

# PROCEEDINGS BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION

- I. Read the text and get familiar with the functioning of the CJEU and then complete the text with the words provided below.

CIRCUMSTANCES; CASE; DISPUTES; VERDICT; AUTHORITIES; ACTION; JUSTICE; VIOLATE; COURTS; STATEMENTS; HEARING; INACTION; PROCEDURE; JUDGES.

The Court of Justice of the European Union (CJEU) interprets EU law to make sure it is **applied in the same way** in all EU countries and settles **legal** ..... between national governments and EU institutions. It can also, in certain circumstances, be used by **individuals, companies or organisations** to take ..... against an EU institution, if they feel it has somehow infringed their rights.

The CJEU comprises **the Court of Justice** and **the General Court** (former Court of First Instance). The Court of ..... deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals. Its members are: 1 judge from each EU country and 11 advocates general. The General Court rules on actions for annulment brought by individuals, companies and, in some cases, EU governments. In practice, this means that this court deals mainly with competition law, State aid, trade, agriculture, trademarks. Its members are two ..... from each EU country.

The CJEU gives rulings on cases brought before it. The most common types of case are:

- **interpreting the law** (preliminary rulings) – national courts of EU countries are required to ensure EU law is properly applied, but ..... in different countries might interpret it differently. If a national court is in doubt about the interpretation or validity of an EU law, it can ask the Court for clarification. The same mechanism can be used to determine whether a national law or practice is compatible with EU law.
- **enforcing the law** (infringement proceedings) – this type of case is taken against a national government for failing to comply with EU law. Can be started by the European Commission or another EU country. If the country is found to be at fault, it must put things right at once, or risk a second ..... being brought, which may result in a fine.
- **annulling EU legal acts** (actions for annulment) – if an EU act is believed to ..... EU treaties or fundamental rights, the Court can be asked to annul it – by an EU government, the Council of the EU, the European Commission or (in some cases) the European Parliament. Private individuals can also ask the Court to annul an EU act that directly concerns them.
- **ensuring the EU takes action** (actions for failure to act) – the Parliament, Council and Commission must make certain decisions under certain..... If they don't, EU governments, other EU institutions or (under certain conditions) individuals or companies can complain to the Court.
- **sanctioning EU institutions** (actions for damages) – any person or company who has had their interests harmed as a result of the action or inaction of the EU or its staff can take action against them through the Court.

In the Court of Justice, each case is assigned 1 judge (the "judge-rapporteur") and 1 advocate general. Cases are processed in **2 stages**:

- **Written stage**
  - The parties give written ..... to the Court - and observations can also be submitted by national authorities, EU institutions and sometimes private individuals.
  - All of this is summarised by the judge-rapporteur and then discussed at the Court's general meeting, which decides:
    - How many judges will deal with the case: 3, 5 or 15 judges (the whole Court), depending on the importance and complexity of the case. Most cases are dealt with by 5 judges, and it is very rare for the whole Court to hear the case.
    - Whether a .....(oral stage) needs to be held and whether an official opinion from the advocate general is necessary.
- **Oral stage** – a **public hearing**

- Lawyers from both sides can put their case to the judges and advocate general, who can question them.
- If the Court has decided an Opinion of the advocate general is necessary, this is given some weeks after the hearing.
- The judges then deliberate and give their .....
- **General Court** ..... is similar, except that most cases are heard by 3 judges and there are no advocates general.

If you – as a private individual or as a company – have suffered damage as a result of **action or** ..... **by an EU institution** or its staff, you can take action against them in the Court, in one of 2 ways:

- indirectly through **national courts** (which may decide to refer the case to the Court of Justice)
- directly before the **General Court** – if a decision by an EU institution has affected you directly and individually.

If you feel that the ..... in any country have **infringed EU law**, you must follow the official complaints procedure.

**II. Based on the text match the words listed in the box with their definitions underneath.**

STATEMENT;	PUBLIC HEARING;	ENFORCE THE LAW;	SUBMIT;	RULING;
ANNULMENT;	INFRINGE;	SANCTION		

1. to act in a way that is against a law or that limits someone's rights or freedom - .....
2. written evidence which may be used to support a case. It must be signed and dated but does not have to be sworn like an affidavit - .....
3. a court's decision on a matter presented in a lawsuit. It could refer to a judgment, which can be final or non-final - .....
4. to make sure that people obey the law - .....
5. punishment imposed on parties who disobey laws or court orders. The court can impose it on parties to civil litigation who fail to comply with relevant rules, practice directions and court orders - .....
6. to deliver a document to the custody of a court for consideration by the court - .....
7. a formal proceeding held in order to receive testimony from all interested parties – including the general public - on a proposed issue or action - .....
8. an official announcement that something such as law, agreement, or marriage no longer exists, or the process of making this announcement - .....

**III. Write a suitable preposition into each gap.**

1. Sanctions are imposed ..... countries that violate human rights.
2. National court may be ..... doubt about the interpretation of the EU law.
3. Governments of some European countries fail to comply ..... EU law.
4. In case of infringement proceedings particular case is taken ..... national government.
5. In the Court of Justice most cases in are dealt ..... by 5 judges.
6. EU governments, other EU institutions or (under certain conditions) individuals or companies can complain ..... the Court of Justice.

**IV. Complete the sentences with suitable translation. Use the glossary provided at the end.**

1. The European Court of Justice together with national courts provide for the European Union (SYSTEM SĄDOWNICZY) .....
2. The system of (ORZECZENIA PREJUDYCJALNE) ..... from the courts and tribunals of Member States ensures a uniform interpretation of the Union law.
3. The Court of Justice (ROZPATRUJE) ..... on direct actions and (POSTĘPOWANIA NARUSZENIOWE) ..... against Member States and constitutes an appellate body to the General Court's rulings.
4. Under the term 'direct actions' we understand actions for annulment, actions for failure to act and (SKARGA ODSZKODOWAWCZA) .....

5. The main responsibility of the (SĘDZIA SPRAWOZDAWCA) ..... is to prepare the grounds of the judgement.

**V. Translate the sentences using the prompts from the glossary.**

1. Postępowanie, które jest zawieszono na mocy postanowienia TSUE może być podjęte/wznowione w każdym czasie.  
\_\_\_\_\_
2. Każde postępowanie składa się z części pisemnej i ustnej.  
\_\_\_\_\_
3. TSUE zapewnia jednolitą interpretację prawa unijnego.  
\_\_\_\_\_
4. Niektóre posiedzenia TSUE mogą być prowadzone przy drzwiach zamkniętych.  
\_\_\_\_\_

**VI. Answer the questions.**

1. What can the CJEU give rulings on? Name the most common cases.
2. Name some examples of direct actions which may be brought before the CJEU.
3. What are the stages of proceedings before the CJEU?
4. In what ways can you take action against EU institutions if you suffered damage as a result of action or inaction?

**GLOSSARY OF TERMS:**

the Court of Justice of the European Union (CJEU) – Trybunał Sprawiedliwości Unii Europejskiej (TSUE)

the General Court (former Court of First Instance) – Sąd (wcześniej Sąd Pierwszej Instancji)

Advocate General – rzecznik generalny

judge-rapporteur – sędzia sprawozdawca

registrar – sekretarz

administration of justice – system sądowniczy

to adjudicate – orzekać, rozpatrywać, rozstrzygać

preliminary ruling – orzeczenie prejudycjalne (wstępne)

infringement proceedings – postępowanie naruszeniowe

a direct action – skarga bezpośrednia

action for annulment – skarga w sprawie stwierdzenia nieważności

action for failure to act – skarga w sprawie stwierdzenia bezczynności

action for damages – skarga odszkodowawcza

grounds of the judgement – uzasadnienie wyroku

public hearing – wystąpienie publiczne

hearing in camera/in private – posiedzenie przy drzwiach zamkniętych

to defer – odraczać

deferment/ a deferral – odroczenie

stay of proceedings – zawieszenie postępowania

to resume – podjąć/wznowić postępowanie

affidavit – oświadczenie złożone pod przysięgą



