

## Chapter 8

### European Actions

#### 1. Enforcement Actions against Member States

- (a) The Procedural Conditions under Article 258
- (b) Judicial Enforcement through Financial Sanctions

#### 2. Actions Against the Union: Failure to Act

#### 3. Annulment Actions: Judicial Review

- (a) “Whether”: The Existence of a “Reviewable” Act
- (b) “Why”: Legitimate Grounds for Review
  - (i) “Formal” and “Substantive” Grounds
  - (ii) Proportionality: A Substantive Ground
- (c) “Who”: Legal Standing before the European Courts
  - (i) The Rome Formulation and its Judicial Interpretation
  - (ii) The Lisbon Formulation and its Interpretative Problems

#### 4. Damages Actions: Union Liability

- (a) Procedural Conditions: From Dependent to Independent Action
- (b) Substantive Conditions: From Schöppenstedt to Bergaderm

#### Conclusion

### Introduction \*

The European Treaties establish a dual enforcement mechanism for European Union law. Apart from the decentralized enforcement by national courts, the Union legal order equally envisages the centralized enforcement of European law in the European Courts. The judicial competences of the European Courts are enumerated in the section of the TFEU dealing with the Court of Justice of the European Union.

Four classes of judicial actions will be discussed in this Chapter. The first class is typically labelled an “enforcement action” in the strict sense of the term. This action is set out in Articles 258 and 259 TFEU and concerns the failure of a Member State to act in accordance with European law (Section 1). The three remaining actions “enforce” the European Treaties against the Union itself. These actions can be brought for a failure to act (Section 2), for judicial review (Section 3), and for damages (Section 4).

\* All footnotes omitted.