

**FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA**

Intensive course

**EUROPEAN INTEGRATION
THROUGH PRELIMINARY RULING PROCEDURES
(course in English)**

Prof.^a Doutora Ana Soares Pinto

LECTURE 1: Introduction and general overview. Judicial organization: the CJEU. Role of national courts – national procedural autonomy. (23/11/2020: 15h00-17h00)

LECTURE 2: Preliminary rulings on interpretation and validity. Power and duty to request a preliminary ruling. Effects. Sanctions. (24/11/2020: 15h00-17h00)

LECTURE 3: Fundamental principles established by preliminary rulings case-law. The principle of primacy of EU law. The principle of direct effect. (25/11/2020: 15h00-17h00)

LECTURE 4: The principle of direct effect (conclusion). The principle of interpreting national law in conformity with European Union law. (26/11/2020: 15h00-17h00)

LECTURE 5: The principle of the liability of Member States for breach of EU law. (27/11/2020: 15h00-17h00)

EVALUATION: paper on topics related to the course (deadline to be determined)
Submission to the following email: anapinto@fd.ul.pt.

Lecture 1 (23/11/2020): Introduction and general overview. Judicial organization: the CJEU. Role of national courts – national procedural autonomy.

Articles 13 and 19 TEU

Articles 24 TEU and 275 TFEU

Article 276 TFEU and 4(2) TEU

Article 108 TFEU

Article 218 TFEU

Articles 251-281 TFEU

Article 299 TFEU

Article 340 TFEU

Statute of the Court of Justice of the European Union

Rules of procedure of the Court of Justice

Rules of procedure of the General Court

CJEU: https://curia.europa.eu/jcms/jcms/j_6/en/

CJEU (Case-law search form): <http://curia.europa.eu/juris/recherche.jsf?language=en>

CJ materials: https://curia.europa.eu/jcms/jcms/Jo2_7031/en/

GC materials: https://curia.europa.eu/jcms/jcms/Jo2_7040/en/

Press release 10/2020: Consequences of the United Kingdom's withdrawal from the European Union for the Court of Justice of the European Union
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-01/cp200010en.pdf>

Lecture 2 (24/11/2020): Preliminary rulings on interpretation and validity. Power and duty to request a preliminary ruling. Effects. Sanctions.

Article 267 TFEU

Article 19(3, b) TEU

Article 256(3) TFEU

Articles 23 and 23-A SCJEU (Protocol 3)

Articles 93-114 RPCJ (Rules of procedure of the Court of Justice)

Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings (www.curia.eu)

Factsheet: Urgent preliminary ruling procedure and expedited procedure 31.10.2019 (https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-10/tra-doc-en-div-c-0000-2019-201906086-05_00.pdf)

Case-law:

Judgment of 26/03/2020, *Miasto Łowicz*, joined cases C-558/18 and C-563/18

Judgment of 11/12/2019, *Calin*, case C-676/17

Judgment of 13/12/2018, *Torsten Hein*, case C-385/17

Judgment of 11/12/2018, *Weiss and others*, case C-493/17

Judgment of 20/09/2018, *Fremoluc*, case C-343/17

Judgment of 25/07/2018, *Georgsmarienhütte*, case C-135/16

Judgment of 27/02/2018, *Western Sahara Campaign*, case C-266/16

Judgment of 28/03/2017, *Rosneft*, case C-72/15

Judgment of 14/03/2017 *A e o.*, case C-158/14

Judgment of 15/11/2016, *Ullens de Schooten*, case C-268/15

Judgment of 28/07/2016, *Association France Nature Environnement*, case C-379/15

Judgment of 5/07/2016, *Ognyanov*, case C-614/14

Judgment of 5/04/2016, *PFE*, case C-689/13

Judgment of 9/09/2015, *Ferreira da Silva e Brito e o. contra Portugal*, case C-160/14

Judgment of 4/06/2015, *Kernkraftwerke Lippe-Sem*, case C-5/14

Judgment of 11/09/2014, *A. B.*, case C-112/13.

Order of 26/06/2014, *Sindicato Nacional dos Profissionais de Seguros*, case C-264/12.

Judgment of 12/06/2014, *Ascendi*, case C-377/13

Order of 6/05/2014, *G.*, case C-181/14

Judgment of 8/04/2014, *Digital Rights Ireland*, joined cases C-293/12 and C-594/12.

Judgment of 18/07/2013, *Consiglio nazionale dei geologi*, case C-136/12.

Order of 7/03/2013, *Sindicato dos Bancários do Norte*, case C-128/12.

Judgment of 18/10/2012, *Punch Graphix Prepress Belgium*, case C-371/11.

Judgment of 22 de dezembro de 2008, *Société Régie Networks*, case C-333/07.

Judgment of 15/09/2005, *Intermodal*, case C-495/03.

Judgment of 9/09/2004, *Carbonati Apuani*, processo C-72/03

Judgment of 14/12/1995, *Van Schijndel*, joined cases C-430/93 and C-431/93.

Judgment of 14/12/1995, *Peterbroeck*, case C-312/93

judgment of 9/03/1994, *TWD Textilwerke Deggendorf*, C-188/92

Judgment of 26/01/1993, *Telesimarsicabruzzo*, joined cases C-320/90 - C-322/90.

Judgment of 22/10/1987, *Foto-Frost*, case 314/85.

Judgment of 6/10/1982, *CILFIT*, case 283/81.

Judgment of 16/01/1974, *Rheinmülen-Düsseldorf*, case 166/73.

Judgment of 27/03/1963, *Da Costa en Schaake, Meijer e Hoechst-Holland*, joined cases 28/62 - 30/62.

Lecture 3 (25/11/2020): Fundamental principles established by preliminary rulings case-law. The principle of primacy of EU law. The principle of direct effect

Case-law:

Principle of primacy

Judgment of 2/04/2020, *CRPNPAC*, joined Cases C-370/17 and C-37/18

Judgment of 19/11/2019, *A.K. (Indépendance de la chambre disciplinaire de la Cour suprême)*, case C-585/18

Judgment of 29/07/2019, *Spiegel Online*, case C-516/17

Judgment of 29/07/2019, *Pelham e o.*, case C-476/17

Judgment of 29/07/2019, *Funke Medien*, case C-469/17

Judgment of 29/07/2019, *Inter-Environnement Wallonie*, case C-411/17

Judgment of 24/06/2019, *Popławski*, case C- 573/17

Judgment of 4/12/2018, *The Minister for Justice and Equality*, case C-378/17

Judgment of 20/12/2017, *Global Starnet*, case C-322/16

Judgment of 5/04/2016, *Aranyosi*, joined cases C-404/15 and C-659/15 PPU

Judgment of 8/09/2015, *Taricco*, case C-105/14

Judgment of 30/05/2013, *F*, case C- 168/13 PPU

Judgment of 26/02/2013, *Melloni*, case C-399/11

Judgment of 15/01/2013, *Križan*, case C-416/10

Judgment of 8/09/2010, *Winner Wetten*, case C-409/06

Judgment of 18/07/2007, *Lucchini*, case C-119/05

Judgment of 11/01/2000, *Kreil*, case C-285/98

Judgment of 9/03/1978, *Simmenthal*, case 106/77

Judgment of 15/07/1964, *Costa contra E.N.E.L.*, case 6-64

Principle of direct effect:

Judgment of 3/03/2020, *Tesco-Global Áruházak*, case C-323/18

Judgment of 22/01/2020, *Ursa Major*, case C-814/18

Judgment of 19/12/2019, *Pensions-Sicherungs-Verein*, case C-168/18

Judgment of 7/10/2019, *Safeway*, case C-171/18

Judgment of 24/06/2019, *Popławski*, case C-573/17

Judgment of 27/03/2019, *Pawlak*, case C-545/17

Judgment of 21/11/2018, *Ayubi*, case C-713/17

Judgment of 6/11/2018, *Max-Planck*, case C-684/16
Judgment of 24/10/2018, *X C*, case C-234/17
Judgment of 4/10/2018, *Dooel Uvoz-Izvoz Skopje Link Logistik*, case C-384/17
Judgment of 4/10/2018, *Kantarev*, case C-571/16
Judgment of 6/09/2018, *Grenville Hampshire*, case C-17/17
Judgment of 7/08/2018, *Smith*, case C-122/17
Judgment of 25/07/2018, *Alheto*, case C-585/16
Judgment of 20/03/2018, *Garlsson Real Estate*, C-537/16
Judgment of 15/03/2017, *Al Chodor*, case C-528/15
Judgment of 15/02/2017, *British Film Institute*, case C-592/15
Judgment of 24/11/2016, *Secil*, case C-464/14
Judgment of 7/07/2016, *Ambisig*, case C-46/15
Judgment of 26/03/2015, *Fenoll*, case C-316/13
Judgment of 12/12/2013, *Portgás*, case C-425/12
Judgment of 5/09/2012, *Rahman*, case C-83/11
Judgment of 24/01/2012, *Dominguez*, processo C-282/10
Judgment of 14/04/2011, *Mensch und Natur*, case C-327/09
Judgment of 8/03/2011, *Lesoochránárske zoskupenie*, case C-240/09
Judgment of 7/06/2007, *Carp*, case C-80/06
Judgment of 12/04/2005, *Simutenkov*, case C-265/03
Judgment of 7/01/2004, *Wells*, case C-201/02
Judgment of 18 /12/1997, *Inter-Environnement Wallonie*, case C-129/96
Judgment of 4/12/1974, *van Duyn*, case 41-74
Judgment of 6/10/1970, *Franz Grad*, case 9/70
Judgment of 5/02/1963, *Van Gend & Loos*, case 26-62

Lecture 4 (26/11/2020): The principle of interpreting national law in conformity with European Union law

Case-law:

Judgment of 18/12/2019, *IT Development*, case C-666/18

Judgment of 19/11/2019, *A.K. (Indépendance de la chambre disciplinaire de la Cour suprême)*, case C-585/18

Judgment of 24/06/2019, *Popławski*, case C- 573/17

Judgment of 27/03/2019, *Pawlak*, case C-545/17

Judgment of 12/02/2019, *TC*, case C-492/18 PPU

Judgment of 13/12/2018, *Torsten Hein*, case C-385/17

Judgment of 6/11/2018, *Max-Planck*, case C-684/16

Judgment of 17/10/2018, *Volkmar Klohn*, case C-167/

Judgment of 7/08/2018, *Smith*, case C-122/17

Judgment of 15/03/2018, *North East Pylon Pressure Campaign*, case C-470/16

Judgment of 10/08/2017, *Tupikas*, case C-270/17 PPU

Judgment of 29/06/2017, *Popławski*, case C-579/15

Judgment of 8/11/2016, *Ognyanov*, case C-554/14

Judgment of 19/04/2016, *DI*, case C-441/14

Judgment of 26/03/2015, *Fenoll*, case C-316/13

Judgment of 15/01/2014, *Association de médiation sociale*, case C-176/12

Judgment of 10/10/2013, *Spedition Welter*, case C-306/12

Judgment of 5/09/2012, *Lopes da Silva Jorge*, case C-42/11

Judgment of 24/05/2012, *Amia*, case C-97/11

Judgment of 24/01/2012, *Dominguez*, case C-282/10

Judgment of 19/01/2010, *Küçükdeveci*, case C-555/07

Judgment of 23/04/2009, *Angelidaki e o.*, joined cases C-378/07 and C-380/07

Judgment of 4/07/2006, *Adeneler*, case C-212/04

Judgment of 22/11/2005, *Mangold*, case C-144/04

Judgment of 16/06/2005, *Pupino*, case C-105/03

Judgment of 3/05/2005, *Berlusconi e o.*, joined cases C-387/02, C-391/02 and C-403/02

Judgment of 5/10/2004, *Pfeiffer e o.*, joined cases C-397/01 and C-403/01

Judgment of 13/11/1990, *Marleasing*, case 106/89

Judgment of 10/04/1984, *von Colson e Kamann*, case 14/83

Lecture 5 (27/11/2020): The principle of the liability of Member States for breach of EU law

Case-law:

Judgment of 29/07/2019, *Hochtief*, case C-620/17

Judgment of 4/10/2018, *Kantarev*, case C-571/16

Judgment of 28/07/2016, *Tomášová*, case C-168/15

Judgment of 9/09/2015, *Ferreira da Silva e Brito*, case C-160/14

Judgment of 14/03/2013, *Leth*, case C-420/11

Judgment of 25/11/2010, *Fuß*, case C-429/09

Judgment of 26/01/2010, *Trasportes Urbanos*, case C-118/08

Judgment of 24/03/2009, *Danske Slagterier*, case C-445/06

Judgment of 13/06/2006, *Traghetti*, case C-173/03

Judgment of 30/09/2003, *Köbler*, case C-224/01

Judgment of 4/07/2000, *Haim*, case C-424/97

Judgment of 10/07/1997, *Bonifaci*, joined cases C-94/95 and 95/95

Judgment of 8/10/1996, *Dillenkofer e o.*, joined cases C-178/94, C-179/94, C-188/94, C-189/94 and C-190/94

Judgment of 23/05/1996, *Hedley Lomas*, case C-5/94

Judgment of 26/03/1996, *British Telecommunications*, case C-392/93

Judgment of 5/03/1996, *Brasserie du Pêcheur*, joined cases C-46/93 and C-48/93

Judgment of 19/11/1991, *Francovich e o.*, joined cases C-6/90 and C-9/90

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VAN RAEPENBUSCH, Sean – *Le contrôle juridictionnel dans l'Union européenne*, 3 ed., Bruylant, 2018.

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