



Reports of Cases

Order of the Court (Sixth Chamber) of 21 February 2013 — Ajdini

(Case C-312/12)

(Rules of Procedure — Articles 53(2), 93(a) and 99 — Request for a preliminary ruling — Examination of the conformity of a national provision with both EU law and the national constitution — National legislation granting priority to an interlocutory procedure for the review of constitutionality — Charter of Fundamental Rights of the European Union — Failure to implement European Union law — Clear absence of jurisdiction of the Court)

1. *Questions referred for a preliminary ruling — Reference to the Court — Jurisdiction of the national courts — National legislation granting priority to an interlocutory procedure for the review of constitutionality — Not permissible — Condition (Art. 267 TFEU) (see para. 18)*
2. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Limits — Application for an interpretation of the Charter of Fundamental Rights of the European Union — Subject-matter of the dispute which bears no link to European Union law — Lack of jurisdiction of the Court (Art 267 TFEU; Charter of Fundamental Rights of the European Union, Art. 51(1)) (see paras 21, 22)*
3. *Border controls, asylum and immigration — Immigration policy — Status of third-country nationals who are long-term residents — Directive 2003/109 — Grant of a residence permit as a long-term resident — Conditions (Council Directive 2003/109) (see para. 25)*

Re:

Request for a preliminary ruling — Labour Court, Huy — Interpretation of Articles 20, 21 and 26 of the Charter of Fundamental Rights of the European Union and of Article 234 EC — Fundamental rights — Principle of non-discrimination — Serbian national with a disability — Admissibility of national legislation excluding certain persons from entitlement to disability benefits on grounds of nationality — National of a third country which is an official candidate for accession to the European Union — Power of a national court to refer a matter to the Court of Justice — Admissibility of national legislation requiring the national court to bring a matter to the Constitutional Court at the outset.

Operative part

It is clear that the Court of Justice of the European Union has no jurisdiction to answer the questions referred for a preliminary ruling by the Labour Court, Huy (Belgium).