

Working session 1

Division of competences

- Discretionary referral – 1st instance court
- One party raises question on interpretation of a specific provision of a directive (PM: is it a necessary condition for a decision to refer?)
- Checklist (what is necessary if you decide to refer)
- Arguments pro and contra decision to refer (alternative: deciding yourself on the interpretation)

Working session 2

Communication

- Discuss whether the Repsoll referral enables the ECJ to provide an adequate answer to the referring court
- Rank the flaws in order of importance

Working session 3

Division of competences & Communication

ECJ 10 May 2012, *Duomo e.a.*, C-357/10 to C-359/10

- Indicate the relevance of
 - Mentions on first page
 - Legal context (paragraphs 3 -7; 8-10)
 - Paragraphs 11 – 17
 - Paragraph 21
 - Paragraphs 40 – 45
 - Decision
- Indicate the impact of the judgment