Single supervision, single judicial protection? Towards effective judicial protection in Single Supervisory Mechanism composite procedures
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Propositions accompanying the thesis

**SINGLE SUPERVISION, SINGLE JUDICIAL PROTECTION?**

*Towards effective judicial protection in Single Supervisory Mechanism composite procedures*

by Jouke Tegelaar

1. The European Union’s integrated Single Supervisory Mechanism (SSM) and its dualistic system of judicial protection are misaligned. (Ch. 5, Ch. 6 and Ch. 7)

2. In both SSM bottom-up and top-down composite procedures, the principle of effective judicial protection is currently not guaranteed in the action for annulment and the action for damages. The principle includes a clear system of judicial protection; adequate access to court; full jurisdiction; the right to judicial proceedings within reasonable time; and, the right to damages for violations of EU law. (Ch. 5, Ch. 6 and Ch. 7)

3. The SSM must be built on a mechanism of ‘single judicial protection’ to guarantee effective judicial protection. (Ch. 7, para 7.5)

4. A mechanism of ‘single judicial protection’ must comprise the centralisation of judicial review of both SSM bottom-up and top-down composite procedures and a mechanism of joint and several liability of the European Central Bank (ECB) and the National Competent Authorities (NCAs). (Ch. 7, para 7.3.2.3 and 7.3.3.3)

5. The current interpretation and application by the EU Courts of the EU principle of effective judicial protection lead to the compartmentalisation of composite procedures in judicial proceedings, necessitating further development of the principle. (Ch. 2)

6. The interaction between the action for annulment and the action for damages, as well as between EU law and national law, requires an analysis in tandem.

7. The Dutch legal principle of *formeles rechtskracht* applies to SSM bottom-up composite procedures in which the EU Courts have exclusive jurisdiction over both the ECB final decision and any Dutch Central Bank (*De Nederlandsche Bank*, DNB) preparatory acts. The *formeles rechtskracht* of an ECB final decision will in principle extend to a DNB draft decision. (Ch. 6, para 6.3.3.2–6.3.3.3)
8. Adherence to the principles of rule of law and effective judicial protection is a prerequisite for the success of both the EU and the SSM.

9. ‘Whatever comes tomorrow, happened yesterday’ (Oppenheimer Analysis – The Devil’s Dancers) encapsulates the idea of both the inevitability of future events, such as climate change, and the opportunity we have to take action today.

10. A key factor in successfully completing your PhD is finding enjoyment in the daily stroll from your bed to your desk.