



Press and Information

Court of Justice of the European Union

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Judgment in Case C-322/13

Ulrike Elfriede Grauel Ruffer v Katerina Pokorná

The option to use German before the civil courts of the Province of Bolzano must not be reserved only for Italian citizens residing in that region

To the contrary, that option must be open to all citizens of the European Union

The use of Italian is compulsory before the Italian civil courts. Any document drafted in another language is invalid. However, there is an exception with respect to the courts in the Province of Bolzano: Italian citizens who reside in that region have the option to use German. That exception aims to protect the German-speaking ethnic and cultural minority in the Province of Bolzano.

The Landesgericht Bozen (Regional Court, Bolzano) asks the Court of Justice whether EU law precludes the option to use German before the courts of the Province of Bolzano from being reserved solely for Italian citizens residing in that region. In that case, a German skier¹ was injured on a ski run in the Province of Bolzano and seeks damages from a Czech skier² who is supposed to have caused the accident. Since the originating application and the defence were drafted in German the Landesgericht Bolzano should, pursuant to Italian law, declare those documents invalid. However, it has doubts as to the compatibility of such invalidity with EU law.

In its judgment today, the Court replies that EU law (more specifically the prohibition on all discrimination on grounds of nationality and the free movement guaranteed to citizens of the EU) precludes national rules which, in civil cases brought before the courts of a specific territorial entity in the Member State in question, grant the right to use an unofficial language only to Italian nationals who are domiciled in that territorial entity.

The Court recalls that it has already answered that question affirmatively with regard to criminal proceedings brought before the courts of the Province of Bolzano³. According to the Court of Justice, the considerations which led it to that result apply to all judicial proceedings brought within the territorial entity concerned, including, civil proceedings.

None of the arguments raised by the Italian Government in the present case can justify the rules at issue. As regards the argument that the proceedings would be encumbered if citizens of the EU were able to use German, the Court observes that, according to the information provided by the Landesgericht Bozen, the judges in the Province of Bolzano are perfectly able to conduct judicial proceedings in Italian and/or German. As regards the extra costs which would be incurred by Italy as a result of the application of the language rules to citizens of the EU, the Court recalls that aims of a purely economic nature cannot justify a restriction of a fundamental freedom guaranteed by EU law.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

¹ Residing in Germany.

² Residing in the Czech Republic.

³ Case [C-274/96 Bickel and Franz](#), see also Press Release No 71/98.

Unofficial document for media use, not binding on the Court of Justice.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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