



SHARING THE PRELIMINARY RULING FUNCTION BETWEEN THE COURT OF JUSTICE AND THE GENERAL COURT OF THE EUROPEAN UNION

The transfer of a little part of the preliminary rulings to the General Court confirms the centrality of the Court of Justice in ensuring the unity and evolution of EU law. Even if it would be excessive to define the former as a “longa manus” of the latter, the judicial reform shows and confirms a strict subordination of the General Court to the EJC. It caused by the (unclear) mechanism of referring the preliminary ruling to the General Court, as well as the checks that the Court carries out on the General Court both before and after the General Court’s decision.

The reform, with no doubt, lays the foundation for future developments, such as the broadening of the subject matters to be transferred and the integration of artificial intelligence tools to optimize decision-making processes.

At the same time, the hierarchy between the two Institution could also create repercussions on relations with national judges, who would perceive a downgrading of the importance of their question, with the further effect of discouraging the use of preliminary rulings.

Furthermore, should not be underestimated the enlargement of the adversarial process to the ECB, the European Parliament and the Council in proceedings involving acts of third parties: it seems to introduce federalizing elements in preliminary rulings with the risk of politicizing the Court.