

A plea for studying (and loving) the EU Law¹**Dr. Octavia Spineanu-Matei**

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Abstract: *The speech highlights, by reference to several cases pending before the Court of Justice of the European Union, the breadth and diversity of the situations in which EU law becomes applicable and calls for constant dialogue between national courts and the European court. Examples drawn from copyright law, family law, judicial cooperation in criminal matters and competition law illustrate the transversal nature of EU law and its presence across a wide range of legal fields. In this vein, the central argument of the speech is that EU law should not be regarded as a secondary discipline in relation to the so-called core areas of legal study, but rather as a structural component of contemporary legal education and legal practice. From this perspective, the author especially addresses law students, emphasizing that, regardless of the legal profession they choose, a rigorous understanding of EU law will sooner or later become indispensable.*

Key words: *European Union law; Court of Justice of the European Union; judicial dialogue; preliminary reference; legal education.*

O pledoarie pentru studierea (și îndrăgirea) dreptului Uniunii Europene

Rezumat: *Discursul evidențiază, prin referire la mai multe cauze aflate pe rolul Curții de Justiție a Uniunii Europene, amploarea și diversitatea situațiilor în care dreptul Uniunii devine incident și reclamă un dialog constant între instanțele naționale și instanța europeană. Exemple desprinse din materia dreptului de autor, a dreptului familiei, a cooperării judiciare în materie penală și a dreptului concurenței ilustrează caracterul transversal al dreptului Uniunii Europene și prezența sa în domenii juridice dintre cele mai variate. Ideea centrală a discursului este aceea că dreptul Uniunii Europene nu trebuie conceput ca o disciplină secundară în raport cu așa-zisele discipline juridice „fundamentale”, ci ca o componentă structurală a formării și a practicii juridice contemporane. Din această perspectivă, autoarea formulează un apel adresat în special studenților la drept, subliniind că, indiferent de profesia juridică aleasă, o înțelegere riguroasă a dreptului Uniunii Europene va deveni, mai devreme sau mai târziu, indispensabilă.*

Cuvinte cheie: *dreptul Uniunii Europene; Curtea de Justiție a Uniunii Europene; dialog judiciar, trimitere preliminară, educație juridică.*

¹ Speech delivered at the official ceremony for the conferral of the title of Doctor Honoris Causa on Professor Dr. Koen Lenaerts, President of the Court of Justice of the European Union, Bucharest, 27 March 2026.

The views expressed in this speech are purely personal and do not represent the official position of the Court of Justice of the European Union.

On April 5, 1944, hidden in the annex that had sheltered eight people for nearly two years, Anne Frank wrote in her diary: “(...) I want to go on living even after my death.²”

A month later, she noted: “(...) my dearest wish is to one day become a journalist and later a famous writer. (...) In any case, after the war, I want to publish a book entitled *The Annex*, and the diary will serve as its basis.³”

More than 80 years later, *The Diary of Anne Frank*, published by her father - the only member of the family who survived the Holocaust - continues not only to be read and to fascinate, but is also the subject of a legal dispute.

This dispute involves the Anne Frank Fund, established by Otto Frank in 1963 which is the copyright holder of the published Diary as the claimant. On the other side, the defendants are the Anne Frank Foundation based in Amsterdam, the Royal Netherlands Academy of Arts and Sciences and a Brussels-based association for the research of historical texts.

The case concerns an alleged copyright infringement in the Netherlands resulting from the publication on the website of the latter association of versions of the full texts of the diary manuscripts, which have fallen into the public domain in a number of countries, including Belgium, but are still protected in the Netherlands.

Despite the fact that measures were taken to ensure that this publication was not accessible in the territory where the work is still protected - including a geoblocking system - the Fund brought the case before the Dutch courts, seeking a finding of infringement of its copyright, on the grounds that the protected documents can still be accessed online through the use of a VPN.

In this context, the Supreme Court of the Netherlands referred several questions to the Court of Justice of the EU for a preliminary ruling regarding the concept of public communication of a work, within the meaning of Directive 2001/29 on the harmonization of certain aspects of copyright and related rights in the information society⁴, the effectiveness of measures that may be taken to prevent or deter public access to a protected work as well as the relevance of the possibility of circumventing these measures using a VPN service. (C-788/24, *Anne Frank Fonds*)

Elsewhere in Europe and in a completely different context, two people married in 2015. Five years later, they divorced, their last habitual residence being in the Czech Republic, within the meaning of the Regulation on jurisdiction, applicable law, and the enforcement of judgments in matters of matrimonial property regimes⁵.

During their marriage, they acquired a residential building in Paris, in joint ownership interest. They now wish to dissolve and liquidate the joint ownership and the dispute is pending before the Supreme Court of the Czech Republic.

As the former husband is domiciled in the Czech Republic and the former wife in France, where the property concerned is also located, the question arises as to which court has international jurisdiction to rule the case.

² Anne Frank, *Jurnalul Annei Frank*, trad. Gheorghe Nicolaescu, Ed. Humanitas, 2025, p. 287 (our translation).

³ Frank, *Jurnalul Annei Frank*, p. 335 (our translation).

⁴ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society.

⁵ Council Regulation (EU) 2016/1103 of June 24, 2016, implementing enhanced cooperation in the area of jurisdiction, applicable law, and the recognition and enforcement of judgments in matters of matrimonial property regimes.

Therefore, the Supreme Court of the Czech Republic must decide whether the pending proceedings concern the matrimonial property regime, in which case the Czech courts would have jurisdiction, or whether they should be regarded as relating to the rights of immovable property, in which case the French courts would have jurisdiction⁶.

In other words, should the property separation regime chosen by the spouses when they got married be classified as a matrimonial property regime under Regulation 2016/1103? (C-300/25, Duftošek)

Romanian courts could also be faced with such a question, given that spouses have been able to choose the separation of property through a matrimonial convention since 2011, pursuant to Article 360 of the Civil Code.

Turning now to criminal law, I will refer to the cases C-722/23, Rugu, and C-91/24, Aucroix, which were referred to the Grand Chamber.

In these cases, the Court of Justice was asked to consider new issues relating to the European arrest warrant.

Two individuals, a Romanian citizen and a Belgian citizen, both residing in Belgium, were each the subject of a European arrest warrant issued by the Romanian and Greek authorities, respectively, for the purpose of enforcing prison sentences.

The Belgian courts, to which these warrants were referred for execution, refused on the grounds that the convicted persons would be at risk of having their fundamental rights infringed if they were surrendered and detained in the states that issued the warrants⁷.

The cases were brought before the Belgian Court of Cassation, which asked the Court of Justice to determine whether Belgian courts may, or even must, enforce the imposed sentences in Belgium if the warrants are refused, when the convicted persons are nationals of or reside in that state.

These cases raise the issue of the consequences of refusing to execute a European arrest warrant due to the conditions of detention in the issuing Member State for the individuals concerned. More specifically, must the executing judicial authority release the individuals, or may or must the executing judicial authority ensure the enforcement of the sentences within the executing Member State's territory, in order to prevent their impunity?

A case pending before the Court of Appeal of Cagliari involves an individual and a bank that entered into a credit agreement.

The dispute concerns the validity of the contractual clause setting the interest rate according to the Euribor index. This index is calculated based on information provided by a group of European banks.

However, prior to this dispute, the European Commission had found that certain banks belonging to this group had participated in an anti-competitive agreement aimed at manipulating the Euribor index. This constituted a violation of Article 101 TFEU, which prohibits anti-competitive agreements.

⁶ In accordance with Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of December 12, 2012, on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

⁷ According to article 1 § 3 of the Framework Decision 2002/584 on the European arrest warrant and the surrender procedures between Member States: "This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union".

In this context, the Italian court referred a question to the Court of Justice for a preliminary ruling, seeking an interpretation of both Article 101 TFEU and certain provisions of Regulation No. 1/2003 on the implementation of competition rules⁸.

Firstly, Article 101(2) TFEU states that agreements or decisions prohibited under the first paragraph shall be automatically void.

The referring court wishes to establish whether the article can render the clause setting interest rates based on the Euribor index invalid. The manipulation of the Euribor index concerns the market for Euro interest rate derivatives, whereas the loan agreement concerns another market, namely that of variable-rate loans.

Secondly, the referring court raises the issue of the probative value of the Commission's findings regarding the manipulation of Euribor, given that, according to Article 16(1) of Regulation No. 1/2003, when national courts rule on anti-competitive agreements which are already the subject of a Commission decision, they cannot take decisions running counter to the decision adopted by the Commission (C-60/25, *Livronsa*).

I briefly presented a few cases without providing the Court's rulings. Why?

Because these are pending cases in which either the Advocate General's opinion has already been delivered and the case is under deliberation (C-788/24; joined cases C-722/23 and C-91/24; C-60/25), or the case is still in the oral phase and a hearing is scheduled to take place (C-300/25).

I have selected them primarily to illustrate the diversity of situations and legal areas in which EU law applies and prompts or obliges national courts to engage in dialogue with European Union courts.

From this perspective, this presentation builds on the lecture delivered by President Lenaerts.

These cases were also selected to spark your interest, encouraging you to anticipate the outcomes and to experience, maybe, the satisfaction of seeing your predictions confirmed by the judgements.

In the audience there are distinguished professors from the law school, as well as legal practitioners, including fellow judges and advocates, and numerous students.

However, I would like to address a message to the students who must discover, as early as possible, the importance of European Union law, understand it, and learn to apply it properly, with the invaluable help of their professors.

EU law as a whole - namely the legislative acts that comprise it, including primary and secondary law, and the vast body of CJEU case law developed over more than 70 years - is too extensive to be covered in full (certainly not during your undergraduate studies!).

Moreover, EU law should not merely be viewed as a distinct branch of law that deserves a secondary role compared to the so-called "core" subjects required for admission to the National Institute of Magistracy, the Bar or the notary profession. Its study should also be integrated into each branch and discipline.

Issues related to the interpretation and application of EU law arise in all types of litigation, including civil, criminal, administrative, commercial or labour law.

They can arise at any stage of the procedure, before any court - from local courts to the High Court of Cassation and Justice (HCCJ) - and even before the Constitutional Court.

⁸ Council Regulation (EC) No. 1/2003 of December 16, 2002, on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.

Since 2007, Romanian citizens have also been EU citizens and have enjoyed rights arising from both statuses. As a result, disputes involving an EU element have multiplied exponentially in Romania.

Therefore, dear students, whether you choose to become lawyers, judges, prosecutors, notaries, or bailiffs, sooner or later you will be confronted with situations requiring a solid understanding of EU law.

I will conclude this brief plea for studying and loving EU law by encouraging you to visit the Court's website, to learn how this court has interpreted EU law and what guidance it has provided to referring courts called upon to rule the cases that I have discussed.

Until then, I have a few other recommendations regarding some cases that have already been resolved and involved similar legal issues.

For a wonderful judgment on copyright law, see the judgment of 19 March 2026, *Institutul G. Călinescu*, (C-649/23, EU:C:2026:213).

An interesting judgment concerning the applicable law in divorce cases where the couple's last residence was a diplomatic one is the judgment of 20 March 2025, *Lindenbaumer*, (C-61/24, EU:C:2025:197).

The consequences of refusing to execute a European arrest warrant on the optional ground provided for in Article 4(6) of Framework Decision 2002/584⁹ were addressed in the judgment of 4 September 2025, *C.J.* (Enforcement of a sentence following a European Arrest Warrant) (C-305/22, EU:C:2025:665).

Regarding another index, WIBOR, in the context of consumer law, I recommend the judgment of 12 February 2026, *PKO BP* (Critical benchmark) (C-471/24, EU:C:2026:85).

I would like to thank you all for your attention and for honouring this special event, held to confer the title of Doctor Honoris Causa on Professor Koen Lenaerts, judge in the European Union courts since 1989 (1989 GC, 2003 ECJ), and President of the Court of Justice of the EU since 2015.

Thank you!

⁹ According to article 4 § 6 of the Framework Decision 2002/584 on the European arrest warrant, establishing the grounds for optional non-execution of the European arrest warrant: "if the European arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of the executing Member State and that State undertakes to execute the sentence or detention order in accordance with its domestic law".