

EUROPEAN COURT OF JUSTICE

- located in Luxembourg
- the court's principal purpose is: "to ensure that the interpretation and application of the law is observed"
- Community law = primary legislation (treaties) + secondary legislation (in accordance with treaties)

Fundamental rights

- not instituted in the Maastricht treaty
- Art. 6.2 TEU → refers to the Convention for Protection of Human Rights and Fundamental Freedoms (ECHR,(EMRK))
- EU developed its own Charter of fundamental rights would be included in the Constitutional Treaty

Basic rules of EU Law

→ *Direct Effect*

Community law does not require further intervention at the national level and therefore it applies directly to individuals

→ *Supremacy of Community law*

community law supersedes national law

Types of cases

1) *Request for preliminary ruling*

→ national law or policy conflicts with EC law

→ court may seek "authoritative guidance"

→ ECJ issues a ruling which the national court then applies to the case

2) *Direct Actions*

→ Actions brought directly to the court by other institutions, member states, natural and legal persons

→ Mostly by the commission against member states

3) *Appeals against judgements of the Court of First Instance*

Composition and procedures of the ECJ

- One judge per MS → 27 → act independently
- Nine advocates general
- President elected by members for three years
- advocates generals consider cases and give opinions
- commonly meets in chambers (3-5 judges)
- court hears two days a week
- court's working language is French

Court of First Instance

Rapidly increasing caseload - threat to become unmanageable

SEA empowered the council to set up a Court of First Instance

The council decided in October 1988 on the CIF's composition and jurisdiction

CIF began operating in October 1989