

PRELIMINARY RULING OF THE COURT OF JUSTICE OF EUROPEAN UNION AND ITS LEGAL EFFECTS

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ABSTRACT: *This study analyzes the preliminary question procedure as an essential legal mechanism for ensuring the uniformity and consolidation of European Union legislation. The analysis of the manner of referral to the Court of Justice of the European Union aims to establish the importance of delimiting the situations that entitle the national court to formulate a preliminary question, from the situations in which it is obliged to do so. As a novelty, the impossibility of limiting the right of the national court to request the establishment of the manner of interpretation or the validity of European Union law was affirmed in the recent jurisprudence of the Court. At the same time, from the perspective of the legal effects of the preliminary decision issued by the Court of Justice of the European Union, it is imperative to analyze its binding effect, as well as the moment from which it produces its effects, and last but not least, the possibility of considering these decisions as judicial precedent.*

KEYWORDS: preliminary ruling; preliminary judgement; Court of Justice; interpretation; validity

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