

*Template for the drafting of a request for a preliminary ruling on the interpretation of EU law
(suggestion provided by National Institute of Magistracy of Romania)*

Case no ...

COUNTRY
COURT OF APPEAL .../ COUNTY COURT .../ LOCAL COURT ...

Composed of:
(members of the court)

REQUEST FOR A PRELIMINARY RULING
(if applicable, with the application of the expedited procedure or the urgent preliminary procedure)

The Court of Appeal .../County Court .../Local Court ..., out of its own motion/at the request of ... and under the terms of Article 267 TFEU *(if appropriate also by reference to Article 105/Article 107 of the Rules of procedure of the CJEU)*, requests

THE COURT OF JUSTICE OF THE EUROPEAN UNION

To answer the following question/s regarding the interpretation of Article ... of the TFEU and/or article ... of Regulation .../Directive ... , considering that a decision on the question is necessary to enable the present court to give judgment in the present case:

1. ... *(question 1)*

2. ... *(question 2)*

...

Subject-matter of the dispute. Relevant facts

(numbering of paragraphs may start here)

1. On *(date)*, ... *(if necessary, personal data anonymized)*, plaintiff, seized the Court of Appeal .../County Court .../Local Court with an application registered under *(number)*, requesting an order against ... *(if necessary, personal data anonymized)*, defendant, concerning ...

2. In his application, the plaintiff argued that ... (*succinctly*).

3. In his defence, the defendant stated in his answer registered on ... (*date*) that ... (*succinctly*).

4. The facts, as determined by the court are ...

(*succinctly, as determined from the evidence or at least the factual hypotheses on which the questions referred are based*)

Domestic law. Relevant case law

5. The applicable law on the merits of the case is Law ... (Official Journal of XXX no. ... of ...) (*precise references, number, page, internet address*):

Art. ... provides:

„...”

(*text of article/s*)

6. The High Court of Cassation and Justice/Court of Appeal of ... held in connection to this provision that:

„...”

(*indicate decision/s with references to the Court Reports or the courts' portal; summarise or reproduce relevant parts; mention, if necessary, the existence of divergent case law and summarise the main arguments*)

European Union law

7. The Court finds applicable art. ... TFEU/ Regulation.../Directive ... (*precise references*):

„...”

(*text of article/s*)

Reasons which prompted the court to inquire about the interpretation of European law

8. ... (*identification of the matter of law, for example: the way an EU provision should be interpreted **OR** the existence of an apparent conflict between national provisions and EU provisions **OR** the manner in which EU law should be applied etc.*)

9. ... (*precisely why a decision on this particular matter is (also) necessary to enable the court to give judgment in the case*)

10. ... (*succinct analysis of the CJEU jurisprudence on the issue **OR** a statement to the effect that the court did not identify any relevant CJEU case law*)

on the matter; succinct analysis of the way in which domestic courts interpret(ed) and/or applied the EU law provision/s and/or case law and, if applicable, the existence of national divergent case law and summary of the main arguments)

11. ... *(identification of circumstances that are different in the present case which make the court doubt the answer to the question, in light of the CJEU case law previously summarised)*

12. ... *(if applicable, the existence of previous preliminary references from national courts on the same matter, already closed or still pending, identification of differences).*

(brief summary of the arguments of the parties or the statement that the parties chose not to express their views may be included at points 9-12 above)

View of the court *(optional)*

13. Regarding the interpretation of art. ... TFEU/Regulation .../Directive ..., it is the court's view that ...

(an answer to the question may be proposed)

Reasons which prompted the court to ask for the application of the expedited procedure/urgent preliminary ruling procedure *(if applicable)*

14. According to article 105/article 107 of the Rules of Procedure of the CJEU, „...”

15. In the present case, the reasons for the application of the expedited/urgent preliminary ruling procedure are ... *(concrete reasons for the urgency, supported if possible by previous case law of the CJEU when one of these procedures was applied by the CJEU in similar circumstances)*

MEMBER/S OF THE COURT,

(signature)

(place, date)