

THE COURT OF JUSTICE AND THE TRANSFORMATION OF EUROPE

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Presentation of Marie-Pierre F. Granger, Central European University, 4th December 2012

This paper examines the current situation of the European Court of Justice paying particular attention to the problems risen by the method of the 'new intergovernmentalism'.

Key words: European Union, European Court of Justice, new intergovernmentalism, integration

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In her speech, Marie-Pierre F. Granger¹, Associate Professor at CEU, examines the European Court of Justice²'s contribution and reaction to 'new intergovernmentalism' in Europe through an analysis of relevant judicial developments to find out whether the Court's is still pursuing the same European ideal, how it approaches new decision-making bodies and integration processes, and whether it supports intergovernmental consensus.

At the beginning of her speech, Professor Granger talks about the processes that led to the formation of the current situation. The European Court of Justice (ECJ) was established in 1952 and is the highest court in the European Union in matters of European Union law. As a part of the Court of Justice of the European Union it is tasked with interpreting EU law and ensuring its equal application across all EU member states.

Legal and political sciences scholars have described at length how the ECJ, driven by the ultimate goal set by the founding fathers – the 'ever closer union between the peoples of Europe' –and supported by supranational institutions (Commission, European Parliament) and sub-national actors (national courts, litigants) prompted its own idea of Europe (supranational, federal, unified, centralised). Post-Maastricht³ trends, away from the classic Community method and exploring alternative ways of making Europe, are challenging the Court's ideal.

There are a few fundamental challenges which new intergovernmentalism pose to the Court. First, new intergovernmentalism alters, as well as displaces the classic „Community method” which the Court had actively supported as the mode of integration in Europe. Second, growing institutional fragmentation threatens the unity and integrity. At last, new intergovernmentalism questions some of fundamental policy paradigms which underlie EU case law (e.g. internal market).

We could see, that nowadays the differences between high and low politics have been blurred, and the European Union is in a state of disequilibrium. European Union politics in the post-Maastricht era show reluctance for further transformation. However, the aim of the Court is to create an even more centralized, federal, supranationalised, market-driven Europe.

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¹ for detailed information about Marie-Pierre F. Granger visit http://people.ceu.hu/marie-pierre-f_granger

² <http://europa.eu/about-eu/institutions-bodies/court-justice/>

³ http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_maastricht_en.htm

To sum up, we could say that the European Court of Justice, which has promoted the Community method, has to deal with an identity crisis from agent of integration into the constitutional court of a diverse, multi-level, multi-size 'political system'.

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