

СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ  
TRIBUNAL DE JUSTICIA DE LA UNIÓN EUROPEA  
SOUDNÍ DVŮR EVROPSKÉ UNIE  
DEN EUROPÆISKE UNIONS DOMSTOL  
GERICHTSHOF DER EUROPÄISCHEN UNION  
EUROOPA LIIDU KOHUS  
ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ  
COURT OF JUSTICE OF THE EUROPEAN UNION  
COUR DE JUSTICE DE L'UNION EUROPÉENNE  
CÚIRT BHREITHIÚNAIS AN AONTAIS EORPAIGH  
CORTE DI GIUSTIZIA DELL'UNIONE EUROPEA  
EIROPAS SAVIENĪBAS TIESA



LUXEMBOURG

EUROPOS SAJUNGOS TEISINGUMO TEISMAS  
AZ EURÓPAI UNIÓ BÍRÓSÁGA  
IL-QORTI TAL-ĠUSTIZZJA TAL-UNJONI EWROPEA  
HOF VAN JUSTITIE VAN DE EUROPESE UNIE  
TRYBUNAŁ SPRAWIEDLIWOŚCI UNII EUROPEJSKIEJ  
TRIBUNAL DE JUSTIÇA DA UNIÃO EUROPEIA  
CURTEA DE JUSTIȚIE A UNIUNII EUROPENE  
SÚDNY DVOR EURÓPSKEJ ÚNIE  
SODIŠČE EVROPSKE UNIJE  
EUROOPAN UNIONIN TUOMIOISTUIN  
EUROPEISKA UNIONENS DOMSTOL

Press and Information Unit  
Court of Justice of the European Union  
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Mr D Dvořák  
Cannabis is the Cure, z.s.  
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14<sup>th</sup> October 2015

Dear Mr Dvořák ,

Thank you for your letter which was recently received by the Press and Information Unit of the Court of Justice. Whilst I sympathise with your situation, I must make it clear that the Court of Justice cannot accept preliminary references lodged by individuals.

The Court of Justice is not competent to receive cases brought directly by individuals and targeted at other individuals, companies, or State authorities, even where that case concerns an alleged breach of EU law. In such a situation the national courts are competent to hear the case and to apply EU law.

During a case before a national court, if a question of EU law arises, that court may then in turn refer questions to the Court of Justice as to how EU law is to be interpreted and whether the national law infringes it. At this point the parties concerned would have an opportunity, through their lawyers, to make their opinions known to the Court of Justice. The Court of Justice would then answer these questions and inform the national court of the correct interpretation of the law. This allows the national court to continue the case, applying the correct law to the facts before it, and making final judgment in the matters.

I should also stress that the Court of Justice is not a court of appeal from national courts. A case which has been decided by a national court cannot be brought before the Court of Justice.

Furthermore, the Court of Justice stated in C-247/87 *Star Fruit Company v Commission* [para 11] that the Commission is not obliged to commence infringement proceedings against a country but rather has a discretion in deciding whether or not to do so. Therefore the Commission cannot be forced to initiate proceedings against a Member State.

It is with regret that we are unable to assist you in this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. Fretwell', written in a cursive style.

Christopher Fretwell  
English Section  
Press and Information Unit  
Court of Justice of the European Union