

**Question for written answer E-000110/2024
to the Commission**

Rule 138

Adrián Vázquez Lázara (Renew)

Subject: Effect on proceedings before a national court of submitting a reference for a preliminary ruling to the CJEU

On 11 January 2024, the PSOE and Junts per Catalunya political parties reached an agreement in the Spanish Congress of Deputies to remove from Royal Decree-Law 6/2023 of 19 December 2023 the reform of Article 43a of the Code of Civil Procedure concerning the effect on ongoing proceedings before a Spanish court of submitting a reference for a preliminary ruling to the Court of Justice of the European Union.

In specific terms, a number of political actors said that removing the reform of the new wording of paragraph 2 of this article amounts to a recognition that if a Spanish court submits a reference for a preliminary ruling to the CJEU it will not have the effect of staying the proceedings in relation to which the reference is made.

In this context, in the Commission's opinion:

Under EU law and the Treaties, does the submission of a reference for a preliminary ruling to the Court of Justice of the European Union have a suspensive effect on the proceedings in connection with which the reference is submitted, irrespective of whether this is expressly provided for in national law or not?

Submitted: 15.1.2024