EN
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Answer given by Mr McGrath
on behalf of the European Commission
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Article 267 of the Treaty on the Functioning of the European Union (TFEU) sets up a dialogue between the Court of Justice of the European Union (CJEU) and the courts of the Member States, in which the latter are closely involved in the uniform interpretation and correct application of EU law and the protection of individual rights.

In its recent judgment of 24 March 2026[1], the Court of Justice recalled that a national court or tribunal of last instance is subject to an obligation to make a reference for a preliminary ruling, of which it may be relieved only in three situations: lack of relevance of the question of EU law raised, where the EU law at issue had already been interpreted by the Court of Justice or where that interpretation of EU law is so obvious as to leave no scope for any reasonable doubt of the national court. The Court of Justice further held that a national court or tribunal of last instance must give in all cases, specifically and concretely, the reasons why one of these exceptions applies when refusing to refer questions for a preliminary ruling.

The Commission monitors structural deficits in the dialogue under Article 267 TFEU. As guardian of the Treaties, the Commission may initiate infringement proceedings under Article 258 TFEU for possible non-compliance with Article 267(3) TFEU when a Member State adopts legislation preventing proper judicial cooperation under that provision, or when evidence shows a systematic breach.

[1] C-767/23 - Remling.