

Abstract

The role of the Advocates General in the Judicial System of the European Union

This thesis deals with the important procedural adaptation of the specific institute of the jurisdiction of the EU. An Advocate-General is a member of the Court of Justice whose role is to provide, in accordance with Article 252 TFEU, the submission of public, wholly impartial, independent and reasoned opinions in cases which, under the Statute of the Court of Justice of the European Union, require his participation. Although a similar function is not anchored in many jurisdictions of the Member States of the European Union, it has found its application within the framework of the functioning of the Court of Justice of the European Union. This thesis provides a thorough analysis of the position and role of the Advocate General, the sources of inspiration for and the development of this institute within the framework of the Union's judiciary system, in order to point out the importance of the role of his work.

The thesis is divided into four parts which consist of sub-chapters. The first part is devoted to the French legislation of the institute of the Public Rapporteur, as a source of inspiration for the Union's Advocate General. The legal regulation of the Public Rapporteur is described within the context of the entire French administrative jurisdiction. In this part, I compare the adaptation of several key aspects of the EU and French legislations. The second part of the thesis deals with the position of the Advocate General as defined by the EU law. The historical connotations relating to the position of the Advocate General are also discussed. The third part of the diploma thesis, which is crucial, focuses on the role of the Advocates General. The detailed analysis of the activity of the Advocate General as it takes place throughout the proceedings before the Court of Justice is discussed there. Particular attention is paid to the importance and to the merits of the Advocate General's work. The final part of the thesis deals with the issue of the conflict of the Advocate General's role (also with the Public Rapporteur and other roles that are similar to the Advocate General's Office) with the right to a fair trial, especially with its individual components, namely the principle of the adversarial proceedings and the principle of equality of arms.

This thesis is based mainly on the analysis of the relevant legal issues, discussion of the case law of the European Court of Justice, the European Court of Human Rights

and the French State Council. The aforementioned analysis and discussions demonstrate general facts through an application on specific cases and through a comparison of the French and EU legislations.