

## The Preliminary Ruling Procedure in Practice

Luxembourg, 7-8 May 2012



### Workshop venue

European Centre for Judges and Lawyers  
European Institute of Public Administration  
Circuit de la Foire Internationale, 2; LU-1347  
Luxembourg; Chambre des Métiers Building;  
4th Floor, Master room



## Introduction

### Target group

The seminar targets members of national courts and tribunals (magistrates, judges, court clerks, etc.) who may participate in the procedure as referring party, as well as legal officials and agents from Member States and European Union institutions, who may take part by presenting their observations. It is also aimed at lawyers, academics, other practitioners, experts and interested actors, who wish to update their knowledge on the preliminary ruling procedure and obtain a comprehensive overview.

### Description

The Court of Justice of the European Union cooperates with all the courts of the Member States, which are the ordinary courts in matters of European Union law. To ensure the effective and uniform application of European Union norms and to prevent divergent interpretations, the national courts may, and sometimes must, refer to the Court of Justice of the European Union and ask it to clarify the meaning or to review the validity of an act of European Union law which is of relevance to the case on which they need to adjudicate.

This procedure, specific to the European Union, has often been defined as a “dialogue between judges”, and has contributed to the creation and articulation of a true European Judicial Space. Against this backdrop, this seminar will offer a practical analysis of this procedure, highlighting its particularities in order to provide those who are called to participate in it with a thorough understanding of the procedure’s workings.

### Learning Methodology

Presentations, workshops and case studies. All sessions will include question and answer sessions and the possibility to exchange experiences.

### Objectives

The objective of this seminar is to provide a practical guide on the use of the preliminary ruling procedure to those who initiate and/or intervene in it (members of referring courts and tribunals, legal agents of intervening parties in the proceedings, etc.). This seminar will review matters such as the role of the Court of Justice of the European Union in the procedure; the typology of references; the decision by national courts or tribunals to submit a question to the Court (is it appropriate to make a reference or not?); the stage at which to submit the question and the form of the reference; the different phases in the procedure; the actors that participate in it (parties and interveners); and the value and legal consequences ensuing from the Court of Justice’s response. Particular attention will be paid to the urgent preliminary ruling procedure and its specific procedural features.

# Programme

## MONDAY 7 MAY 2012

- 08.30 **Registration of participants**
- 09.00 **Welcome and introduction to the seminar**  
*Juan Diego Ramírez-Cárdenas Díaz*, Senior Lecturer, European Centre for Judges and Lawyers, EIPA
- 09.15 **Purpose and content of the Preliminary Ruling Procedure:**
- The Preliminary Ruling Procedure, a “dialogue between judges”
  - Jurisdiction of the Court of Justice of the European Union and typology of references
  - Interpretation of the EU treaties and EU acts
  - Exclusive jurisdiction to declare EU acts invalid
- Ludovic Bernardeau*, former Legal Secretary, Chambers of Judge Koen Lenaerts, Court of Justice of the European Union, Senior Lecturer, University Paris 10
- 10.15 **National courts and tribunals in the Preliminary Ruling Procedure:**
- The originator of the procedure – who can submit a reference to the Court of Justice?
  - The possibility or duty of national courts or tribunals to refer
  - Consequences of the failure to comply with the duty to refer
- Joaquín Moreno Grau*, Senior Judge, Administrative Court of Appeal, Murcia
- 11.15 Coffee break
- 11.45 **Practical guidance to national courts and tribunals when making a reference for a Preliminary Ruling (I):**
- The decision to submit a reference to the Court of Justice – when is it appropriate/necessary to make the reference or not?
  - At which stage of the national procedure to submit the reference for a preliminary ruling?
  - The effects of the reference for a preliminary ruling on the national proceedings
- Joaquín Moreno Grau*
- 12.45 Lunch
- 14.30 **Practical guidance to national courts and tribunals when making a reference for a Preliminary Ruling (II): workshop**
- In this session, participants will review a number of examples of references of national courts or tribunals, in order to clarify the following points:
- The form of the reference for a Preliminary Ruling
  - Relevant information which the order for reference should contain
  - The prerogatives of the Court of Justice in relation to the referred questions (admissibility, dismissal, completion, partial response, transformation of a reference for interpretation in a question of validity)
- Ludovic Bernardeau*
- 15.45 Coffee break
- 16.15 **The main reasons, role and practicalities of taking part in the Preliminary Ruling Procedure:**
- Litigants before the national court
  - EU Member States
  - Commission and other institutions, bodies, offices or agencies of the Union
  - EEA States, EFTA Supervisory Authority or non-Member States

*Esmeralda Balode-Buraka*, Associate Lawyer, bnt  
*Klauber Krauklis*, Attorneys at law, Former agent of the Latvian Government, former Director of the European Court of Justice Department, Ministry of Justice, Riga

17.30 **Review of the first day’s proceedings**

18.00 Reception – **End of the first day**

## TUESDAY 8 MAY 2012

- 09.00 **The proceedings in the Preliminary Ruling Procedure (I): the written phase –**
- Purpose and conduct of the written procedure
  - The lodgement of the order for reference
  - Submission of written observations
  - Procedural time limits
  - Practical advice to referring jurisdictions and to parties
- Alessandra Impellizzeri*, Administrator, Registry, Court of Justice of the European Union, Luxembourg
- 09.45 **The proceedings in the Preliminary Ruling Procedure (II): the oral phase –**
- Purpose and conduct of the oral procedure
  - Oral submissions
  - Simultaneous interpretation
  - Practical advice to parties
- Klaus Malacek*, Administrator, Registry, Court of Justice of the European Union, Luxembourg
- 10.30 Coffee break
- 11.00 **The Accelerated Procedure and the Urgent Preliminary Reference Procedure (PPU)**
- Policy areas which can be subject to the PPU
  - Conditions for the application of the PPU
  - When may a national court or tribunal request the application of the PPU?
  - Specific procedural modalities of the PPU
- Caroline Naome*, Legal Secretary, Chambers of Judge Allan Rosas, Court of Justice of the European Union, Luxembourg
- 12.30 Lunch
- 14.00 **The effect of the judgement in the Preliminary Ruling Procedure**
- Scope of the responses (effects of the judgement vis-à-vis the referring national jurisdiction, other national jurisdictions, EU institutions and Member State authorities)
  - Retroactive effect of the responses
- Ludovic Bernardeau*
- 15.00 **The Preliminary Ruling Procedure: workshop**
- In this session participants will have the opportunity to work with different case studies that deal with the fundamental elements and phases of the procedure presented during the seminar and will analyse the Court of Justice’s decision to each case
- Juan Diego Ramírez-Cárdenas Díaz*  
(Coffee will be served during the workshop)
- 16.30 **The future of the Preliminary Ruling Procedure: overview of proposals for its potential reform**
- Juan Diego Ramírez-Cárdenas Díaz*
- 17.00 **End of the seminar**

# General Information

## Hotel reservations

The European Institute of Public Administration has agreements with the below mentioned hotels:

### Kirchberg

- **Hotel Novotel Kirchberg\*\*\*\***, at the rate of €148. Tel.: +352 43 77-6851; fax: +352 43 9195; e-mail: H1930-RE2@accor.com; booking page: <http://businesstravel.accorhotels.com/fr/reservation/bookings.shtml> (Client code: SC000002048 – Contract No 308506).
- **Hotel Melia\*\*\*\***, at the rate of €140. Tel.: +352 27 333-1; fax: + 352 27 333-999, e-mail: [reservations.melia.luxembourg@solmelia.com](mailto:reservations.melia.luxembourg@solmelia.com); [www.melia-luxembourg.com](http://www.melia-luxembourg.com).
- **Hotel D'Coque\*\*\***, at a rate of €79. Tel.: +352 43 6060-1; fax: +352 42 3315; e-mail: [info@coque.lu](mailto:info@coque.lu); booking page: [www.coque.lu/reservationparticuliers](http://www.coque.lu/reservationparticuliers).

### City Centre

- **Hotel Simoncini\*\*\*\***, at the rate of €135. Tel.: +352 22 28 44; fax: +352 26 26 2900; e-mail: [info@hotelsimoncini.lu](mailto:info@hotelsimoncini.lu); [www.hotelsimoncini.lu](http://www.hotelsimoncini.lu) (Reservation code: EIPA).
- **Hotel Français\*\*\***, at the rate of €115. Tel.: +352 47 4534; fax: +352 46 4274; e-mail: [info@hotelfrancais.lu](mailto:info@hotelfrancais.lu); [www.hotelfrancais.lu](http://www.hotelfrancais.lu) (Reservation code: EIPA).
- **Hotel Parc Plaza\*\*\*\***, at the rate of €138, (Reservation Code PLEIPA12).  
**Hotel Parc Bellevue\*\*\***, at the rate of €95, (Reservation Code BVEIPA12).  
Tel.: +352 44 2323-2323; fax: +352 45 6141-220; e-mail: [reservation@goeres-group.com](mailto:reservation@goeres-group.com); [www.goeres-group.com](http://www.goeres-group.com)
- **Hotel Domus\*\*\***, at the rate between €99 and €139. Tel.: +352 46 7878-1; fax: +352 46 7879; e-mail: [info@domus.lu](mailto:info@domus.lu); [www.domus.lu](http://www.domus.lu) (Reservation code: EIPA).

### Railway Station Area

- **Hotel Carlton\*\*\*\***, at the rate of €110. Tel.: +352 29 9660; fax: +352 29 9664; e-mail: [carlton@pt.lu](mailto:carlton@pt.lu); [www.carlton.lu](http://www.carlton.lu) (Reservation code: EIPA).
- **Hotel City\*\*\*\***, at the rate of €126 (Monday to Thursday) and €100 (Friday to Sunday). Tel.: +352 29 1122; fax: +352 29 1133; e-mail: [mail@cityhotel.lu](mailto:mail@cityhotel.lu); [www.cityhotel.lu](http://www.cityhotel.lu) (Reservation code: EIPA).

### Findel (Airport)

- **NH Luxembourg\*\*\***, at the rate of €121 (Monday to Thursday) and €105 (Friday to Sunday). Tel.: +352 34 8931-607; fax: +352 34 8931-9413; booking page: <http://www.nh-hotels.com/nhssso/SSO.Controller?event=1&language=en&ssousername=EIPA&password=EIPA>.

### Surroundings

- **Hotel Légère Premium\*\*\*\***, rate on request. Tel.: +352 49 0006 -507; fax: +352 49 0680; e-mail: [luxembourg@legerehotels.com](mailto:luxembourg@legerehotels.com); [www.legerehotels.com](http://www.legerehotels.com).

Should you wish to make use of this possibility, please phone or fax the reservation department of the hotel on one of the above-mentioned numbers and mention the relevant reservation code. Payment is to be made directly and personally to the hotel on checking out. Please note that any optional bookings not confirmed one month before the seminar dates will be automatically cancelled by the hotels. Luxembourg City has two main bus stations, one in the city centre called "Centre Aldringen" and one next to the railway station called "Air Terminus". All buses, wherever they go, pass through these two stations. Bus no. 18, with departure every ten minutes, goes in direction 'Kirchberg', stopping right in front of Hotel Novotel, which is within walking distance of all European institutions as well as just around the corner from the Chambre des Métiers building.

## Meals

Should you require a special menu (e.g. vegetarian, diabetic), please inform the Programme Organiser so that this can be arranged.

## Participation

The fee applicable to each activity is clearly indicated on the registration form. Unless stated differently on the registration form, the fee includes participation in the activity, lunches and beverages during the activity, documentation and participation in the reception/cocktail.

Travel and accommodation costs are at the expense of the participant or his/her administration.

Pre-payment of the fee is a condition for participation in an activity. Prior to the activity each participant will receive an invoice which can be paid by bank transfer or by credit card.

## Registration

You may register through our website <http://seminars.eipa.eu> using the online registration form or by faxing or mailing the attached registration form duly completed.

## Discounts

### *EIPA's Civil Servants Special Discount*

EIPA offers its members a discount of 10% off the registration fee for certain seminars and training courses. This discount is available to all civil servants working for one of EIPA's member countries and for officials working in the EU institutions.

If you are an official in the public administration (central or sub-national level) in one of EIPA's member countries or an EU institution or agency, please tick the relevant box on the registration form when registering for a seminar or training course. You will then automatically receive an invoice for payment of the fee with the 10% discount applied.

### *Other discounts*

For this seminar, EIPA Luxembourg offers a €50 discount for all registrations received and paid before 26 March 2012.

Please note that discounts cannot be accumulated. It is clearly stated on EIPA's website which seminars and training courses are eligible for the reductions. Full fees apply to all other seminars and training courses. For more information, please visit EIPA's website: <http://seminars.eipa.eu> (FAQ – special discounts).

## Confirmation

Confirmation of registration will be forwarded to participants on receipt of the completed registration form.

## Cancellation policy

EIPA reserves the right to cancel the seminar up to two weeks before the seminar starting date. In that case, registration fees received will be fully reimbursed. EIPA accepts no responsibility for any costs incurred (travel, accommodation, etc.). For administrative reasons, a fee of €150 will be charged for cancellations received after 23 April 2012. There is no charge for qualified substitute participants. The mention of a speaker's name in the programme does not commit EIPA. In the event that an announced speaker does not appear, EIPA will do its utmost to find a suitable replacement.

# Registration Form

## The Preliminary Ruling Procedures in Practice Luxembourg, 7-8 May 2012

Surname: ..... Title: ..... M/F  
First name: .....  
Current position: .....  
Organisation: .....  
Department: .....  
Work address: .....  
Postal code & town: ..... Country: .....  
Tel. no: ..... Fax no: .....  
E-mail address: .....

Preferred language for documentation:  English  French  
Do you need interpretation:  No  English  French

### Payment - 1255401

The participation fee includes participation in the seminar, seminar materials,  
2 lunches, 1 reception and beverages.

€ 775

- Discount of 10% (Please check first the conditions at <http://seminars.eipa.eu> (FAQ - Special discounts))  
 - € 50, Early registration and payment made before 26 March 2012

### Method of payment

Bank transfer

The participants or their administration will receive an invoice for the payment of the registration fee.

Invoice address (if different from the abovementioned address):

.....

E-mail: .....

Credit card

American Express Card  Eurocard/Mastercard  Visa Card

Card no.: ..... Expiry date: ..... / .....

Name Card holder: ..... (in case this differs from above)

Address Card holder: ..... (in case this differs from above)

Postal code: ..... Country: ..... (in case this differs from above)

Card Validation Code: ..... (the last three digits on the BACK of your card)

Note: Pre-payment is a condition for participation. For administrative reasons, a fee of €150 will be charged for cancellations received after 23 April 2012 unless another participant is designated.

### Meals

Lunch day 1:  will attend  will not attend

Reception day 1:  will attend  will not attend

Lunch day 2:  will attend  will not attend

Vegetarian:  yes  no  Fish allowed:  yes  no Other dietary requirements: .....

### Please return the completed registration form to:

Ms Fabienne Zacharia, European Centre for Judges and Lawyers, European Institute of Public Administration,  
Luxembourg, Circuit de la Foire Internationale, 2, LU-1347 Luxembourg  
Tel.: +352 426 230 303, fax: +352 426 237, email: [f.zacharia@eipa.eu](mailto:f.zacharia@eipa.eu)



Your name and address will be part of EIPA's database for our mailing purpose only.  
Please tick  if you do not want to be included in our mailing database.