

# Case C-457/09

**Claude Chartry**

**v**

**État belge**

(Reference for a preliminary ruling from the tribunal de première instance de Liège)

(Preliminary ruling — Article 234 EC — Assessing whether a national rule is consistent with both EU law and the national Constitution — National legislation laying down the priority nature of preliminary proceedings for reviewing constitutionality — Charter of Fundamental Rights of the European Union — Need for a connection with EU law — Clear lack of jurisdiction of the Court)

Order of the Court (Fifth Chamber), 1 March 2011 . . . . . I - 821

## Summary of the Order

1. *Preliminary rulings — Reference to the Court — Jurisdiction of the national courts — National legislation confirming the priority nature of national preliminary proceedings for reviewing constitutionality — Not permissible — Condition (Art. 234 EC)*

2. *Preliminary rulings — Jurisdiction of the Court — Limits — Request for interpretation of the Charter of Fundamental Rights of the European Union — Subject-matter of national dispute not having any connection with EU law — Lack of jurisdiction of the Court (Art. 234 EC; Charter of Fundamental Rights of the European Union, Art. 51(1))*

1. Article 234 EC precludes Member State legislation which establishes an interlocutory procedure for the review of the constitutionality of national laws, in so far as the priority nature of that procedure prevents, both before the submission of a question on constitutionality to the national court responsible for reviewing the constitutionality of laws and, as the case may be, after the decision of that court on that question, all other national courts or tribunals from exercising their right or fulfilling their obligation to refer questions to the Court of Justice for a preliminary ruling.

(see para. 20)

2. When proceedings are brought before it under Article 234 EC, the Court of Justice has jurisdiction to give preliminary rulings concerning the interpretation of the EC Treaty and the validity and interpretation of the acts of the institutions of the European Union. In that context, the jurisdiction of the Court is confined to considering provisions of EU law only.

Article 51(1) of the Charter of Fundamental Rights of the European Union states that its provisions are addressed to the Member States only when they are implementing European Union law. Furthermore, that limitation has not been amended by the entry into force of the Treaty of Lisbon on 1 December 2009, since when, under Article 6(1) TEU, the Charter has the same legal value as the Treaties. That article states that the provisions of the Charter are not to extend in any way the competences of the Union as defined in the Treaties.

It follows that the jurisdiction of the Court to answer a request for interpretation of Article 6(1) TEU, as it stood before the Treaty of Lisbon, has not been established when the order for reference does not contain any specific information that might allow the subject-matter of the dispute to be considered connected with EU law.

(see paras 21, 23-26)