

# The European Court of Justice

I. Structure of the ECJ

II. Sources of European Law

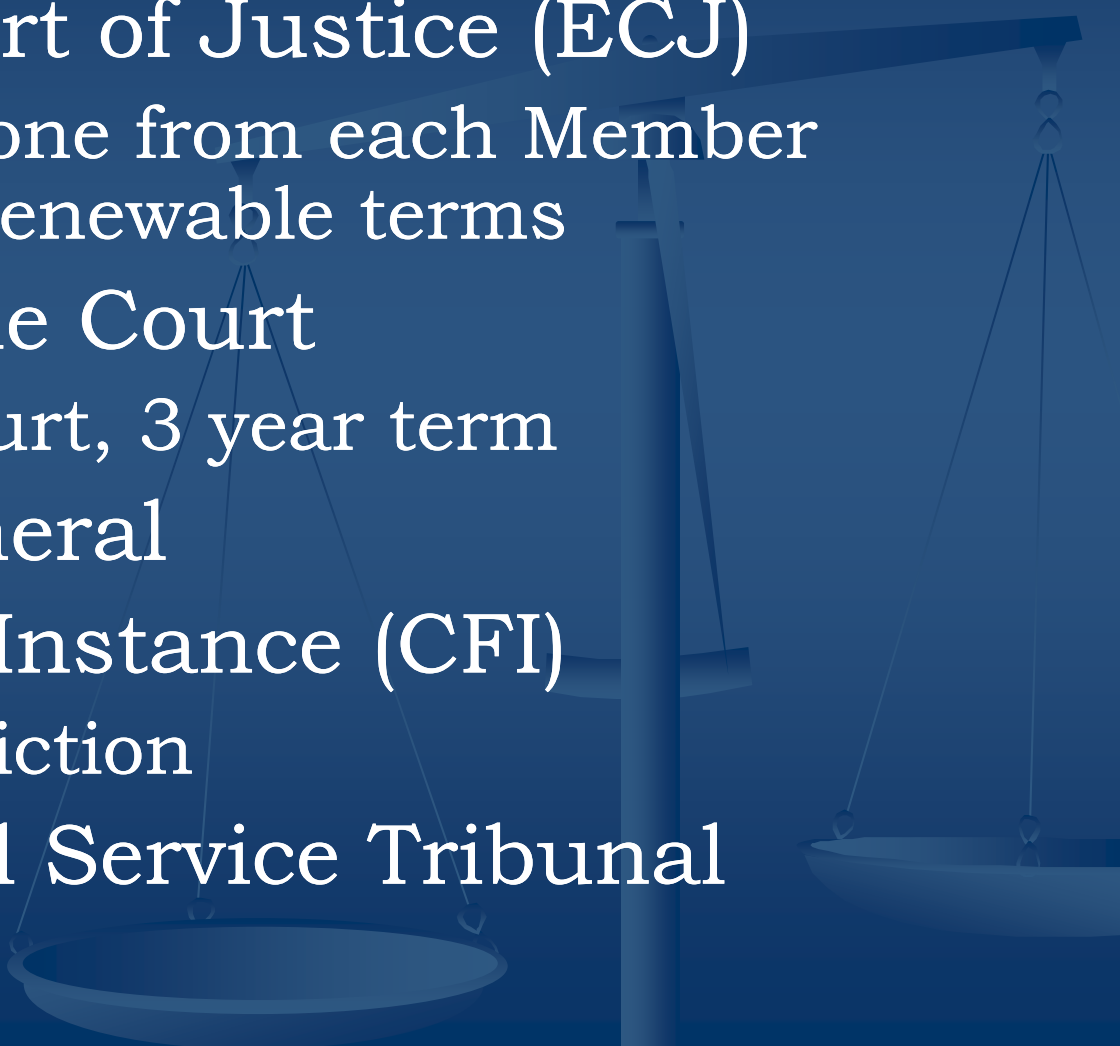
III. Procedures of the Court

IV. Actions of the Court

V. Significance of the ECJ



# I. Structure of the ECJ

- European Court of Justice (ECJ)
    - 27 members, one from each Member State, 6 year renewable terms
  - President of the Court
    - Elected by Court, 3 year term
  - Advocates General
  - Court of First Instance (CFI)
    - Limited jurisdiction
  - European Civil Service Tribunal
- 

# II. Sources of EU Law

## Primary Law:

- (Constitutional) Treaties: Treaties of Paris, Rome, SEA, Maastricht, Amsterdam, and Nice
  - Constitutional Boundaries
- Previous Decisions
  - *Van Gend en Loos* (1963) – Direct application
  - *Costa v. ENEL* (1964) – EU law as autonomous and primary over national law
  - *Cassis de Dijon* (1979) and *Commission v. Federal Republic of Germany* (1984) – Mutual recognition

## Secondary Law

- EU Laws and Regulations
- International law

# III. Procedures within the ECJ

- Written application
- Relevant documents are assembled
- Assignment of case
  - To a Chamber and appointment of a judge-*rapporteur*
- Advocates-General
  - Examines and make preliminary submission
- Public hearing
- Court makes its decision
  - No dissents
- Rulings are final



# IV. Actions of the Court

## ECJ ACTIONS:

- Preliminary rulings (on national court cases)
- Actions for failure to fulfill an obligation
- Actions for annulment
- Appeals (from the CFI)

## CFI ACTIONS:

- Actions for failure to act
- Actions for damages
- Actions by staff



The ECJ building in  
Luxembourg

# V. Significance of the ECJ

- ECJ Roles:
  - Constitutional Court
  - Supreme Court
  - Administrative Court
- ECJ establishes truly supranational law BUT with limited jurisdiction
- Big Q: What might be the status of EU versus national law in future?
  - Like US in 1909 or like US in 2009?