

DUE Chair

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## **M1 in European Law**

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European Union litigation

Foreword

Introduction: Identification and structure of European Union litigation

§1): Organic connection: existence of a European Union jurisdiction

- A) Excess of international justice
- B) An unprecedented combination of judicial roles
  - 1. Role of administrative justice
  - 2. Role of constitutional justice
  - 3. Role of international justice
  - 4. Role of regulatory justice
  - 5. Role of 'high justice'

C) Real 'jurisdictional authority'

§2) Substantive connection: enforceability of European Union law: a new approach

- A) Direct effect and immediacy
- B) Direct effect and enforceability

§3) Assessment: structure of European Union litigation

Part One: The national judge: an ordinary judge of European Union litigation

CHAPTER 1: COOPERATION OF MEMBER STATE JUDGES WITH RESPECT TO EUROPEAN UNION LAW

Section 1: Foundation of the office of Member State judges

Section 2: Legal system of cooperation of Member State judges

Sub-section 1: Principle of institutional and procedural autonomy:

- §1: Rationale of the principle
- §2: Content of the principle
- §3: Subsidiary nature of the principle

Sub-section 2: Case law framework of institutional and procedural autonomy

- §1: Principle of equivalence: minimum guarantee
- §2 Principle of effectiveness: real guarantee

CHAPTER 2: COOPERATION BETWEEN MEMBER STATE JUDGES AND THE EUROPEAN UNION INSTITUTIONS

Section 1: Cooperation between actors in the European Union system

## Section 2: Cooperation between judges: preliminary reference procedure

### Sub-section 1: Purpose of the preliminary reference procedure

- §1) Objectives of the procedure
- §2) Actions eligible for referral

### Sub-section 2: conditions of the preliminary reference procedure

#### §1: Conditions relating to the questioner

- A) Possibility of referral: limits on the courts
- B) Obligation of referral: distinguishing between jurisdictions

#### §2: Conditions relating to the context of the question

- A) Existence of a dispute
- B) Relevance of the question
- C) Timing

### Sub-section 3: Addressing preliminary reference procedures

#### §1) Receipt of questions

- A) Assessment of the admissibility of questions
- B) Consideration of the wording of the question

#### §2) Responding to questions: applicable procedure

- A) Details of the procedure.
- B) Organisation of the procedure

### Sub-section 4: Scope of preliminary rulings

## Part Two: The European judge: a judge specialising in European Union litigation

### CHAPTER 1: THE COURTS OF THE EUROPEAN UNION

#### Chapter 1: Structure of the court system

##### Sub-section 1: Development

##### Sub-section 2: Composition of the court system

- §1) Court of Justice
- §2) General Court
- §3) Former Civil Service Tribunal

##### Sub-section 3: Coherence of the court system

- §1: Distribution of competences
- §2: Errors or conflicts of competence
- §3: Remedies

## Section 2: Proceedings before the European Union judge

### Sub-section 1: General aspects of the proceedings

- §1) General features
- §2) General course of the proceedings

### Sub-section 2: Special proceedings

- §1: Summary proceedings
- §2: Intervention
- §3: Amicable settlement
- §4: Withdrawal

### CHAPTER 2: ACCESS TO THE EUROPEAN UNION JUDGE

#### Section 1: Objective litigation

Sub-section 1: Annulment appeal

§1) Conditions for admissibility

§2) Grounds for judicial review

§3) Monitoring and judgment

Sub-section 2: Objective litigation for declaration

§1: Illegality exception (Art. 277 TFEU)

§2: Proceedings for failure to act (Article 265 TFEU)

§3: Infringement proceedings

Section 2: Subjective litigation

Sub-section 1: Action for extra-contractual liability

§1) Admissibility conditions for action for liability

§2) Difficulties in proving liability for damages

§3) Conditions governing liability

Sub-section 2: Civil service litigation

Sub-section 3: Other full jurisdiction proceedings

§ 1: Action for contractual liability

§ 2: Law enforcement litigation

§3: Intellectual property rights litigation

Type : Course

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