

Case brief: Costa vs ENEL

European Court of Justice, Case 6/64, 15 July 1964

Plaintiff is Flaminio Costa, solicitor and shareholder of the enterprise Edison Volta. A defendant is E.N.E.L., public organisation set up by Italian Republic merging private sector of electricity industry. The plaintiff felt badly done by the nationalisation of the electricity production and distribution in his country. He refused to settle a bill for several hundred liras of the new nationalised company ENEL. Summoned to appear in court, he argued that the nationalisation of the electricity industry violated the Treaty of Rome and the Italian Constitution.

Italian judge referred the case first to the Italian Constitutional Court and then to the European Court of Justice. European Court of Justice ruled that Costa had no standing in this case, because Treaty provision had no direct effect. ECJ also stated, that if the highest court of law is not sure about application of EU law, it should ask ECJ. Nevertheless this case is legendary one about supremacy of EU law.