

UK and ECJ

- o The role of the ECJ as the guardian of the rule of law within the EU was established by the Treaty of Rome in 1957 and is reflected under UK law by s. 3 of the 1972 Act.
- o The principles of supremacy, direct applicability and the protection of fundamental rights and general principles of EU law were fully established before the UK joined the European Communities.
- o Issues of, e.g., national health and security policy are matters for the Member States subject only to a supervisory jurisdiction of the ECJ, and only where they interfere with rights conferred by EU law, in accordance with its constitutional role.
- o While the ECJ has exclusive jurisdiction as to the interpretation and validity of EU law, it is for the national courts to determine issues of fact in cases brought before them, including issues of proportionality in balancing the rights of individuals under EU law with issues of public policy.