

PRACTICE DIRECTION – REFERENCES TO THE EUROPEAN COURT

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 68

WORDING OF REFERENCES

- 1.1 Where the court intends to refer a question to the European Court it will welcome suggestions from the parties for the wording of the reference. However the responsibility for settling the terms of the reference lies with the English court and not with the parties.
- 1.2 The reference should identify as clearly and succinctly as possible the question on which the court seeks the ruling of the European Court. In choosing the wording of the reference, it should be remembered that it will need to be translated into many other languages.
- 1.3 The court will incorporate the reference in its order. Scheduled to the order should be a document –
 - (1) giving the full name of the referring court;
 - (2) identifying the parties;
 - (3) summarising the nature and history of the proceedings, including the salient facts, indicating whether these are proved or admitted or assumed;
 - (4) setting out the relevant rules of national law;
 - (5) summarising the relevant contentions of the parties;
 - (6) explaining why a ruling of the European Court is sought; and
 - (7) identifying the provisions of Community law which it is being requested to interpret.
- 1.4 Where, as will often be convenient, some of these matters are in the form of a judgment, passages of the judgment not relevant to the reference should be omitted.

TRANSMISSION TO THE EUROPEAN COURT

- 2.1 The order containing the reference, and the document scheduled to it, should be sent to The Senior Master, Room E115, Queen's Bench Division, Royal Courts of Justice, Strand, London WC2A 2LL, for onward transmission to the European Court.
- 2.2 The relevant court file should also be sent to the Senior Master at the above address.

European Court Information Note

3. There is annexed to this Practice Direction an Information Note issued by the European Court. The reference in the opening passage to Article 177 of the E.C. Treaty should now be read as a reference to Article 234.