

EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate A: Civil justice  
Unit A.1: Civil justice policy

Brussels, 7/9/2015  
just.a.1(2015)4037066

Mr Klaus Zinser  
Hauptstrasse 8  
88427 Bad Schussenried  
Germany  
[klauszinser@posteo.com](mailto:klauszinser@posteo.com)

**Re: Your query submitted via the Commission's official website for complaints**

Dear Mr Zinser,

I reply to your message sent to the European Commission on 6 August 2015 concerning the alleged infringement of EU law by the UK authorities.

You claim that in the course of the parental responsibility proceedings in which you are involved the UK courts infringed EU law by not transferring the proceedings concerning the custody and access rights of your son to the European Court of Justice. In particular, you criticize that the courts on purpose did not inform you that your case should be transferred to the European Court of Justice in accordance with the Article 267 of the Treaty.

I must inform you that under the Treaty of the European Union and the Treaty on the Functioning of the European Union, the European Commission can intervene in individual cases only where national authorities, including courts, either discharged an obligation under EU law or did not grant judicial protection regarding rights conferred by the Union's legal order.

As regards the procedure foreseen in Article 267 of the Treaty, I would like to inform you that the reference for a preliminary ruling is a procedure which enables national courts to submit a question to the Court of Justice on the interpretation or validity of European law. The reference of a preliminary ruling is therefore not a recourse taken against a decision taken by the national courts, but a question presented by national courts on the interpretation of European law.

The elements you criticise in your complaint relate to the substantive family and procedural law of the UK or concern the practical application of such laws by the UK courts.

European Commission, B-1049 Brussels - Belgium. Phone: (32-2) 299 11 11.  
Office: MO59 2/68. Phone: direct line (32-2) 29 56567 Fax: (32-2) 2996457. E-mail: [just-civil-coop@ec.europa.eu](mailto:just-civil-coop@ec.europa.eu)

Since your case is not concerned with the application of a specific EU instrument and therefore no question on the interpretation of an EU instrument arose, we see no failure on the part of the UK courts to comply with Article 267 TFEU. As a result, the European Commission cannot be of any assistance in your dispute. This means that redress must be pursued at the national level through the competent national fora (including courts), by using all available remedies.

If, once all the domestic remedies have been exhausted, you still believe that your fundamental rights were not respected in the proceedings, you have a possibility to lodge a complaint with the European Court of Human Rights. For your information, I let you know that the Court can be contacted at the following address:

European Court of Human Rights

Council of Europe

67075 Strasbourg - Cedex

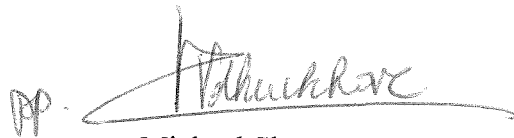
France

Tel: +33 3 88 41 20 18

Fax: +33 3 88 41 27 30

I hope this information is useful to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Shotter', is written over a horizontal line. To the left of the signature, there are two small, handwritten initials 'PP'.

Michael Shotter

Head of Unit