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Preliminary reference in the EU law
and the role of national courts in the
protection of rights of the disabled

Introductory remarks

- The goals of the procedure pursuant to Art. 267 TFEU
- Preliminary question in the EU law system

Regulations governing the preliminary reference

- Art. 267 of the TFEU
- The Statute of the CJEU
- The Regulations of the CJEU
- Recommendations for national courts (2012/C 338/1)
- Guidelines for attorneys of the parties

Premises of the proceedings

- Authorities entitled to file a motion
- Preliminary question and the competences of national courts with respect to legal questions
- Preliminary question as an “indispensable” condition for deciding a case

Subject of preliminary question

1. Question regarding interpretation of EU law
 - treaties
 - legal acts adopted by EU institutions
 - international agreements concluded by the EU
2. Question regarding validity of legal acts adopted by EU institutions

Consequences of decisions issued in the preliminary mode

- Consequences of deciding the right interpretation
- Consequences of deciding about validity
- Meantime aspect of the ruling

Procedural aspects

- Proceedings before national courts
- Proceedings before CJEU

Thank you for your attention