

Elisabeta Dano, Florin Dano v Jobcenter Leipzig (November 2014)

Facts: Two Romanian nationals brought proceedings against Jobcenter Leipzig, which refused to grant them search for employment benefits. These benefits are intended to cover the recipient's subsistence costs. Ms Dano (claimant) did not enter Germany in order to seek work there.

Question of law: Can economically inactive EU citizens who go to another Member State solely in order to obtain social assistance be excluded from certain social benefits?

Decision: Member states can deny certain social payments to unemployed EU citizens who move to that country and show no sign of seeking work. This establishes the principle that the freedom of movement within the EU does not grant EU citizens an absolute right to claim benefits in whichever country they choose. If the EU citizen does not have the financial resources to remain resident in another member state after an initial three months, that does not make rules excluding them from certain benefits discriminatory.

Where the period of residence is longer than three months but less than five years, the directive clarifies that economically inactive persons must have sufficient resources of their own to claim right of residence.

The ruling only relates to non-contributory benefits.

United Kingdom v European Central Bank (March 2015)

Facts: In July 2011 the European Central Bank published its Eurosystem Oversight Policy Framework, arguing that securities clearing houses based in non-Eurozone countries would have to move inside the Eurozone to continue to do business in euros. Clearing houses are financial institutions where cheques and bills from member banks are exchanged. Securities are a financial assets that guarantee the repayment of a loan, which are forfeited in the case of non-payment. The UK argued that the ECB lacked the power to dictate the location of business and that this policy would place a de facto residency constraint on certain financial transactions, which goes against EU competition rules and the spirit of the single market.

If the court had ruled in the ECB's favour, it may have damaged London's position as a leading financial centre.

Question of law: Does the ECB have the competence necessary to require central counterparties to be located in the Eurozone?

Decision: The court annulled the ECB's proposal. The court held that the ECB lacks the competence necessary to regulate the activity of securities clearing systems, limiting its competence to payment systems alone.

This decision showed the limits of the Eurozone and the ECB's powers. It highlighted that the single market must be respected.

ClientEarth v The Secretary of State for the Environment, Food and Rural Affairs (November 2014)

Facts: Environmental group Client Earth brought the case against the British government over the country's levels of nitrogen dioxide. The case was referred to the European courts after the UK Supreme Court ruled that the government was failing in its legal duty to protect people from the harmful effects of air pollution.

EU legislation sets out the limits for different air pollutants to which all EU member states must adhere. The UK missed the 2010 deadline and, in order to apply for a time extension, the UK government drew up plans to meet the legal limits which showed the limits would not be complied with until after 2030.

Nitrogen dioxide mostly comes from diesel exhaust fumes and can play a role in asthma, bronchial symptoms and reduced lung function.

Question of law: Whether the establishment of an air quality plan is relevant to the question of whether a Member State has complied with the directive, and, if it has not complied, what measures the national court is required to take.

Decision: The court dismissed the long-stated policy of seeking to comply with EU air pollution laws by simply appealing to Europe for more time. The government will be forced to urgently clean up air pollution in British cities. Individuals will now be able to sue the Government for breaching EU pollution laws. Campaigners believe the ruling could see many diesel cars and commercial vehicles banned from city centres. The UK Supreme Court will interpret what time frame this should be implemented by in 2015.

“The Court of Justice has contributed significantly to the Community legal system. Its creative case-law has remedied any shortcomings in the basic Treaties.”

Josse Mertens de Wilmars, ECJ President, 1980-1984

“Judicial decision-making in Europe is in deep trouble. The reason is to be found in the European Court of Justice.”

Roman Herzog, German President, 1994-1999

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