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Answer given by Mr McGrath
on behalf of the European Commission
(27.7.2026)

As provided for in the second subparagraph of Article 19(1) Treaty on European Union, it is for the Member States to establish a system of legal remedies and procedures ensuring compliance with the right to effective judicial protection in the fields covered by EU law. The principle of effective judicial protection is a general principle of EU law stemming from the constitutional traditions common to the Member States, which has been enshrined in Articles 6 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and is reaffirmed in Article 47 of the Charter of Fundamental Rights of the European Union[1].

As the Commission explained in its answers to written questions E-000611/2026 and E-004470/2025, 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 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.

It should be reiterated that 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 points to a systematic breach.

[1] Judgment of 11 May 2023, *Inspecţia Judiciară*, C-817/21, EU:C:2023:391, para. 40; judgment of 21 December 2021, *Euro Box Promotion and Others*, C-357/19, C-379/19, C-547/19, C-811/19 and C-840/19, EU:C:2021:1034, para. 219 and the case-law cited.