15. Review of Legality: Access

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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. The EU develops policy through regulations, directives, and decisions. Any developed legal system must have a mechanism for testing the legality of such measures. This chapter focuses on access to justice and review of legality by the EU Courts. There are a number of ways in which EU norms can be challenged, but the principal Treaty provision is Article 263 of the Treaty on the Functioning of the European Union (ex Article 230 EC). Five conditions must be satisfied before an act can successfully be challenged: (i) the relevant body must be amenable to judicial review; (ii) the act has to be of a kind that is open to challenge; (iii) the institution or person making the challenge must have standing to do so; (iv) there must be illegality of a type mentioned in Article 263(2); and (v) the challenge must be brought within the time limit indicated in Article 263(6). The UK version contains
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a further section analysing the relevance of legal challenge to EU norms in relation to the UK post-Brexit.

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