European Court of Human Rights - Council of Europe - F-67075 Strasbourg  
Tel: (+ 33) 388 41 20 18 - Fax: (+ 33) 388 41 27 30 - Internet: <http://www.echr.coe.int>

# ICJ

## INTERNATIONAL COURT OF JUSTICE

### ORIGIN

**1945:** The Court was created as the principal judicial organ of the United Nations, as the successor to the Permanent Court of International Justice (PCIJ) set up in 1922 under the aegis of the League of Nations.

**SEAT:** The Hague (Netherlands)

### APPLICABLE LAW

International conventions and treaties, international custom, general principles of law and, as subsidiary means, judicial decisions and the teachings of the most highly qualified legal writers.

### MEMBER STATES

- Member States of the United Nations (192 in 2009), which are automatically parties to the Statute of the Court.
- States which have become parties to the Statute of the Court, but have not signed the Charter or become Members of the United Nations.
- Other States which have deposited a declaration at the Registry under conditions laid down by the UN Security Council.

### TASK

- To settle in accordance with international law disputes of a legal nature between States submitted to it by the States themselves.
- To give advisory opinions on the legal questions that may be put to it by organs or agencies of the UN authorised to do so.

### JURISDICTION

- Settlement of legal disputes between States submitted to it by States (judicial function).
- Advisory opinions on legal questions at the request of the organs of the UN (5) or specialised agencies of the UN (16) duly authorised to make such requests (advisory function).

### ACCESS BY CITIZENS

Private individuals have no access to the Court, since Article 34 of the Statute provides that only States may be parties in cases before the Court.

Private interests may nevertheless be the subject of an action before the Court if a State takes up the case of one of its nationals and pursues his complaints against another State.





### COMPOSITION

In total, 15 judges elected for 9 years by the UN General Assembly and Security Council; the members of the Court represent the main forms of civilisation and the principal legal systems of the world.

One third of the Court is elected every 3 years.

Judges may be re-elected.

### LANGUAGES

English and French

### SPECIAL FEATURES

The Court can hear a dispute only if the States concerned have accepted its jurisdiction in one of the following three ways:

1. by the conclusion between them of a special agreement to submit the dispute to the Court;
2. by virtue of a jurisdictional clause in a treaty which provides for the matter to be referred to the ICJ in the event of a dispute between the signatory States;
3. through the reciprocal effect of declarations (States may make declarations accepting the jurisdiction of the Court as compulsory in the event of a dispute with another State which has made a similar declaration).

The Court's judgments are binding on the parties. They are final and without appeal.

In principle, advisory opinions have no binding effect.

### ADDRESS

International Court of Justice - Peace Palace - Carnegieplein 2 - NL-2517 KJ The Hague  
Tel: (+ 31) 70 302 23 37 (Information) - Internet: <http://www.icj-cij.org>



# ICC

## INTERNATIONAL CRIMINAL COURT (ICC)

### ORIGIN

**17 July 1998:** 120 States adopted the Rome Statute establishing the International Criminal Court. The Statute of the ICC entered into force on 1 July 2002.

**SEAT:** The Hague (Netherlands)

### APPLICABLE LAW

- First, the Statute of the ICC, ICC Rules of Procedure and Evidence and Elements of Crimes;
- Secondly, the treaties applicable and the principles and rules of international law, including the established principles of the international law of armed conflicts;
- Failing that, the general principles of law identified by the Court from the national laws of the various legal systems

### MEMBER STATES

States party to the ICC Statute are States which have acceded to the Statute by ratification, acceptance, approval or accession.

On 1 August 2009, 110 States were parties to the ICC Statute and 139 States had signed it.

### TASK

- To help ensure that international criminal justice is observed and applied on a lasting basis, crimes are prevented and impunity combated;
- To investigate, prosecute and try the most serious crimes, fairly, efficiently and impartially;
- To act transparently and efficiently.

### JURISDICTION

**Ratione materiae:** the ICC has jurisdiction to prosecute and try those responsible for the most serious crimes:

- genocide,
- crimes against humanity,
- war crimes,
- the crime of aggression, once it has been further defined.

**Ratione temporis:** the ICC has jurisdiction with respect to crimes committed after the entry into force of the Statute, that is after 1 July 2002.

**Ratione personae:** the ICC has jurisdiction if the person accused is a national of a State party to the Statute or if the crime is committed on the territory of a State party to the Statute. However these conditions do not apply if the matter has been referred to the Prosecutor by the UN Security Council.

'Complementarity' principle: the ICC may investigate and, where warranted, prosecute and try persons only where the State concerned is unable or does not intend to do so.

## ACCESS BY CITIZENS

The Statute includes important provisions concerning the rights and interests of victims. For the first time in the history of international criminal justice, victims will be able to participate in proceedings and make applications for compensation for the material and non-material damage they have suffered.

In addition, individuals and intergovernmental and non-governmental organisations can address communications to the Office of the Prosecutor regarding crimes which fall within the Court's jurisdiction.

## COMPOSITION

The Court is composed of four organs: the Presidency, the Judicial Divisions, the Office of the Prosecutor and the Registry.

The Presidency is composed of the President and two Vice-presidents elected from the 18 judges of the Court.

The 18 judges of the Court (this number may be increased), from around the world, are elected for a term of up to nine years by the Assembly of States Parties. They are divided into three divisions:

- the Pre-Trial Division
- the Trial Division
- the Appeals Division.

A third of the judges are elected every 3 years.

The Office of the Prosecutor is headed by the Prosecutor who is assisted by a Deputy Prosecutor. They are elected by the States Parties.

The Registry is headed by the Registrar, who is elected by the judges.

## LANGUAGES

The working languages: English and French. At the request of a party to proceedings or a State authorised to intervene in proceedings, the Court, if it considers it justified, authorises the use by that party or that State of a language other than English or French.

The official languages: Arabic, Chinese, English, French, Russian and Spanish.

## SPECIAL FEATURES

- The ICC is an independent court;
- The ICC is permanent;
- The ICC has jurisdiction with regard to natural persons;
- The ICC was established by a founding treaty (the Rome Statute), unlike the *ad hoc* criminal courts which were set up by resolutions of the UN Security Council;
- The States accept its jurisdiction presumptively by ratifying the Rome Statute;
- The Security Council can refer cases to the ICC acting under Chapter VII of the Charter of the United Nations.

### ADDRESS

International Criminal Court - Maanweg, 174 - NL-2516 AB The Hague  
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