The European Court of Justice

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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

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
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?