

On June 15 we will write European legal history

[June 7, 2020 | On June 15, the Grand Chamber of the European Court of Justice \(ECJ\) in Luxembourg will hear my case against Hessischer Rundfunk on the questions regarding European currency law referred to it by the German Federal Administrative Court \(Bundesverwaltungsgericht\) The consequences of the ruling could be far-reaching.](#)

My lawyer Carlos A. Gebauer and I will be travelling to Luxembourg for [the oral hearing](#).

Note to media representatives. As I do not carry a mobile monitoring device (smartphone) with me and therefore cannot reliably check my e-mails when travelling, it is advisable to make interview requests in advance by E-Mail so that I can give you a contact option for after the hearing.

The lawsuit is financially supported by [Prometheus - Das Freiheitsinstitut](#).

The questions that the ECJ has to clarify, as taken from the [diary of the court](#):

1. Does the exclusive competence that the European Union, pursuant to Article 2(1) TFEU, in conjunction with Article 3(1)(c) TFEU, enjoys in the area of monetary policy for the Member States whose currency is the euro preclude a legal act of one of those Member States that provides for an obligation on the part of public authorities of the Member State to accept euro banknotes in the fulfilment of statutorily imposed payment obligations?
2. Does the status as legal tender of banknotes denominated in euro, as established in the third sentence of Article 128(1) TFEU, the third sentence of Article 16(1) of Protocol (No 4) on the statute of the European System of Central Banks and of the European Central Bank and the second sentence of Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (1) contain a prohibition precluding public authorities of a Member State from refusing fulfilment of a statutorily imposed payment obligation in such banknotes, or does EU law leave room for provisions that exclude payment in euro banknotes for certain statutorily imposed payment obligations?
3. If the first question is answered in the affirmative and the second question is answered in the negative: Can a legal act of a Member State whose currency is the euro which is adopted in the context of the European Union's exclusive competence in the area of monetary policy be applied to the extent to which, and for so long as, the European Union has not made use of its competence?

I will publish here on Monday an article on these issues based on new legal-historical findings.

If the European Court of Justice were to answer the questions to the effect that the status of euro banknotes and coins entails an obligation for state authorities to accept them, the widespread restrictions on the acceptance of cash by citizens' offices and many other public authorities would become illegal. It would also raise a big question mark over the legality of cash payment ceilings, which already exist in many European countries.

The hearing will take place at 14.30 in Grande Salle Palais - Niveau 2. It is not expected that there will be an immediate ruling.

[Dossier on my cash case](#)