

Important changes to CJEU procedure: transfer of jurisdiction to General Court 2/40/24



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Passed on 11 April 2024, Regulation 2024/2019 significantly changes the jurisdiction of the Court of Justice of the European Union (CJEU), in particular the jurisdiction to hear tax, customs and other specific matters. These changes provide that certain areas of litigation so far handled by the CJEU will now be transferred to the General Court. This is done to make the procedures more efficient and reduce the length of court hearings. The changes came into force on 1 September 2024, when the CJEU Statute was amended, and will apply from 1 October 2024.

The CJEU is the highest court in the EU judicial system. It makes final decisions on the interpretation and application of EU law. The CJEU ensures EU law is interpreted uniformly across the EU.

The General Court is a lower court in the EU judicial system.

According to the latest amendments, the General Court makes decisions in specific areas to ease the CJEU's caseload and make hearings more efficient.

Under Regulation 2024/2019, the General Court is taking over the jurisdiction to give preliminary rulings in six specific areas from 1 October 2024:

1. The common system of VAT
2. Excise duties
3. The Customs Code
4. The tariff classification of goods under the Combined Nomenclature
5. Compensation and assistance to passengers
6. The system for greenhouse gas emission allowance trading

These areas rarely involve matters of principle likely to affect the unity or consistency of EU law. There is ample CJEU case law in these areas that should enable the General Court to rely on earlier rulings. These areas account for almost 20% of preliminary cases submitted to the CJEU, a sufficiently steady percentage to bring about a real reduction in its caseload. This will allow the CJEU to focus on its mission of being the constitutional and supreme court of the EU.

Despite the transfer of jurisdiction to the General Court, the CJEU will retain the jurisdiction to give preliminary rulings in these specific areas if the request for a preliminary ruling raises independent questions of interpretation of:

1. Primary law, including the EU Charter of Fundamental Rights
2. Public international law
3. General principles of EU law

The General Court will also be able to refer to the CJEU a case that falls within its jurisdiction but requires a decision of principle likely to affect the unity or consistency of EU law.

The national courts (e.g. in Latvia) are not required to decide which court has jurisdiction to hear such requests. All requests are initially submitted to the CJEU, which then duly refers cases in a particular area to the General Court.

The changes are being made to manage hearings more efficiently and to issue faster and more accurate decisions in these specific areas.