

**Question for written answer E-006772/2015  
to the Commission**

Rule 130

**Norbert Erdős (PPE)**

Subject: Do Constitutional courts count as national courts within the meaning of Article 267 TFEU?

Under Article 267 of the Treaty on the Functioning of the European Union and in accordance with settled case law<sup>1</sup>, in the preliminary ruling procedure, the Member States' lower courts may refer a matter to the European Court of Justice, whereas the court of last instance, in accordance with a fundamental principle, is required to do so.

In connection with the preliminary ruling procedure the Court of Justice of the European Union has developed a detailed definition of 'national courts'<sup>2</sup>, – which has to be determined under EU law, thus promoting the application of EU law.

I therefore wish to ask the Commission:

With reference to the ruling by the ECJ in the Mohamed M'Bodj case<sup>3</sup> and to the special status enjoyed by Member States' constitutional courts – both in national law and in EU law – as EU law now stands, do constitutional courts count as courts of last instance within the meaning of Article 267 TFEU?

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<sup>1</sup> European Court of Justice, C-283/81.

<sup>2</sup> European Court of Justice, C-210/06.

<sup>3</sup> European Court of Justice, C-542/13.