## Contents

Prefa	ce	viii
PART	ΓΙ INTRODUCTION	
1	Obstacles to Legal Certainty in the Preliminary Reference Procedure	2
2	"Steadying Factors" in the Article 267 TFEU Preliminary Reference Procedure	12
3	The Argument and "First Principles"	38
PART	Γ II INTERNAL EXTRA-LEGAL STEADYING FACTORS	
4	The Steadying Effect of "Law-Conditioned Officials"	51
5	The Judges of the Court of Justice and "Law Conditioning"	64
PART	Γ III EXTERNAL EXTRA-LEGAL STEADYING FACTORS	
6	The Steadying Effect of an Independence–Accountability Balance: A Hypothesis	84
7	Susceptibility to Countermeasures for "Scenario 1" ("Legal" and "Acceptable") Rulings	99
8	Susceptibility to Lawful Countermeasures for "Scenario 2" ("Legal", but "Unacceptable") Rulings	121
9	Susceptibility to Unlawful Countermeasures for "Scenario 2" ("Legal", but "Unacceptable") Rulings	148
10	Susceptibility to Countermeasures for "Scenario 3" ("Illegal", but "Acceptable") and "Scenario 4" ("Illegal" and "Unacceptable") Rulings	164

## PART IV PROCEDURAL EXTRA-LEGAL STEADYING FACTORS

11	The Order for Reference as "Steadying Factor" I: "Issues Limited, Sharpened, and Phrased in Advance"	171
12	The Order for Reference as "Steadying Factor" II: "A Frozen Record from Below"	197
13	The Steadying Effect of Argument before the Court of Justice	209
14	The Steadying Effect of "A Known Bench"	232
15	"Steadying Factors" in Deliberative and Decision-making Procedures	243
16	Conclusion	261
	endix 1: Legal Education and Training of the Judges of the Court of Justice Appointed Pursuant to Article 32 ECSC endix 2: Legal Education and Training of the Former Judges of the Court of Justice Appointed Pursuant to Now Article	266
	253 TFEU	268
Appe	endix 3: Legal Education and Training of the Current Judges of the Court of Justice Appointed Pursuant to Now Article	
Арре	253 TFEU andix 4: Post-Educational 'Active Work in Some Aspect of the Law' of the Judges of the Court of Justice Appointed	272
Арре	Pursuant to Article 32 ECSC andix 5: Post-Educational 'Active Work in Some Aspect of the Law' of the Former Judges of the Court of Justice	274
Арре	Appointed Pursuant to Now Article 253 TFEU  andix 6: Post-Educational 'Active Work in Some Aspect of the Law' of the Current Judges of the Court of Justice	275
Арре	Appointed Pursuant to Now Article 253 TFEU andix 7: Approximate Length of Post-Educational 'Active	279
	Work in Some Aspect of the Law' of the Judges of the Court of Justice Appointed Pursuant to Article 32 ECSC at the Date of Appointment	281
Арре	endix 8: Approximate Length of Post-Educational 'Active' Work in Some Aspect of the Law' of the Former Judges of the Court of Justice Appointed Pursuant to Now Article	
	253 TFEU at the Date of Appointment	282

Contents

Appendix 9: Approximate Length of Post-Educational 'Active	
Work in Some Aspect of the Law' of the Current Judges	
of the Court of Justice Appointed Pursuant to Now Article	
253 TFEU at the Date of Appointment	285
Appendix 10: Level of 'Law Conditioning' of the Judges of the	
Court of Justice (1952-Present)	287
Bibliography	292
Index	301