**European Judicial Policies**

**What does the ECJ do?**

**Interprets** EU Law

**Enforces** EU Law

**Annulment** of EU Legal Acts

**Sanctioning** of EU Institutions

**How does the ECJ Operate?**

[**Court of Justice**](http://curia.europa.eu/jcms/jcms/Jo2_7024/en/) – Responsible for dealing with requests for preliminary rulings from national courts, certain actions for annulment and appeals, relating to law only. 28 Judges, one per member state.

[**General Court**](http://curia.europa.eu/jcms/jcms/Jo2_7033/en/) – Responsible for dealing with actions taken against the [institutions of the European Union](https://en.wikipedia.org/wiki/Institutions_of_the_European_Union) by individuals and member states. 44 judges currently (will eventually increase to 56).

**Court of Auditors** - Responsible for ensuring EU institutions use money effectively according to its’ designated purpose.

**How do the Courts Operate?**

**Court of Justice** - Each case is assigned 1 **judge-rapporteur** and 1 **advocate general**. Cases are assigned to a relevant divisional presiding judge whose office is responsible for writing preliminary reports for each applicable case. Depending on the complexity of the case, a different number of judges will be present. For small cases you will have 3 or 5 judges present while larger cases require either 15 or all judges to be present.

**General Court** - Same **written** and **oral** stages as the **Court of Justice**. Normally 3 judges maximum and no **advocate general** appointed.

Cases are processed in **2 stages**:

**Written stage** -

* Parties involved give written statements to the court, and an excess documentation from foreign parties, national authorities or institutions can be presented at this time.
* The judge-rapporteur is then responsible for compiling all data and creating a report which is then discussed at the courts general meeting.
* In this discussion the court will decide if a public hearing has been deemed necessary.
* If not, the court will decide the outcome during this stage.
* If the court decides public hearings are necessary, the court moves into an **Oral stage**.

**What are some well known cases?**

**Van Gend en Loos - Van Gend en Loos** was presented to the court in 1963 and established that provisions of the [**Treaty Establishing the European Economic Community**](https://en.wikipedia.org/wiki/Treaties_of_Rome). This essentially ruled that both natural and legal persons had legal rights when in front of the Courts.

**Van Gend en Loos** was a postal and transportation company operating in the **Netherlands** which imported formaldehyde from **West Germany** and was subsequently charged tariffs on the import. The company felt this was a violation of the **Treaty of Rome** which stated states did not have the right to create or enforce their own tariffs on top of already existing tariffs.

The court ruled in favor of **Van Gend en Loos** stating legal parties should be able to act as enforcers in national courts. This case also gave legal protection to legal parties bringing cases forward, a protection previously only provided to natural persons.

**Cassis de Dijon** - **Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein** also known as **Cassis de Dijon** and was between **Rewe**, a manufacturing company, and the nation of **Germany**. **Rewe** sold a type of fruit Liqueur known as **Cassis de Dijon** which was produced in France. The liqueur had an ABV level of between 15-20% but by **German** regulation, any liqueur sold in **Germany** had to have an ABV level of at least 25%.

The case established the principle that, in essence, products sold lawfully in one Member State may not be prohibited from sale in another. It further held that Member States may only place restrictions on the free movement of goods on certain very specific public interest grounds: in particular to ensure fiscal supervision, the protection of public health, the fairness of commercial transactions and the defence of the consumer. The principle of mutual recognition is conducive to competition and, thereby, prosperity.

**Kadi and Al Barakaat International Foundation v Council and Commission - Kadi v Commission** was a court case in 2008.[**Mr Kadi**](https://en.wikipedia.org/wiki/Mr_Kadi)**,** a resident from Saudi Arabia, with assets in[**Sweden**](https://en.wikipedia.org/wiki/Sweden), and **Al Barakaat**, a charity for Somali refugees, claimed that their assets being frozen was unlawful. Their property was seized without any court hearing or right of redress or allegation of wrongdoing.

The [**UN Security Council**](https://en.wikipedia.org/wiki/UN_Security_Council) adopted resolutions under Chapter VII to freeze assets of people and groups associated with the **Taliban** and [**Osama Bin Laden**](https://en.wikipedia.org/wiki/Osama_Bin_Laden). The EU adopted Regulations to give effect. **Sweden** had given effect to the Regulation. The claimants were named in the Resolution and Regulation. They claimed the Regulation should be annulled under [TFEU](https://en.wikipedia.org/wiki/TFEU) article 263 and it was a breach of human rights.

The **General Court** ruled in favor of the **Commision**, but the case was appealed to the **Court of Justice** who claimed the court had no right to judge cases based on treaties signed by the Security council, and ruled in favor of the respondents.