



Reports of Cases

Case C-313/12

Giuseppa Romeo

v

Regione Siciliana

(Request for a preliminary ruling from the Corte dei conti, sezione giurisdizionale per la Regione Siciliana)

(National administrative procedure — Purely internal situation — Administrative acts — Obligation to state reasons — Whether it is possible for failure to state reasons to be remedied during legal proceedings against an administrative act — Interpretation of the second paragraph of Article 296 TFEU and Article 41(2)(c) of the Charter of Fundamental Rights of the European Union — Lack of jurisdiction of the Court)

Summary — Judgment of the Court (Fifth Chamber), 7 November 2013

1. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Limits — Purely internal situation — Interpretation sought because of a general renvoi made by a provision of national law to principles derived from the European Union legal order — National legislation providing for specific implementing rules to the internal situation at issue — Non-application of the principles derived from the European Union legal order — Lack of jurisdiction of the Court*

(Art. 267 TFEU)

2. *Questions referred for a preliminary ruling — Admissibility — Limits — Clearly irrelevant questions and hypothetical questions put in a context not permitting a useful answer*

(Art. 267 TFEU)

1. The Court has jurisdiction to give preliminary rulings on questions concerning provisions of EU law in situations where the facts of the cases being considered by the national courts are outside the scope of EU law, but in which domestic law refers to the content of those provisions of European Union in order to determine the rules applicable to a situation which is purely internal to the State concerned. Such is the case where the provisions of EU law at issue have been made directly and unconditionally applicable by national law to such situations where the provisions of national law do not allow the interpretation of those EU rules by the Court to be departed from.

Accordingly, where national legislation contains both specific rules for the resolution of a question of domestic law, and a provision referring to principles deriving from EU law it must be made clear by that national legislation that it is not those specific national rules but the principles of EU law which are to be applied when resolving that very question of domestic law.

(see paras 21-23, 33, 34)

2. See the text of the decision.

(see para. 40)