

The European Court of Justice

I. Structure of the ECJ

II. Sources of European Law

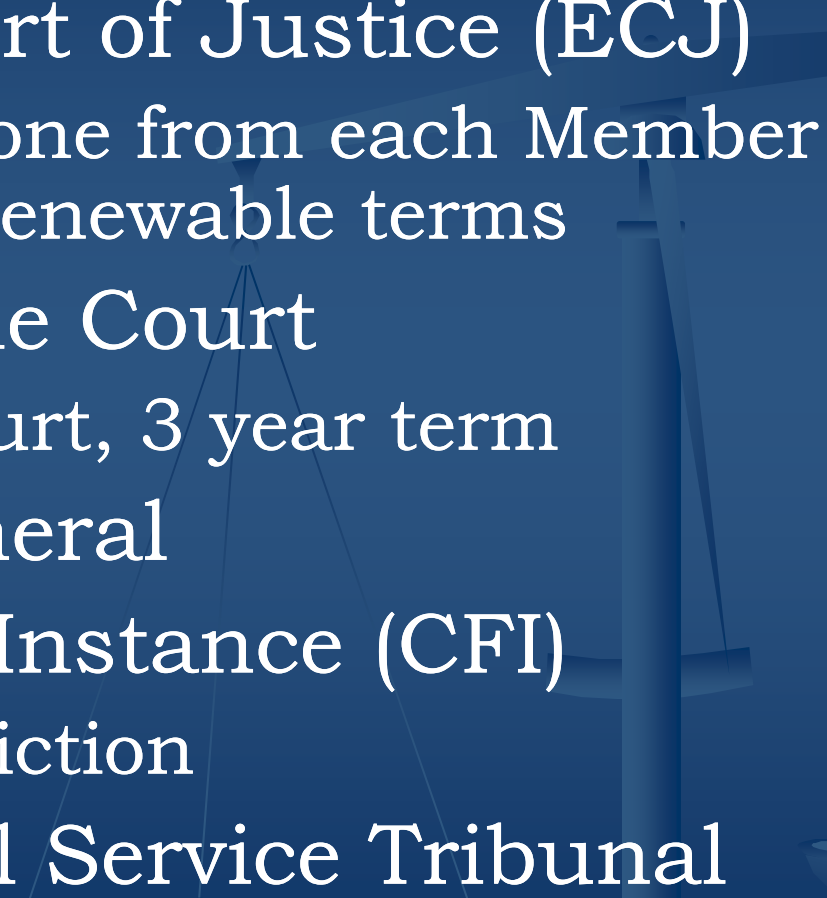
III. Procedures of the Court

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
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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?
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