JUDGMENT OF THE COURT
23 March 1993 *

In Case C-314/91,

Beate Weber, represented by Wolfgang Heinz, Rechtsanwalt, Heidelberg, with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand-Rue,

applicant,

v

European Parliament, represented by Jorge Campinos, Jurisconsult, assisted by Johann Schoo, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the General Secretariat of the European Parliament, Kirchberg,

defendant,

APPLICATION for the annulment of the European Parliament's decision of 2 October 1991 refusing to grant Beate Weber a transitional end-of-service allowance,

THE COURT,

composed of: O. Due, President, C. N. Kakouris, M. Zuleeg and J. L. Murray (Presidents of Chambers), G. F. Mancini, F. A. Schockweiler, J. C. Moitinho de Almeida, M. Diez de Velasco and P. J. G. Kapteyn, Judges,

Advocate General: W. Van Gerven,
Registrar: H. A. Rühl, Principal Administrator,

having regard to the Report for the Hearing,

after hearing oral argument from the parties at the hearing on 1 December 1992,

* Language of the case: German.

after hearing the Opinion of the Advocate General at the sitting on 13 January 1993,

gives the following

Judgment

1 By application lodged at the Court Registry on 5 December 1991, Beate Weber, a former Member of the European Parliament ('the Parliament') brought an action under the second paragraph of Article 173 of the EEC Treaty for the annulment of the Parliament's decision of 2 October 1991 refusing to grant her a transitional end-of-service allowance and for an order that the Parliament should pay her a transitional allowance in respect of her eleven years' service as a Member of the Parliament.

2 On 18 May 1988, the Bureau of the Parliament adopted rules on a transitional end-of-service allowance for Members of the European Parliament ('the Rules'), Articles 1 and 2 of which are set out in the Report for the Hearing.

3 By a measure of 12 December 1990, the Bureau decided that that transitional allowance was an end-of-legislature allowance.

4 Beate Weber, who had been a Member of the European Parliament since 1979, gave up her seat on 17 December 1990 when she took up the office of 'Oberbürgermeister' (mayor) of the City of Heidelberg.

5 An application made by Mrs Weber on 9 March 1991 to the College of Quaestors for a transitional allowance in respect of her eleven years' service as a Member of the European Parliament was rejected by a letter dated 2 October 1991 from the

College on the ground that she did not satisfy the requirements laid down in the aforementioned decision of the Bureau 12 December 1990.

6 Reference is made to the Report for the Hearing for a fuller account of the relevant rules, the facts of the case, the course of the procedure and the pleas and arguments of the parties, which are mentioned or discussed hereinafter only in so far as is necessary for the reasoning of the Court.

Admissibility

7 The Parliament contests the admissibility of the application. In its view, the measure whose annulment is sought relates to the internal organization of its work and does not have legal effects *vis-à-vis* third parties. It also maintains that the claim for compensation cannot be made in an action brought under Article 173 of the EEC Treaty.

8 As regards the admissibility of the claim for annulment, the Court observes that the European Economic Community is based on the rule of law, inasmuch as neither its Member States nor its institutions can avoid a review of the question whether the measures adopted by them are in conformity with the basic constitutional charter, the Treaty, which established a complete system of legal remedies and procedures designed to permit the Court of Justice to review the legality of measures adopted by the institutions (see Case 294/83 *Les Verts* v *European Parliament* [1986] ECR 1339, paragraph 23, Case 314/85 *Foto-Frost* [1987] ECR 4199, paragraph 16, Case C-2/88 Imm. *Zwartfeld and Others* [1990] ECR I-3365, paragraph 16, and Opinion 1/91 [1991] ECR I-6079, paragraph 21).

9 As the Court held in Case 78/85 *Group of the European Right* v *European Parliament* [1986] ECR 1753, paragraph 11, and Case C-68/90 *Blot and Front National* v *European Parliament* [1990] ECR I-2101, paragraph 12, measures which relate only to the internal organization of the work of the Parliament cannot be challenged in an action for annulment.

10 That class of measures includes measures of the Parliament which either do not have legal effects or have legal effects only within the Parliament as regards the organization of its work and are subject to review procedures laid down in its Rules of Procedure.

11 In the light of those criteria, rules on an end-of-service allowance for Members of Parliament and individual measures applying those rules have legal effects going beyond the internal organization of the work of that institution in so far as they affect the financial situation of Members of Parliament when they cease to serve in that capacity.

12 The application is therefore admissible in so far as it seeks the annulment of the contested measure.

13 As regards the applicant's claim that Parliament be ordered to pay her the transitional allowance she seeks, it is sufficient to observe that in proceedings brought under Article 173 of the Treaty the Court cannot issue directions to a Community institution or order it to pay specific amounts.

14 The application is therefore inadmissible in so far as it seeks payment of the transitional allowance.

Substance

15 In order to assess whether the concept of the end of the term of office which gives rise to entitlement to a transitional allowance covers, as the applicant claims, all cases in which a term of office comes to an end or, as the Parliament argues, only the expiry of the term of office at the end of a parliamentary term, it is necessary to refer to the wording of the provision in question, its context and the purpose of the Rules.

16 As the Advocate General states at point 9 of his Opinion, a comparative study of the various language versions of Article 1 of the Rules shows that the concept of the end of the term of office has a neutral meaning and covers all cases in which a term of office comes to an end.

17 The context of that article confirms that it should be given general scope. The first paragraph of Article 2 of the Rules contemplates the case where a Member of Parliament receives an allowance in respect of a term of office in excess of five years. That case is contemplated generally and unrestrictedly, and it cannot be inferred from that provision, as the Parliament maintains, that it relates solely to the situation of a Member at the end of a parliamentary term where he replaced a preceding Member at some time during his term of office.

18 Moreover, the second paragraph of Article 2 mentions only three cases in which entitlement to the allowance ceases, namely the death of the former Member, his appointment to a paid office in one of the Community institutions or his election to a national parliament; it contains no indication of other situations in which the allowance would not be granted and gives no credence to the argument that those cases are merely cited by way of example.

19 Nor can the general scope of the concept of the end of the term of office be affected by the objective which the Parliament seeks to assign to the rules in question; in its contention, the end-of-service allowance is intended to make it easier for a Member who has ceased to serve in that capacity to make the transition from being a Member of Parliament to carrying out some other occupation, and hence it is not necessary to grant such an allowance where the Member of Parliament voluntarily resigns during a parliamentary term. In the first place, that objective does not appear from the wording of the relevant rules and, secondly, it has not been shown that a Member of Parliament who voluntarily ceases to serve in that capacity during a parliamentary term faces lesser financial difficulties than a Member of Parliament whose duties have come to an end at the end of the parliamentary term.

20 Furthermore, as has already been pointed out, the second paragraph of Article 2 of the Rules covers only three specific eventualities in which entitlement to the transitional allowance ceases and does not preclude the grant of the allowance generally whenever the former Member of Parliament is in receipt of other income.

21 The Parliament has, moreover, acknowledged that it has invariably granted the end-of-service allowance without asking the former Member to prove financial need. The reasons put forward by the Parliament to justify the flat-rate nature of the allowance in this case could apply equally well to the grant of the allowance to a Member of Parliament who has ceased to serve in that capacity during a parliamentary term.

22 As regards the interpretation given by the Bureau of the Parliament to the Rules on 12 December 1990, the Court points out that a Community institution which is the originator of a measure entailing financial implications, the wording and context of which do not justify its being interpreted restrictively, cannot, by means of a subsequent interpretation, described as authentic, restrict the scope of the relevant provisions to the detriment of potential beneficiaries at the risk of infringing the principle of legal certainty (see Case 325/85 *Ireland* v *Commission* [1987] ECR 5041).

23 It follows that the concept of the end of the term of office which appears in the Rules must be construed as having general scope and covering all cases in which a Member of Parliament ceases to serve in that capacity.

24 Accordingly, the Parliament's decision of 2 October 1991 refusing to grant the applicant a transitional end-of-service allowance must be annulled.

Costs

25 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs. Since the Parliament has been unsuccessful in all essential respects, it must be ordered to pay the costs.

On those grounds,

THE COURT

hereby:

1. **Annuls the European Parliament's decision of 2 October 1991 refusing to grant the applicant a transitional end-of-service allowance;**

2. **Orders the European Parliament to pay the costs.**

Due Kakouris Zuleeg Murray Mancini

Schockweiler Moitinho de Almeida Diez de Velasco Kapteyn

Delivered in open court in Luxembourg on 23 March 1993.

J.-G. Giraud — O. Due

Registrar — President