



Reports of Cases

Case C-363/11

**Epitropos tou Elegktikou Synedriou sto Ypourgeio Politismou kai Tourismou
v
Ypourgeio Politismou kai Tourismou — Ypiresia Dimosionomikou Elenchou**

(Reference for a preliminary ruling from the Elegktiko Sinedrio (Greece))

(Reference for a preliminary ruling — Concept of ‘court or tribunal of a Member State’ within the meaning of Article 267 TFEU — Proceedings intended to lead to a decision of a judicial nature — National court of auditors ruling on prior authorisation of public expenditure — Inadmissibility)

Summary — Judgment of the Court (Third Chamber), 19 December 2012

Questions referred for a preliminary ruling — Reference to the Court — National court or tribunal within the meaning of Article 267 TFEU — Concept

(Art. 267 TFEU)

A national body cannot be classified as ‘a court or tribunal’ within the meaning of Article 267 TFEU where it is not an independent body, in the sense that it cannot be regarded as acting as a third party in relation to the administrative authority which adopted the contested decision. Consequently, that classification cannot be accorded if that body has an organisational link with the administrative authority concerned.

That applies to a body one of whose members is the author of the contested administrative decision and which, in exercising its powers relating to the main proceedings, is called upon to adopt a decision which is not part of proceedings intended to lead to a decision of a judicial nature, contrary to the requirements of the case-law stemming from Article 267 TFEU.

(see paras 18, 20, 21, 23, 28)