ORDER OF THE COURT
5 OCTOBER 1983 [1]

Konstantinos Antonios Chatzidakis Nevas v Social Welfare Fund for Lawyers, Athens, and Decision No 1358/83 of the Greek Council of State

Case 142/83

Application for a declaration that a decision is void — Measures of national authorities — Lack of jurisdiction of the Court
(EEC Treaty, Art. 173)

It follows from Article 173 of the Treaty that the Court does not have jurisdiction in applications for declarations that purely national decisions are void and for the grant of social security benefits which have been refused by both the administrative and the judicial authorities of the Member State in question.

KONSTANTINOS ANTONIOS CHATZIDAKIS NEVAS, retired lawyer, Athens,

v

1. SOCIAL WELFARE FUND FOR LAWYERS, ATHENS,
2. DECISION NO 1358/83 OF THE GREEK COUNCIL OF STATE,

APPLICATION for an order establishing the non-contractual liability of the Social Welfare Fund for Lawyers and requiring it to pay to the applicant a full pension (fifty-fiftieths), including invalidity-disability and old-age benefits, as from 1 April 1954,

1 — Language of the Case: Greek.

THE COURT

composed of: J. Mertens de Wilmars, President, P. Pescatore, A. O'Keeffe and U. Everling (Presidents of Chambers), Lord Mackenzie Stuart, G. Bosco, T. Koopmans, O. Due, K. Bahlmann, Y. Galmot and C. Kakouris, Judges,

Advocate General: Sir Gordon Slynn
Registrar: P. Heim

makes the following

ORDER

1 By application lodged at the Court Registry on 9 June 1983, the applicant sought, first, a declaration that both the decision of the Social Welfare Fund for Lawyers of 21 April 1981 and Decision 1358/83 of the Greek Council of State of 11 April 1983 are unlawful, and secondly an order requiring the Social Welfare Fund for Lawyers to pay him the entire amount of the social security benefits which are due to him in accordance with national and Community law.

2 According to Article 92 (1) of the rules of Procedure, "where it is clear that the Court has no jurisdiction to take cognizance of an application lodged with it in pursuance of Article 38 (1), the Court may by reasoned order declare the application inadmissible. Such a decision may be adopted even before the application has been served on the party against whom it is made".

3 Article 173 of the EEC Treaty, which lays down the conditions for admissibility of applications for a declaration that a measure is void, provides that the Court "shall review the legality of acts of the Council and the Commission other than recommendations or opinions". Thus the Court does not have jurisdiction to entertain applications for declarations that purely national decisions are void and for the grant of social security benefits which have been refused by both the administrative and the judicial authorities of a Member State.

4 The review of the legality of decisions or measures adopted by the judicial and administrative authorities of a Member State pursuant to rules of national law is therefore outside the jurisdiction of the Court.

5 Accordingly, the Court finds that it has manifestly no jurisdiction to entertain the application; consequently, it is appropriate to apply Article 92 (1) of the Rules of Procedure and declare the application inadmissible even before it has been served on the parties against whom it is made.

On those grounds,

having heard the views of the Advocate General,

THE COURT

hereby orders as follows:

The application is dismissed as inadmissible.

Luxembourg, 5 October 1983.

J. A. Pompe
Deputy Registrar

J. Mertens de Wilmars
President