

**Question for written answer E-000497/2014
to the Commission**

Rule 117

Crescenzo Rivellini (PPE)

Subject: Referrals for a preliminary ruling - compliance with EU regulations

Given that:

- as reasserted by the Court of Justice of the European Union, the supremacy of EU law over national law applies not just to national courts and tribunals (cf. Simmenthal) but also to all administrative authorities (cf. F.lli Costanzo), and provisions of national law may be legislative or administrative (cf. Ciola);
- settled case-law of the Italian Court of Cassation (most recently judgment 9151/2008 of the Joint Chambers) recognises the legal right of the Italian Houses of Parliament to exercise legal powers through their own offices, and places under their sole jurisdiction any issue concerning the election process, thereby ruling out any possible judicial remedy under national law;

and considering that:

- Article 258 of the Treaty on the Functioning of the European Union (TFEU) grants powers of control to the Commission in order to ensure that EU law is adhered to and properly applied in the Member States, and that, in exercising such powers, the Commission seeks to preserve the responsibilities entrusted to the national authorities and in particular to the courts and tribunals;
- pursuant to Article 267(3) TFEU, where any question of EU law referred for a preliminary ruling is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court of Justice of the European Union;
- when a court or tribunal of a Member State refers to the Court of Justice of the European Union for a preliminary ruling, this constitutes one of the most powerful instruments available under EU law to ensure its implementation and proper application;

can the Commission state whether, when any question concerning the interpretation of EU law referred for a preliminary ruling is raised, the offices fulfilling judicial roles within the Italian Houses of Parliament are required to bring the matter before the Court of Justice of the European Union, pursuant to Article 267(3) TFEU?