

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA
Course Masters in Law and Legal Practice
EUROPEAN UNION PROCEDURAL LAW

05/06/2025

Prof.^a Doutora Ana Soares Pinto

I

Action for failure to act (Article 265 TFEU): purpose; initiative (discussion: invitation to act came from A; procedure (pre-litigation phase and litigation phase); competent jurisdiction (GC); inadmissibility where the institution called upon to act has defined its position – a reasoned refusal to act in accordance with the call to act, constitutes a definition of position putting an end to the failure to act (case-law);

Action for annulment (Article 263 TFEU): purpose; private applicants: interest (uncertainty regarding whether the applicant could derive any advantage from the annulment; caselaw) and direct and individual concern within the meaning of the fourth paragraph of Article 263 TFEU (inadmissibility; caselaw); procedure; time limit; competent jurisdiction (GC);

Right: Charter of Fundamental Rights of the EU; scope; application to institutions, bodies, offices and agencies;

Conclusions.

II

Comment the following sentence:

Preliminary rulings: purpose; scope; distinction power/duty to request a preliminary ruling; exceptions; expeditious handling;

Reform: transfer of part of jurisdiction to the GC; allocation of jurisdiction between CJ and GC; possibility for the GC to refer the request to the CJ; possibility for the CJ to review the decision of the GC; changes applicable to all preliminary rulings;

Interaction between the reference for a preliminary ruling and the national proceedings;

Conclusions.

Time allowed: 1h30m

I: 11; II: 8; writing: 1.