

THE PARTS AND THE WHOLE

Le parti e il tutto

Les parties et le tout

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Boards of Appeal (hereinafter, 'BoAs') have been established since 1994 for providing natural and legal persons with a first instance review of highly technical decisions taken by certain EU agencies. Since then, BoAs have proliferated in the EU institutional landscape, being established since almost 30 years, in very different and relevant policy fields. Moreover, outliving the 'specialised courts attached to the General Court' provided for by Art. 257 TFEU, they have *de facto* taken their function as first instance reviewer of technical acts, as implicitly recognised by the new Art. 58a of CJEU Statute.

Despite several doubts on their neither-administrative-nor-judicial nature (or, perhaps, exactly thanks to this hybridity?), the institutional model provided by the BoAs has succeeded.

Nevertheless, in the academic and institutional debates they have been often trapped in a sectorial-based approach. Their case-law is very well known within the professional community to which they belong, yet not outside it. There is often little awareness of their proliferation and the same European Commission still manage them from the perspective and for the needs of the policy field in which they operate. Certainly, this approach is to some extent unavoidable, given their technical specialisation, and it has also to be welcomed: BoAs are different one from the other and their heterogeneity is an added value, since it enables these bodies to satisfy the needs of each policy field and, thence, to better perform their role.

However, their growing quantitative and qualitative relevance, together with the current age of reforms in which the EU Judiciary is living in, calls for a new legal and political thinking.

BoAs are arising as the new institutional model for solving disputes in highly technical policy fields. This model does not necessarily imply the

harmonisation of the existing bodies to a common pattern. Yet it calls for a discussion on the common problems that the latter face in performing their function and on the best practices that have to be implemented to deal with them. Moreover, this model does not necessarily need to evolve either towards an administrative or a judicial paradigm. Yet it calls for a reflection on how it can be better integrated with that of EU Courts, to increase the overall efficiency of the EU judicial system and, ultimately, the protection of individuals' rights.

The aim of this Section of the Review is exactly to connect the debates on these bodies to the general ones on the EU Judiciary and to draw attention on legal issues that, although highly technical, can have an impact on the general functioning of EU system of judicial protection.

As a first and concrete step to this direction, the Section hosts the [Common Database on EU Agencies' Boards of Appeal](#), namely the first one-stop search engine that collects all decisions taken since 2018 by the Boards of Appeal established so far, together with the judgments, orders and opinions adopted by the General Court and the Court of Justice by way of appeal (for a deeper discussion on the Database's collection methodology, see [here](#)).

Edited by the Jean Monnet Module on EU Specialized Judicial Protection chaired by Prof. Jacopo Alberti, which has also launched a call for papers for exploiting its potential, the [Common Database on EU Agencies' Boards of Appeal](#) provides academics and practitioners with a new research tool. It enables horizontal research on common topics such as the standard of review over the agency's decisions; the individuals' locus standi before the BoA itself; the definition of the acts reviewable by the latter; the requests of intervention of third parties; etc. Moreover, it gives the possibility to assess the consistency of BoAs' decisions one with the other as well as with the settled CJEU case-law and to evaluate, from new perspectives, how these bodies could further evolve to enhance the efficiency of the EU judicial system.

So far, BoAs decisions were published on each agency's website as a bare list of PDFs, often without a search engine nor specifying which decision had been challenged before the EU Courts and with which outcome. This has hindered comparative studies as well as the understanding of the relationship between the BoAs and the CJEU. Ultimately, this has also fostered that 'silo mentality' referred above, which nowadays looks quite outdated. In its own small way, the [Common Database on EU Agencies' Boards of Appeal](#) aims at promoting a deeper (and not-only-sectoral) understanding of the BoA's model.

The same apply for this Section, which hopefully will foster the debates on these less-known parts of the EU judicial machinery,

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highlighting in particular their relevance (and their untapped potential) for the protection of individuals' rights as a whole.