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TRIBUNAL DE JUSTIÇA DA UNIÃO EUROPEIA
CURTEA DE JUSTIȚIE A UNIUNII EUROPENE
SÚDNY DVOR EURÓPSKEJ ÚNIE
SODIŠČE EVROPSKE UNIJE
EUROOPAN UNIONIN TUOMIOISTUIN
EUROPEISKA UNIONENS DOMSTOL

JUDGMENT OF THE COURT (Grand Chamber)

24 March 2026 *

(Reference for a preliminary ruling – Article 267 TFEU – Scope of the obligation on national courts or tribunals of last instance to make a reference for a preliminary ruling – Exceptions to that obligation – Obligation to state reasons for the concrete application of those exceptions – National legislation conferring on the national court or tribunal of last instance the power to dismiss actions by means of a summary statement of reasons – Conditions required to reason a refusal to make a reference for a preliminary ruling)

In Case C-767/23 [Remling] ⁱ,

REQUEST for a preliminary ruling under Article 267 TFEU from the Afdeling bestuursrechtspraak van de Raad van State (Administrative Jurisdiction Division of the Council of State, Netherlands), made by decision of 13 December 2023, received at the Court on the same day, in the proceedings

A.M.

v

Staatssecretaris van Justitie en Veiligheid,

THE COURT (Grand Chamber),

composed of K. Lenaerts, President, T. von Danwitz, Vice-President, F. Biltgen, K. Jürimäe, L. Arastey Sahún and J. Passer, Presidents of Chambers, S. Rodin, E. Regan, D. Gratsias, M. Gavalec (Rapporteur), Z. Csehi, S. Gervasoni and N. Fenger, Judges,

Advocate General: T. Čápetá,

* Language of the case: Dutch.

ⁱ The name of the present case is a fictitious name. It does not correspond to the real name of any of the parties to the proceedings.

Registrar: A. Lamote, Administrator,

having regard to the written procedure and further to the hearing on 4 March 2025,

after considering the observations submitted on behalf of:

- A.M., by E.C. Gelok, advocate,
- the Netherlands Government, by M.K. Bulterman and J. Langer, acting as Agents,
- the German Government, by R. Kanitz, acting as Agent,
- the Italian Government, by S. Fiorentino, acting as Agent,
- the Finnish Government, by A. Laine and M. Pere, acting as Agents,
- the European Commission, by F. Ronkes Agerbeek and C. Urraca Caviedes, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 26 June 2025,

gives the following

Judgment

- 1 This request for a preliminary ruling concerns the interpretation of the third paragraph of Article 267 TFEU, read in combination with the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union (‘the Charter’).
- 2 The request has been made in proceedings between A.M., a third-country national, and the Staatssecretaris van Justitie en Veiligheid (State Secretary for Justice and Security, Netherlands) (‘the State Secretary’) concerning the latter’s refusal to issue a residence permit to A.M.

Legal context

- 3 Article 91(2) of the Vreemdelingenwet 2000 (Law on foreign nationals of 2000), of 23 November 2000 (Stb. 2000, No 495; ‘the Law on foreign nationals’), provides:

‘Should the Afdeling bestuursrechtspraak van de Raad van State [(Administrative Jurisdiction Division of the Council of State (Netherlands))] consider that a complaint raised cannot give rise to an annulment, it may confine itself to that finding in the grounds for its decision.’

The dispute in the main proceedings and the question referred for a preliminary ruling

- 4 A.M., who is of Moroccan nationality and whose wife and children reside in the Netherlands and hold Netherlands nationality, lodged an application to the State Secretary for a residence permit valid throughout the territory of the European Union. By a decision of 8 October 2019, that application was rejected on the ground that A.M. already held a residence permit in Spain.
- 5 After having lodged a complaint against that decision, which was rejected by a decision of the State Secretary of 19 May 2020, A.M. brought an action against that latter decision before the rechtbank Den Haag, zittingsplaats Utrecht (District Court, The Hague, sitting in Utrecht, Netherlands).
- 6 By a judgment of 5 March 2021, that court dismissed that action on the ground that, in accordance with the judgment of 10 May 2017, *Chavez-Vilchez and Others* (C-133/15, EU:C:2017:354), it was for A.M., with a view to obtaining the residence permit applied for, to demonstrate that his children did not hold a residence permit in Spain or that they could not obtain one.
- 7 A.M. brought an appeal against that judgment before the Afdeling bestuursrechtspraak van de Raad van State (Administrative Jurisdiction Division of the Council of State), which is the referring court. In that appeal, A.M. disputes, first of all, the interpretation adopted by the rechtbank Den Haag, zittingsplaats Utrecht (District Court, The Hague, sitting in Utrecht) of the judgment of 10 May 2017, *Chavez-Vilchez and Others* (C-133/15, EU:C:2017:354), and relies on a derived right of residence, under Article 20 TFEU, as interpreted inter alia in that judgment. He then criticises that court of first instance for not having referred the matter to the Court of Justice for a preliminary ruling under Article 267 TFEU, despite the differences in national case-law on the burden of proof relating to that derived right of residence. Last, he reiterates, before the referring court, his request that the matter be referred to the Court under that provision.
- 8 The referring court considers that the answer to the question of interpretation of EU law raised by A.M. is clear from the Court's case-law. Therefore, in accordance with the case-law arising from the judgments of 6 October 1982, *Cilfit* (283/81, EU:C:1982:335), and of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi* (C-561/19, EU:C:2021:799), the referring court considers that it is not required to make a reference for a preliminary ruling under the third paragraph of Article 267 TFEU and that it may rule on the dispute in the main proceedings by reasoning its decision in a summary manner as follows:

‘The appeal does not result in the setting aside of the judgment [of the court of first instance]. There is no need to give further reasons for this finding.

The notice of appeal does not contain any questions which need to be answered in the interests of uniformity and development of the law or judicial protection in a general sense (Article 91(2) of the Law on foreign nationals).’

- 9 That power to resort to summary reasoning, provided for in Article 91(2) of the Law on foreign nationals, reflects the balance intended by the Netherlands legislature, when adopting that law, between the desire to generalise the possibility of bringing an appeal in any case involving immigration law and the need to allow the referring court to focus its examination on questions which require an answer in the interests of uniformity and development of the law or judicial protection in a general sense.
- 10 The referring court emphasises that it is entitled, *inter alia*, to reason its decisions in a summary manner where the grounds put forward before it are ineffective or where they are limited to challenging the application of its settled case-law by the court of first instance, without clearly establishing how that application is incorrect or incomplete or why it is necessary to depart from it. In such cases, there would be no interest in reproducing, in detail, case-law solutions which are not seriously contested. Moreover, the absence of grounds for setting aside the judgment of the court of first instance and of questions concerning the uniformity and development of the law or judicial protection would generally imply that there were no questions of interpretation of EU law requiring a reference for a preliminary ruling.
- 11 The referring court considers that, even in the case of summary reasoning, the individual concerned enjoys effective judicial protection, since each case relating to immigration law is subject to a thorough and detailed examination by the court of first instance, before which the third-country nationals and their counsel may, *inter alia*, submit their pleas in writing and plead their case orally in adversarial proceedings. That court would, in any event, deliver a judgment accompanied by a full statement of reasons. As for the referring court, it always carries out a full examination of the merits of the appeal, even if that is not apparent from the summary reasoning for its judgment.
- 12 That court also notes that the chamber specialising in immigration law delivered 11 047 judgments on the merits during the period covering the years 2020 to 2023, 85% of which were reasoned summarily. In that regard, it indicates that EU law has a growing influence on immigration law and observes that, in appeal proceedings, numerous requests for a preliminary ruling are made, certain of which lack any statement of reasons at all. In view of that situation, it would be time-consuming to give reasons for the refusal to refer questions for a preliminary ruling in the light of the exceptions identified by the Court in the judgment of 6 October 1982, *Cilfit* (283/81, EU:C:1982:335, paragraph 21), from which it is apparent that a national court or tribunal against whose decisions there is no judicial remedy under national law (‘national court or tribunal of last instance’), before which a question of EU law is raised, is relieved of its obligation to bring the matter before the Court within the meaning of the third paragraph of Article 267 TFEU where it has established that the question raised is irrelevant, that the EU law provision in question has already been interpreted by the Court or that the correct interpretation of EU law is so obvious as to leave no scope for any reasonable doubt (‘the three *Cilfit* exceptions’).

- 13 The referring court adds that, when it reasons its decision in a summary manner, it incorporates the operative part of the decision delivered at first instance without necessarily reproducing the entirety of its reasoning. On that point, it states that it could arrive at the same result as that adopted by the court of first instance, albeit on different grounds. Thus, it could resort to summary reasoning where that court rejected a request for a preliminary ruling without duly reasoning its decision, or indeed where it did not examine such a request.
- 14 The referring court considers, referring in particular to the judgment of the European Court of Human Rights (ECtHR) of 24 April 2018, *Baydar v. the Netherlands* (CE:ECHR:2018:0424JUD005538514), that the power conferred on it by Article 91(2) of the Law on foreign nationals to reason summarily complies with the general obligation to state reasons under the first paragraph of Article 47 of the Charter and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), signed in Rome on 4 November 1950. Therefore, it does not intend to ask questions of the Court on that point.
- 15 However, the referring court notes that it follows from paragraph 51 of the judgment of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi* (C-561/19, EU:C:2021:799), that the decision of a national court or tribunal of last instance, which considers itself relieved of the obligation to make a reference to the Court of Justice for a preliminary ruling, must show either that the question of EU law raised is irrelevant for the resolution of the dispute before it, that the interpretation of the EU law provision concerned is based on the Court's case-law or, in the absence of such case-law, that the interpretation of EU law was so obvious to that court as to leave no scope for any reasonable doubt. The question then arises as to whether the power to reason such a decision in a summary manner is consistent with the third paragraph of Article 267 TFEU, read in combination with Article 47 of the Charter, where a party to the dispute before the said national court requests that a reference for a preliminary ruling be made. It asks in particular whether, in that case, it must give detailed reasons as to why it is not required to make such a reference, specifying inter alia which of the three *Cilfit* exceptions applies.
- 16 In that regard, the referring court notes that it is apparent from paragraphs 61 to 65 of the judgment of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi* (C-561/19, EU:C:2021:799), that, where a national court or tribunal of last instance declares an action inadmissible on grounds specific to the proceedings before it, it may refrain from referring the matter to the Court of Justice for a preliminary ruling, without being bound by the obligation to state reasons laid down in paragraph 51 of that judgment. The referring court questions whether that solution could not be extended to the situation in which, although an action is admissible, the court seised reasons its decision summarily, on grounds specific to the proceedings before it.

- 17 In those circumstances, the Afdeling bestuursrechtspraak van de Raad van State (Administrative Jurisdiction Division of the Council of State) decided to stay proceedings and to refer the following question to the Court of Justice for a preliminary ruling:

‘Must the third paragraph of Article 267 [TFEU], read in the light of the second paragraph of Article 47 of the [Charter], be interpreted as precluding national legislation such as Article 91(2) of the [Law on foreign nationals], under which the Afdeling bestuursrechtspraak van de Raad van State (Administrative [Jurisdiction] Division of the Council of State), as a national court [or tribunal of last instance], can rule summarily, without substantiating which of the three exceptions to its obligation to refer occurs, on a question raised about the interpretation of EU law, whether or not in conjunction with an explicit request for a preliminary ruling?’

Consideration of the question referred

- 18 By its question, the referring court asks, in essence, whether the third paragraph of Article 267 TFEU, read in the light of the second paragraph of Article 47 of the Charter, must be interpreted as precluding national legislation under which a national court or tribunal of last instance may rule on a question relating to the interpretation or validity of a provision of EU law raised by one of the parties to the dispute, irrespective of whether or not that question is accompanied by an express request to make a reference for a preliminary ruling, by reasoning its decision in a summary manner, without indicating which of the three *Cilfit* exceptions applies in the case in question.
- 19 It should be recalled that the preliminary ruling procedure provided for in Article 267 TFEU is the keystone of the judicial system established by the Treaties. It sets up a dialogue between one court and another, specifically between the Court of Justice and the courts and tribunals of the Member States, that has the object of securing uniform interpretation of EU law. In so doing, that procedure serves to ensure the consistency of EU law and its full effect and particular nature as well as the autonomy of the EU legal system, observance of which is ensured by the Court (see, to that effect, Opinion 2/13 (*Accession of the European Union to the ECHR*) of 18 December 2014, EU:C:2014:2454, paragraph 176, and judgment of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraph 33).
- 20 Where there is no judicial remedy under national law against the decisions of a court or tribunal of a Member State, that court or tribunal is in principle obliged to make a reference to the Court of Justice under the third paragraph of Article 267 TFEU where a question concerning the interpretation of EU law or the validity of an act of secondary legislation is raised before it (judgment of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi*, C-561/19,

EU:C:2021:799, paragraph 32, and of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraph 34).

- 21 The obligation on national courts or tribunals of last instance to make a reference to the Court of Justice for a preliminary ruling is based on cooperation, established with a view to ensuring the proper application and uniform interpretation of EU law in all the Member States, between national courts, as courts responsible for the application of EU law, and the Court of Justice. That obligation is intended in particular to prevent a body of national case-law that is not in accordance with the rules of EU law from being established in any of the Member States (judgments of 24 May 1977, *Hoffmann-La Roche*, 107/76, EU:C:1977:89, paragraph 5, and of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraph 35).
- 22 A national court or tribunal of last instance can therefore be relieved of that obligation only if it is in a situation corresponding to one of the three *Cilfit* exceptions. Such a court must therefore take upon itself, independently and with all the requisite attention, the responsibility for determining whether it is under an obligation to refer the question of EU law raised before it to the Court of Justice or whether, on the contrary, it may be relieved of that obligation in so far as one of the three *Cilfit* exceptions is applicable (see, to that effect, judgment of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraphs 36 and 37 and the case-law cited).
- 23 In that regard, it follows from the system established by Article 267 TFEU, read in the light of the second paragraph of Article 47 of the Charter, that, if a national court or tribunal of last instance considers that one of the three *Cilfit* exceptions applies and takes the view, therefore, that it is relieved of its obligation to make a reference to the Court under the third paragraph of Article 267 TFEU, the statement of reasons for its decision must show either that the question of EU law raised is irrelevant for the resolution of the dispute, or that the interpretation of the EU law provision concerned is based on the Court's case-law or, in the absence of such case-law, that the interpretation of EU law was so obvious to it as to leave no scope for any reasonable doubt (judgments of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi*, C-561/19, EU:C:2021:799, paragraph 51, and of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraph 62).
- 24 Thus, given the fundamental role of the preliminary ruling procedure referred to in Article 267 TFEU in the EU legal order, a national court or tribunal of last instance cannot reject grounds which raise a question concerning the interpretation or validity of a provision of EU law without first assessing whether it is required to refer that question to the Court for a preliminary ruling or whether it falls within one of the three *Cilfit* exceptions. It follows that, where such a court decides not to refer the matter to the Court under one of those exceptions, that decision must, in all cases, comply with the requirement to state reasons recalled in the preceding paragraph, namely to set out, specifically and concretely, the reasons why that exception applies.

- 25 That interpretation does not call into question the case-law deriving from the judgments of 15 March 2017, *Aquino* (C-3/16, EU:C:2017:209, paragraph 56), and of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi* (C-561/19, EU:C:2021:799, paragraph 61), according to which a national court or tribunal of last instance may decline to refer a question to the Court of Justice for a preliminary ruling on grounds of inadmissibility specific to the procedure before that national court or tribunal, subject to compliance with the principles of equivalence and effectiveness (judgment of 15 October 2024, *KUBERA*, C-144/23, EU:C:2024:881, paragraph 47).
- 26 Save for that scenario, the dismissal of an action on the basis of summary reasoning, consisting solely in finding that the conditions to which the national legislation makes the use of such reasoning subject are satisfied in the present case, cannot satisfy the obligation incumbent on national courts of last resort to set out the reasons why they consider that one of the three *Cilfit* exceptions applies to the dispute before them and justifies the lack of referral to the Court of Justice for a preliminary ruling.
- 27 It is true that the ECtHR has held, in particular in the judgment of 24 April 2018, *Baydar v. the Netherlands* (CE:ECHR:2018:0424JUD005538514, §§ 20, 48 and 51), that there was no reason to declare incompatible with the provisions of the ECHR Netherlands legislation analogous to that at issue in the main proceedings, which allowed the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) to dismiss an appeal on a point of law on the basis of summary reasoning.
- 28 That being said, the case-law of the ECtHR, developed from the perspective of respect for the right to a fair trial guaranteed in Article 6(1) ECHR, merely envisages the scenario in which a party to a dispute has explicitly invited the court seised to make a request for a preliminary ruling. As the ECtHR has stated, the right to a reasoned decision serves the general rule enshrined in the ECHR which protects the individual from arbitrariness by demonstrating to the parties that they have been heard and by ensuring that they receive a response to their submissions and that they understand the judicial decision. Moreover, in so far as the ECHR does not guarantee the right to have a question referred to the Court for a preliminary ruling, a party can, as a safeguard against arbitrariness, expect a response from a national court in the reasons of a judgment or decision only if it has made submissions with a view to a referral to the competent national court. Therefore, in the absence of such a request and explicit reasons, the ECtHR considers that the fact that a court, without providing reasons, has not referred a question to the Court of Justice for a preliminary ruling cannot be regarded as infringing the fairness of the proceedings (see, to that effect, ECtHR, 16 December 2025, *Gondert v. Germany*, CE:ECHR:2025:1216JUD003470121, § 42).
- 29 As far as EU law is concerned, however, the obligation on national courts or tribunals of last instance to set out the reasons why they consider that one of the

three *Cilfit* exceptions applies to the dispute before them is required where one of the parties to that dispute relies on EU law, it being immaterial in that regard whether it requests a preliminary ruling from the Court. The system of references for a preliminary ruling is based, after all, on a dialogue between one court and another, the initiation of which depends entirely on the national court's assessment as to whether a reference is appropriate and necessary (judgment of 12 February 2008, *Kempter*, C-2/06, EU:C:2008:78, paragraph 42), without a request to that effect being required from the parties. Consequently, it is sufficient, in order for that obligation to state reasons to apply, that one of the parties to the dispute in question have relied on EU law, without it being necessary to require it to have also expressly made a request for a preliminary ruling.

- 30 In that context, it should be borne in mind that, in providing that a request for a preliminary ruling may be submitted to the Court where a 'question is raised in a case pending before a court or tribunal [of a Member State]', the second and third paragraphs of Article 267 TFEU do not restrict that procedure exclusively to cases where one or other of the parties to the dispute in question has taken the initiative of raising a point concerning the interpretation or the validity of EU law, but also extend to cases where a question of this kind is raised by the national court or tribunal of its own motion, which considers that a decision thereon by the Court of Justice is necessary to enable it to give judgment (see, to that effect, judgments of 16 June 1981, *Salonia*, 126/80, EU:C:1981:136, paragraph 7; of 6 October 1982, *Cilfit*, 283/81, EU:C:1982:335, paragraph 9; and of 21 February 2013, *Fédération Cynologique Internationale*, C-561/11, EU:C:2013:91, paragraph 30).
- 31 Accordingly, that obligation to state reasons also applies to a national court or tribunal of last instance in the situation where, although the parties to the dispute in question have not relied on EU law, it has, under its national law (see, to that effect, judgments of 14 December 1995, *van Schijndel and van Veen*, C-430/93 and C-431/93, EU:C:1995:441, paragraphs 13, 14 and 22, and of 12 February 2008, *Kempter*, C-2/06, EU:C:2008:78, paragraph 45) or EU law (see, to that effect, judgments of 26 October 2006, *Mostaza Claro*, C-168/05, EU:C:2006:675, paragraph 38, and of 17 May 2022, *Ibercaja Banco*, C-600/19, EU:C:2022:394, paragraph 37 and the case-law cited), the power or the obligation to raise of its own motion points of law based on binding rules of EU law.
- 32 It follows that, where a Member State authorises such a court to resort to summary reasoning, with the aim of ensuring the sound administration of justice by reducing the length of court proceedings and by allowing the said court to devote most of its resources to the resolution of cases which are of interest in terms of ensuring the uniformity and consistency of the law, such summary reasoning must nevertheless also set out, specifically and concretely, the reasons why that same court considers that one of the three *Cilfit* exceptions applies in the context of the dispute before it and that, therefore, the lack of reference to the Court for a preliminary ruling is justified.

- 33 Such an obligation is deemed to be satisfied where a national court or tribunal of last instance expressly states that it intends to appropriate the grounds relied on by the lower court in the dispute concerned, provided that that lower court set out the reasons why it considered either that the question of EU law raised was irrelevant, that the EU law provision in question had already been interpreted by the Court, or that that interpretation was so obvious as to leave no scope for any reasonable doubt.
- 34 Outside of that scenario, the reasoning incumbent upon national courts or tribunals of last instance must be adapted to the factual and legal circumstances of the dispute in question and requires them, in all cases, to set out the specific and concrete reasons why they consider that there is no need to refer the matter to the Court for a preliminary ruling.
- 35 In terms of the specific and concrete reasoning required to justify the application of one of the three *Cilfit* exceptions, however, it should, as a general rule, be capable of being succinct where a national court or tribunal of last instance considers that the questions suggested to it by one or more of the parties to the dispute in question are irrelevant to the resolution of that dispute, that is to say, where the answer to those questions, regardless of what it may be, can in no way affect the outcome of the dispute (see, to that effect, judgment of 6 October 1982, *Cilfit*, 283/81, EU:C:1982:335, paragraph 10).
- 36 Likewise, where the question raised is materially identical to a question that has already been the subject of a preliminary ruling in a similar case, or, a fortiori, in the same national proceedings (judgments of 27 March 1963, *Da Costa and Others*, 28/62 to 30/62, EU:C:1963:6, pp. 37 and 38; of 6 October 1982, *Cilfit*, 283/81, EU:C:1982:335, paragraphs 13 and 14; and of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi*, C-561/19, EU:C:2021:799, paragraph 36), a mere reference to the relevant case-law of the Court may justify a refusal to refer the matter to the Court. Nevertheless, where the issues in dispute are not strictly identical but established case-law of the Court already resolves the point of law in question, irrespective of the nature of the proceedings which led to that case-law, a fuller statement of reasons might prove necessary to justify such a refusal.
- 37 Finally, as a general rule, a fuller statement of reasons will also be required to demonstrate that the correct interpretation of EU law is so obvious as to leave no scope for any reasonable doubt, since the existence of such a possibility must be assessed in the light of the specific characteristics of EU law, the particular difficulties that its interpretation presents and the risk of divergences in case-law within the European Union. A national court or tribunal of last instance must indicate, in the light of those factors, why it is convinced that the matter would be equally obvious to the other national courts or tribunals of last instance and to the Court of Justice (see, to that effect, judgment of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi*, C-561/19, EU:C:2021:799, paragraph 40). That national court or tribunal is not, however, required to establish in detail that

those other national courts and tribunals and the Court of Justice would arrive at the same interpretation.

- 38 In the light of the foregoing considerations, the answer to the question referred is that the third paragraph of Article 267 TFEU, read in the light of the second paragraph of Article 47 of the Charter, must be interpreted as precluding national legislation under which a national court or tribunal of last instance may rule on a question relating to the interpretation or validity of a provision of EU law raised by one of the parties to the dispute, irrespective of whether or not that question is accompanied by an express request to make a reference for a preliminary ruling, by reasoning its decision in a summary manner, unless that court or tribunal sets out the specific and concrete reasons why one of the three *Cilfit* exceptions applies in the case in question.

Costs

- 39 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Grand Chamber) hereby rules:

The third paragraph of Article 267 TFEU, read in the light of the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding national legislation under which a national court or tribunal against whose decisions there is no judicial remedy under national law may rule on a question relating to the interpretation or validity of a provision of EU law raised by one of the parties to the dispute, irrespective of whether or not that question is accompanied by an express request to make a reference for a preliminary ruling, by reasoning its decision in a summary manner, unless that court or tribunal sets out the specific and concrete reasons why one of the three exceptions to the obligation on such a court or tribunal to make a reference for a preliminary ruling established by the Court in the judgment of 6 October 1982, *Cilfit* (283/81, EU:C:1982:335, paragraph 21), applies in the case in question.

[Signatures]