GENERAL ASPECTS OF THE INFRINGEMENT PROCEDURE

Roxana-Mariana POPESCU*

Abstract

Each Member State is responsible for the implementation of EU law (adoption of implementing measures before a specified deadline, conformity and correct application) within its own legal system. The infringement procedure is one of the enforcement mechanisms that can be applied by the Commission against a Member State whenever the Commission is of the opinion that the Member State is in breach of its obligations under EU law. Is a procedure with which the European Commission fulfils one of its most fundamental duties, that is supervision of the implementation of the acquis. The infringement procedure can be initiated ex officio, following a proposal from a Member State or from a person reporting the infringement, be it a legal or a natural person.

Keywords: *infringement procedure; EU law; European Commission; Member State; acquis.*

In the context of EU accession, Member States have assumed their obligation to integrate in their own legal order, the legal rules of the European Union. "In this regard, each Member State must take measures to make sure that EU legal rule can be applied in the internal law, to ensure the compliance of internal rules with EU legal rules and also to apply them correctly"[1]. The Treaty establishing the European Community provides various mechanisms for ensuring compliance with the law of the European Union, mechanisms that include legal proceedings initiated, generally by the European Commission and, in particular, we can say, by a Member State.

Since Member States have assumed a number of obligations, including those relating to the correct and complete compliance and enforcement of EU law in the internal law, by expressing their consent to become parties establishing treaties of the European Communities and the European Union, naturally, these obligations must be fulfilled. Otherwise, the Treaty on the Functioning of the European Union (TFEU) establishes a procedure by which states are held responsible, namely, the procedure for infringement by Member States of their obligations under EU law, which is specific to EU law and is regulated in Article 258, TFEU[2].

As "guardian of treaties", the European Commission shall ensure the implementation and correct application of EU law into the internal law of Member States, and, under certain circumstances, it can bring to the Court of Justice, an action against a Member State, if it finds that the State has not fulfilled its obligations, under the treaties.

This action of finding the infringement of obligations is, according to the doctrine[3], the "special control instrument specific to the Commission, within its powers in relation to Member States, as expression of the existing dualism between Member States and institutions of the European Union. Through this mechanism of action for finding infringements of treaties, the Commission makes

---

* PhD candidate, Legislative Council.

[1] Monica Elena Otel, *"The Procedure for the action of finding obligations infringement, by Member States, under the EC Treaty and EU environmental law"*, the Romanian Community Law Magazine, no. 2 / 2006, p. 55.

[2] V.n. Art. 226 TEC.

[3] Fabian Gyula, *"Community Institutional Law"*, Third edition revised and enlarged with references to the Treaty of Lisbon, Legal Sphere Publishing House, Cluj-Napoca, 2008, p. 359 ff.

sure that Member States do not exercise powers that they have voluntarily renounced at, in favor of Communities"[4].

The possibility of introducing an appeal[5] to involve States liability when they do not fulfill one or more of their obligations is reserved to the European Commission, according to art. 258, TFEU. Thus, "if the Commission considers that a Member State failed to fulfill any of its obligations, under this Treaty, then the Commission issues a reasoned notification on the matter, after giving that State the opportunity to comment. If the state in question does not comply with the notification within the deadline set by the Commission, then the Commission may go to the Court of Justice"[6].

Although, as noted, the Treaty speaks of infringement of an obligation, the concept is not defined in any of the articles regulating the procedure. In this case, as in other cases, the Court had the task to define it. Thus, the Court concludes that a breach of obligations is any infringement, by any state authority, of mandatory rules and principles of EU law. The Court even stated that states were responsible for actions, inactions or omissions of state bodies, independent from the constitutional point of view. Whether it involves the provisions of constituent or modifying treaties on secondary legislation, international agreements interconnecting the European Community, respectively the European Union, or general principles of law guaranteed by EU law, it is not important. At the same time, it must be mentioned that not acknowledging a decision of the Court of Justice is also an obligation infringement, although, according to the Court in Luxembourg, it is "a special infringement"[7], likely to be referred to the Court.

The inconsistent behavior of a state may consist in an action, inaction or omission. For example, the infringement of an obligation may be the result of applying a measure or a national provision incompatible with EU law or keeping a national provision which is contrary to the one in the law of the European Union. The Member State will be charged with infringement, but the state body (authority) which is actually at the origin of the assumed obligation infringement is not taken into consideration.

1. Causes and methods to begin the procedure for the infringement of assumed obligations

A. Causes that may involve the procedure for the infringement of assumed obligations

There are several situations that could lead to beginning the procedure, namely:

- *the infringement of a positive obligation to ensure effectiveness of EU law*. The Court considers that the obligation is not fulfilled when a Member State does not sanction those who violate EU law in the same manner as those who violate the national law;

- *general and persistent infringements.* In practice, it appears that the state can be held responsible even when EU legal rules are properly implemented. The situation takes, however, into consideration a national administrative practice contrary to EU law, provided that it is regarded as constant and widespread. In these cases, the Court of Justice considers that the infringement, by a Member State, of assumed obligations can be established only after having

[4] *Idem.*

[5] In the European Community law, the term "appeal" does not take into consideration the extraordinary path of offense of the internal law, and for this notion, the concept of "action" brought before a court is synonymous.

[6] Art. 258 TFEU.

[7] Ami Barav, Christian Philip**,** „*Dictionnaire juridique des Communautés européennes",* PUF, Paris, 1993, p. 639.

"sufficient evidence to prove in detail and with documents the practice of the national government and / or the respective courts, which differs from the type of evidence, typically required for, when the infringement relates to terms used to formulate the national legislation"[8];

- *the Court proceedings of a Member State*. Often, the action of national courts has constituted an infringement of EU law, generally and of obligations assumed by a Member State, in particular. According to the constant practice of the Court of Justice, states are responsible for actions or omissions of bodies, independent from the constitutional point of view;

- *"the omission of notification of national regulations transposing EU acts.* The obligation of Member States is to notify both the transposing legislation, as well as the one ensuring the implementation"[9] of EU regulations, and it is mentioned in most cases, in the final provisions of EU regulations;

- *the improper transposition of EU legal acts*. Another obligation of Member States is that the national legislation transposing EU regulations should be in absolute compliance with the requirements of those acts in the field;

- *the non-conformity of the national legislation with EU legal regulatory requirements* (inadequate implementation of EU law). Member States are obliged to ensure the exact enforcement of the transposing provisions. The jurisprudence of the Court of Justice mentions that, often, the reason for the Commission complaint is the inadequate implementation of EU legislation, and not the incomplete transposition or its non-transposition. The Court states that "the freedom of a Member State to decide how to implement" (...) does not relieve it from the obligation to transpose the Directive provisions through national provisions with mandatory character (...). The mere administrative practices, which can be modified by nature, as the administration likes, can not be regarded as constituting a valid execution of the obligation, under the Directive"[10]. According to the Court, "the proper implementation is particularly important so that individuals know their rights, when those whom the Directive confers certain rights are citizens of other Member States"[11]. It should be cleared that, if the national law contains provisions, some of which are compliant with EU law and some of which not, the Court considers that such legislation is not clear enough to be consistent with EU law.

B. Detailed methods to begin the procedure for the infringement of assumed obligations

The Commission initiates the procedure, under Article 258 TEC, in response to the complaint of a Member State[12] national or at its own initiative. However, without an available inquiry service, the Commission collects the information necessary for filing the complaint, from various sources, such as: "through press, questions or petitions addressed in the Parliament or, more and more frequently, through modern technological resources, such as databases that show where Member States have not notified the implementation of the Directive"[13].

Thus, we identify the following ways to begin the procedure:

- the automatic report of omission cases of notifying the transposing national legislation. The

[8] Paul Craig, Gráinne de Burca, *« EU Law. Comments, jurisprudence and doctrine"*, Fourth Edition, Hamangiu Publishing House, Bucharest, 2009, p. 561.

[9] Monica Elena Otel, *op. cit.*,p. 57.

[10] Paragraph 12 of the ECCJ Decision of May 25th, 1982, *Commission des Communautés Européennes c / Royaume des Pays-Bas*, C-96/81.

[11] Paul Craig, Gráinne de Burca, *"EU Law. Comments, jurisprudence and doctrine"*, *op. cit.*, p. 559.

[12] According to art. 3, paragraph (3), point a) of Law no. 157/2005 for the ratification of the Treaty of Romania's EU accession, *"the national of a State means the natural or legal person having the citizenship, respectively the nationality of that State, in accordance with its internal legislation".*

[13] Paul Craig, Gráinne de Burca, *"EU Law. Comments, jurisprudence and doctrine", op. cit.*, p. 539.

Commission benefits from a referral system that allows informing, leading thus to the beginning of the automatic procedure. Through this system, the documentation of notification is brought directly, by the Member State, into the database of the Commission;

- the complaint filed to the Commission by any legal or natural person seeking any measure or practice of a Member State which it considers incompatible with EU rules. The complaint may be drawn up in any official language of the European Union[14], is exempt from taxes and may have the form either of a letter or it can also be used the standard form[15], elaborated by the European Commission[16]. The natural or legal person filing the complaint should not have any interest in that action and not be directly injured. The only condition for admitting the complaint is that it relates to the violation of an EU legal rule, by a Member State. However, the Commission highlighted that "the procedure is not intended primarily to offer people a way to appeal, but is an objective mechanism to ensure compliance, by the state, with the Community law"[17]. Under the doctrine, "the Commission is free to respond or not to such a request". The complaint is recorded in a register kept by the General Secretariat, and the complainant receives a notification with the number of the complaint. Within a year, the Commission is compelled, either to close the case or to move to the next stage. The complainant is, then, informed by the General Directorate in charge of the field, on the action taken by the Commission, in response to his complaint" [18];

- The Commission's own investigations:

a) Reports drawn up by Member States: all Member States have the obligation to prepare annual reports on the situation of complying with EU legal rules;

b) Parliamentary questions: The European Parliament may address the Commission, in exercising control responsibilities, questions that concern their work. As a consequence to these questions, the Commission may take notice and begin the procedure;

c) Petitions: within the European Parliament, operates a Committee on Petitions which serves to receive such complaints from citizens. Some of these petitions are submitted to the Commission for resolution and after analyzing them, the Commission may conclude that a Member State has not complied with obligations, under EU legal rules[19].

2. The procedure of finding the infringement of assumed obligations, by States

The specialized literature has formulated more opinions on the stages / phases of the procedure. According to Paul Craig and Gráinne de Burca[20], "the procedure of finding the infringement by Member States of obligations assumed, under the EC Treaty, can be divided into four distinct phases": the negotiation from the initial pre-contentious stage, the official notification on that alleged violation, via a letter from the Commission, the issuance of a reasoned notice from the Commission, sent to the State in question and the final stage - the referral to the Court of Justice, by the Commission.

Carol Harlow and Richard Rawlings[21] identify, however three phases, namely: "an initial stage which is diplomatic and shaped by the Commission, a subsequent phase, a little more

[14] Currently, there are 23 official languages.

[15] The form became available to persons interested in it, in 1999. It can be found in Romanian, at the following website: http://ec.europa.eu/community_law/your_rights/your_rights_forms_en.htm

[16] Monica Elena Otel, *op. cit.*, p. 58.

[17] Paul Craig, Gráinne de Burca, *"EU Law. Comments, jurisprudence and doctrine ", op. cit.*, p. 539.

[18] Gyula Fabian*, op. cit.*, p. 361.

[19] Monica Elena Otel, *op. cit.*, p. 59.

[20] *"EU Law. Comments, jurisprudence and doctrine ", op. cit.*, p. 542.

[21] *"Accountability and Law Enforcement: The Centralized EU Infringement Procedure"*, quoted by Paul Craig, Gráinne de Burca in *"EU Law. Comments, jurisprudence and doctrine", op. cit.*, p. 541.

jurisdictional, influenced by the Court, and yet dominated by the negotiator style of the Commission and a third phase, with a clear legal character, as a consequence of applying a pecuniary penalty against the State".

In our opinion, analyzing the content of the above stages, belonging to the authors mentioned, we consider that the procedure has two main, but distinct stages, which in turn comprise several actions, namely an administrative stage, a pre-contentious stage and a judicial stage which is contentious. Thus, further, we shall present the procedure development, considering these two stages.

A. *The administrative, pre-contentious stage*

The objective of this phase consists in allowing the Member State concerned to justify its position or, if necessary, to comply with the treaty requirements. The administrative stage gives the possibility to amicably resolve the misunderstandings that led the Commission to the conclusion that the State concerned has not complied with EU law.

The administrative stage is a mutual change of views between the future complainant (the Commission) and the future defendant (the Member State), "more specifically, in this stage, some time limits to resolve the situation inconsistent with EU law are set, and what is also important is that, within the administrative procedure, the delimitation of the scope of the future action brought before the Court of Justice is also established"[22].

The Court itself has stated repeatedly that the procedure purpose is "to enable the Member State, on one hand to remedy, correct or rectify its position on the issue presented before Court and, secondly, to present its defense against complaints of the Commission"[23].

In most cases, the procedure is initiated by the European Commission. In this case, the Commission shall send to the Member State likely to have infringed EU law, an informal letter. The General Directorate, with responsibilities in a particular area, requests, through this letter, to the State in question, relevant details on the alleged infringement of EU law. The role of this letter is to collect information and to eliminate any misunderstanding of the Commission. "In practice, it was shown that in many cases, the alleged infringement of EU law was due to shortcomings in translating national acts or to their misinterpretation"[24].

If, after the response received from the State, the Commission considers that the state is still likely to have infringed EU law, it shall send to the state in question, a "formal letter" requesting to the Member State to submit its views on its conduct towards the situation, which the Commission considers an EU law infringement. The letter states what the EU law infringement is, contains a summary of objections of the European Commission and also sets a time limit during which the state has the opportunity to make observations. The opportunity offered to the State to make comments, is considered by the Court as an essential guarantee, without which the infringement procedure, by States, of their assumed obligations, would be unfounded (illegal)[25].

The Member State can indicate, through observations, the measures it has taken to "entry into normality, if it recognizes that it ran counter to the Community legal order"[26].

We agree with authors of the specialized literature stating that "the State may not invoke provisions in its favor, practices or circumstances existing in its internal law to justify the non-

[22] Gyula Fabian, *op. cit.*, p. 362.

[23] *Idem.*

[24] Monica Elena Otel, *op. cit.*, 2006, p. 60.

[25] Section 1 of the ECJ Decision Summary, of March 28th, 1985, *Commission des Communautés Européennes c / République italienne*, C-274/83 *("The purpose of Art. 169 TCEE clears that the pre-contentious stage of the procedure for obligations infringement must contain* (...) the state possibility to make comments (...) - an essential guarantee required by the Treaty, and respecting this guarantee is a condition that guarantees the legality of this procedure").

[26] Gyula Fabian, *op. cit.*, p. 363.

compliance with the Community law obligations, even if they are constitutional" [27].

If after an exchange of views between the Commission and the Member State, or in the case the Commission receives no response from the State, the Commission is still convinced that it involves an EU law infringement, it issues a reasoned notification. The notification does not bind on the Member State concerned, and its legal effect is possible only in connection with an eventual notice of the Court of Justice. The notification must meet the following conditions:

1. to contain only those objections of the Commission presented in a formal letter;

2. to be reasoned, meaning "to contain a coherent and detailed statement of the reasons which led the Commission to consider that the State in question has failed to fulfill an obligation assumed under the Treaty"[28];

3. to specify a reasonable period in which the Member State would comply with EU law.

Regarding the need for motivating the notification, we have to make an observation. In the law of the European Union, the obligation to state reasons is an essential procedural requirement. Furthermore, Article 297 TFEU expressly requires that regulations, directives and decisions must be accompanied by reasons for which they have been developed and adopted. Article 258 puts, indirectly, this provision also in documents issued by the Commission, on its grounds. If in the first case, the lack of motivation is the subject of an action for cancellation, it is not the same with the failure of stating reasons for a notification of the Commission, and this merely because the notification is an act without legal force, being, in fact a tool guide. As argument, we take into consideration the statement made by the General Advocate Lagrange in the conclusions presented in the case Commission v Italy in 1961[29], namely: "This document should not be required to fulfill any formality, since (. ..), the reasoned notification is not an administrative act subject to the control of the Court, with regard to its legality". Nevertheless, the Member State which the notification is addressed, may appeal the absence of its motivation, but only before the Court of Justice, if the procedure reaches this point.

Since the Treaty does not stipulate a time within which the State must submit comments, "the Commission shall give a reasonable time, ordinarily two months, but the time limit may vary depending on the complexity of the case, emergency, whether the state was already informed before the initiation of the procedure"[30]. The deadline established by the Commission can be extended only by the Commission because the Court of Justice has no jurisdiction in granting a time extension.

The Member State is not compelled to answer to the notification letter sent by the Commission, and the absence of such a response does not involve any negative consequences.

But if the State answers to the European Commission, the answer must include measures taken in order to comply with EU law. The measures may be administrative or legislative, or both. The deadline for the implementation of measures and for response at the Commission's requirements is of two months, but it may be extended at the request of the Member State concerned, by a maximum of three months, if necessary measures to comply with the reasoned opinion must be adopted through a legislative procedure[31] .

If the state does not conform to the notification transmitted by the Commission, within the time stipulated, it (the Commission) may go to the Court of Justice. Interestingly, the Luxembourg

[27] Monica Elena Otel, *op. cit*, p. 61.

[28] Section 1 of the ECCJ Decision Summary, of July 11th, 1991, *Commission des Communautés Européennes c / République portugaise*, C-247/89.

[29] ECCJ Decision of December 19th, 1961, *Commission de la Communauté économique européenne c. / République italienne*, C-7/61.

[30] Mihaela-Augustin Dumitrascu, article published in the Newsletter of INPPA, no. 3 / 2005.

[31] Monica Elena Otel, *op. cit.*, p. 62.

Court may be notified, even in the case where the Member State has straightened its behavior, but after the deadline established. The reasons why the State is not exempted from any liability, were presented by the Commission itself, namely: the Commission maintains that it has a permanent interest in bringing the action to prevent states to "undermine" the infringement proceedings, ending their behavior which is not in accordance with EU law, before pronouncing an order, so that, subsequently it can resume its impugned conduct. However, the Commission argues, the Court must hear and determine also the short-term violations, because punishable is the EU law infringement, and not the duration of the infringement.

Through the referral to the Court, by the Commission, a confirmation of its legal position adopted in the reasoned notification is wanted. The referral is, in fact the start of the contentious stage.

B. The contentious stage

"The appeal for finding the infringement of obligations assumed must be introduced, at the latest within one month, after the Commission decided to refer the case to the Court of Justice"[32].

Regarding the contents of the appeal, some clarifications must be made. Given that the reasoned notification acts as a "procedural protection for the benefit of the Member State"[33] suspected to infringe EU law, the Commission can not change the substantive content of its claims when it goes to Court. Moreover, "the Commission can not alter the substantive content of its arguments, not even when it comes to hearing the case by the Court of Justice, even if both parties wish the Court to examine other aspects referring to the state conduct that occurred after the date of issuing the notice"[34]. In the case where the Commission wishes to introduce a new objection (which is not in the reasoned notification), it can not change the complaint, but it must resume the entire procedure, under Article 226. The only case upheld by the Court on amendments to claims formulated by the Commission, refers to a situation where they are less than in the reasoned notification.

In conclusion, the Commission can not express, at this stage, other claims than those found in the reasoned notification, but it can renounce at some of them.

In the application, the Commission must clearly indicate what its claims are, which are the matters of law and fact on which the calling of the State, to the Court, is based.

From the jurisprudence of the Court, it results that the Member State, although recognizing the EU law infringement, can not rely on the structure of its internal administrative system, established in accordance with constitutional rules, to argue the impossibility to resolve the problem. In this case, the Member State concerned is compelled to change the national system in order to ensure the uniform application of EU law.

Often, Member States invoke in order to explain the noncompliance, in time, with EU law, issues related to the legal system and to the separation of state powers, in the internal systems of law, rejected, however, constantly by EUCJ. The Court reiterated comments according to which the State was responsible "whatever would be the state body whose act or omission underlies the obligations infringement, even in the case of an institution constitutionally independent[35]" and that "a Member State may not invoke provisions, practices or circumstances existing within the internal legal system to justify the non-compliance with obligations and time limits set by community Directives"[36].

Another form of defense of the states is reflected in claiming the lack of intent, but not even this time the Court is willing to "forgive" the state, because the Court finds only if the infringement has occurred or not, and not whether it happened intentionally or negligently.

---

[32] Monica Elena Otel, *op. cit.*, p. 63.
[33] Paul Craig, Gráinne de Burca in *"EU Law. Comments, jurisprudence and doctrine", op. cit.*, p. 551.
[34] Idem.
[35] Idem, p. 563.
[36] Idem.

Another reason brought forward by Member States refers to the fact that the infringement was committed by other Member States, but not even this reason stands up. The Court has often rejected the idea according to which the obligation of respecting EU law is mutual and dependent on the absolute compliance by other Member States.

And last but not least, we mention that according to the Court, "it is not possible for a Member State to invoke the illegality of a previous EU decision that had been sent, in order to prevent a decision against it, within an action based"[37] on article 258 for failing to comply with that decision.

"Within a month after the decision of the Court, the Commission sends a letter to the Member State which reminds it the obligation to take necessary measures to ensure compliance with the violated EU law and to report within three months, the measures taken or to be taken"[38]. "The Member State is able to transmit a response to the Commission, on measures it has taken to comply with the decision of the Court, this option representing the right of the Member State concerned to defend it and to demonstrate how it considers necessary to respect the decision of the Community Court"[39].

If after observations transmitted by the Member State concerned, the Commission still considers that it has not taken the necessary measures to comply with the decision of the Court, it will issue a reasoned notification specifying the aspects on which the State has not complied with the decision of the Court.

"If the Member State concerned has not taken measures imposed by the Court's judgment within the period set by the Commission, then the Commission may go to the Court of Justice. The Commission states the quantum of the lump sum or penalty payments which it considers appropriate to the circumstances and that the Member State must pay"[40].

Under Article 260, section (2), paragraph 3) TFEU, the infringement by the Member State of the Court decision constitutes a new violation of the Treaties provisions which may be sanctioned again with an action of obligations infringement, and the Court may oblige the Member State to pay a lump sum or sums with comminatory character, until the fulfillment of obligations specified in the first decision.

In determining the lump sum, the Court will consider the following: "the hazard of the infringement, the duration of the infringement, the possibility of the Member State to pay the compensation required, the effect of the infringement on the public or private interest and the urgency of the matter"[41].

C. Effects of the decision

"The decision of the Court of Justice for failure to fulfill obligations assumed by Member States is just a declaration. It establishes only the infringement existence, and national authorities have the task to take measures in order to enforce the decision"[42].

The Court has no power to suspend and annul the state actions contested by the finding of EU law infringement or to establish concrete measures that the respondent State is compelled to. The Court decision requires the State concerned to amend the legislation, adjusting it properly and without delay, to measures ordered[43]. Although the Court decision has res judicata authority only between the parties, individuals can invoke an EU regulation, the purpose and scope of which have been defined by the Court of Justice.

---

[37] Idem, p. 564.
[38] Monica Elena Otel, *op. cit.*, 2006, p. 64.
[39] Idem, p. 65.
[40] Art. 260, paragraph (3), TFEU.
[41] Gyula Fabian, *op. cit.*, p. 370.
[42] Mihaela-Augustina Dumitrascu, *op. cit*.
[43] Gyula Fabian, *op. cit.*, p. 369.

References

- Ami Barav, Christian Philip, „*Dictionnaire juridique des Communautés européennes",* PUF, Paris, 1993 ;
- Paul Craig, Gráinne de Burca, „*EU Law. Comments, jurisprudence and doctrine"*, Fourth Edition, Hamangiu Publishing House, Bucharest, 2009;
- Mihaela-Augustin Dumitrascu, article published in the Newsletter of INPPA, no. /2005;
- Fabian Gyula, *"Community Institutional Law"*, Third edition revised and enlarged with references to the Treaty of Lisbon, Legal Sphere Publishing House, Cluj-Napoca, 2008;
- Monica Elena Otel, *"The Procedure for the action of finding obligations infringement, by Member States, under the EC Treaty and EU environmental law"*, the Romanian Community Law Magazine, no. 2/2006;
- Law no. 157/2005 for the ratification of the Treaty of Romania's EU accession;
- Lisbon Treaty, signed in 2007, entered into force in 2009;
- ECCJ Decision of May 25th, 1982, *Commission des Communautés Européennes c / Royaume des Pays-Bas*, C-96/81 ;
- ECCJ Decision Summary, of March 28th, 1985, *Commission des Communautés Européennes c / République italienne*, C-274/83;
- ECCJ Decision Summary, of July 11th, 1991, *Commission des Communautés Européennes c / République portugaise*, C-247/89 ;
- ECCJ Decision of December 19th, 1961, *Commission de la Communauté économique européenne c. / République italienne*, C-7/61 ;
- http://europa.eu/lisbon_treaty/faq/index_ro.html