

PP3 comments

Considering the fact that the preliminary ruling procedure has its flaws, are there any alternative, more effective ways to provide a universal application of the EU Law?

You would have to completely change the whole system of EU law application (through the change of primary law) which is apparently not something the states as “Masters of Treaties” want.

What are the consequences (if there are any) in case a national court or tribunal declines or refuses to accept the rulings given by the ECJ in the preliminary ruling procedure?

Infringement procedure, with a threat of a fine at the end.

Is the influence of Union law on national issues too complex for national judges to define it by themselves or do they feel safer asking the ECJ to come up with a preliminary ruling to help them?

Yes.

Why national judges make the request for preliminary rulings and if, by doing so, they create a system in which they bound themselves to the preliminary rulings of the ECJ, losing part of their movability?

Judges (the whole European judiciary) on the other hand strengthen their position vis-à-vis other domestic branches of power.

Are there substantial differences in number of references to the ECJ between the member states?

Yes – I will explain it on Tue.

With the rise of populism, can the preliminary ruling procedure be used by populist movements in order to exaggerate EU's role in internal affairs of Member States?

E.g. in the UK, the CJ was used as a criticized institution as such (i.e. not such an expert thing like preliminary rulings) – classical criticism of unelected judges (here moreover European, so even not “ours”).