

**Question for written answer E-002049/2024/rev.1
to the Commission**
Rule 144
Nikolaos Anadiotis (NI)

Subject: CJEU exceeds its jurisdiction and remit

The judgment of the Court of Justice of the European Union (CJEU) on granting Afghan women asylum is outside of its jurisdiction¹. This is because when the actions of the EU institutions are not limited to what is relevant to the matter at hand – the movement of goods, capital, services and workers within the EU – they act outside of their jurisdiction, in a way that is not binding for Member States.

Therefore, the CJEU's judgment – which essentially determines migration policy – on the one hand exceeds the limits of its jurisdiction and, on the other, intervenes in an area that is the prerogative of the Member States alone and not of the EU and its institutions. Any claim to the contrary would lead to the demise of national independence and to the transformation of the CJEU into the EU's supreme court, when it should only act as an ad hoc judicial body dealing with matters relating to certain aspects of the Union *acquis*.

In view of this:

1. Does the Commission not agree with the observation that the CJEU cannot issue judgments that are outside its jurisdiction and remit?
2. If it does agree, how does it intend to clarify the scope of action of the EU institutions and avoid any further instances of their jurisdiction and remit being exceeded?

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¹ <https://www.dikastiko.gr/eidhsh/dikastirio-tis-e-e-apofasi-stathmos-gia-tis-gynaikes-apo-to-afganistan/>