# Preliminary Questions before Civil Courts and the Impact of the European Union Law in the Light of Their Future Direction

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**Summary:** In the context of a preliminary ruling Slovac and Czech civil courts can give preliminary question to Court of Justice of the European Union in accordance with Art. 267 of the Treaty establishing the European Community. This institute helps unify comunity law, enable cooperation of our courts with Court of Justice and helps them to apply community law correctly. This paper deals with effect of preliminary question on our civil trial the binding character of decision of Court of Justice about this question and the future of this institute. There is always a potential danger that European law is not applied uniformly in all Member States and Community law conferred upon the Court of Justice of EU a monopoly of its interpretation.

**Keywords:** preliminary question – preliminary ruling – Court of Justice of the European Union (CJEU) – stay of proceeding

## 1. Concept of Preliminary Question

By a preliminary question we understand a question which is not directly related to a case pending before the court, but its resolution is one of the prerequisites for a decision in the matter and is based on the merits of prejudiciality. They can have both material and procedural law nature. However, it is not decisive for the purpose of assessing a question as a preliminary issue whether it is submitted for a separate procedure to the competent authority or is made by the civil court itself. The relationship of question to the present case is relevant. If we look at the concept itself, the difference between the term 'preliminary' and 'prejudicial' must also be perceived. We are of the opinion that preliminary questions represent a wider concept, including questions of both procedural and material nature. The question referred for prejudiciality relates exclusively to questions of a material nature.

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For the legal order of the Slovak Republic or the Czech Republic, the term "prejudice" is not unknown. "In the broadest sense, it means the determination of a particular legal issue involved by another legal issue from which resolution the verdict on the dispute is directly dependent, which may in certain cases be considered by the acting body itself. Classical prejudice, however, means respecting the decision of another authority (superior in the hierarchy of a particular system of protection of the law to a procedural, acting body) on a preliminary issue.."[1]

„Precudiciality can generally be seen as a causal relationship between two subjective rights, one of which is conditional to the other.[2] Its place is found especially in cases where the valid decision on the case has resolved the issue which is of fundamental importance for the further dispute and from its judgement the next case decision depends on. The prejudiciality also express a fact that in a particular case a relatively separate issue exist, which has been the subject of a lawfully adjudicated procedure and has a decisive role in the present proceeding."[3]

We believe that, apart from the fact that this is one of the procedural consequences of the substantive material link between the cases under consideration; the prejudiciality also has a logical origin in the existence of the diversity of jurisdictional authorities in the legal system.

The assessment of the preliminary question can be manifest only in the manner in which the court has ruled on the merit of proceeding and can be the part of the reasons which led the court to concrete content of the decision. (judgment n. R 61/1965). If the court would answer the preliminary question in the form of a statement, the obstacle of res adjudicata would be created. In practice it happens often that the competent authority issues a decision on the matter, which is the same as the judgment on which the court based its decision-making process. However, it is more interesting if the institution considers a preliminary question differently. Such a situation has other procedural consequences and gives the parties the opportunity, for example to use the reopening of the trialas an extraordinary remedy. From a procedural point of view, the bringing of a question for a preliminary ruling to another authority results in the interruption of the proceedings.

From the historical- legal point of view, the roots of the preliminary questions can be found in the Roman civil process. They represented decisions that

[1] ŠTEVČEK, M., FICOVÁ, S. a kol. *Občiansky súdny poriadok*. I. diel. Komentár. 2. vydanie. Praha: C. H. Beck, 2012, s. 391.

[2] GRŇA, J. *Prejudicialita v civilním řizení*. Praha: 1930.

[3] Resolution of the Supreme Court of the Slovak Republic n. 2MCdo/2/2014 of 30 October 2014– Uznesenie Najvyššieho súdu Slovenskej republike č. k. 2MCdo/2/2014 zo dňa 30. októbra 2014.

the judge could join in latter case.Here we may well find the roots of decisions known as precedents recognized as formal source of law in the Anglo-American system.[4]

Among the numerous types of Romanesque actions there existed also so-called „*actionses preiudiciales*" actions leading up to finding whether there is any disputed right or fact alleged in the application, for example whether or not a person is a slave. In essence, it was the case of then determination actions.

In addition, the Roman process used the "*praeiudicialis formula*" through which the magistrate ordered to jurors only decide on whether or not there is a certain legal relationship or legal fact (most often address status issues). It differed from its own actio by the fact that the formula included only the contention of the declaration, but not "*condemnatio*", therefore, the conviction of the defendant.

The formula praeiudicialis was intended to rule on the preliminary question, on decision of which depended the further follow-up proceeding.[5]

The Romans also dealt with the settlement of disputes and based on the principle of "*per minorem causa*" where the more important matter takes precedence over matter less important. "However, this method was not the most appropriate, often it became that the dependent matter was decided rather than the preliminary. Therefore, the principle of pre-litigation was adopted rather than dependent matters."[6]

For the Middle Ages it was characteristic that the concept of prejuditial has been identified as a conditional. The concept of "*questio preajudicialis*" has been settled, according to which a decision on a preliminary question may itself put an end to the subsequent proceedings. From the end of the Middle Ages to the end of the 19th century, the "*prejudicium*" means both the matter decided in the process itself and also the preliminary question or final decision with the interlocutor of the second dispute.[7]

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[4] WETZELL, G. W. *System des ordentlichen Civilprozesses*. Lipsko: 1861, s. 705.

[5] „This particularity was manifested by the fact that, in the declaration formula, which the prosecutor instructed the jury to adjudicate, lacked a conclusive clause." In: Otto, J. *Ottův slovník naučný. Dvacátý díl*. Praha: 1903, s. 388. Dostupné z: http://archive.org/stream/ottslovnknauni13ottogoog≠p./n423/mode/2up

[6] GRŇA, J. *Prejudicialita v civilním řízení: procesuální studie*. Brno: Nakladatelství Barvič & Novotný, 1930. Sbírka spisů právnických a národohospodářských, s. 88.

[7] GRŇA, J. *Prejudicialita v civilním řízení: procesuální studie*. Brno: Nakladatelství Barvič & Novotný, 1930. Sbírka spisů právnických a národohospodářských, s. 6.

## 2. Preliminary Question in Slovak and Czech Civil Process

How is the prejudiciality regulated in the legal environment of Slovakia and the Czech Republic? The fact is that the Civil Procedure Code (hereinafter referred to as OSP- Občiansky súdny poriadok) in no provision defined the precise range of questions that can be considered as preliminary questions.[8] However, in Art. 135 of the OSP, negative delimitation of preliminary questions can be found. Other questions that may otherwise be decided by another body may be preliminarily assessed by the court itself. In accordance with the approved recodification of civil proceedings in the Slovak Republic, the prejudiciality was reflected in Art.162 section c) of Act No. 160/2015 Coll. Civil Proceedings Code for Adversarial Proceedings (***Civilný sporový poriadok CSP***) in relation to the interruption of proceedings (referral to the Court of Justice of the European Union – (reference for a preliminary ruling to the Court of Justice of the European Union). The court order of iniciation of a preliminary ruling shall be forwarded by the court without delay to the Ministry of Justice. The liability of the court is reflected in Art 193 CSP. A question that has jurisdiction over another public authority as a body under Section 193 of the CSP can be assessed by the court itself, but it can't decide on it (Art.194 CSP). Where the question referred to in paragraph 1 has been decided, the court shall take such a decision into account and settle it in the grounds of the decision.

Legislation in the Czech Republic is based on Art.109 section 1 Civil Procedure Code (OSŘ) regulating the compulsory cessation of court proceedings.

The currently discussed recasting of civil procedural law in the Czech Republic states in the legislative intention: "If the decision of the dispute depends in whole or in part on a preliminary question which is the subject of any other judicial or administrative proceedings, the court may suspend the proceedings until the legal proceedings have been terminated."

The proceedings in the main case may also be interrupted by the court if a dispute arises as to the admissibility of the incidental intervention or the main intervention. If there is a suspicion of a criminal offense and the conviction would have an impact on the court's decision, the court may suspend the proceedings until the lawful decision on the criminal offense.

Court will suspend the proceeding if it has decided to request the Court of Justice of the European Union to take a decision on a preliminary question which is not, in the present case, entitled to deal with".[9]

[8] A more precise definition is included, for example, in the Code of Administrative Procedure, Act no. 71/1967 Coll., In particular in § 40, it can be accepted also for the needs of the civil process

[9] VĚCNÝ ZÁMĚR CIVILNÍHO ŘÁDU SOUDNÍHO, dostupné z: https://crs.justice.cz/

As you can see, historical developments and the impact of EU law have logically required a more detailed adjustment of the preliminary questions. OSP did not even provide a definition of the exact range of issues that could be considered as preliminary questions. We believe that more detailed legislation in this area is a positive moment and underline the importance of this institute.

# 3. Prejudicial Questions in European Law

## 3.1. About preliminary question in European law in general

Upon joining the EU, Community legal acts become part of the law of a Member State and its courts are required to apply Community law. Art. 267 (formerly Article 234) of the Treaty establishing the European Community gives the CJ EU (hereinafter referred to as "CJ EU") the power to give preliminary rulings on the interpretation of the Treaties, the validity and interpretation of the acts adopted by the Community institutions and the European Central Bank and the interpretation of the statutes of the bodies set up by the Council, if these statutesprovide so.

According to that article, the Court has jurisdiction to give preliminary rulings on:

(a) the interpretation of the Treaties and their validity,
(b) interpretation of the acts of the institutions, bodies or offices or agencies of the European Union.

It is possible to talk about the so called- communitary prejudiciality. 'The preliminary procedure is a fundamental mechanism of European Union law, the purpose of which is to provide the national court with a instrument of ensuring uniform interpretation and application of European Union law in each Member State."[10]

The Preliminary Question Institute plays an important role in Community law in ensuring its uniform interpretation and application. It was through preliminary questions that the CJ EU also formulated important principles of European law-right of precedence or direct effect (Van Gend en Loos, Costa vs. Enel cases, et al.). In principle, it is about direct communication of a court of a Member State with the ECJ.

The European Union law has been dealt with concept of the preliminary question in the founding treaties of the European Communities. The first question was put to the ECJin 1961 (3/1961 De Geus, Bosch). The importance of this institute is also evidenced by the fact that at present they make up about half of the Court's

[10] JEŽOVÁ, D. *Prejudiciálne konanie pred Súdnam dvorom EÚ.* Žilina: Eurokódex, 2013, s. 10.

decision-making activity. This action before the CJ EU does not serve as a legal remedy against a judgment of a Member State court is an extension of a domestic dispute because the use of a preliminary question is fully available to the court of a Member State. The parties to the dispute for such filing are not legally entitled, whereas the use of the remedy is in the hands of the parties to the dispute.[11]

Use of Art. 267 The ZES applies only to the rules of Community law. The subject-matter of the reference for a preliminary ruling can't be the law of a Member State. The CJ EU has repeatedly stated in its case-law that it is not entitled to assess, interpret the legal acts of the Member States'.[12]

The EU SD is not entitled, either in the form of a preliminary question, to rule on the invalidity of national legislation or to express or evaluate the ongoing national dispute. That fact has also been repeated on several occasions in its judgments (C-28-30 / 62 Da Costa, C-13/61 De Geus, Bosch).

"It follows that the Court of Justice has no de iure jurisdiction to express, in the context of proceedings brought under Art. 267 TFEU, of the compatibility of provisions of domestic law with provisions of European law – it does not have the power to annul national rules which conflict with the EU law. However, it has the power to provide the national court with all the necessary means of interpretation which arise under European Union law and enable it to assess the compatibility of the national legislation with the European Union"[13]

The preliminary ruling procedure has additional nature in relation to the main proceedings before the national court. The system is based on a strict separation of functions between the national court dealing with the dispute between the parties and the application of Community law to a specific case and the CJ EU, whose role is limited to the interpretation of Community law or, where appropriate, the validity of the EU act. However, we also encounter a different point of view, for example, M. Bobek, which characterizes the relationship between the national court and the CJ EU as hierarchical. This is justified by the fact that the Court may refuse to deal with the question referred and reject the application for inadmissibility, although Art. 267 TFEU does not give such an opportunity to the Court.[14]

There are other similar systems in the European area (and also outside the European area, for example, within the Andean Community). The possibility of using a preliminary question is also known in other legal orders:

[11] VĚRNÝ, A., DAUSES, M. *Evropské právo se zaměžením na rozhodovací praxi Evropského soudního dvora.* Praha: Ústav medzinárodních vztahú, 1998, s. 159.

[12] ŠLOSARČÍK, I. *Európsky súdny dvor a predbežná otázka podľa čl. 234 SES*; www.europeum.org

[13] PROCHÁDZKA, R., ČORBA, J. *Právo Európskej únie.* Žilina, EUROKÓDEX, 2006, s. 165.

[14] BOBEK, M. *Porušení povinnosti zahájit řízení o prědběžné otázce podle článku 234 (3) SES.* C. H. Beck, 2004, s. 146 a 147.

- Courts in Belgium, the Netherlands and Luxembourg may use preliminary questions regarding the interpretation of the law on Benelux agreements
- Ireland, Liechtenstein, Norway and Switzerland may consult the EFTA (European Free Trade Association) to give their advice on the interpretation of the Agreement on the European Commercial Area or the European regulations applicable to them

Within the limited scope of the article, we will not analyze so many times discussed issues raised before the CJ EU in relation with the preliminary questions , such as mandatory / facultativereference of preliminary question, the definition of the national court or the remedy. We will concentrate on the effects of resolving a preliminary issue on national civil court proceedings, the possible direction of this system for the future.

## 3.2. The legal effects of the CJ EU Decision

No appeal may be brought against the Court of Justice's decision either at Community or national level. Judgments on preliminary questions have retroactive effects and act as *ex tunc* . The only possible way to limit the effects of the CJ EU Decision is to pronouncing restrictions by the court itself directly in a specific decision.[15]

This is not just about the link between the two courts but also about the binding nature of the EC legal system and the legal systems of the Member States. When deciding whether a decision is binding, it is necessary to distinguish whether it is a decision on:

1. the validity of Community acts or
2. interpretation of Community law

Ad 1. In the case of a declaration of invalidity, the CJ EU case law is fairly clear. In Case C-66/80 International Chemical Corporation, the CJ EU declared the binding nature of such a decision not only for the parties to proceedings but *erga omnes* for all authorities and persons as well as for any national court.

**Chybí text (DTP)** he second case is the decision declaring the validity of the contested act. In this case, the decision is binding only *inter partes*. Even the court which has submitted a preliminary question is entitled to re-submit it if it submits from different grounds for invalidity.

Ad 2. The court which has submitted a preliminary question is bound by the EU SD's interpretations and is required to take a decision in accordance with that

[15] KLUČKA, J., MAZÁK, J. a kol. *Základy európskeho práva*. Bratislava: Iura Edition, 2004, s. 212–213.

interpretation. "It can not accept a different interpretation of Community law than the one provided to it by ESD. Based on the principle of uniform application of Community law, decisions of this nature are generally binding.

The CJ EU Decision forms one entity. Since it is to be binding on Member States where there are differences in the understanding of the division of judgments, it is not appropriate to split them in any way.

## 3.3. Infringement of the obligations arising from Art. 267 TFEU

In practice, there may be situations where the national court fails to comply with a mandatory obligation to submit a preliminary question, or, after issuing a decision of the CJ EU he does not respect its position.

There are three ways how to act against such conduct:

a) Commission's action for failure to fulfill the obligation of a Member State under Article 258, 259 TFEU. It is rather rare and is considered to be an extreme solution. There is a predominant view that the Commission should only intervene in the event of serious, deliberate failure to comply. Used for the first time in the judgment in Case C-129/00 Commission v. Italy [2003] s. I-4637
b) **an action for damages** against a Member State. By judgment in Köbler, the EU granted individuals the right to compensation for damage caused by the non-application of Community law. Individuals must turn to the national courts and not to the ECJ.[16]
c) claiming subjective rights under Community law through a **constitutional complaint**.
d) **Complaint to the European Court of Human Right**s in Strasbourg. If the breach of the obligation to submit a preliminary question to the Cour was the caset, it may also be theoretically considered an infringement of the right to a fair hearing within the meaning of Art. 6 section 1of Convention, eventually other rights protected by this Convention. In the latter case the Moosbrugger / Austria 44861/98, in which the ECHR stated that an individual can't derive from the Convention the right to bring proceedings before the Court of Justice. However, none of the previous complaints to the European Court of Human Rights alleging breach of Union law have so far been recognized as admissible.

[16] BOBEK, M. *Porušení povinnosti zahájit řízení o předběžné otázce podle čl. 234 (3) SES.* Praha: C. H. BECK, 2004, s. 103–104. For the first time defined in the decision A. Frankovich a D. Bonifaci a ostatní v. Talianska republika, 6 a 9/90.

e) **Publication in the Commission's annual report on the application of European Union law.** In this case, it is not a sanction in the strict sense, because such a consequence of the failure to observe the obligation of the national court manifestly lacks a correctional function. But rather, it is a "negative advertisement"

The most frequent reason for the parties' dissatisfaction with the decision to refer the question to the Court of Justice and the interruption of the proceedings at the time of the Court's decision is the length of the reference for a preliminary ruling before the Court of Justice, which takes an average of approximately 14 months. The legal order of the Slovak Republic gives the party to the proceedings two possibilities to reverse this situation, namely the appeal against the order for reference and the constitutional complaint under Art. 127 of the Constitution of the Slovak Republic.

While the ***CSP*** order against the decision of the court of first instance to refer a question to the Court of Justice allows for appeal, that possibility can't be accepted by the Court if it rejects the request for a preliminary ruling. The dissatisfied participant does not have any effective remedy at national level, applicable before the General Court.

## 4. The Practice of Slovak And Czech Civil Courts

Since joining the EU, Slovak courts have filed altogether 38 references for preliminary rulings. The first preliminary question was submitted on 7. 7. 2006 by the Regional Court in Prešov (C-302/206) Kovaľský v. Dopravný podnik Prešov a. s. Then followed the case of Mihal (C-456/07), in which the Court, by reasoned order, stated that the activity of the judicial executor was not considered to be the activity of a body governed by public law.

2010 is one of the most productive periods since the accession of the Slovak Republic to the European Union in connection with the submission of preliminary questions by the courts of the Slovak Republic. First Case C-76/10 Pohotovosť s. r. o. the Court of Justice has ruled in a reasoned order. In September 2010, another question was raised in the field of consumer protection C-453/10 Perenicova and on 23. 5. 2011 Similarly C-252/11 Šujetová.

In August 2010, the Supreme Court of the Slovak Republic refered the preliminary ruling filed in the form of C-416/10 Križan, which is a confrontation of Pezinok citizens, Supreme and Constitutional Court of the Slovak Republic about junkyard in Pezinok. In October, the Supreme Court sended reference to preliminary questions concerning the taxation of industrial property rights

C-504/10 Tanoarch. At the end of the year, the case C-599/10 SAG ELV about public procurement of electronic toll collection is pending before the Court of Justice of the EU. Until now, the last question has been submitted by SC SR 4.4. 2011 with regard to the unification of Value Added Tax adjustment C-165/11 PROFITUBE.

Completed preliminary rulings initiated by the courts of the Slovak Republic: C-240/09 Lesoochranárske zoskupenie VLK – Recognition of the immediate effect of an international treaty, interpretation of the concept of the act of the public administration, C-76/10 Pohotovost, C-456/07 Mihal and C-302/06 Kovaľský.

Of the Czech Republic, there were 50 references, of which 10 judgments were delivered by the Court of Justice and 3 by a resolution. The remaining 10 proposals are legally in progress. Decision on the first Czech question submitted in the second year of membership, namely 5. 12. 2005, in Case C-437/05 in the case of Jan Vorel v. Hospital Český Krumlov.

The Supreme Court of the Czech Republic has notreferred to the Court of Justice for a preliminary ruling on the interpretation of the question referred for a long time, despite the fact that it was the subject of appeals brought by the parties. That was the case, for example. also in proceedings before the Supreme Court of the Czech Republic sp. zn. 29 Odo 242/2006, in which the Supreme Court dealt with the question of interpretation of the provision of § 81a et seq. of Act no. 591/1992Sb. on Securities, as it was effective before the accession of the Czech Republic to the European Union. The Supreme Court has asked for interpretation of EU law in criminal matters historically for the first time in 2016.

## 5. Conclusion

Finally, the question arises as to how the preliminary procedure will be pursued in the future in connection with the work of civil courts.

Objectively, it should not be forgotten that this preliminary issue was created in the 1950s as part of the European Coal and Steel Community, which had a different structure compared to today's EU. And, naturally, its creators did not even expect the CJ EU one day will discuss such cases of asylum, sexual orientation (C-148/13 to C-150/13 A, B, C v Staatssecretaris van Veiligheid en Justitie). It is clear that the nature of the preliminary questions formulated by the national courts has changed considerably over time.

In this situation, this will result in greater emphasis on European legislation and more active involvement of judges in individual Member States and more frequent use of preliminary questions. What has not changed is that national judges expect very clear and unambiguous answers from the EU SD. And this

requires dialogue between the Court of Justice and the national courts and the effective exchange of the necessary information between them.

Based on the approach of many judges, especially in the new member states like the SR or ČR, they are still aware of their concerns about this institute and its use due to ignorance. On the other hand, it is natural that the new Member States do not have many cases in their accounts. Traditionally, the most prejudicial questions come from Germany, Italy, Spain, the United Kingdom, France, the Netherlands, Belgium and Austria. Most national governments are reluctant to references to the CJ of the EU, because there is the impression that the CJ EU generally speaks for the benefit of the parties and this can also be seen as a loss of sovereignty.

It should also be pointed out that, in practice, the preliminary case has often turned into a tool for detecting infringements of Community law unresolved by the Commission, even though the CJ EU doesn't, by way of a preliminary ruling, declare non-compliance. The interpretation of the questions submitted to it by the national courts allows it to open the question and to establish the non-conformity of the national law with the rules of Community law.

At present, a reform of the preliminary procedure is being considered in the pursuit of its effectiveness. Several solutions have been offered for increase number of proceedings by Member States in the future. Let us mention the reform from March 2008 that introduced the so called urgent procedure. The solution is to increase the number of judges, electronizing the proceedings.

One option was also offered by the Nice Treaty (2011), which opened the possibility of moving part of the agenda (trade marks, tariff classification of goods) in the context of a preliminary ruling to the Court of First Instance. It was the proposal to introduce the hierarchical system of appeal where the national court would also rule on EU law and the parties to the dispute could subsequently request the court to send a decision to assess the CJ EU in terms of Community law. Finally, however, the original concept of the relationship between the national court and the CJ EU, which basically reflects the relationship between the Member State and the EU, has been upheld.

The solution to the future also offers a so-called green light process. These considerations were launched by the European Parliament in 2008 in its resolution (European Parliament resolution of 9. 7. 2008 on the role of national judges in the European Judicial System 2007/2027 (INI)). He stressed the role of national judges in the creation of a single European legal order and called for CJ EU and consideration of all possible improvement of the preliminary ruling procedure.

The essence of the green light system is that the judges of the national courts may (sometimes even have a duty) to put questions to the CJ EU to put

forward the proposed answer. The CJ EU would decide within the prescribed time limit whether or not it will accept the draft solution ( give green) or decide on its own what would enable national judges to fully participate in the interpretation and creation of EU law by analyzing them. What is the transfer of greater responsibility to the judges of national courts who will be forced to know European law, which is still an ongoing problem, especially in the newer Member States.

If he does not agree with the proposal, due to insufficient processing or otherwise, or has a different opinion will turn the case into the normal preliminary ruling procedure. We add that the variant is the so-called red light system if the CJ EU does not respond to the proposal within the set deadline, the proposal of the national court becomes binding and final.

In the longer term, this could mean changing the current de facto semi-adjudication role to the role of monitoring administration of European law at national level.

They also spoke about the so-called "The Docket Control system, which would allow the CJ EUto reject cases of minor importance already at an early stage. Similarly, the application should restrict the possibility of referring the matter just to the Supreme Court of the Member State.[17]

There have also been suggestions for a structure made up of specialized national courts – newly created or already existing, which would take over the solution of less important preliminary questions under the control of the CJ EU, which would only deal with the most fundamental issues (authors M. Bobek, P Craig). An advantage would be regional approach to the case, removal of the language barrier. Such decentralization of the system could, however, pose problems in ensuring the consistency and coherence of European law, which is the main purpose of this procedure.

Whilst choosing *pro futuro* for any model, we believe that the weakening spirit of cooperation between the national courts and the EU's highest judicial body, which has historically transposed this process, needs to be strengthened today, and nowadays in the number of solved questions and the enormous number of adopted European law standards is disappearing.

And obviously the lack of common values is probably the root of the current state of the European institutions and the atmosphere of perceiving the role and importance of the EU as such. It may end with a quote by Jean Monet, the father of the European idea, "If I had to do it all over again, I would start with culture."

[17] BROBERG, M., FENGER, N. *Preliminary References to the European Court of Justice.* OXDOR University Press, Second Edition, 2014. ISBN 978-0-19-870402-7, 575 s.

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