

Case C-328/04

**Criminal proceedings
against
Attila Vajnai**

(Reference for a preliminary ruling from the Fővárosi Bíróság)

(Reference for a preliminary ruling — Interpretation of the principle of non-discrimination — National provision prohibiting, on pain of criminal prosecution, the use in public of a symbol consisting of a five-point red star — Lack of jurisdiction of the Court)

Order of the Court (Fourth Chamber), 6 October 2005 I - 8579

Summary of the Order

Preliminary rulings — Jurisdiction of the Court — Limits — Questions referred in the course of a dispute relating to the application of a national provision which is not within the scope of Community law — Excluded

(Art. 234 EC)

Where national provisions fall within the field of application of Community law the Court, on a reference for a preliminary ruling, must give the national court all the guidance as to interpretation necessary to enable it to assess the compatibility of those provisions with the fundamental rights whose observance the Court ensures. By contrast, the Court has no such jurisdiction with regard to national provisions outside

the scope of Community law and when the subject-matter of the dispute is not connected in any way with any of the situations contemplated by the Treaties.

(see paras 12-13)