

ORDER OF THE COURT
5 March 1986 *

In Case 318/85

REFERENCE to the Court under Article 177 of the EEC Treaty by the commissione consultiva per le infrazioni valutarie [Consultative Commission for Currency Offences] for a preliminary ruling in the proceedings brought before it against

Regina Greis Unterweger

on the interpretation of the provisions of Community law relating to exchange control,

THE COURT

composed of: Lord Mackenzie Stuart, President, T. Koopmans, U. Everling, K. Bahlmann and R. Joliet (Presidents of Chambers), G. Bosco, O. Due, Y. Galmot, C. Kakouris, T. F. O'Higgins, F. Schockweiler, J. C. Moitinho de Almeida and G. C. Rodriguez Iglesias, Judges,

Advocate General: G. F. Mancini

Registrar: P. Heim

after hearing the Opinion of the Advocate General,

makes the following

* Language of the Case: Italian.

ORDER

- 1 By decision of 4 October 1985, which was received at the Court Registry on 25 October 1985, the commissione consultiva per le infrazioni valutarie [hereinafter referred to as 'the Consultative Commission'], Rome, referred to the Court for a preliminary ruling under Article 177 of the EEC Treaty several questions on the rules and principles of Community law relating to exchange control.
- 2 It appears from the observations submitted by the Italian Government and the Commission and from the provisions of Italian legislation to which they refer in those observations that the Consultative Commission is an agency of the Italian Treasury Ministry; that its duty is to submit reasoned opinions on the sanctions to be imposed by the Treasury Minister on persons infringing the Italian legislation relating to transfers of foreign exchange; that it is composed of a judge, as chairman, and several high-ranking officials; that the relevant rules do not require the Consultative Commission to conduct hearings where the person concerned or his counsel may put forward his point of view; that the person concerned has no right to bring a matter before the Consultative Commission, which sits solely at the request of the public authorities who have established that the law has been infringed; and that the opinion submitted by the Consultative Commission is not binding on the Minister, who is free to decide whether or not to follow it.
- 3 In addition, it is necessary to point out that the sanctions imposed by the Treasury Minister after consulting the Consultative Commission may be challenged by the persons concerned before the ordinary courts and tribunals which have unlimited jurisdiction in the matter.
- 4 According to Article 177 of the EEC Treaty, a request for a preliminary ruling may be submitted to the Court of Justice only by a court or tribunal of a Member State which is required to give a ruling in proceedings which are intended to result in a judicial decision. That is not the position in this case since the task of the Consultative Commission is not to resolve disputes but to submit an opinion within the framework of an administrative procedure.

- 5 It is therefore clear that the Court has no jurisdiction to give a ruling on the decision referred to it by the Consultative Commission.
- 6 In those circumstances, Article 92 of the Rules of Procedure must be applied and the Court must rule of its own motion that it lacks jurisdiction in the matter.

On those grounds,

THE COURT

hereby orders as follows:

The Court has no jurisdiction to take cognizance of the request for a preliminary ruling submitted by the commissione consultiva per le infrazioni valutarie.

Luxembourg, 5 March 1986.

P. Heim
Registrar

A. J. Mackenzie Stuart
President