Case C-68/90

Yvan Blot and Front National
v
European Parliament

(Manifest inadmissibility)

Order of the Court, 22 May 1990 2101

Summary of the Order

Action for annulment — Measures in respect of which proceedings may be brought — Measures of the European Parliament intended to have legal effects vis-à-vis *third parties.*
(EEC Treaty, Art. 173)

In order that a measure of the European Parliament may be contested by way of an action for annulment, it must be intended to produce legal effects *vis-à-vis* third parties. That cannot be said of measures which concern only the internal organization of the Parliament's work, such as those relating to the appointment of the members and the election of the chairmen of inter-parliamentary delegations.

ORDER OF THE COURT
22 May 1990 *

In Case C-68/90

Yvan Blot

and

Front national,

* Language of the case: French.

represented by SCP J.-P. Claudon and W. de Saint-Just, of the Paris Bar, with an address for service in Luxembourg at the premises of M. Preta, Kirchberg,

applicants,

v

European Parliament, represented by J. Campinos, Jurisconsult, assisted by R. Bieber, Legal Adviser, and P. Kyst, a member of the its Legal Department, acting as Agents,

defendant,

APPLICATION for the annulment of three measures adopted by the European Parliament concerning, respectively, the calling of a meeting on 16 January 1990 of the European Parliament's Interparliamentary Delegation for relations with Switzerland, the procedure for the appointment of the chairman of that delegation, and the appointment on 16 January 1990 of G. Topmann as chairman of the delegation,

THE COURT

composed of: O. Due, President, Sir Gordon Slynn, C. N. Kakouris, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), G. F. Mancini, R. Joliet, T. F. O'Higgins, J. C. Moitinho de Almeida, G. C. Rodríguez Iglesias, F. Grévisse, M. Díez de Velasco and P. J. C. Kapteyn, Judges,

Advocate General: C. O. Lenz
Registrar: J.-G. Giraud

after hearing the views of the Advocate General,

makes the following

Order

1 By an application lodged at the Court Registry on 16 March 1990, Mr Y. Blot, a Member of the European Parliament belonging to the Group of the European Right, and the Front national, a non-profit-making association governed by the French Law of 18 July 1901, represented by its chairman Mr Le Pen, brought an action for the annulment, under Article 173 of the EEC Treaty, of three measures adopted by the European Parliament concerning, respectively, the calling of a meeting on 16 January 1990 of the European Parliament's Interparliamentary Delegation for relations with Switzerland, the procedure for the appointment of the chairman of that delegation, and the appointment on 16 January 1990 of G. Topmann as chairman of the delegation.

2 The applicants contend that the document of 9 October 1989 giving the names of the chairmen forwarded by the political groups in accordance with the decision of 22 April 1982 (Official Journal 1982, C 125, p. 113) makes it clear that Mr Blot was appointed as chairman of the Interparliamentary Delegation for relations with Switzerland and that the election of Mr Topmann, a member of the Socialist Group, as chairman of that delegation at a meeting held in Strasbourg on 16 January 1990 is invalid.

3 Mr Blot relies on four grounds in order to establish that the procedure for appointing Mr Topmann was irregular: infringement of the Rules of Procedure, infringement of the principle of equality, the existence of a fraudulent intrigue and infringement of the principle of non-retroactivity.

4 It appears from the documents before the Court that in the opinion of the defendant institution Mr Blot was never in fact appointed chairman of the delegation in question.

5 According to the decision of 22 April 1982, the political groups and the non-attached members are to forward the names of the chairmen to the Enlarged Bureau, which rules on any disputes. It appears from the material before the Court that the document of 9 October 1989 to which the applicants refer was expressly stated to be 'provisional'.

6 On 13 December 1989, the European Parliament amended Rule 126 of its Rules of Procedure. In its former version, paragraph 2 of that rule provided that 'when a delegation is set up, a decision shall be taken both on its composition, which shall reflect the numerical strength of the various political groups, and on the number of its members', while paragraph 3 stated that 'the political groups shall appoint the members of the delegations'. The corresponding provisions of the version adopted on 13 December 1989 state that 'Members of the delegations shall be elected after nominations have been submitted to the Bureau by the political groups, the Non-attached Members or at least 13 Members' and stipulate that 'the Bureau shall submit to Parliament proposals designed to ensure — as far as possible — fair representation of Member States and of political views'.

7 It also appears from the documents before the Court that pending an amendment to the Rules of Procedure which would lay down detailed rules for the appointment of the bureaus of the delegations the Enlarged Bureau decided on 10 October 1989 to 'request the delegations to set up their bureaus, bearing in mind that if there is no consensus they must hold an election under the chairmanship of their oldest member'.

8 It also emerges from the documents before the Court that at the meeting of the Interparliamentary Delegation for relations with Switzerland on 12 October 1989 under the chairmanship of the oldest member, at which the applicant was present, the majority of members expressed the wish that any decision concerning the chairmanship should be postponed.

9 As is clear from the judgment of 23 April 1986 in Case 294/83 *Parti écologiste "Les Verts"* v *European Parliament* [1986] ECR 1339, an action for annulment may lie only against such measures of the European Parliament as are intended to have legal effects *vis-à-vis* third parties.

10 The application in the present case calls in question the propriety of the procedure by which the chairman of an interparliamentary delegation was appointed. According to the decision of the European Parliament of 22 April 1982, cited above, as confirmed by the decision of 11 October 1984 (Official Journal 1984, C 300, p. 50), 'the interparliamentary delegations for relations with third countries shall be the European Parliament's organs for external contacts and interparliamentary cooperation; their tasks shall be: interparliamentary dialogue,

the exchange of information on topical issues and research of special interest, the provision of parliamentary backing for the Community's external policies'.

11 It follows from the foregoing that the powers of interparliamentary delegations are limited to matters of information and contact and that measures relating to the appointment of their members and the election of their chairmen concern solely the internal organization of the work of the European Parliament.

12 As is clear from the Order of 4 June 1986 in Case 78/85 *Group of the European Right* v *European Parliament* [1986] ECR 1753, measures which relate only to the internal organization of the European Parliament cannot be challenged in an action for annulment.

13 The application must therefore be declared inadmissible pursuant to Article 92(1) of the Rules of Procedure.

On those grounds,

THE COURT

hereby orders as follows:

(1) The application is dismissed as inadmissible.

(2) The applicants are ordered to pay the costs.

Luxembourg, 22 May 1990.

J.-G. Giraud
Registrar

O. Due
President