

EN
E-001417/2018
E-001631/2018
Answer given by Vice-President Dombrovskis
on behalf of the Commission
(12.6.2018)

National courts have primary responsibility to ensure the adequate and effective enforcement of the rights stemming from EU law.

The Court of Justice of the European Union (CJEU) is not competent to set general rules for methods of the interpretation of national law, in particular on what would need to be done in case of conflicting interpretation of national legislation by the highest national courts, but only to lay down the obligations for national judges that stem from Union law.

As pointed out in the reply to written question E-007794/2017, national courts are obliged to interpret national law in conformity with applicable EU law and where necessary to set aside any national provision conflicting with EU law. In case the law of a Member State, through an evolution of its case-law, would “reduce the range of entitlements guaranteed by EU law”, that Member State would be in breach of its obligations under EU law. According to the Communication 'EU law: Better Results through Better Application'¹ the Commission pursues, as a matter of priority, cases of national rules or general practices, which impede the procedure for preliminary rulings by CJEU.

Member States' liability under EU law only arises in case of a breach of EU law.

The Commission acknowledges that some persons might encounter practical difficulties in pursuing legal proceedings to get compensation for damages caused by infringements of EU law. However, the rules on procedures, including on available legal aid, under which the persons affected by a national measure breaching EU law can enforce their rights at national courts are a matter for national law. The Commission is not in a position to provide the Honourable Member with information on the national procedural rules.

¹ OJ C 18, 19.1.2017, p. 10–20