

Case 283/81 CILFIT v Ministry of Health [1982]

Facts: CILFIT, a wool importer, contested the amount it had paid by way of fixed health inspection levy. After exhausting all appealing procedures, the case reached the Court of Cassation, where the Ministry of Health argued that, in accordance to the facts, the factual circumstances of the case were so obvious as to rule out any other possible interpretation, obviating the need to refer the matter for a preliminary ruling. In connection with these proceedings, the Court of Cassation referred for a preliminary ruling whether the third paragraph of Article 177 of the EEC Treaty laid down an obligation to submit the case which precluded the national court, against whose decision there is no juridical remedy under national law, from determining whether the question raised is justified or it made that obligation conditional on the prior finding of a reasonable interpretative doubt.

Held: The third paragraph of Article 177 unreservedly requires courts of a Member State against whose decision there is no judicial remedy under national law to refer to the Court every question of interpretation raised before them. The first restriction to this obligation is that the answer to that question can in no way affect the outcome of the case. The second restriction is that previous decisions of the Court have already dealt with the point of law in question, irrespective of the nature of the proceedings which led to those decisions, even though the questions at issue are not strictly identical. The third restriction is that the correct application of Community law is so obvious as to leave no scope for any reasonable doubt, and the national court is convinced that the matter is equally obvious to the courts of the other Member States and to the Court of Justice.