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THE EUROPEAN SINGLE MARKET AND THE IMPACT OF THE JURISDICTIONAL REASONING OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

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The subject of this research is the impact of the Court of Justice of the European Union. The study reveals the multitude of areas in which the Court has been the catalyst of the evolution. The legal changes brought have both promoted fairness between European citizens and developed their fundamental rights. Although the European Union started from a purely economically oriented entity, it shows the translation of European visions and values into improved quality of life, as well as focusing on economic, social and political developments. The research shows the obstacles encountered by the Court and the imperfections of the decisions taken. However, it has to be recognized that even if the Court in some cases took on a risky assumption of competences and in other cases wanted to impose itself by unwillingly questioning the remaining sovereignty of the Member States, in the end the evolution is positive. The rulings of the Court of Justice of the European Union have generally had a positive effect both in the formation of today's European Union and in the achieving objectives crystallized in this common European path of equity, prosperity and socio–economic development.
Keywords: *Court of Justice of the European Union, European Union, jurisdictional reasoning, case law, impact, implied powers, TEU, TFEU, EEC Treaty.*

Piața unică europeană și incidența raționamentului jurisdicțional a Curții de Justiție a Uniunii Europene
Obiectul de cercetare al prezentului demers științific îl constituie impactul Curții de Justiție a Uniunii Europene. Prin studiul dat se arată multitudinea de domenii în care Curtea a fost catalizatorul evoluției. Schimbările juridice aduse au promovat atât echitatea între cetățenii europeni cât și au dezvoltat drepturile fundamentale ale acestora. Deși Uniunea Europeană a pornit de la o entitate orientată pur economic, se prezintă transpunerea viziunilor și valorilor europene în îmbunătățirea calității vieții, dar și concentrarea evoluției pe plan economic, social și politic. Cercetarea arată obstacolele întâlnite de Curte și imperfecțiunile deciziilor luate. Totuși trebuie să se recunoască, că chiar dacă Curtea în unele cazuri își asumă riscant de multe competențe iar în alte cazuri vrea să se impună punând sub semnul întrebării suveranitatea rămasă statelor membre, în final evoluția e una pozitivă. Hotărârile Curții de Justiție a Uniunii Europene au avut per general un efect pozitiv atât în formarea UE de azi, cât și în obiectivele cristalizate în acest drum comun european al echității, prosperității și evoluției socio–economice.
Cuvinte–cheie: *Curtea de Justiție a Uniunii Europene, Uniunea Europeană, raționamentul jurisdicțional, jurisprudență, impact, competențe implicite, TUE, TFUE, Tratatul CEE.*

I. The jurisprudence on direct applicability

The European Union started from the idea of a community first of all to create an ever–closer economic cooperation in order to achieve an ever–closer political integration. The Court of Justice of the European Union (CJEU) has determined in the *Costa vs. Enel* judgment the following principles which were and still are decisive for the development of European Union law: its direct applicability, its supremacy above national law of the Member States and its autonomous interpretation, thus forming a *sui generis* system of law.[1]

By presenting the individuals in *van Gend and Loos vs. Netherlands Inland Revenue Administration*[2] as legal subjects of the legal order created by the European Economic Community (EEC) Treaty, the CJEU has clearly determined that European Union rights have a direct effect and do not have to be implemented by the Member States through measures of an actual implementation. *In concreto*, the case of *van Gend and Loos vs. Netherlands Inland Revenue Administration* concerned the Member States' obligation to maintain the status quo within the customs of the EU under art. 12 of the EEC Treaty, which the Netherlands had breached by increasing a customs duty. The firm of *van Gend and Loos* imported chemicals from Germany and paid (in the 1960s) a 3 % customs duty. The Netherlands raised the duty to 8 %. The firm *van Gend and Loos* claimed that the administrative act imposing the high duty infringed the European Union law. The national court adjourned the case and referred to the CJEU the question whether the individual can derive rights directly from art. 12 of the EEC Treaty, which must be respected by the national court or not.

Art. 12 of the EEC Treaty stated as follows:

> "*Member States shall refrain from introducing, as between themselves, any new customs duties on importation or exportation or charges with equivalent effect and from increasing such duties or charges as they apply in their commercial relations with each other.*"[3]

The CJUE explained as follows:

> "*The wording of Article 12 contains a clear and unconditional prohibition which is not a positive but a negative obligation. This obligation, moreover, is not qualified by any reservation on the part of states which would make its implementation conditional upon a positive legislative measure enacted under national law. The very nature of this prohibition makes it ideally adapted to produce direct effects in the legal relationship between Member States and their subjects.*"

The Court links the grant of subjective rights to the ability of bringing an action before the national courts, which gives those rights a greater effect than would be possible through proceedings of infringement of the EU law:

> "*The vigilance of individuals concerned to protect their rights amounts to an effective supervision in addition to the supervision entrusted by Articles 169 and 170 to the diligence of the Commission and of the Member States.*"

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1 Costa vs. Enel, judgement of the CJEU of 15.07.1964, case nr. 6/64.

2 Van Gend și Loos vs. Netherlands Inland Revenue Administration, judgement of the CJEU of 05.02.1963, case nr. 26/62.

3 Ibidem

Thus, the referral procedure is connected here by the procedure before national courts, so that the parties' interest in taking legal action may eventually lead to legal protection by the CJEU. The direct effect and the referral procedure have been (even if unintentionally) so connected that they have promoted a greater extent of integrative effects of the referral procedure.

In the 1970's the CJUE extended its case law on direct effect to other provisions of the EEC Treaty. Regarding the competition law, this did not come as a surprise, as the threat of nullity of contracts infringing fair competition was already suggested by art. 85 EEC (now art. 101 Treaty on the Functioning of the European Union [TFEU]).[4] However, given the dense regulation of many services in the Member States, direct application of the law of free movement of goods was a very delicate step. The CJEU took this step after the twelve–year transitional period, during which the freedoms should have been implemented under art. 8 EEC Treaty through secondary legislation, but this did not happen. The declaration of the direct effect of the freedom of establishment[5], the freedom to provide services[6] and the right to free movement of workers[7] then triggered intense efforts to harmonize certain service sectors, an important step towards achieving free movement of persons, which was significantly accelerated by the subsequent abolition of border controls.

In European secondary law, the direct effect has always been a feature of regulations which are directly applicable in the Member States according to art. 288 (2) TFEU. However, EEC Treaty regulations were only possible in a few areas, such as competition law, which was a logical cause of the express regulation in art. 85 EEC Treaty. Unlike today, the EEC Treaty only empowered the adoption of directives for harmonization or even approximation of national laws. For this, the need for implementation at national level, as required by art. 288 (3) TFEU, was crucial. The problem of direct effect for citizens can therefore only arise if a directive is not transposed at all or is transposed incorrectly, meaning also too late.

II. The supremacy of the EU law, the autonomous interpretation and the political integration

Also in the early years the supremacy of EU law over national law was postulated. The CJEU derives it from the unique nature of EU law as an independent common legal order which Member States have incorporated into their national law. It follows from:

> "[…] *all these observations that the law stemming from the Treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived*

4 Beguelin vs. G.L., judgement of the CJEU of 25.11.1971, case nr. 22/71.

5 Reyners vs. Belgium, judgement of the CJEU of 21.07.1974, case nr. 2/74.

6 Binsbergen vs. Bedrijfsvereniging voor de Metaalnijverheid, judgement of the CJEU of 03.12.1974, case nr. 33/74.

7 Van Duyn vs. Home Office, judgement of the CJEU of 04.12.1974, case nr. 41/74.

of its character as Community law and without the legal basis of the Community itself being called into question".[8]

Over the years, the courts in the Member States have recognized this principle and this (for them) new order of rules. When in 1974, however, the Constitutional Court of the Federal Republic of Germany (RFG) questioned the supremacy of EU law because there was essentially no protection of fundamental rights in EU law,[9] the CJEU responded by giving greater expression to its own fundamental rights of the EU law in the form of general legal principles. With this trick of integrative law, the CJEU paved the way for the Constitutional Court of the FRG to eventually recognize later the supremacy of European Union law.[10] However, in recent years, problems have again arisen where national courts have found a conflict between the EU law and national constitutional law, as has happened in Denmark[11], Germany[12] and Poland[13]. These conflicts vary in seriousness and at the very least indicate a worrying trend towards a European integration. However, the supremacy of European Union law has not been entirely questioned by the German and Danish judgments, unlike the judgment of the Polish Constitutional Court.

Equally important for the legal integration of Europe is the way in which European law is interpreted. Jurists in the European institutions bring with them the methodology of their home country as an intellectual distinction. Thus, the composition of the CJEU allows an exchange of legal methodologies, just as at the European Court of Human Rights. However, this emphasizes not only similarities but also differences in methodology, in this way hindering the development of a common vision. Nevertheless, if the EU law is a *sui generis* legal order, it cannot be understood in accordance with national conceptions of Member States' rights. As a result, the autonomous interpretation is a difficult but necessary consequence.

Therefore, the CJEU interpreted the EU law at the beginning of its existence largely without recourse to national legal methodology, even if in some language versions of CJEU judgments it appears otherwise.

The question of how to unite within the same system definitions of principles, which have different meanings in different Member States, was increasingly crystallizing. The need for an answer became ever more urgent when the CJEU had to rule on the interpretation of the 1968 Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (CCJEH). The text of the Convention was not intended to create a uniform substantive legal framework which could be in a conflict with the national provisions of some Member States,

8 Costa vs. Enel, judgement of the CJEU of 15.07.1964, case nr. 6/64.

9 Judgement of the Constitutional Court of the RFG of 29.05.1974, case nr. BvL 52/71.

10 Judgement of the Constitutional Court of the RFG of 22.10.1986, case nr. 2 BvL 197/83.

11 Judgement of the Constitutional Court of Denmark of 06.12.2016, case nr. 15/2014.

12 Judgement of the Constitutional Court of the RFG of 05.05.2020, case nr. 2 BvL 859, 1651 and 2006/15, 980/16.

13 Judgement of the Constitutional Court of Poland of 14.07.2021, case nr. P7/20.

but to coordinate the vast variety of Member States' legal systems in such a way, that substantive law would not be affected. So the aim was a smooth and cautious integration. But if the aim was to find the golden mean, then obviously the question arises as to whether in the end it did not result in the integration of national interpretation.

The jurisprudence of the CJEU initially denoted a methodological reflection with contradictory results. The first judgment of the CJEU defined the concept of "*matters relating to a contract, in the courts for the place of performance of the obligation in question*" according to art. 5 (1) CCJEH by reference to the national law applicable to the contract.[14] However, only a few days later, the Court decides in the landmark case *LTU vs. Eurocontrol* on the definition of civil and commercial matters under art. 1 CCJEH in a way, that it defines the scope of the Convention, which must be the same in all Member States and which must give equal rights to the parties.[15] Again, the CJEU has previously stated that the concept of "*matters relating to a contract, in the courts for the place of performance of the obligation in question*" depends on the applicable national law. Only to later emphasize the applicability of the concepts in all Member States equally.

In many subsequent decisions the CJEU had to clarify where the European legal boundary lay between the private and the public law, which was the issue at stake, but the decisive criterion became the exercise of state authority. Interestingly, the Court gradually extended the autonomous interpretation beyond the concept of civil and commercial matters to a general principle by stating as follows:

> "[…] *it follows from the need for uniform application of Community law and from the principle of equality that the terms of a provision of Community law which makes no express reference to the law of the Member States for the purpose of determining its meaning and scope must normally be given an autonomous and uniform interpretation throughout the Community, having regard to the context of the provision and the objective pursued by the legislation in question* […]".[16]

The integration–promoting nature of this principle is not very spectacular, but it is very robust. By repeating this principle in all possible branches of the law, such as in the judiciary ones, administrative authorities and the legal professions in the Member States, the CJEU reinforces the awareness of the integration of national law into that of the European Union law and of the need to correlate the interpretation of national law with the growing body of Union law.

CJEU judgments have often, like the initiative of the founding of the European Community, promoted political integration through European legislation. As outlined above the case law on the direct enforceability of various freedoms such as that of movement triggered a broad wave of harmonization in the area of the provision of services from the late 1970s. Previously, when the European Commission's harmo-

14 Tessili vs. Dunlop, judgement of the CJEU of 06.10.1976, case nr. 12/76.

15 LTU vs. Eurocontrol, judgement of the CJEU of 14.10.1976, case nr. 29/76.

16 Nordania and BG Factoring vs. Skatteministeriet, judgement of the CJEU of 06.03.2008, case nr. C–98/07, p. 17.

nization proposals were discussed in the European Council, Member States often tried to block the opening of national markets for the provision of services. After the CJEU declared the freedoms of the Treaty of the European Union (TEU) directly applicable and granted the parties involved in the disputes in question the right to access the markets of foreign Member States, the latter had to justify the restrictions on the freedoms in question, which often failed. In this respect, Member States' own interest in harmonized rules regulating the provision of services in the increasingly converging EU market grew.

Subsequently, numerous legal acts were adopted on the mutual recognition of diplomas, cross–border provision of television programs, cross–border provision of insurance, legal advice to clients in several countries etc. These legal acts were consolidated and revised in the following years, but the core of their rationale lies in the case law of the 1970s mentioned above. It was politically useful that, thanks to the Single European Act (SEA) of 1987, legal harmonization measures could be adopted by qualified majority in the European Council. But even this change can also be attributed to the fact that the CJEU has made cross–border provision of services a principle in the case law of European Union law and has obliged national interventions to remain as an exception requiring justification.

The interdependence between European case law and policy integration is becoming increasingly clear in transport policy. The TFEU devotes even a separate title to this area in art. 90 TFEU and provides the development of a common policy, but leaves many questions unanswered, in particular whether capacities in transport markets should be liberalized, what prices should be applied, how a tender should be regulated and how a competition between carriers in the EU internal market should look like. The initial situation was over–regulated in almost all transport sectors in many Member States. For two decades the European Commission came up with various proposals, but these were either rejected by the European Council or left to one side without any indication of an intended decision.

The lack of flexibility in transport policy has been interrupted by a judgment of the CJEU. In the respective case, the European Parliament sued the European Council invoking its abstention from action in the field of transport policy by way of an action for failure to act under art. 265 TFEU. The CJEU found that, although the freedom to provide services is not directly applicable to transport policy under art. 58 (1) TFEU, the European Council's obligation to act under the given policy was nevertheless intended to lead to the realization of the freedom to provide services, as has been made concrete in the case law of the CJEU. The Council has therefore failed to fulfil this obligation. Finally, even if the Court described precisely the objective to be achieved, it nevertheless allowed the Council a reasonable period of time to adopt the necessary measures.[17] These measures were subsequently adopted for all kinds of transport.

17 European Parliament vs. European Council, judgement of the CJEU of 22.05.1985, case nr. 13/83.

III. The EU competence beyond its territory and the socio–economic impact

As a matter of fact the European Economic Community was founded in 1957 with an internal market–oriented perspective. Although it had from the outset the competence and the legal capacity to conclude treaties with third countries in the field of trade policy under art. 113 of the EEC Treaty and of association under art. 238 of the EEC Treaty. However, the rules on the conclusion procedure under art. 228 of the EEC Treaty apply only so far as this Treaty allows the conclusion, thus making it clear that the competence to conclude international treaties in other areas should remain reserved without exception to the Member States. As early as 1971, the CJEU opposed this legal view and therefore recognized, in addition to the explicit competences of the European Union, the so–called "*implied powers*" doctrine.

The CJUE stated as follows:

> "*To determine in a particular case the Community's authority to enter into international agreements, regard must be had to the whole scheme of the Treaty no less than to its substantive provisions.* […] *With regard to the implementation of the provisions of the Treaty the system of internal Community measures may not therefore be separated from that of external relations.*".[18]

This case law has since been codified in Article 216 (1) TFEU. The CJEU has influenced the European Union's law–making process in such a way that the Union has even obtained exclusive competence in this sense. It establishes the need for Member States to maintain relations with third States in certain areas only together, within the EU institutions. Of course, the Member States have each prioritized their external relations in different ways, focusing on a particular neighboring state or region; for example, the Iberian states their relations with Latin America, France with African states, Germany with Central and Eastern Europe. In this sense by imposing an exclusive final competence of the EU the case law of the CJEU guides a gradual adaptation of the foreign policies of the Member States. The given process is also an element of integration imposed within the EU with external effects beyond its territory.

Subsequent decisions and opinions of the CJEU have kept the pace with a continuous evolution. More and more problems have arisen in the case of mixed inter–state agreements, which concerned both areas of the EU competence and areas where on the one hand are concerned the EU functional competences, but on the other hand where the EU has not yet acted through a legal act itself. An example would be free trade agreements which at the same time regulate the substantive law on investment protection, on the other hand the same subject is regulated by provisions on mediation and arbitration procedure. In a similar case, namely the EU's free trade agreement with the Republic of Singapore, the CJEU ruled that while the mediation of investment disputes is within the EU's accessory compe-

18 European Commission vs. European Council, judgement of the CJEU of 31.03.1971, case nr. 22/70, p. 15/19.

tence[19], but the legal competence of arbitration is not. Thus, the agreement must be ratified by each individual member state.[20] If not all Member States agree with the concrete agreement, a major problem remains. In the meantime, the European Union is justifying itself to third contracting states with complex declarations on the division of competences in the EU.

This development creates uncertain areas regarding the CJEU's competence to interpret the EU Treaties. By explaining these agreements, the CJEU is interpreting the legal part of national law, for which it has no competence, because, as we recall, the CJEU has the competence to interpret only European Union law, i.e. the fundamental Treaties. However, such agreements are indirectly functionally and systematically closely linked to the law of the European Union. Many third countries find it difficult to perceive the division of competences in the European Union, as such being a *sui generis* legal entity. The fact that the CJEU does not draw a clear line on the EU's accessory competences in its favour, it suffers from the effect of the integration process of "*implied powers*", thereby even calling into question the European Union's authority towards third states. Especially in such a period where the world powers are fighting economic (and some even territorial) battles, it is of vast importance that the EU presents itself in the form of the word it bears, as a Union. However, a weakness in a time of crisis can undermine the European Union's idea of maintaining peace and harmonious coexistence within its territorial limits.

The above–mentioned fundamental rulings on the right to free movement (both of goods and of citizens) and the legal acts enacted because of them have led to economic and social interdependence between the EU Member States. Many concerns are present in every Member State through their subsidiary companies. Even if some factories are looking for means to re–establish themselves in states with friendlier tax legislation. At the same time citizens in the middle classes make full use of the freedom of establishment. But it is not only the production chains of European concerns that are integrated in every EU Member State, but also brands (of small and medium–sized companies) geared to the wide variety of consumers can be found in any Member State.

For example labour mobility in the EU is nowadays recorded by the European Commission, differentiated according to commuting workers, posted workers, long–term workers, etc. According to the latest European Commission report of 2022, in 2021 the migration of labour force from one of the EU countries not living in their home state was 3,9 % of the total population of the 27 Member States, which means 13,9 million.[21] This was up from 3,1 % in 2013. In contrast to that in 1972, just under 2,3 million foreign nationals were working in Germany, of which no more than 1

19 The term is more used in German law to describe a certain competence if the subject area is inextricably linked to a competence title. An example of the term's application is the judgement Kalfelis vs. Schröder, judgement of the CJEU of 27.09.1988, case nr. C–189/87, p. 22.

20 The Opinion "New Generation" of the CJEU of 16.05.2017, opinion nr. 2/15.

21 European Commission, in "Intra–EU Labour Mobility at a Glance 2022".

million came from countries that are now part of the EU. But in addition to the workforce, other non–working family members also immigrate. In 2018, Germany found a total of 10,9 million foreigners living in Germany, of which 4,8 million were EU foreigners.

Even if the presence of a large number of foreign citizens in a Member State does not guarantee a social integration *per se*, in some cases we even see a discrepancy between the desire for integration and the social reality, such as for example some districts of Paris populated by foreign citizens from Portugal or from Maghreb and sub–Saharan African states; so in principle partially states that were colonized by France. Another example is Berlin, with foreign citizens coming from (descending by number of foreign citizens) Turkey, Poland, Ukraine, Syria, Italy, Bulgaria, Russia, Romania, Vietnam, India, France, USA, Afghanistan etc. However, the migration of foreign citizens (especially those from the EU) leads to a coming together, ultimately resulting in the promotion of cultural exchange and bringing closer societies in the EU Member States, but also beyond the EU. The preservation of the culture of a Member State at a certain year, for example before the formation of the EU, is practically impossible if we consider the world globalization, which cannot be stopped by any means, but at best slowed down. Without the direct effect of the right to free movement, this process would have been much slower, but it would nevertheless continue. The impact of the CJEU *per se* is welcome, as the Court can act *in concreto* in cases that have wide–ranging relevance for the entire European community.

Since the 1980s, the European Union law has expanded into new areas such as copyright, consumer protection, employment law and data protection. Especially in the last years CJEU had to conclude whether personal data is protected in other states as well as in the EU or not.[22] Unlike the law regarding the right to free movement, the rest of the cases are not just about cross–border issues but cover every possible issue in the EU. They therefore have a potential impact on the quality of life and way of life of every European citizen. This is also true of the CJEU's interpretation rulings, which are as such an increasing part of its case law. Even if these decisions appear to not being so significant in comparison to the fundamental primary law rulings, and the grounds are inevitably very technical and go into many confusing details, they nevertheless continue to produce harmonization in the legal acts concerned. In some cases they also intervene in current political discussions and social issues.

Decisions on legal issues concerning the internet are also an important example. The judgment in the case *Peterson vs. YouTube* concerning the liability of an online video–sharing platform for short music videos with copyrighted content uploaded by a user in breach of copyright by a video–sharing platform made a stir in the online community, even though the judgment dealt with a legal situation that was already

22 Data Protection Commissioner vs. Facebook Ireland Ltd., judgement of the CJEU of 16.07.2020, case nr. C–311/18.

outdated at the time it was delivered.[23] The ruling targeted the everyday communication behaviour of the younger generation, particularly across Europe. The CJEU underlined the importance of the internet for our times and also emphasized the necessary European nature of the responses required.

In the cases *Schrems I* and *Schrems II*, the Court also made a point of mentioning the high level of data protection in the EU and clarifying certain competences in this area.[24]

Another example was in the aftermath of the 2007 financial crisis, as the CJEU sought to offer homeowners the possibility to be released from the mortgage lending contractual trap. Referrals in this respect have mainly come from Spain and other southern and eastern European countries, where home ownership is more widespread than for example in Germany and where the contractual terms in question more easily put a large number of borrowers at social risk. In the first place, the CJEU had to depart in its statements from its own case law of 2004, in which it had limited its power of review on prescription to general criteria for unfairness, which national courts have to follow and apply respectively.[25]

Although the Court still leaves the final determination of the terms to the national courts, it has nevertheless reserved itself the right, for example through the transparency obligation under art. 4 (2) of the Directive, to review variable interest rates or foreign currency clauses in financing contracts.[26] The contractual practices in question have often been applied by the banks concerned at national level for years, so that the CJEU had a considerable impact in opposing them. In this case, too, it became clear to the borrowers that the help to preserve their social existence came from Europe in the face of financing institutions that were perceived as all–powerful.

There are other areas of everyday life where CJEU case law has a fundamental impact, such as employment law, anti–discrimination law, passenger transport law and other areas especially of consumer law in particular. The perception of judgments on such subjects is not limited to Member States' governmental institutions and their judiciaries, nor to the individuals and legal entities and narrow circles of interests concerned. Many decisions of the CJEU are aimed at the general public, which "experiences" European integration of its own living conditions more courageously than in the case of decisions on cartels or the right to free movement.

Over the decades, the case law of the CJEU has continuously promoted integration in the sense of the idea of a community of Europeans. This was achieved initially

23 Peterson vs. YouTube, judgement of the CJEU of 22.06.2021, case nr. C–682/18 and C–683/18.

24 Schrems I: Schrems vs. Data Protection Commissioner, judgement of the CJEU of 06.10.2015, case nr. C–362/14. Schrems II: Data Protection Commissioner vs. Facebook Ireland Ltd., judgement of the CJEU of 16.07.2020, case nr. C–311/18.

25 Freiburger Kommunalbauten vs. L. Hofstetter and U. Hofstetter, judgement of the CJEU of 01.04.2004, case nr. C–237/02.

26 Gomez del Moral Guasch vs. Bankia SA, judgement of the CJEU of 03.03.2020, case nr. C–125/18.

through fundamental judgments on the right to free movement and competition law, later through direct or indirect, but nonetheless obvious, nudges to the EU legislature to act. The Court has increasingly evolved from a similarly "constitutional and administrative" court interpreting in principle only the fundamental Treaties, to a similarly "civil" court interpreting or expounding more and more on civil terms and regulations. Yet it has to be mentioned that European citizens actually have limited access to the CJEU's justice.

Taking a step back, the intention of the CJEU crystallizes when it expounds on political and social issues in the EU. The Court seeks to ensure the order of competition, the right to free movement, the enforcement of the values of European Union law both inside and outside the EU. European integration has not yet been successful in all areas, especially as regards the EU's power to sign agreements with third countries. And yet integration has come a long way, worthy of a union for which it was created, not least thanks to the case law of the Court of Justice of the European Union.

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