



Reports of Cases

Order of the Court (Ninth Chamber) of 15 October 2015 — Naderhirn

(Case C-581/14)

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Principle of sincere cooperation — Article 267 TFEU — Obligation to comply with the instructions of a higher court)

EU law — Primacy — Conflicting provision of national law — Judgment of the Court of Justice finding such a conflict — No national laws on procedure in place to deal with cases pending before the national courts — Principle of sincere cooperation — Obligation to comply with the instructions of a higher court which are not in accordance with EU law — Unlawful (Art. 4(3) TEU; Art. 267 TFEU) (see paras 30, 31, 35-37, operative part)

Operative part

EU law must be interpreted as precluding a situation in national law which is characterised by, first, the lack of domestic legal provisions governing the manner in which a national court must take account of the fact that it follows from a judgment of the Court of Justice that a national provision must be held to be contrary to EU law when it is dealing with cases pending before it and, second, the existence of rules of domestic law which provide that the court in question is unconditionally bound by another national court's interpretation of EU law, in so far as, on account of such a rule of domestic law, the national court is precluded from ensuring that the primacy of EU law is duly guaranteed by taking, in the context of its jurisdiction, all the necessary measures to that effect.