



THE RELATION BETWEEN THE COURTS OF THE MEMBER COUNTRIES AND THE EUROPEAN COURT OF JUSTICE IN THE LEGAL SYSTEM OF THE EUROPEAN UNION

AUTHOR: PH.D ERJOLA XHUVANI, MINISTRY OF JUSTICE

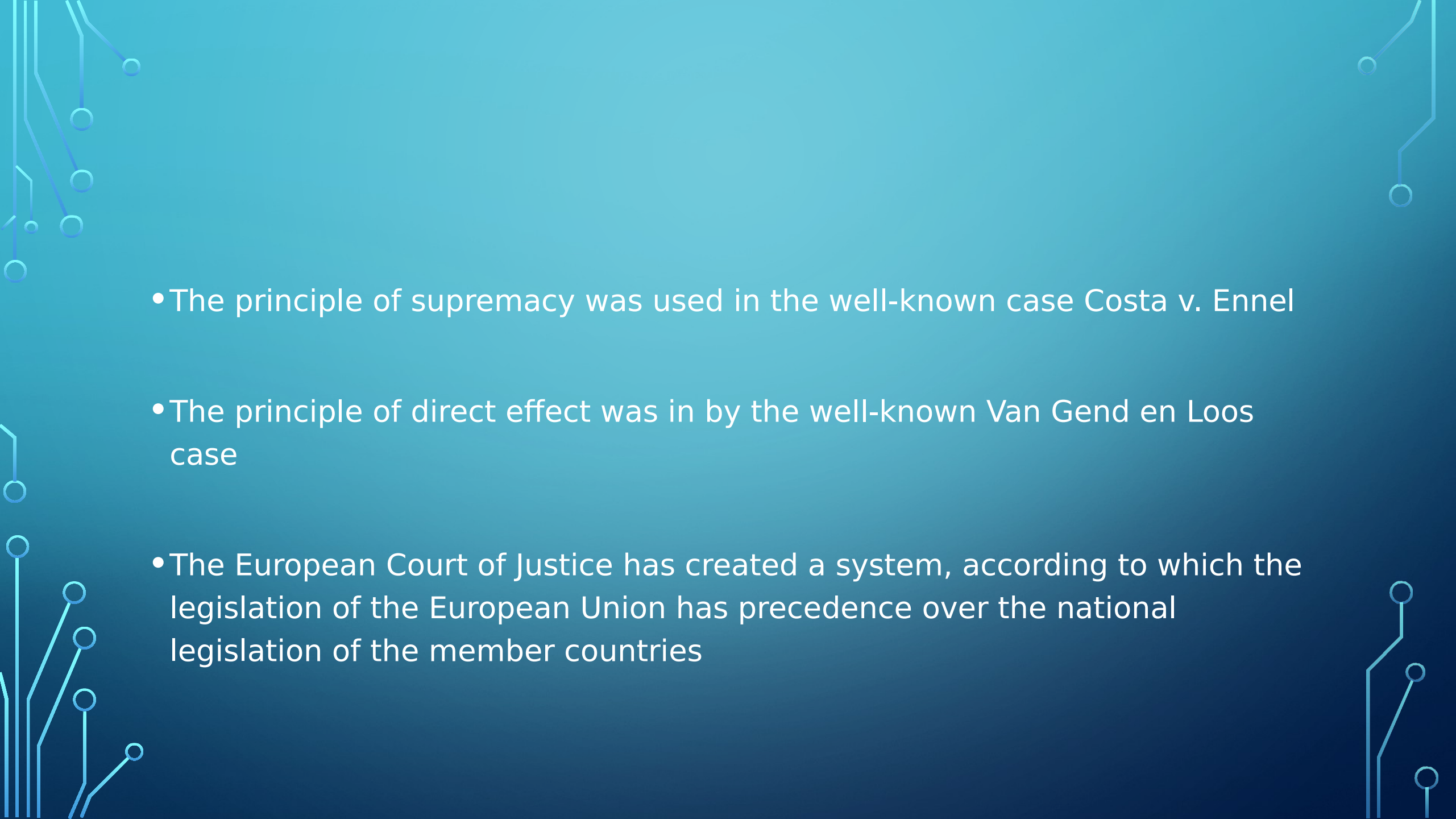
PHD ELSA HAXHA, BUSINESS COLLEGE UNIVERSITY

INTRODUCTION

- The implementation of the European legislation stipulates as an obligation for the judges of the new member states of the European Union
- In cases where this is not possible, then it is the duty of the judges of EU member states not to implement domestic legislation
- The aim of this article is to prepare the judges of the new members states with the procedures they should follow in case there is an incompatibility of the domestic legislation with that of EU legislation

THE IMPLEMENTATION OF THE PRINCIPLES OF EUROPEAN UNION

- The relation between the internal legislation of the member countries and the legislation of the EU is based on three main principles:
- the doctrine of supremacy,
- the direct effect and
- the implementation of the legislation of the European Union

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- The background is a solid blue gradient. In the corners, there are decorative white line art elements resembling electronic circuit boards or neural network connections, with small circles at the end of the lines.
- The principle of supremacy was used in the well-known case *Costa v. Ennel*
 - The principle of direct effect was in by the well-known *Van Gend en Loos* case
 - The European Court of Justice has created a system, according to which the legislation of the European Union has precedence over the national legislation of the member countries

CONCLUSIONS

- During the first years of their membership the new EU member countries send few requests to the European Court of Justice
- One of these reasons was the lack of legal basis, since the cases were not directly related to the implementation of European legislation
- The High Courts of the member countries assessed these preliminary requests as not legal and did not send them for review to the European Court of Justice