

'Towards a European judicial system' from Le Populaire (4 February 1958)

Caption: On 4 February 1958, an article in Le Populaire, carries out an initial evaluation of the ECSC Court of Justice and mentions the future Court of Justice of the European Communities.

Source: Le Populaire. 04.02.1958. Paris: Section Française de l'Internationale Ouvrière (SFIO). "Vers une justice européenne", p. 1.

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Towards a European judicial system

Every Community creates obligations for its members, presupposing a body of law and some kind of judicial organisation. Community law does not replace the various national laws, it is superimposed on them, as is the case in the Swiss Confederation and the United States.

A United Europe required an independent and impartial judicial system. That was achieved when the 1951 Treaty establishing the European Coal and Steel Community created, in accordance with the strict separation of powers, the Luxembourg-based Court of Justice of the European Communities, alongside the ECSC's High Authority, its executive body, and the General Assembly, its legislative body.

The Court of Justice of the European Communities comprises a President, 6 Judges and 2 Advocates General. The first President was Italian. At their most recent meeting, the Ministers of the Six appointed a Dutch President.

The Treaty of Rome established the Common Market and Euratom and extended the Court's authority to cover these two new institutions.

All companies, provided that their production is affected by common market legislation, are free to bring an action before the Court and seek redress. The officials of all the European institutions, from the humblest to the grandest, have frequently benefited from the social-minded principles that guide it.

European law

Tentative at first, the Court started out by interpreting quite literally the rules of the Treaty. However, little by little over its seven years of existence, the Court of Justice has become increasingly aware of its mission and the scale of its task.

The Court no longer baulks at independently reviewing and settling the most difficult problems that might result from its administrative role, as when it issues an opinion on the acts of the High Authority, or its more judicial role of ruling on relations between the European institutions and private individuals.

The Court is in the process of creating a new body of law that may have an impact on our lives but will certainly affect our children's lives. It is born from a newly conceived idea, the market economy, where the interests of the state and those of individuals must no longer be at odds with each other but converge for the benefit of all.

Accordingly, the foundations of European justice are now being built, and we must all realise that our fundamental liberties will, in future, be safeguarded even better than they are today.

The instinct that prompts Europeans to join forces must be justified and encouraged. European law will result from the quest for common prosperity

Towards a Supreme Court of the United States of Europe

The supranational judges who sit in this European institution possess powers that are greater than those of our own courts. They are administrative judges, not unlike those that sit on the French Conseil d'État, and they oversee the Community's executive body, i.e. the High Authority which, quite frequently, does not find favour with them. However, unlike the French administrative courts, and even the French appeals court, they all have a say in the actions of the Common Assembly, the legislative branch of the ECSC, where the French legislative body is sovereign and free from control by the courts. The supranational judges constitute a kind of constitutional court, the stage prior to the creation of a real Supreme Court similar to that at the summit of the federal structure of the United States.