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# Lecture on the Cooperation between National Courts and the CJEU

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On an uncharacteristically snowy April 14th, Sacha Prechal, a judge of the Court of Justice of the EU, came to the [Faculty of Law](#) to lecture on the cooperation between the national courts and the Court of Justice of the EU (CJEU). Prechal, who assumed her role as judge with the CJEU in 2010, immediately began discussing the core topics that emerge when considering the interaction between the courts of member states and their EU counterpart. She primarily focused on the national courts, and pointed out an introductory principle that would shape the remainder of the lecture: national judges are *also* EU judges, as they have a responsibility for the application and enforcement of EU law and judicial protection. Judge Prechal continued by explaining that this results in much responsibility being rested on the national courts, and mentioned that when she talked to judges within the member states they discussed how dealing with EU law poses some difficulty regarding comprehending and dealing with a law many see as “foreign.”



Judge Prechal proceeded in concentrating on EU law by defining the main role of the Luxembourg-based CJEU which is to ensure the uniform interpretation of EU law by member states, as well as settling legal disputes between EU states and EU institutions. The type of case most relevant to the theme of the lecture was a preliminary ruling procedure, which occurs when the national courts engage in formalised dialogue with the CJEU in an effort to seek guidance in regards to interpreting a point of EU law. Judges usually give a reference on this preliminary ruling if there's a problem with the interpretation of EU law; validity of a law is rarely questioned. In some instances, cases where a lower court disagrees with a higher court are presented before the Court of Justice, for example the *Landtová* case, and are particularly prevalent in Germany, such as the age discrimination *Petersen* case. Also worth mentioning is the famous Italian *Simmenthal* case, which many law students will be familiar with, and concerned a reference being made following the quarrel a small local judge had with the case law of the Constitutional Court. An additional reason why a reference might be made is that national courts need backing from the Court of Justice when they want to make a piece of national legislation invalid. Judge Prechal gave the *Ebert* case as an example, stating that Ebert himself was driven from "pillar to post" as no one in his native Hungary wanted to make a decision regarding his wish to become a Hungarian advocate so he convinced the national judges to make a reference to the CJEU about who was responsible.

Judge Prechal also outlined what happens when a preliminary ruling question arrives at the CJEU. These types of cases, which consist of 60% of the work undertaken by the Court of Justice, must initially be concisely translated into the 23 official languages of the EU, then sent to the capitals of the member states, the parties of the case and EU institutions within 20 days. The Court of Justice operates in French but the language of procedure is that from where the procedure is coming from, i.e. if a case is coming from the Czech Republic then the language used will be Czech. Once the procedure is completed the judgment and opinion of the judge must be translated into the official 23 languages again, and it is unsurprising that over 1000 people work in translation services in order to cater to these requirements.

Prechal continued her intriguing lecture, keeping everyone absorbed with her humorous observations and anecdotes, by informing us of some general extra information regarding the workings of the CJEU and its interaction with national courts. She explained to the attendees the importance of research and documentation in preliminary ruling proceedings. The reference must be checked to ascertain whether the questions before the court are admissible and whether jurisdiction is held, as well as investigating whether there are similar issue cases pending before the court as this is vital for coherence in case law. "Temporary specialisation" plays a key role here, as if one judge receives a case in a specific area then if a similar case arrives, that judge is allotted it. Prechal proceeded in her discussion of judges by highlighting that there is no guarantee that a Dutch judge, such as herself, would be assigned a Dutch case in the CJEU, and stressed that national judges have an obligation to provide a transparent, succinct description of the national law as the reference will be handled by people who are not familiar with the intricacies of each member state's law. She mentioned that the European Union website is an invaluable resource, especially for national judges.

Judge Prechal concluded her lecture by accentuating the interaction between the national courts and the Court of Justice. The CJEU is attempting to make the national courts further responsible and the approaches more clear and comprehensible due to the issue that not every decision is translated into every language, so how can the Court of Justice communicate the case law to the member states? Other mechanisms have proved successful, such as official visits by Presidents of Supreme Courts to the CJEU, as well as informal visits from individual courts such as the Polish Constitutional Court. Participation by judges in training sessions within their own countries are included in these efforts, but Judge Prechal made her belief evident that restructuring of the EU courts would be necessary. Following the opportunity for questions, the lecture finished with a positive piece of encouragement from the impressive judge who when asked where knowledge of EU law starts answered: "It begins with you, students, good luck!"

**Marita Moloney** is a third year Law International student at University College Cork, and is currently on Erasmus studying at the Faculty of Law in Charles University. She has a vast array of interests, ranging from art and culture to current affairs and literature. She decided to write for iForum as she believed it would be an excellent opportunity to continue developing her journalistic skills, gain valuable work experience and meet other Erasmus students with the same interests