

United Civil Chambers, ruling [ordinanza] of 30 Oct. 2020 No 24107, legally summarised as follows:
«The decision taken by the Council of State [Consiglio di Stato] not to make a reference to the Court of Justice for a preliminary ruling is not vitiated by the defect of excess of jurisdictional power, and therefore cannot be challenged in connection with European Union law on the grounds of a violation of the external limit of jurisdiction, given that the power of review entrusted to the Court of Cassation by Article 111(8) of the Italian Constitution does not include review of the administrative judge's hermeneutical choices which could entail errors "in iudicando" or "in procedendo" due to a conflict with European Union law, except in the "extreme" event that the error has resulted in an interpretation of the European legislation in contrast with that provided by the CJEU, so as to preclude, by making it ineffective, the lawyer's defence in the proceedings before the court» (Rv. 659290-01