

Order of the Court (Sixth Chamber) of 24 March 2011 – Abt and Others v Hypo Real Estate Holding

(Case C-194/10)

Reference for a preliminary ruling – Relevance of the question – No jurisdiction

Questions referred for a preliminary ruling – Jurisdiction of the Court – Limits – Question clearly irrelevant (Art. 267 TFEU) (see paras 36-39)

Re:

Reference for a preliminary ruling – Landgericht München I – Interpretation of Article 297 EC and of Article 5(1) of Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (OJ 2007 L 184, p. 17) – Period for convocation of general meeting of a listed company – National legislation, ceasing to have effect on the expiry of the transposition period for the directive, which provides for a shorter convocation period than the minimum period under the directive – Provision likely seriously to compromise the result prescribed by the directive, in the light of the national legislation according to which some decisions of the general meeting remain valid after being registered in the commercial register, even in the event of annulment following legal action.

Operative part

The Court of Justice of the European Union has no jurisdiction to answer the first question referred for a preliminary ruling by the Landgericht München I.