**Informational Theory of EU Law, Examining Legal Claims**

**Plaintiff** [“ASSOCIAÇÃO SINDICAL DOS JUÍZES PORTUGUESES”]

As the reason for these requests, it invokes the "illegality" of the contested acts, which should be "annulled" [article 135 of the CPA] , since the legal norms that they apply [article 27 of Law nº66-B/2012, of 31.12, which extended the validity of article 19 of Law nº55-A/2010, of 31.12, and 32º-A of the EMJ, added by the latter] are unconstitutional due to violation of the "statutory unity of the EMJ" [approved by Law nº21/1985, of 30.07] , and also for violation of the “principle of the independence of judges” [articles 203 of the CRP, 19 nº1 of the TEU, 47 of the CDFUE] .

**Plaintiff Legal Claims:**

* [§A203CPR][§A019TEU][§A47CFR]

**MS Court** [“Supremo Tribunal Administrativo”]

In view of the mandatory requirements of eliminating the excessive budget deficit and of financial assistance regulated by EU rules, must the principle of judicial independence, enshrined in the second subparagraph of Article 19(1) TEU, in Article 47 of the Charter of Fundamental Rights of the European Union [1](https://curia.europa.eu/juris/document/document.jsf?text=&docid=177524&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3190302#1) and in the case-law of the Court of Justice, be interpreted as meaning that it precludes the measures to reduce remuneration that are applied to the judiciary in Portugal, where they are imposed unilaterally and on an ongoing basis by other constitutional authorities and bodies, as is the consequence of Article 2 of Law No 75/2014 of 12 September?

**MS Court Legal Claims:**

* [§A019TEU] [§A47CFR]

**ECJ** [“European Court of Justice”]{Judgement}

‘In view of the mandatory requirements of eliminating the excessive budget deficit and of financial assistance regulated by … rules [of EU law], must the principle of judicial independence, enshrined in the second subparagraph of Article 19(1) TEU, in Article 47 of the [Charter] and in the case-law of the Court of Justice, be interpreted as meaning that it precludes the measures to reduce remuneration that are applied to the judiciary in Portugal, where they are imposed unilaterally and on an ongoing basis by other constitutional authorities and bodies, as is the consequence of Article 2 of Law [No 75/2014]?’

**ECJ Admitted Legal Claims:**

* [§A019TEU] [§A47CFR]

30 According to Article 2 TEU, the European Union is founded on values, such as the rule of law, which are common to the Member States in a society in which, inter alia, justice prevails. In that regard, it should be noted that mutual trust between the Member States and, in particular, their courts and tribunals is based on the fundamental premiss that Member States share a set of common values on which the European Union is founded, as stated in Article 2 TEU (see, to that effect, Opinion 2/13 (Accession of the European Union to the ECHR), of 18 December 2014, EU:C:2014:2454, paragraph 168).

35 The principle of the effective judicial protection of individuals’ rights under EU law, referred to in the second subparagraph of Article 19(1) TEU, is a general principle of EU law stemming from the constitutional traditions common to the Member States, which has been enshrined in Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and which is now reaffirmed by Article 47 of the Charter (see, to that effect, judgments of 13 March 2007, Unibet, C‑432/05, EU:C:2007:163, paragraph 37, and of 22 December 2010, DEB, C‑279/09, EU:C:2010:811, paragraphs 29 to 33).

**ECJ Legal Reasoning:**

* [§A002TEU]
* [§A019TEU][A006ECHR][A006ECHR] [§A47CFR]

{Operative Judgement}

**ECJ Adjudicated Legal Claims**

* [§A019TEU]

The second subparagraph of Article 19(1) TEU must be interpreted as meaning that the principle of judicial independence does not preclude general salary-reduction measures, such as those at issue in the main proceedings, linked to requirements to eliminate an excessive budget deficit and to an EU financial assistance programme, from being applied to the members of the Tribunal de Contas (Court of Auditors, Portugal).

**MS Court** [“Supremo Tribunal Administrativo”]

{Judgement}

Since this appreciation is perfectly adaptable to the assessment of the "salary reductions" of the members of the Court of Auditors, represented by the plaintiff association, in view of the "independence of judges" as guaranteed in the Constitution of the Portuguese Republic [Article 203 of the Portuguese Constitution], we reiterate it here for this purpose, concluding in the same sense, namely, that "the principle of judicial independence does not oppose the application of general salary reduction measures to the members of the Court of Auditors, such as those applied to their earnings in the year 2013, associated with imperatives of eliminating an excessive budget deficit and a financial assistance program from the European Union."

We do not see that judicial independence has, in our Constitution, a higher level of protection, or denser, than that obtained in the TUE and CDFUE.

{Operative Judgement}

In these terms, we decided to dismiss the action and absolve the Court of Auditors of the request.

**Lex Wide Association Study LWAS**

**Plaintiff:** [§A203CPR][§A019TEU][§A47CFR] **MS Court:** [§A019TEU] [§A47CFR]  
**ECJ Admitted**: [§A019TEU] [§A47CFR]  
**ECJ Reasoning:** [§A002TEU]+ [§A019TEU][A006ECHR][A006ECHR] [§A47CFR] + …  
**ECJ Establish**: [§A019TEU]

**MS Court Judgement:   
MS Establish Judgement:**

**SOURCES:**

[**National Court Case**](https://www.dgsi.pt/jsta.nsf/-/a357efbb8278421b80258295003d63fe?OpenDocument&ExpandSection=1#_Section1)[**ECJ Judgement**](https://curia.europa.eu/juris/document/document.jsf?text=&docid=199682&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3190302)[**ECJ OJ**](https://curia.europa.eu/juris/document/document.jsf?docid=177524&mode=lst&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=3190302)