

(English version)

**Question for written answer E-002049/24
to the Commission
Nikolaos Anadiotis (NI)
(14 October 2024)**

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 jurisdiction ⁽¹⁾. 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?

Submitted: 14.10.2024

**Answer given by Mr Brunner on behalf of the European Commission
(6 January 2025)**

The Court of Justice of the European Union ensures that the law is observed in the interpretation and application of the Treaties ⁽¹⁾. The Court of Justice of the EU has jurisdiction to give preliminary rulings concerning the interpretation of the Treaties and the validity and interpretation of acts of the institutions, bodies, offices or agencies of the EU ⁽²⁾.

By its judgment in joined cases C-608/22 and C-609/22, *AH and FN v Bundesamt für Fremdenwesen und Asyl*, the Court of Justice of the EU gave a preliminary ruling on questions submitted by an Austrian national court concerning the interpretation of an act of EU law, namely Directive 2011/95/EU ⁽³⁾. The Court of Justice of the EU therefore acted within the limits of its competences, as defined by the Treaties.

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

⁽¹⁾ Article 19(1) Treaty on European Union.

⁽²⁾ Article 267 Treaty on the Functioning of the European Union.

⁽³⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337, 20.12.2011, p. 9-26.