16. Review of Legality: Grounds of Review

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Paul Craig and Gráinne de Búrca

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Chapter: (p. 576) 16. Review of Legality: Grounds of Review

Author(s): Paul Craig and Gráinne de Búrca

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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing students with a stand-alone resource. This chapter discusses the grounds for judicial review of a Union act. Article 263 of the Treaty on the Functioning of the European Union (TFEU) specifies four grounds for review: lack of competence; infringement of an essential procedural requirement; infringement of the Treaty or any rule of law relating to its application; and misuse of power. Judicial review, whether direct through Article 263 or indirect through Article 267, is designed to ensure that decision-making is legally accountable. The UK version contains a further section analysing the relevance of these grounds of review in the UK post-Brexit.
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