ORDER OF THE COURT
26 SEPTEMBER 1984 [1]

Parti Écologiste "Les Verts" v European Parliament

Case 295/83

Action for a declaration that a measure is void — Natural or legal persons — Measures of direct and individual concern to them — Measures forming part of the budget procedure

(EEC Treaty, Art. 173; Financial Regulation of 21 December 1977, Art. 1 (1))

As is clear from Article 1 (1) of the Financial Regulation, which defines the budget as the instrument which sets out forecasts of, and authorizes in advance, the expected revenue and expenditure of the Communities for each year, the procedure for the approval of the budget leads only to the authorization of the commitment of expenditure. Consequently, a natural or legal person cannot under any circumstances be directly concerned by the steps in that procedure. Such a person may be directly concerned only by the measures taken to implement the budget.

In Case 295/83

PARTI ÉCOLOGISTE [Ecologist Party] "LES VERTS", a non-profit-making association,

applicant,

v

EUROPEAN PARLIAMENT,

defendant,

1 — Language of the Case: French.

APPLICATION for a declaration of the nullity of:

The Decision of the European Parliament dated 27 October 1983 amending and adopting the general budget of the European Communities for the financial year 1984; and

The Decision of the European Parliament dated 19 and 20 December 1983 amending and adopting the general budget of the European Communities for the financial year 1984 at its second reading.

1. By an application lodged at the Court Registry on 28 December 1983, the Parti Écologiste "Les Verts", a non-profit-making association, brought an action under the second paragraph of Article 173 of the EEC Treaty for a declaration of the nullity of the Decision of the European Parliament dated 27 October 1983 amending and adopting the general budget of the European Communities for the financial year 1984 and the Decision of the European Parliament dated 19 and 20 December 1983 amending and adopting the general budget of the European Communities for the financial year 1984 at its second reading.

2. The applicant contests those measures in so far as they approve a budget heading allocating appropriations to "the costs of preparations for the next European elections". The heading at issue is Item 3708, which forms part of the section of the budget relating to the European Parliament. It first appeared in the budget for 1982. It is accompanied by a remark, to the effect that "this appropriation is to cover a contribution to the cost of preparations for the information campaign leading up to the second direct elections in 1984 pursuant to the decision [of the European Parliament's Bureau] of 12 October 1982".

3. By virtue of Article 18 of the Financial Regulation of 21 December 1977 (Official Journal 1977, L 356, p. 8), the Parliament has the power to implement the section of the budget relating to it. The applicant fears that it may use that power to benefit the parties represented in the Parliament elected in 1979 to the detriment of those not so represented, when it comes to reimburse the expenditure incurred in the 1984 election campaign. That apprehension is based on a decision of the European Parliament's Bureau dated 29 September 1983 (Official Journal 1983, C 293, p. 1) — which

replaces that of 12 October 1982 — adopting rules governing the use of the appropriations entered under Item 3708 of the general budget of the European Communities. Under those rules, 31% of the appropriations are to be distributed to the political groupings which took part in the 1984 European elections, and the remaining 69% are to be shared amongst the parties represented in the European Parliament elected in 1979.

4. By an application on a procedural issue made under Article 91 of the Rules of Procedure, the Parliament raised an objection of inadmissibility and requested the Court to decide on that objection without examining the substance of the case.

5. While recognizing that those of its measures which are in the nature of decisions may be the subject of an action for a declaration of nullity, the Parliament submits that the measures it is called upon to take in the course of procedure for the approval of the budget are not of direct and individual concern to the applicant.

6. In its application, the applicant argues that the contested decisions are of direct and individual concern to it, on the ground that their effect is to give financial assistance to rival political parties.

7. That argument cannot be accepted. Article 1 (1) of the Financial Regulation of 21 December 1977 defines the budget as "the instrument which sets out forecasts of, and authorizes in advance, the expected revenue and expenditure of the Communities for each year". The procedure for the approval of the budget leads only to the authorization of the commitment of expenditure. Therefore a natural or legal person cannot under any circumstances be directly concerned by the steps in that procedure. Such a person may be directly concerned only by the measures taken to implement the budget.

8. Since the documents before the Court contain all the information required in order to give a decision on the application, it has not been considered necessary to hear the oral argument of the parties. In consequence it must be held, pursuant to Article 173 of the EEC Treaty and Article 91 of the Rules of Procedure, that the application has been made by a legal person not directly concerned by the contested measures and is therefore inadmissible.

On those grounds,

after hearing the report of the Judge-Rapporteur and the views of the Advocate General,

THE COURT

composed of: Lord Mackenzie Stuart, President, T. Koopmans, K. Bahlmann and Y. Galmot (Presidents of Chambers), A. O'Keeffe, G. Bosco, O. Due, U. Everling and R. Joliet, Judges,

Advocate General: G. F. Mancini
Registrar: P. Heim

hereby orders as follows:

1. **The application is dismissed as inadmissible.**

2. **The applicant is ordered to pay the costs.**

Luxembourg, 26 September 1984.

J. A. Pompe
Deputy Registrar

A. J. Mackenzie Stuart
President