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ERASMUS – JMO – 2025 – 2028 MODULE
UNIVERSITY OF GJIROKASTRA
EU EDUCATION FOR BETTER GOVERNANCE IN THE REGIONS OF ALBANIA

EU4EduGovRegAl

COURT OF JUSTICE OF THE EUROPEAN UNION
CJEU

Lecturer: Dr. Arjan GJINI

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OPEN FORUM OVERVIEW: EU4EduGovRegAl

Academic Transformation: Strengthening European Union studies through innovative teaching, interdisciplinary approaches, and research on EU governance.

Institutional Capacity Building: Supporting the modernization of public administration by promoting European standards of transparency, accountability, and good governance.

Regional Engagement and European Awareness: Enhancing awareness of European integration and fostering cooperation among institutions, students, and regional stakeholders.

Sustainable Academic and Institutional Networks: Establishing long-term collaboration between universities, local governments, and international partners to support Albania's European integration process.

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🎯 Forum Objectives

- 🇪🇺 Understanding EU Governance Principles
- 🏛️ Analyzing EU Institutions
- 🛰️ Promoting Active Citizenship
- 🤝 Connecting EU Values with Albania
- 🏆 Applying Knowledge Practically

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COURT OF JUSTICE OF THE EUROPEAN UNION (CJEU):

ARCHITECT OF THE EUROPEAN LEGAL ORDER AND DEFENDER OF THE CITIZEN.

The seat of the CJEU in Luxembourg
The Court ensures: uniform interpretation of EU law
protection of citizens' rights
legal integration across Member States
It is the judicial backbone of European integration.

👉 Court of Justice of the European Union https://curia.europa.eu

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HISTORICAL DEVELOPMENT

Origins: 1952 – European Coal and Steel Community Court - 1957 – Treaties of Rome 2009 – Lisbon Treaty reform

Evolution from economic cooperation to a supranational legal order.

Legal Nature: A Multidimensional Court

Three functions in one: Constitutional (Treaties), Administrative (EU Acts), Civil (Protection of the individual).

Legal Compass: Harmonized orientation of 27 different national systems.

Key point: EU as a "Legal Community" (Rechtsgemeinschaft).

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LEGAL HUMANISM AND THE CHARTER OF FUNDAMENTAL RIGHTS

The Individual as Subject: Not simply a consumer, but a subject protected by law.

The Charter of Fundamental Rights: Human dignity, privacy and freedom of expression as barriers to arbitrariness.

Impact: Prosperity through legal certainty.

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INSTITUTIONAL ARCHITECTURE: DUALIST SYSTEM

Court of Justice: Supreme Authority.

General Court: Filter of facts and technical issues.

2015 Reform: Increase in the number of judges for efficiency (54 judges in the General Court).

COURT OF JUSTICE: SUPREME AUTHORITY

Composition: 27 Judges (1 per state). Term: 6 years, renewable.

Competence: Exclusive interpretation of Treaties and control of the obligations of states.

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THE PRINCIPLES THAT BUILT EU LAW

How the Court of Justice Built the European Legal Order

The jurisprudence of the Court of Justice of the European Union created five fundamental principles that define the EU legal system.

1. Direct Effect. EU law creates rights for individuals that can be enforced in national courts.

2. Supremacy of EU Law EU law prevails over national law.

3. Mutual Recognition Products legally marketed in one Member State must be accepted in others.

4. State Liability Member States must compensate individuals when they violate EU law.

5. National Courts as EU Courts National judges must set aside national law that conflicts with EU law.

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GENERAL COURT

Main functions: competition law cases
commercial disputes
state aid cases
actions brought by companies or individuals.

Direct Redress: Where individuals and companies bring actions against EU acts (Article 263 TFEU).

Evolution: Merger of the Civil Service Tribunal into this structure.

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THE ROLE OF ADVOCATES GENERAL

Advocates General provide:
independent legal opinions
detailed analysis of complex cases

Mission: Independent Opinions (Conclusions) – not prosecutors, but legal compasses.
Statistics: Opinions are followed in about 80% of cases by the Court.
Innovation: Catalysts for the development of European law through doctrinal analysis..

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ORGANIZATION OF WORK AND FORMATIONS OF THE COURT

Chambers of 3 and 5 judges: For routine cases.

Grand Chamber (15 judges): For cases of particular legal importance.

Plenary: For extreme constitutional matters and the dismissal of senior officials.



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PRIOR REFERENCE (ARTICLE 267 TFEU) – JUDICIAL DIALOGUE

- Cornerstone of the System: Cooperation CJEU – National Court.
- Mechanism: Suspension of national judgment to ask Luxembourg on the interpretation of EU law.
- Effect: Res judicata – the decision is binding on all EU courts.

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INFRINGEMENT ACTION: DISCIPLINARY ACTION OF STATES

Guardian of the Treaties: Commission vs. Member States (Articles 258-260).

Administrative Phase: Letter of formal notice and reasoned opinion.

Sanctions (Article 260): Lump sum and periodic penalty payments for late implementation.

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REVIEW OF LEGALITY: ACTION FOR ANNULMENT (ARTICLE 263

Object: Annulment of acts of the EP, the Council or the Commission.

Privileged Applicants: States and institutions (unconditional).

Non-privileged: Individuals (difficult "Plaumann" criterion – directly and individually).

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JUDICIAL REVIEW OF EU INSTITUTIONS

Under Article 263 TFEU, the Court can annul acts of:

European Parliament

Council

Commission.

This ensures institutional accountability.

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INFRINGEMENT PROCEEDINGS

When Member States violate EU law:

The European Commission may bring the case before the Court.

Possible outcome:

financial penalties

mandatory compliance.

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IMPACTFUL CASES

Landmark Case: Direct Effect Van Gend en Loos The Court established that:

EU law creates rights for individuals enforceable in national courts.

Landmark Case: Supremacy of EU Law. Costa v. ENEL

The Court ruled that: EU law prevails over national law. This principle guarantees legal unity in the Union.

Landmark Case: Mutual Recognition Cassis de Dijon

A product lawfully marketed in one Member State must be accepted in others. This principle strengthened the Single Market.

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MPACTFUL CASES, CONTINUED

Landmark Case: State Liability Francovich v. Italy

Member States may be required to compensate individuals harmed by failure to implement EU law.

Landmark Case: National Courts and EU Law

Factortame National courts must disapply national law that conflicts with EU law.

Fundamental Rights and EU Law Kadi v Council and Commission

The Court confirmed that: EU actions must respect fundamental rights, even in international contexts.

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WHY THE COURT IS ESSENTIAL FOR INTEGRATION

The Court ensures: uniform interpretation of EU law

protection of citizens' rights

effective functioning of the single market

rule of law across the Union.

Accountability and Good Governance

Judicial Pressure: The national administration must act like a European administration.

Supreme Accountability: No state can remain passive without financial consequences.

Integrity: The Appointment Panel (Article 255) guarantees the most prominent lawyers in Luxembourg.

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THE CONSTITUTIONAL ROLE OF THE CJEU

The Constitutional Role of the CJEU

The Court has transformed the European Union into a constitutional legal order.

Key principles established by the Court:

- Supremacy of EU law
- Direct effect of EU law
- State liability
- Protection of fundamental rights

Through its jurisprudence, the Court created the foundations of European constitutionalism.

The Court did not only interpret EU law — it built the EU legal order.

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JUDICIAL DIALOGUE IN EUROPE

European integration works through cooperation between:

- the Court of Justice of the European Union
- national courts
- constitutional courts of Member States

The preliminary reference procedure (Article 267 TFEU) creates a permanent judicial dialogue.

National judges act as European judges in practice.

Example:

National courts apply principles from cases such as

European integration is also judicial integration.

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RELEVANCE FOR CANDIDATE COUNTRIES (ALBANIA)

For countries aspiring to join the EU, understanding the Court's role is essential.
The jurisprudence of the Court of Justice of the European Union shapes:

- rule of law reforms
- judicial independence
- administrative accountability
- protection of citizens' rights

For Albania, studying EU law helps:
align national legislation with EU standards
strengthen governance and institutions
prepare the judiciary for EU integration.
European integration is not only political — it is legal and institutional transformation.

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CONCLUSION:

The Court of Justice guarantees that:

the law prevails over political power

citizens can rely on EU law

European integration remains based on legal principles.

The Court of Justice transformed the European Union from an international organisation into a constitutional legal order

The Force of Law over the Force of Law

The Guarantor of Peace: The law as the continent's only common language.

The Shield of the Individual: Protection against the administrative "Leviathan".

The CJEU ensures that European integration remains a project at the service of man.

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CONCLUSIONS AND QUESTIONS SUMMARY OF MAIN POINTS. SPACE FOR DISCUSSION.

THANK YOU

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