

*Chapter Six*

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## Sector 6

### *Case Law*

The European Court of Justice (ECJ) in Luxembourg is the Supreme Court of the European Union and the final arbiter in any interpretation of EU law. The documents in this sector are quite different in nature and structure from those in any other sector of CELEX. They are in full text and contain the complete record of proceedings held at the ECJ, including the reasons for reaching a particular decision.

In addition to its judgments on the individual cases referred by the Commission or the Courts of the Member States, the Court also gives its interpretation of the Treaties on which the EU bases its actions. These decisions and opinions are of fundamental importance and embody the real effects of EU law throughout Europe, not only on the Member States, but also on corporate organisations and the lives of the citizens of Europe. There are now roughly 10,000 cases stored in **Sector 6** and these form a substantial and important body of supra-national law.

The ECJ is composed of fifteen judges and nine advocates general, appointed by the agreement of the Member States, for a renewable period of six years. The judges elect the President of the Court, who serves for a period of three years, from amongst themselves. The President directs the work of the Court and presides at hearings and deliberations. The Court is assisted by the advocates general, whose task is to generate independent opinions on the law relating to the cases brought before it. The Court is not bound by these opinions but may accept them, wholly or in part, or reject them. The Court normally sits in chambers of three or five judges but may sit in plenary session if it decides to do so, or if a Member State or other EU Institution requests it.

Since 1989 the work of the Court has been assisted by the **Court of First Instance**, which also has fifteen judges appointed by the Member States for the same period as the main Court. The Court of First Instance has powers to deal with all actions brought by individuals and companies against decisions of the Community Institutions and agencies. Its judgments may be subject to an appeal brought before the Court of Justice, but only on a point of law. The Court of First Instance sits in chambers of three or five judges but may sit in plenary session for specific important cases.

In general, two types of case may be brought before the ECJ:

1. The Commission, other Community institutions, or a Member State may bring direct actions directly before the Court. Cases brought by individuals or companies challenging the legality of a Community act are brought directly before the Court of First Instance. If an appeal is lodged against the Court of First Instance, the ECJ deals with it in the same way as other direct actions.
2. Courts or tribunals in the Member States may request preliminary rulings when they need a decision on a question of Community law, in order to give a judgment. The ECJ is not a court of appeal from the decisions of national courts and can only rule on matters of Community law. The

national court is bound to apply the principles of Community law as laid down by the ECJ.

Each judgment has two documents associated with it, namely, the opinion of the Advocate General and the actual judgment of the Court. For a complete picture of the proceedings at the Court in any particular case, it is sensible to retrieve both of these documents from **Sector 6** of CELEX. Prior to 1985 the opinions of the Advocates General were stored in bibliographic form. Only since then have the full texts of these opinions been included in CELEX.

The structure of a typical judgment is as follows. Each judgment begins with the title of the case, which includes the names of the parties and the case number. This is followed by the standard set of bibliographic fields.<sup>1</sup> The bibliographic references are followed by a group of fields known as the "reports group", which contains the full text of the judgment. These text fields form the greater part of each case report and contain, on average, around 600 lines of text. The fields are:

<b>INDEX</b>	A list of key words and phrases that describe the nature of the case (e.g., "equal treatment for men and women").
<b>SUMMARY</b>	The equivalent of a headnote to the case report.
<b>ISSUES</b>	The origins of the case from the courts of a Member State and the precise legal point that has to be decided.
<b>COURT</b>	The list of judges and lawyers taking part in the hearing of the case.
<b>GROUND</b>	The text of the judgment in full.
<b>COSTS</b>	The award of costs.
<b>OPPART</b>	The operational part of the judgment, i.e., what the Court has decided should be done.

The texts are followed by a number of other useful fields, namely:

<b>DOC</b>	The date of the report, i.e., the date of the judgment.
<b>LODGED</b>	The date the application was lodged with the Court.
<b>JURCIT</b>	The citations of other cases considered and of legislation and treaties referred to in the judgment. These are in the form of document numbers.
<b>SUB</b>	The subject matter of the case (e.g., Social Provisions).
<b>AUTLANG</b>	The language of the case (e.g., English, Italian).
<b>OBSERV</b>	The Member State(s) or Community Institution with an interest in the case.
<b>NATIONA</b>	The Member State in which the case originated.
<b>NATCOUR</b>	The history of the case in the various courts of the originating Member State, together with references to the reports of the proceedings published in the Member State.
<b>NOTES</b>	A comprehensive set of references to the reports and commentaries on the case published throughout Europe. <sup>2</sup>

<sup>1</sup> Note that the year number included in the document number is the year that the case was referred to the Court and *not* the year of the judgment.

<sup>2</sup> Between them, the two fields **NATCOUR** and **NOTES** provide a very useful bibliography of the case.

<b>PROCEDU</b>	The procedure followed by the case (e.g., Preliminary Ruling).
<b>ADVGEN</b>	The name of the Advocate General.
<b>JUDGRAP</b>	The name of the reporting Judge.
<b>DATES</b>	The date of the judgment and the date the case was referred to the Court.

Typical entries for a judgment and the opinion of the Advocate General are shown in **DOCNUM 61998J0196** and **DOCNUM 61998C0196**.

### *European Court – Case Number Formats*

Recognised formats of case numbers include:

Court of Justice of the European Communities, e.g.

- Case C-152/97
- C-107/01

(NB: Case numbers prior to 1989 did not include the letter 'C')

Court of First Instance of the European Communities, e.g.

- Case T-114/92
- T-219/00

The first digits after the 'C' or 'T' are the numbers given to cases once they have been referred to the court. The 2 digit number after the '/' is the year that the case was referred to the court. The initial 'C' or 'T', the case number and the year can be separated by space, slash or hyphen. Alphabetic characters can be upper or lower case.

Case numbers in this format are also found in other Justis titles as references to the CELEX Case Law databases. For example, C-251/95 is one of the cases referred to in the citation field of *The Weekly Law Reports* case [2000] 3 WLR 303.