

ECJ and the enforcement of the EU law

European Court of Justice

- As part of that mission, the Court of Justice:
 - reviews the legality of the acts of the institutions of the European Union,
 - ensures that the Member States comply with their obligations under Community law,
 - interprets Community law at the request of the national courts and tribunals.

The European Judiciary

- European Court of Justice (ECJ)
- Court of First Instance (CFI)
- Civil Service Tribunal (CST)

- Plus national courts

The European Court Justice

- 1 judge per MS
- 8 AG - submit their opinions on respective case
- Sits in sessions – 3, 5, 13, full court
- The highest judicial authority of the EU

The Court of First Instance

- 1 judge per MS
- No AG
- Sits in sessions – 1, 3, 5, 13, full court
- Decide almost all actions brought by individuals

The Civil Service Tribunal

- 7 judges
- Sit in chambers – 3 judges
- Employment disputes

The Competences of the Court of Justice of the European Communities

- Judicial competence
- Art. 220 ECT : The ECJ shall ensure that in the interpretation and application of this Treaty the law is observed...
- it is all-in-one constitutional, civil and administrative court

Changes under the Lisbon Treaty

- new official name will be the Court of Justice of the European Union
- it will include:
 - the Court of Justice (now ECJ)
 - the General Court (now CFI) and
 - specialized courts (now for example CST).

References for preliminary rulings

- Form of cooperation with national courts
- ECJ ensures the uniform interpretation and review the validity of secondary law
- National court may and sometimes must refer question concerning the interpretation or validity...
- Great influence not only on the court that referred but also on future proceedings

Actions for failure to fulfill obligations

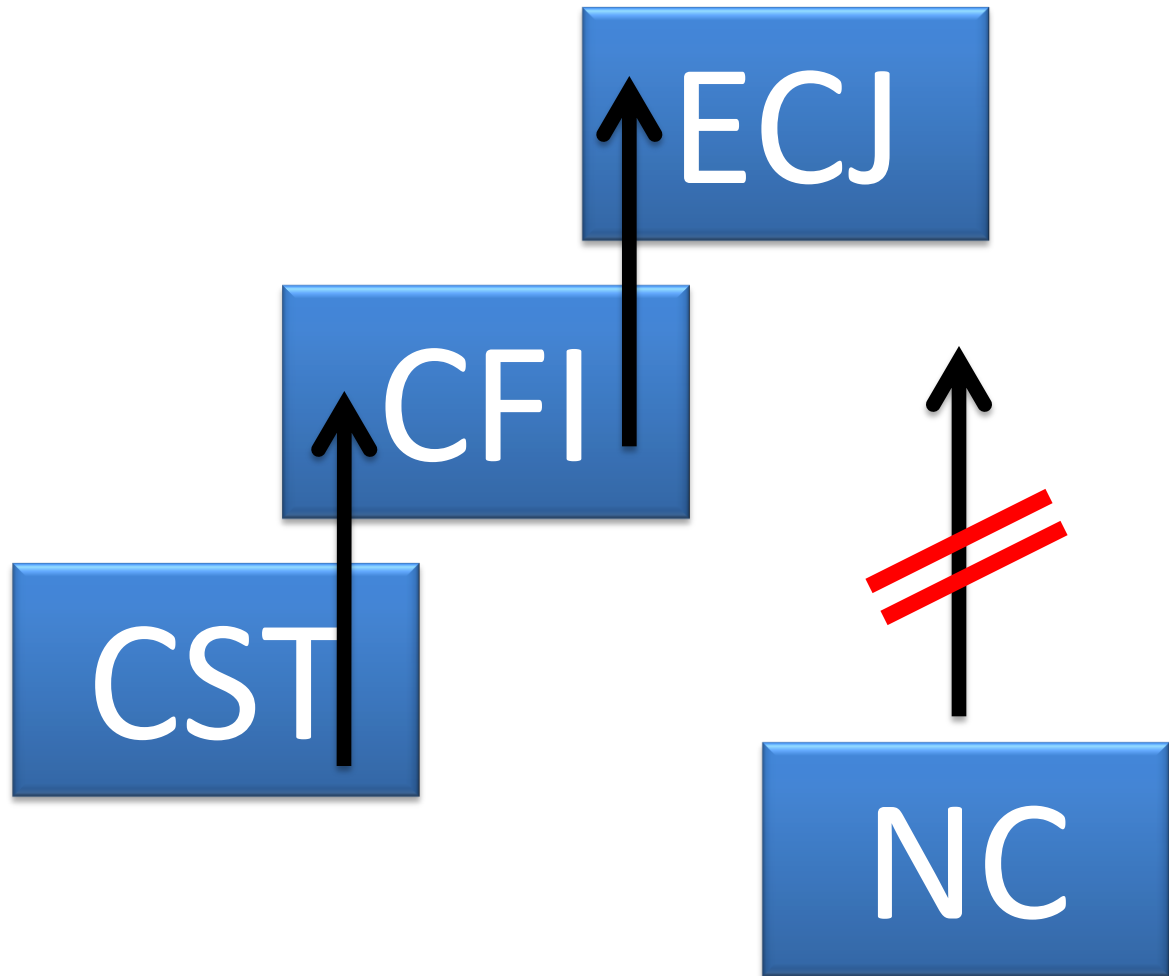
- Commission may sue a MS
 - Preliminary procedure
 - Judicial proceedings
- Possible sanction - fixed or periodic financial penalty

Actions for annulment

Actions for failure to act

- For annulment of a measure (regulation, directive or decision) adopted by an institution.
- To review the lawfulness of Community institutions' failures to act to be reviewed
- Institution must be first called on to act


Appeals



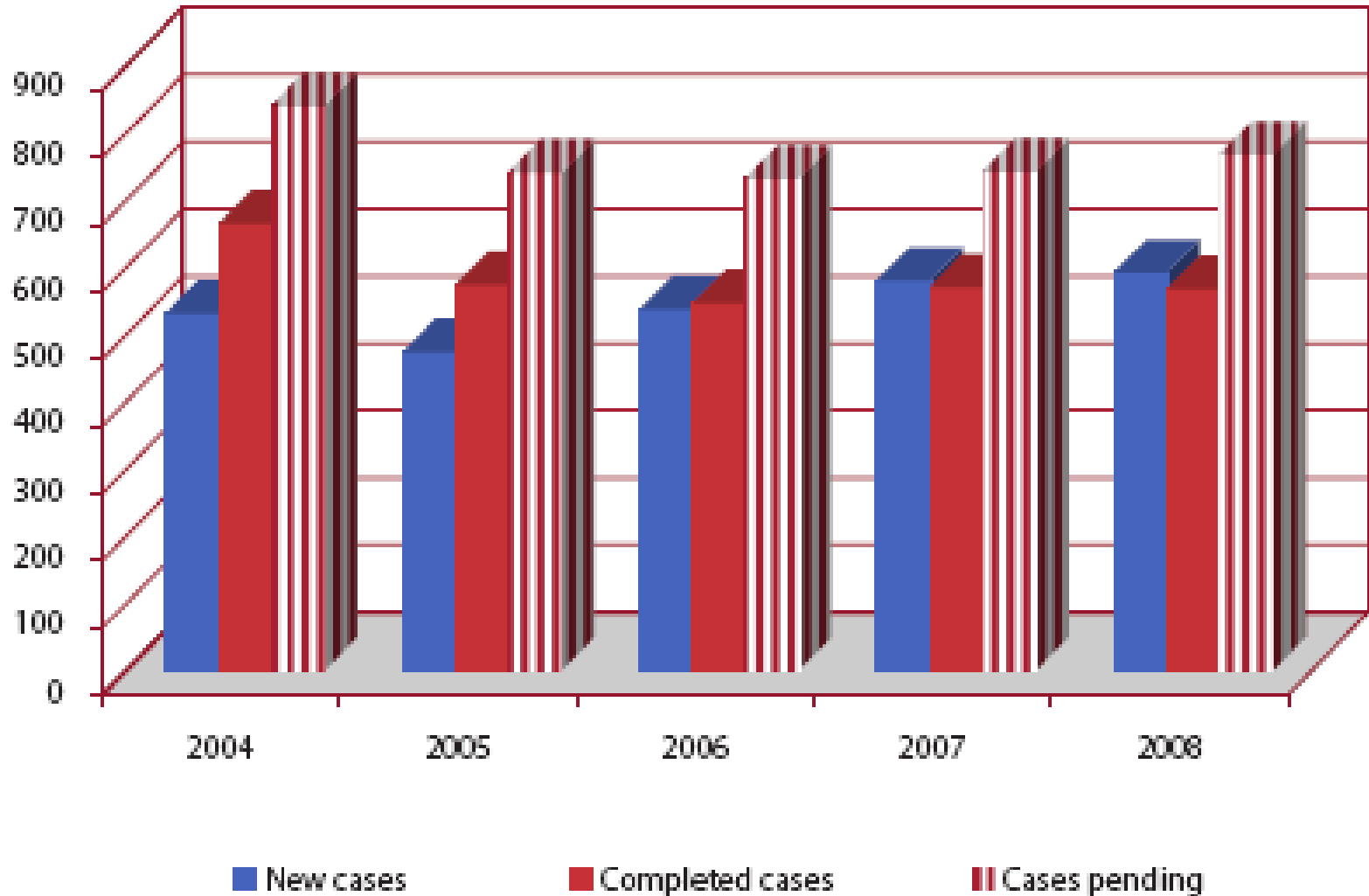
The procedure

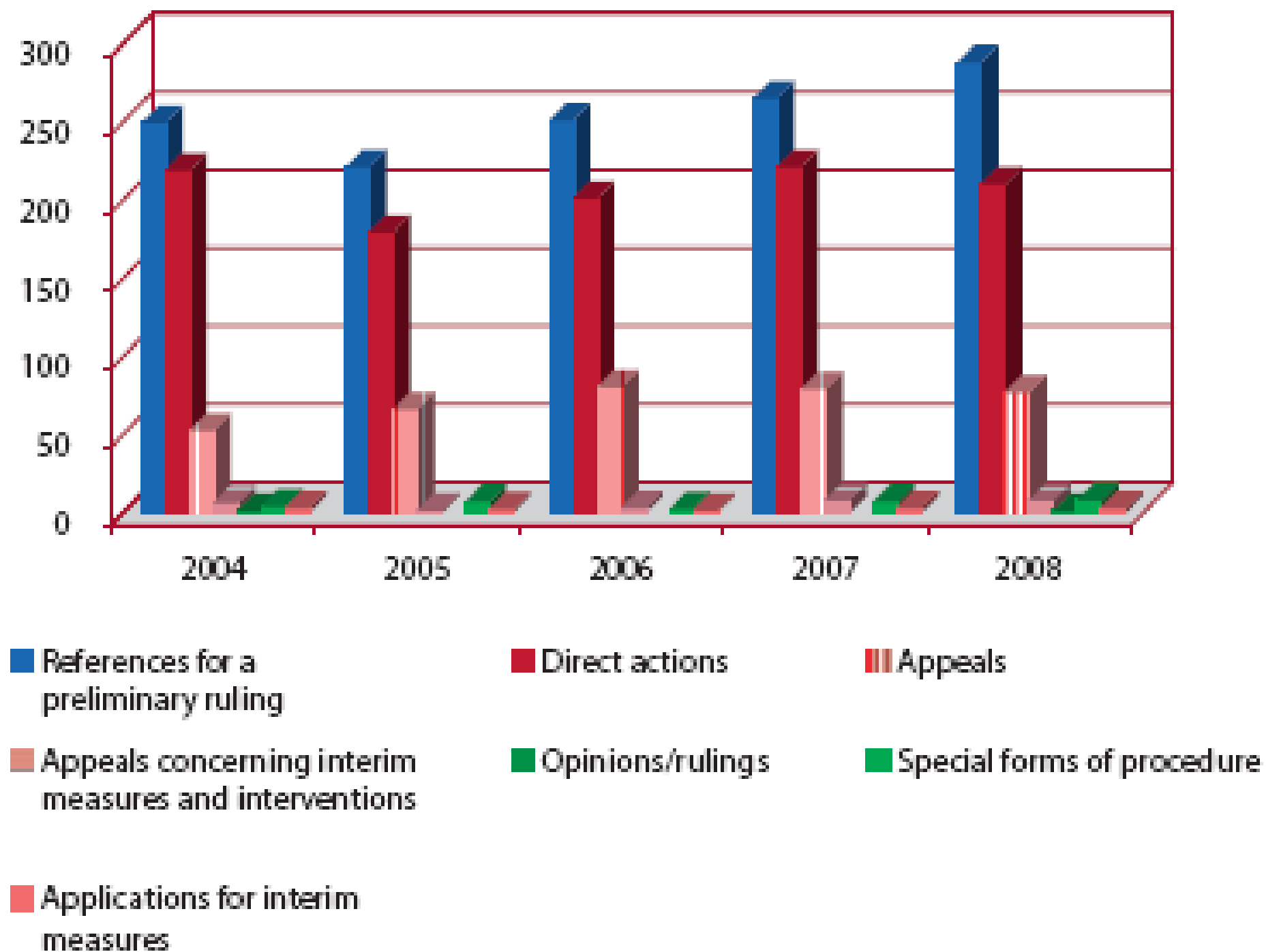
- written stage and usually an oral stage
- Difference is between references for preliminary rulings and other actions, known as “direct actions”
- Commencement of proceedings before the Court and the written procedure
 - In references for preliminary rulings - national court submits questions to the Court of Justice, translation, notification, notice, submitting of observations
 - Application, Registry publishes, serving the other party, reply, rejoinder, appointment of Judge Rapporteur and Advocate General

Further steps

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- Preparatory inquiries and the report for the hearing
 - The public hearing and the Advocate General's opinion
 - Judgments

General activity of the Court





	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT
2004	13			2	14		27	11	23	3	27			
2005	8			3	13	1	18	6	11	9	36			
2006	11		4		11	2	25	19	9	7	25			
2007	10		6		15		26	21	14	10	23	1		1
2008	17		6		10	2	19	21	15	10	17	2		1

	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
	14			13	14		7				8	5	12	193(%)
	19			8	9		7				10	5	7	170
	28		2	5	12	3	13			2	7	4	4	193
	20	2	3	8	6	7	23		1	1	2	10	2	212
	15	3	5	4	10	10	14		1	1	5	6	13	207