ORDER OF THE THIRD CHAMBER OF THE COURT
21 OCTOBER 1982 [1]

K. v Federal Republic of Germany and European Parliament

(Application for legal aid)

Case 233/82

Procedure — Application for legal aid — Manifest lack of jurisdiction of the Court to take cognizance of the proposed action — Application for legal aid declared, by reasoned order, to be inadmissible.

(Rules of Procedure, Art 92 (1))

It is appropriate to apply Article 92 (1) of the Rules of Procedure in connection with a preliminary application for legal aid made in order to enable an action to be brought for which the Court manifest lacks jurisdiction. In such circumstances, the Court may declare the application inadmissible without first having to consider the observations of the opposite party.

Such is the case with regard to the proposed action to which the application for legal aid relates, since that action clearly does not in any respect fall within the scope of any of the remedies exhaustively defined in the Treaties and has no connection of any kind with Community law.

In Case 233/82

K.,

applicant,

v

FEDERAL REPUBLIC OF GERMANY AND EUROPEAN PARLIAMENT,

defendants,

APPLICATION, at the preliminary stage of the proceedings, for legal aid.

1 — Language of the Case: German.

By an application dated 4 August 1982, lodged at the Court Registry on 14 September 1982, Mr K. applied pursuant to Article 76 of the Rules of Procedure for legal aid to enable him to bring an action against the Federal Republic of Germany and the European Parliament.

It is apparent from the documents on the file on the case that the applicant, an engineer, intends to bring his action in connection with certain events relating to his career and in particular his prolonged unemployment following successive dismissals by his employers. His claim against the Federal Republic of Germany is essentially that he was improperly treated by various German authorities and courts. His claim against the European Parliament, on the other hand, relates to the Parliament's rejection of a request made by him regarding the same circumstances.

Pursuant to Article 76 (3) of the Rules of Procedures, after considering the written observations of the opposite party, the Chamber to which the Judge-Rapporteur belongs is to decide by means of an order, without giving reasons, whether legal aid should be granted in full or in part or whether it should be refused. Where there is manifestly no cause of action, legal aid is to be refused.

However, pursuant to Article 92 of the Rules of Procedure, where it is clear that the Court has no jurisdiction to take cognizance of an application lodged with it, it may by reasoned order declare the action inadmissible and that decision may be adopted even before the application has been served on the party against whom it is made.

It is also appropriate to apply the latter provision in connection with a preliminary application for legal aid made in order to enable an action to be brought for which the Court manifestly lacks jurisdiction. In such circumstances, the Court may declare the application inadmissible without first having to consider the observations of the opposite party.

Such is the case with regard to the proposed action to which the application for legal aid relates, since that action clearly does not in any respect fall within the scope of any of the remedies exhaustively defined in the Treaties and has no connection of any kind with Community law.

Accordingly, it is appropriate to declare this application for legal aid inadmissible and to remove the case from the Register of the Court.

On those grounds,

THE COURT (Third Chamber),

composed of: U. Everling, President of Chamber, P. Pescatore and Y. Galmot, Judges,

Advocate General: Sir Gordon Slynn
Registrar: P. Heim

hereby orders as follows:

1. **The application for legal aid is inadmissible.**

2. **The case shall be removed from the Register of the Court.**

Luxembourg, 21 October 1982

P. Heim
Registrar

U. Everling
President of the Third Chamber