



European Law Training

Cooperation of National Courts with the
European Court of Justice
under the Preliminary Ruling Procedure

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The Court of Justice of the European Union

- Article 19 TUE (ex Article 220 EC):
- CJEU includes the Court of Justice, the General Court and specialised courts
- CJEU ensures that in the interpretation and application of the Treaties the law is observed

The Court of Justice - jurisdiction

- Art 19 TUE:
- The Court of Justice shall:[...]
 - b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions

The Court of Justice - composition

- 27 Judges
- 8 Advocates General (AG)
- Registrar
- 4 Chambers of „five Judges“ (composition: 6 or 7 Judges)
- 4 Chambers of „three Judges“ (composition: 6 or 5 Judges)

ECJ – Chambers (2005-2009)

- Full court - (27 Judges – in the particular cases prescribed by Article 16 of the Statute of the Court)
- Grand Chamber - (13 Judges, ca. 8% cases)
- Chamber of five Judges - (ca. 58% cases)
- Chamber of three Judges - (ca. 33,5% cases)
 - President of the ECJ - (1% cases)

CJ – Chamber composition (Five and three judge chambers)

- | | |
|--|--|
| ■ I - A. Tizzano, E. Levits, A. Borg Barthet, M. Ilešič, J.-J. Kasel, M. Safjan, M. Berger | ■ V - E. Levits, A. Borg Barthet, M. Ilešič, J.-J. Kasel, M. Safjan, M. Berger |
| ■ II- J. N. Cunha Rodrigues, P. Lindh, A. Rosas, U. Lõhmus, A. Ó Caoimh, A. Arabadjiev | ■ VI - P. Lindh, A. Rosas, U. Lõhmus, A. Ó Caoimh, A. Arabadjiev |
| ■ III- K. Lenaerts, R. Silva de Lapuerta, E. Juhász, G. Arestis, J. Malenovský, T. von Danwitz, D. Šváby | ■ VII - R. Silva de Lapuerta, E. Juhász, G. Arestis, J. Malenovský, T. von Danwitz, D. Šváby |
| ■ IV- J. C. Bonichot, C. Toader, K. Schiemann, E. Jarašiūnas, L. Bay Larsen, A. Prechal | ■ VIII - C. Toader, K. Schiemann, E. Jarašiūnas, L. Bay Larsen, A. Prechal |

Preliminary questions – statistics

- No of questions referred:
 - 2004-249
 - 2005-221
 - 2006-251
 - 2007-265
 - 2008-288
 - 2009-302
- No of cases decided:
 - 2004-262
 - 2005-254
 - 2006-266
 - 2007-235
 - 2008-301
 - 2009-259

Preliminary questions, by Member State (1952-2008)

- Belgium - 579
- Denmark - 122
- Germany - 1672
- Greece - 134
- Spain - 211
- France - 755
- Ireland - 51
- Italy - 978
- Netherlands - 719
- Austria - 333
- Portugal - 64
- Finland - 56
- Sweden - 76
- United Kingdom - 448
- Bulgaria - 1
- Czech Republic - 7
- Estonia - 4
- Cyprus - 1
- Latvia - 3
- Lithuania - 5
- Hungary - 17
- Malta - 0
- Poland - 14
- Romania - 1
- Slovenia - 0
- Slovakia - 2

Duration of preliminary ruling procedures

- According to Annual Report for 2009 the average time to deal with preliminary ruling proceedings was:
- 2006-19.8 months
- 2007-19.3 months
- 2008-16.8 months (UPRP – 2.1 months)
- 2009- 17.1 months (UPRP – 2.5 months)

Judgment of the Constitutional Court in Case 18/04 K [2005]

- „The obligation to refer a preliminary question is a legal consequence of international (Community) obligations that the Polish state freely made”

Article 267 TFEU

- The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning:
 - a) the interpretation of the Treaties;
 - b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union;
- Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.
- Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court.
- If such a question is raised in a case pending before a court or tribunal of a Member State with regard to a person in custody, the Court of Justice of the European Union shall act with the minimum of delay.

Article 267 TFEU – Scope

- Interpretation of Union law (primary and secondary)
- Validity of acts of Union bodies i.e. secondary law

Article 267 TFEU – Court categories

- Preliminary questions may be asked by any national court or tribunal
- Courts or tribunals against whose decisions there is no judicial remedy under national law are obliged to bring the matter before the ECJ – basis of the preliminary rulings system – aims at uniform interpretation of Union law in Member States and avoids wrong application thereof
- Lower instance courts and tribunals – facultative
 - cf. Case Foto-Frost – they cannot rule on the validity of secondary acts – must bring the matter before the ECJ

Decisions on the validity of secondary acts

- *„Those courts may consider the validity of a community act and, if they consider that the grounds put forward before them by the parties in support of invalidity are unfounded, they may reject them, concluding that the measure is completely valid . By taking that action they are not calling into question the existence of the community measure.*
- *On the other hand, those courts do not have the power to declare acts of the community institutions invalid [...]” (Case C-314/85 Foto Frost)*
- *Plus – Case C-461/03 Gaston Schul – national court or tribunal against whose decisions there is no judicial remedy – duty to seek a ruling from the Court of Justice on a question relating to the validity of the provisions of a regulation even where the Court has already declared invalid analogous provisions of another comparable regulation.*

Concept of a „court or tribunal of a Member State“

A concept of Community law (Case C-24/92 *Corbiau*)

- Bodies having compulsory jurisdiction
- Established by law not contract between parties
- Its procedure is *inter partes*
- Permanent
- Applying the rule of law not fairness (here: fairness: Case C-393/92 *Commune d'Almelo*)
- Independent
- Appeal committees – admissible (Case C-246/80 *Broekmeulen*)
- Cannot apply for a preliminary ruling:
 - Non-judicial, law-making, administrative, advisory bodies,
 - Arbitration courts appointed under a private contract
 - Unless national law allows judicial control of an appeal against arbitration awards. Then the court deciding the action can make a reference for a preliminary ruling (Case C-126/97 *Eco Swiss China Ltd*)

Reference - how?

- Referring a question – it is essential that questions referred by national courts allow for an answer to be given (Case C-14/86 *Pretore di Salò*)
- *Whether a provision of Union law allows U (or prohibits) P ? (and what is the consequence of a provision of national law)*
- A question must not ask for an interpretation of national law. (From a formal point of view) a question must not ask about compatibility of a national rule with Union law = ETS interprets preliminary questions

Compatibility

- Although it is not the task of the Court, in preliminary ruling proceedings,
- to rule upon the compatibility of provisions of national law with the legal rules of the European Union,
- it has repeatedly held that it has jurisdiction to give the national court full guidance on the interpretation of European Union law in order to enable it to determine the issue of compatibility for the purposes of the case before it (see Case C-118/08 *Transportes Urbanos and Generales* [2010] ECR-0000, paragraph 23 and case-law cited).

Compatibility - continued

- It is appropriate for the Court to restrict its analysis to the provisions of Community law by providing an interpretation of them which will be of use to the national court, which has the task of determining the compatibility of the provisions of national law with Community law, for the purposes of deciding the dispute before it (Case C-380/05 *Centro Europa 7* [2008] ECR I-349, paragraph 51).
- Cf. Case C-368/09 *Pannon*

How to formulate questions – elements

- Facts outlining the legal context of the main proceedings
- Applicable national law
- Arguments of the parties
- Reasons to refer
- If possible – court or tribunal's view on the pertinent aspects of Union law
- Question itself „...“

Question – how?

In the event of questions having been improperly formulated ECJ would choose the elements to be the subject of a preliminary ruling:

„ *The court is free to extract from all the factors the elements of community law which, having regard to the subject-matter of the dispute, require an interpretation or an assessment of validity*“ (Case 83/78 Pigs Marketing Board)

The Court may request clarification from the national court in order to determine questions of facts or law of the case before it (order in Case C-54/03 Austroplant-Arzneimittel GmbH) (Article 104 § 5 of the rules of procedure)

Article 54a of the rules of procedure – The Court may ask questions to the parties understood broadly (governments of Member States, Commission, parties to the proceedings before national courts). The information provided shall be communicated to the other parties.)

Question – how?

- Context – facts of a case before national court
- *„The need to provide an interpretation of Community law which will be of use to the national court makes it necessary that the national court define the factual and legislative context of the questions it is asking” (Case C-320/90 Telemarsicabruzzo)*

Question – how?

- Reference to provisions of Union law
 - *„The Court is not thereby precluded from providing the national court with all those elements for the interpretation of Community law which may be of assistance in adjudicating on the case pending before it, whether or not that court has specifically referred to them in its questions” (eg. Case C-152/03 Ritter Coulais, paragraph 29 or Case C-544/07 Ruffler, paragraph 57)*

Procedural elements of national law

- Making a reference – sole competence of national court (cf. Case C-137/08)
 - National courts are autonomous – courts not compelled by parties' contentions (Case C-283/81 CILFIT)
- National law decides whether the order for reference can be challenged and on the time of referral (i.e. before or after the order becomes definitive)
- Referring court can withdraw the question at any time before ETS delivers its judgement (afterwards the answer is binding on the court and gives rise to legal effects)
- Order for reference – binding and must have its full effect so long as it has not been revoked or amended by the referring court, such revocation or amendment being matters on which that court alone is able to take a decision (Case C-210/06 Cartesio, paragraphs 89 and 97)
- National law provides for a legal basis to stay the proceedings
- National courts refer questions directly pursuant to Article 267 TFUE

ECJ competence vs. judicial remedies under national law

- Decision against which there is a judicial remedy under national law: Article 267 TFUE does not preclude decisions of such a court by which questions are referred to the Court for a preliminary ruling from remaining subject to the remedies normally available under national law.
- In a situation where a case is pending, for the second time, before a court sitting at first instance after a judgment originally delivered by that court has been quashed by a supreme court, the court at first instance remains free to refer questions to the Court pursuant to Article 267 TFUE, regardless of the existence of a rule of national law whereby a court is bound on points of law by the rulings of a superior court (Case C-210/06 Cartesio, paragraph 94)
 - It is for this court to draw the proper inferences from a judgment delivered on an appeal against its decision to refer and, in particular, to come to a conclusion as to whether it is appropriate to maintain the reference for a preliminary ruling, or to amend it or to withdraw it.

Interpretation of the judgment in *Cartesio* by the Danish Supreme Court (Sag 344/2009)

- Case C-398/09 Lady&Kid a.o. – reference for preliminary ruling on the interpretation of Union law concerning national rules on refunds of unlawful levies under Union law.
- Appeal to the Danish Supreme Court Højesteret – order of 11 February 2010:
- “In is apparent from the judgment in *Cartesio* that Article 267(2) TFUE does not preclude the referred decision to be subject to an appeal under national law; however, the appellate court must refrain from amending this decision so that the lower instance court has to amend, withdraw or quash the first decision. [...]
- The system, under which there is no possibility for an appellate court in an appeal from a decision to refer a preliminary question to quash or amend that decision, is difficult to accept under Danish legal order [in Danish law – Supreme Court definitive decision]”

Interpretation of the judgment in *Cartesio* by the Danish Supreme Court - continued.

- Consequently:
- The Danish Supreme Court rejected the application of a provision of national law allowing to appeal from a decision to refer a preliminary question in order to avoid the appellate court to quash or amend that decision with binding effect. The Danish Supreme Court said that such an appeal was inadmissible.
- It allowed however appeals from decisions rejecting making references for a preliminary ruling to the ECJ. According to the Danish Supreme Court, normal judicial remedies apply to such decisions.

ECJ competence vs. judicial remedies under national law

- Remedy under national law results in:
 - Proceedings before the ECJ being suspended where an appeal has a suspensory effect under national legislation (orders in Case 31/68 Chanel; Case C-132/87 National Instituut; Case C-34/90 Plapied Gallez)
 - No suspensory effect, proceedings before the ECJ continue.
- Where a decision of the referring court is set aside, the case is removed from the register of the ECJ (orders in Case C-269/92 Bosman; Case C-310/94 Ardon a.o.)
- Case C-525/06 Nationale Loterij – Decision to refer reversed by an appeal court – No need to adjudicate
- Matter resolved amicably – questions referred become devoid of purpose – case is removed from the court's register (order in Case C-132/07 Group Beecham)

Admissibility

- *„Where the questions put by national courts concern the interpretation of a provision of Community law, the Court is, in principle, bound to give a ruling. Since the purpose of the Court's jurisdiction is to ensure the uniform interpretation of Community law in all the Member States, the Court confines itself to inferring from their wording and spirit the meaning of the Community rules at issue'*
 - (Case C-231/89 Gmurzynska-Bscher)

Admissibility

- When a question on the validity of a measure adopted by the institutions of the European Community is raised before a national court, it is for that court to decide whether a decision on the matter is necessary to enable it to give judgment and, consequently, whether it should request the Court to rule on that question.
- Accordingly, where the national court's questions relate to the validity of a provision of Community law, the Court is obliged in principle to give a ruling.
 - [Case C-491/01 British American Tobacco (Investments) and Imperial Tobacco, [2002] ECR I-11453, paragraph 34; see also Case C-308/06 Intertanko a.o., [2008] ECR I-4057, paragraph, cf. Case C-343/09 Afton Chemical, paragraph 13 and 14)

Admissibility

- „It is solely for the national court before which the dispute has been brought, and which must assume responsibility for the subsequent judicial decision, to determine in the light of the particular circumstances of the case both the need for a preliminary ruling in order to enable it to deliver judgment and the relevance of the questions which it submits to the Court.”
 - (Case C-379/98 Preussen Elektra, paragraph 38; Case C-169/07 Hartlauer, paragraph 24, Case C-544/07 Rüffler, paragraph 36)

Admissibility

- „However, in exceptional circumstances, the Court can examine the conditions in which the case was referred to it by the national court”
 - (Case C-318/00 Bacardi-Martini, paragraph 42)

Admissibility – existence of a dispute

- *„The duty of the court of justice is to supply all courts in the community with the information on the interpretation of community law which is necessary to enable them to settle genuine disputes which are brought before them. Jurisdiction of the ECJ does not involve answering questions (...) which are not necessary to resolve the dispute”*
 - (Case C-104/79 Foglia / Novello)

Admissibility

- The Court may refuse to rule on a question referred by a national court only:
- where it is quite obvious that the interpretation of Community law that is sought bears no relation to the actual facts of the main action or its purpose,
- where the problem is hypothetical
 - [(Case C-379/98 Preussen Elektra, paragraph 39; Case C-221/07 Zablocka-Weyhermüller, paragraph, Case British American Tobacco (Investments) and Imperial Tobacco, paragraph 35 and Case Intertanko, paragraph 32].

Inadmissibility

Article 92(1) of the Rules of Procedure -
the Court has no jurisdiction or action is
manifestly inadmissible

The Court may, by reasoned order, after
hearing the Advocate General, and
without taking further steps in the
proceedings, give a decision on the
action.

Absence of competence

Choice of legal basis:

- Cases C-535/08 Pignataro
 - Legal basis – Article 92(1)
- Case C-168/06 Ceramika Paradyż
 - Legal basis – Article 104(3) first paragraph of the Rules of Procedure – reasoned order

(In)Admissibility

- No cross-border element
 - A reply of the Court might be useful to the national court if its national law were to require, that a national of that Member State must be allowed to enjoy the same rights as those which a national of another Member State would derive from Union law in the same situation (Case C-451/03 Servizi Ausiliari Dottori Commercialisti, paragraph 29; Case in Cipolla a.o., paragraph 30 and Joined cases C-570/07 and C-571/07 Blanco Pérez and Chao Gómez, paragraph 36).
 - It follows that the question is admissible

Inadmissibility - continued

- Case C-393/08 Sbarigia – absence of cross-border element:
- Interpretation of Union law requested by the referring court in its order, is not relevant for the outcome of the main proceedings (freedom of establishment, rules of competition law etc.)
- Absence of clearly defined legal basis

The concept of *Acte claire*

- The concept used by the courts that are obliged to refer a question
 - Problem of such a nature that raises no doubt in an informed mind...- Laferriere (*Traité de la juridiction administrative, 1896*)

ECJ's answer – judgment in *CILFIT*

- Obligation to refer ceases to exist when it has been established that the correct application of Community law is so obvious as to leave no scope for any reasonable doubt
- 3 conditions: matter obvious for national court and the ECJ; interpretation taking account of multilingualism; interpretation in the light of the provisions of community law as a whole

“Misconduct on the part of the court”?

- Responsibility of Member States for breaches of Union law
- Case C-224/01 Köbler
 - Breach by the national court must be manifest to trigger MS' responsibility
- C-173/03 Traghetti del Mediterraneo
 - MS is liable for damage caused to individuals by infringements of Community law attributable to a national court adjudicating at last instance where that court manifestly infringed the applicable law
 - Community law precludes national legislation which limits such liability solely to cases of intentional fault and serious misconduct on the part of the court, if such a limitation were to lead to exclusion of the liability of the Member State concerned in other cases where a manifest infringement of the applicable law was committed.

Interpretation of judgments

- Article 102 of the Rules of Procedure – interpretation of judgments
 - The Court shall give its decision in the form of a judgment after having given the parties an opportunity to submit their observations and after hearing the Advocate General.
 - « Une demande en interprétation doit, pour être recevable, viser le dispositif de l'arrêt concerné, en liaison avec les motifs essentiels de celui-ci, et tendre à dissiper une obscurité ou une ambiguïté affectant éventuellement le sens et la portée de l'arrêt lui-même en ce qu'il devait trancher l'espèce précise qui lui était soumise. Une demande en interprétation n'est donc pas recevable lorsqu'elle vise des points qui n'ont pas été tranchés par l'arrêt concerné (voir, en ce sens, ordonnance du 20 avril 1988, Maindix e.a./CES e.a., 146/85 INT et 431/85 INT, Rec. p. 2003, points 5 et 6 ainsi que jurisprudence citée).

Possibility to ask afresh for a preliminary ruling


- The dispute pending before the national court gave earlier rise to a judgment in Case C-261/01 *Budějovický Budvar* [2003].
- However, first, as demonstrated by the course of the proceedings after delivery of the judgment in *Budějovický Budvar*, uncertainties remain as regards the scope of that judgment (NB method to be used to determine what designation constitutes an indication of provenance ...)
- Secondly, according to the national court, the factual and legal context of the dispute in the main proceedings has undergone fundamental changes compared to that which existed when that court made its reference for a preliminary ruling to the Court which gave rise to the first judgment.
- Cf. Case C-478/07 *Budějovický Budvar*



Elements of procedure

Article 104 of the Rules of Procedure


- Art 104(3) of the Rules of Procedure
 - A question referred to the Court for a preliminary ruling is identical to a question on which the Court has already ruled
 - Answer to such a question may be clearly deduced from existing case-law
 - The answer admits no reasonable doubts – (hearing the AG and persons referred to in Article 23 of the Statute)
 - ECJ gives its decision by reasoned order (*ordonnance motivée*)
- Art 104(5) of the Rules of Procedure
 - The Court may, after hearing the Advocate General, request clarification from the national court



Accelerated procedure –

Article 104a of the Rules of Procedure

- At the request of the national court, on a proposal from the Judge-Rapporteur and after hearing the Advocate General
- Where the circumstances establish that a ruling on the question is a matter of exceptional urgency
- Request lodged by a separate letter
- President immediately fixes the date for the hearing
- Statements of case or written observations within a period prescribed by the President, which shall not be less than 15 days; restriction of the matters addressed to the essential points of law; they are notified to the parties and to the other persons referred to above prior to the hearing
- ETS rules after hearing the Advocate General



Urgent procedure (procédure préjudicielle d'urgence - PPU) Art 104b of the Rules of Procedure

- Amendment to the Rules of Procedure – Article 104b
- Areas covered by former Title VI TUE or Title IV of Part Three of the TEC
- Effective as of 1 March 2008
- Request of the national court or tribunal (or, exceptionally, of the Court's own motion)
- The decision to deal with a reference for a preliminary ruling under the urgent procedure shall be taken by the designated Chamber, acting on a report of the Judge-Rapporteur and after hearing the Advocate General
- The decision as to whether or not to deal with the reference for a preliminary ruling under the urgent procedure shall be notified forthwith to the national court or tribunal and to the parties, Member State from which the reference is made and institutions referred to in Article 23 of the Statute
- The Chamber may, in cases of extreme urgency, decide to omit the written part of the procedure
- The parties and other interested persons are informed as soon as may be possible of the foreseeable date of the hearing and they are served with the statements of case or written observations which have been lodged
- The designated Chamber rules after hearing the Advocate General



Urgent procedure (PPU) Article 104b of the Rules of Procedure

- Questions have been heard in 5 cases:
 - C-195/08 PPU Rinau
 - C-296/08 PPU Santesteban Goicoechea
 - C-388/08 PPU Leymann et Pustovarov
 - C-357/09 PPU Kadzoev
 - C-403/09 PPU Detiček
 - C-211/10 PPU Povse
 - C-400/10 PPU McB

Elements of procedure

- National court lodges preliminary references to the Registry
- Reference is analysed by the "Research and Documentation" Department
- Translation, notification to the parties, Member States, Commission, ECB, Council, European Parliament where the question concerns interpretation of a measure adopted by these institutions /eventually, parties to the EEA Agreement and EFTA Surveillance Authority/
- Designation of a Judge to act as a Rapporteur and an Advocate General

Elements of procedure

- Written phase (2 months – fixed time-limit, not extended to allow parties to the proceedings (*sensu largo*) to lodge pleadings
- Oral phase (not obligatory, can involve hearing and/or opinion of Advocate General)
- As regards the representation and attendance of the parties to the main proceedings in the preliminary ruling procedure the Court shall take account of the rules of procedure of the national court or tribunal which made the reference (Article 104(2) of the Rules of Procedure)
- Ruling in preliminary reference
- The decision is communicated to the national court

Practicalities

- Question of the national court (order for reference and case file)
- The Registry confirms the receipt of the reference (national court – confirms the elements of the case, important data of the parties and parties' agents and lawyers)
- The Registry transmits copies of written pleadings to national court
- Notification of the hearing (AG's opinion if necessary)

Practicalities

- Communication of the report for the hearing
- Notification of the ruling's delivery
- Communication of a copy of the ruling (in the language of procedure)
- National court rules on the costs (ECJ – if necessary costs of representation and attendance)
- The ECJ welcomes information from the national court on the action taken upon its ruling in the national proceedings and a copy of the national's court decision

Effect of a preliminary ruling

- Binds the national court in the case at hand, ex tunc i.e. since the entry into force of a Union law measure analysed by the ruling
- Binds other court which hear that case on appeal
- Ruling which annuls a measure of Union law is also binding in other cases

Effects of a preliminary ruling

- The interpretation, which the Court, in the exercise of the jurisdiction conferred upon it by Article 267 TFEU, gives to a rule of European Union law clarifies and where necessary defines the meaning and scope of that rule as it must be, or ought to have been, understood and applied from the time of its coming into force.
- It follows that the rule as thus interpreted can, and must, be applied by the courts even to legal relationships arising and established before the judgment ruling on the request for interpretation, provided that in other respects the conditions are satisfied for bringing an action relating to the application of that rule before the courts having jurisdiction (see Case 24/86 Blaizot and Others [1988] ECR 379, paragraph 27, Case C-415/93 Bosman [1995] ECR I-4921, paragraph 141, and Case C-73/08, Bressol a.o., [2010] ECR I-0000, paragraph 90)

Effects of a preliminary ruling

- Only exceptionally the Court may, having regard to the general principle of legal certainty inherent in the European Union legal order, find it necessary to limit the possibility for interested parties, relying on the Court's interpretation of a provision, to call in question legal relations established in good faith.
- For there to be such a limitation, two essential criteria must be fulfilled:
 - that those concerned acted in good faith
 - there is a risk of serious difficulties (see, inter alia, Case C-57/93 Vroege [1994] ECR I-4541, paragraph 21, and Case C-402/03 Skov and Bilka [2006] ECR I-199, paragraph 51).

Effects of a preliminary ruling

- Financial consequences which might ensue for a Member State from a preliminary ruling do not in themselves justify limiting the temporal effect of the ruling (see, in particular, Case C-184/99 Grzelczyk [2001] ECR I-6193, paragraph 52).

Limiting the effects of a judgment in time

- The Court limited the effects of a judgment only in quite exceptional circumstances
- First, where there was a risk of serious economic repercussions owing in particular to the large number of legal relationships entered into in good faith on the basis of rules considered to be validly in force,
- Second, where it appeared that both individuals and national authorities had been led into adopting practices which did not comply with Union law by reason of objective, significant uncertainty regarding the implications of Union law provisions, to which the conduct of other Member States or the Commission may even have contributed (cf. Case C-184/99 Grzelczyk, paragraph 53).

Polish preliminary questions

- Pending:
 - C-489/10 - Bonda, Supreme Court (SC)
 - C-372/10 - Pak-Holdco, Supreme Administrative Court (SAC)
 - C-280/10 - Kopalnia Odkrywkowa Polski Trawertyn, SAC
 - C-212/10 - Logstor ROR Polska, Regional Administrative Court (RAC) in Gliwice
 - C-181/10 - Kuć i Jeziorska-Kuć, SAC
 - C-180/10 - Słaby, CAS
 - C-530/09 - Inter-Mark Group, RAC in Poznan
 - C-440/09 - Tomaszewska, SC
 - C-410/09 - Polska Telefonia Cyfrowa, SC
 - C-438/09 - Dankowski, SAC
 - C-375/09 - Tele 2 Polska, SC
 - C-283/09 - Weryński, District Court in Warsaw

Polish preliminary questions

■ Cases decided:

- C-222/09 - Kronospan Mielec, PP NSA
- C-395/09 - Oasis East, PP NSA
- C-188/09 - Profaktor Kulesza
- C-99/09 - Polska Telefonía Cyfrowa
- C-522/08 - Telekomunikacja Polska
- C-441/08 - Elektrownia Pątnów
- C-344/08 - Rubach
- C-314/08 - Filipiak
- C-544/07 - Rűffler

Polish preliminary questions

■ Cases decided - continued:

- C-502/07 - K1
- C-444/07 - MG Probud
- C-426/07 - Krawczyński
- C-414/07 - Magoora
- C-134/07 - Kawala
- C-25/07 - Sosnowska
- C-499/06 - Nerkowska
- C-168/06 - Ceramika Paradyż
- C-313/05 - Brzeziński