

Case law

Case Details

National ID: II.ÚS 419/14

Member State: Czechia

Common Name: link

Decision type: Other

Decision date: 07/05/2014

Court: The Constitutional Court of the Czech Republic

Subject:

Plaintiff: Unicampus, o. s.

Defendant: District court in Hradec Králové

Keywords: case law, consumer, consumer rights organisation, court, harmonisation

Directive Articles

Injunctions Directive, [Article 3, \(b\)](#)

Headnote

When there is a conflict between national laws and laws of the European Union, it is always necessary to use such interpretation of the national law, that is in compliance with the law of the European Union. This is also valid for the Directive 2009/22/EC.

Facts

The defendant decided earlier in a case of the plaintiff. The plaintiff questioned the previous decision, because the defendant did not refer a question for preliminary ruling in this case to the Court of Justice of the European Union. The plaintiff stated that the preliminary ruling should have been used because of conflict of national law with the Directive 2009/22/EC. Hence, the plaintiff filed this complaint to the the Constitutional Court of the Czech Republic for breaching his right to fair process.

Legal issue

The defendant used correct interpretation of national laws according to the Directive 2009/22/EC and its decision was made correctly. It was not necessary to use the preliminary ruling. The right to fair process of the plaintiff was not injured.

Decision

Is it possible to keep national laws contrary to the Directive 2009/22/EC?

URL: http://nalus.usoud.cz/Search/GetText.aspx?sz=2-419-14_1

Full text: [Full text](#)

Related Cases

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Legal Literature

Sorted by [Member State](#)[Title](#)[Author](#) ▼

Member State: Czechia

Title: An injunction in the merits of a case in the context of Union and constitutional law

Author: Jan Vavrečka, Nicole Grmelová

Result

The complaint was rejected as groundless.