

Case Details

Case Details

National ID	I.ÚS 1883/13
členský stát	Česká republika
Common Name	link
Decision type	Jiné
Decision date	28/11/2013
Soud	Ústavní soud ČR
Předmět	
Žalobce	Unicampus, o. s.
Žalovaný	Regional Court in Prague
Klíčová slova	case law, consumer, consumer rights organisation, court

Directive Articles

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

Headnote

The Directive 2009/22/EC should not affect the civil process law of the member states. The Constitutional Court of the Czech Republic stated, that it is obvious, that provisions of the Directive 2009/22/EC are not in conflict with the law of the European Union and it is not necessary to use the preliminary ruling.

Facts

The defendant decided earlier in a case of plaintiff. The plaintiff stated, that the Directive 2009/22/EC was not duly implemented into Czech law system and that the current national laws are in conflict with the purpose of the Directive 2009/22/EC. The court should have used the preliminary ruling to ensure right functioning of the law of the European Union.

Legal issue

Do the provisions of the Directive 2009/22/EC affect process provisions of national laws?

Rozhodnutí

The Constitutional Court of the Czech Republic confirmed, that the defendant had the possibility to use the preliminary ruling, but it was not necessary, because in this case it is obvious, that there was no conflict with the Law of the European Union. The Directive 2009/22/EC does not affect the civil process law in the Czech law system.

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Legal Literature

Member State 🇨🇪

Česká republika

Title

Předběžné opatření vydané
v meritu věci v kontextu
unijního a ústavního práva

Author

Jan Vavrečka, Nicole Grmelová

Result

The complaint was rejected as groundless.