ORDER OF THE COURT
8 July 1998 *

In Case C-9/98,

REFERENCE to the Court under Article 177 of the EC Treaty by the Tribunal de Première Instance de Namur (Belgium) for a preliminary ruling in the proceedings pending before that court between

Ermanno Agostini,

Emanuele Agostini,

and

Ligue Francophone de Judo et Disciplines Associées ASBL,

Ligue Belge de Judo ASBL,

on the interpretation of Articles 6, 48 and 59 of the EC Treaty, Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ, English Special Edition 1968(II), p. 475) and Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (OJ 1973 L 172, p. 14),

* Language of the case: French.

THE COURT,

composed of: G. C. Rodríguez Iglesias, President, C. Gulmann, H. Ragnemalm, M. Wathelet and R. Schintgen (Presidents of Chambers), G. F. Mancini (Rapporteur), J. C. Moitinho de Almeida, P. J. G. Kapteyn, J. L. Murray, D. A. O. Edward, J.-P. Puissochet, G. Hirsch, P. Jann, L. Sevón and K. M. Ioannou, Judges,

Advocate General: G. Cosmas,
Registrar: R. Grass,

after hearing the Opinion of the Advocate General,

makes the following

Order

1 By order of 5 January 1998, received at the Court on 15 January 1998, the Tribunal de Première Instance (Court of First Instance), Namur, referred to the Court for a preliminary ruling under Article 177 of the EC Treaty several questions on the interpretation of Articles 6, 48 and 59 of that Treaty, Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ, English Special Edition 1968(II), p. 475) and Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (OJ 1973 L 172, p. 14).

2 That order was made in proceedings between Ermanno and Emanuele Agostini and the Ligue Francophone de Judo et Disciplines Associées ASBL and the Ligue Belge de Judo ASBL.

3 Since it considered that the dispute before it raised questions of interpretation of a number of Community provisions, the national court referred the following questions to the Court for a preliminary ruling:

'Is it consistent or not with the Treaty of Rome, in particular Articles 6, 48 and 59 et seq. thereof, and with Regulation No 1612/68 and Council Directive 73/148 to prohibit a national of a Member State of the European Union from taking part in a sporting competition, whether as a professional, semi-professional or amateur, on the ground that the person in question does not possess the nationality of the Member State on whose territory the competition is organised, where it is known that that person is the child of workers who are established in that Member State and has himself acquired the status of worker on the territory of that Member State?

Must the answer to that question be different in the case of taking part in a competition to find the national champion of the Member State concerned?

Further, may the person in question claim the right to be treated in the same way as nationals of that State with respect to the teams selected by the national sports federation of the Member State concerned for participation in major international tournaments and competitions such as the European or World Championships or the Olympic Games, or may the national federations reserve such selection for their nationals exclusively?'

4 It must be observed at the outset that in order to reach an interpretation of Community law which will be of use to the national court, it is essential that the national court define the factual and legislative context of the questions it is asking or, at the very least, explain the assumptions of fact on which those questions are based (see, in particular, Joined Cases C-320/90 to C-322/90 *Telemarsicabruzzo and Others* v *Circostel and Others* [1993] ECR I-393, paragraph 6, and the orders in Case C-157/92 *Banchero* [1993] ECR I-1085, paragraph 4; Case C-66/97 *Banco de Fomento e Exterior* v *Pechim and Others* [1997] ECR I-3757, paragraph 7; and Joined Cases C-128/97 and C-137/97 *Testa and Modesti* [1998] ECR I-2181, paragraph 5).

5 It should be pointed out that the information provided in orders for reference not only enables the Court usefully to reply but also gives the Governments of the Member States and other interested parties the opportunity to submit observations pursuant to Article 20 of the EC Statute of the Court (order in *Banco de Fomento e Exterior*, paragraph 8).

6 In the present case, the order for reference does not contain sufficient information to meet those requirements. The national court merely asks the questions without giving any information whatever on their basis. It does not describe the factual context of the dispute or the assumptions of fact on which it is based, nor does it explain the national legislative context, nor the precise reasons which have prompted it to consider the interpretation of Community law and deem it necessary to refer questions to the Court for a preliminary ruling.

7 On the contrary, the court expressly states that it is 'not addressing the facts at present, nor indeed the law'.

8 In those circumstances the Court is unable to give a ruling, in the absence of any information at all on the applicants' professional, semi-professional or amateur status, the nature of the competitions which are the subject of the main proceedings, the rules of selection for and participation in those competitions, or the applicable national legislation.

9 Thus the information in the order for reference, by not referring precisely enough to the factual and legal situations addressed by the national court, does not enable the Court to give a useful interpretation of Community law.

10 In those circumstances it must be held, pursuant to Articles 92 and 103(1) of the Rules of Procedure, that the questions referred to the Court for a preliminary ruling are manifestly inadmissible.

Costs

11 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.

On those grounds,

THE COURT

hereby orders:

The request for a preliminary ruling submitted by the Tribunal de Première Instance de Namur by order of 5 January 1998 is inadmissible.

Luxembourg, 8 July 1998.

R. Grass — Registrar

G. C. Rodríguez Iglesias — President