regards the organization of its work and are subject to review procedures laid down in its Rules of Procedure cannot be challenged in an action for annulment.

In the light of those criteria, the rules on the transitional 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.

An action for annulment brought against such an implementing measure by the Member of Parliament concerned is therefore admissible.

2. The expression 'end of the term of office' in the rules on the transitional end-of-service allowance for Members of the European Parliament is to be interpreted — having regard to the various language versions of those rules, their context and their purpose — as having a neutral meaning and covering all cases in which a Member of Parliament ceases to serve in that capacity.

Since the measure in question has financial implications, Parliament is not entitled as its originator to restrict, by a subsequent interpretation described as authentic, its scope to the detriment of potential beneficiaries at the risk of infringing the principle of legal certainty.

REPORT FOR THE HEARING
in Case C-314/91 *

I — Facts and legal provisions

1. Under the terms of Article 1 of the Rules on the creation of a transitional end-of-service allowance for Members of the European Parliament, adopted by the Bureau of the European Parliament on 18 May 1988 (hereinafter 'the Rules'),

'... Members of the European Parliament who submit an appropriate request shall be entitled, with effect from the end of their term of office and until the last day of the third month — or, if their term of office totals five years or longer, the sixth month following that date — to a basic transitional monthly allowance equal to the amount they were receiving in their own country on termination of their term of office at the European Parliament.'

* Language of the case: German.

Article 2 of the Rules provides as follows:

'A former Member who was elected by direct universal suffrage and whose term of office exceeds five years shall receive, with effect from the first day of the seventh month following the end of his term of office and for a maximum period of two years, a transitional allowance. This allowance shall be payable for a period of one month for each year of service at the European Parliament in excess of five years.

Entitlement to the transitional allowance shall cease if the former Member is appointed to a paid office in one of the Community institutions or is elected to a national parliament, or in the event of his death'.

2. By a measure of 12 December 1990, the Bureau of the European Parliament, ruling on the question as to whether that end-of-service allowance should be regarded as an end-of-legislature allowance or whether it may be paid during a parliamentary term, adopted a proposal of the President of the Parliament to the effect that the allowance should be considered an end-of-legislature allowance.

3. Beate Weber, having been a Member of the European Parliament since 1979, informed the President of the European Parliament on 21 November 1990 that she had been elected to the office of 'Oberbürgermeister' (mayor) of the City of Heidelberg and that the fact that she was taking up office on 17 December 1990 meant that she could no longer remain a Member of the European Parliament and had to give up her seat.

4. On 12 December 1990, the President of the European Parliament informed Mrs Weber that Parliament would take note at the sitting on 13 December 1990 of her appointment as mayor with effect from 14 December 1990.

5. By a letter dated 9 March 1991, Mrs Weber applied to the College of Quaestors of the European Parliament for a transitional allowance under the Rules in respect of her eleven years' service at the European Parliament. In her application, she stated that, as she had not been appointed to a paid office in one of the Community institutions or elected to a national parliament, she was entitled to payments under both Articles 1 and 2 of the Rules.

6. By letter dated 2 October 1991, which Mrs Weber's lawyers received on 7 October, the President of the College of Quaestors informed Mrs Weber that the College had held, on the basis of the aforementioned decision of the Bureau of the European Parliament of 12 December 1990, that Mrs Weber's application did not satisfy the requirements laid down and had to be refused.

7. On 21 November 1991, the College of Quaestors, to whom Mrs Weber had applied to reconsider the decision of 2 October 1991, confirmed its decision.

II — Written procedure and forms of order sought by the parties

1. Mrs Weber's application was received at the Court on 5 December 1991.

2. On hearing the report of the Judge-Rapporteur and the views of the Advocate General, the Court decided to open the oral procedure without any preparatory inquiry. The European Parliament was asked to answer a number of questions; it complied with this request within the prescribed period.

3. *Mrs Weber*, as applicant, claims that the Court should:

annul the defendant's decision of 2 October 1991, which was received by the applicant's representatives on 7 October 1991;

order the defendant to pay the applicant a transitional allowance under the 'Rules on the creation of a transitional end-of-service allowance for Members of the European Parliament' of 27 June 1988 (18 May 1988) in respect of her eleven years' service as a Member of the European Parliament, together with interest at 4% per annum in accordance with the Court's case-law from 24 April 1991;

order the defendant to pay the costs.

4. The *European Parliament*, as defendant, claims that the Court should:

dismiss the application as inadmissible;

in the alternative, dismiss it as unfounded;

order the applicant to pay the costs.

III — Pleas and arguments of the parties

A — *Admissibility*

1. The *European Parliament*, referring to the Court's case-law (see, *inter alia*, the judgment in Case 294/83 *Les Verts* v *European Parliament* [1986] ECR 1339 and the orders in Case 78/85 *Group of the European Right* v *European Parliament* [1986] ECR 1753 and in Case C-68/90 *Blot and Front National* v *European Parliament* [1990] ECR I-2101), argues that the action for annulment is inadmissible on the ground that the contested measure related to the internal organization of the work of the European Parliament and did not have legal effects *vis-à-vis* third parties.

The Parliament states in that connection that the legal basis for the contested decision is the 1988 Rules adopted by the Parliament's Bureau, which is the competent organ, under Rule 22(2) of the Rules of Procedure of the European Parliament, to adopt such decisions. The decision was drawn up by the Quaestors, who, under Rule 20 of the Parliament's Rules of Procedure, are responsible for carrying out administrative and financial tasks of direct concern to Members of Parliament in accordance with the directives of the Parliament's Bureau. It appears from the legal bases of the decision and from the division of responsibilities laid down by the Rules of Procedure that the contested measure relates to the internal legal relationship between Members of Parliament and the Parliament and is not intended to have legal effects *vis-à-vis* persons outside the institution. That analysis is unaffected by the fact

that entitlement to the transitional allowance does not arise until the time when the Member of Parliament leaves.

Neither can the applicant justify the admissibility of her application by arguing that the measure in question adversely affects her, since, in its aforementioned decisions, the Court did not take account of the prejudicial nature of the contested measures.

The claim for payment set out in the second head of claim will not lie under Article 173 of the EEC Treaty and is therefore also inadmissible.

2. *Mrs Weber* argues that the Rules, albeit adopted by the Parliament itself, have practical effects only for former Members of Parliament, that is to say for third parties as far as the Parliament is concerned.

As far as the second head of claim is concerned, she maintains that this is a claim for specific performance which has been brought with a view to its being upheld, but not the amount of the claim, in the judgment on the merits.

B — *Substance*

1. *Mrs Weber* submits that the expression in the Rules 'with effect from the end of their term of office' also covers a term of office which comes to an end during a parliamentary term. In that regard, she relies on the wording of the Rules, the internal logic of the text and its aims.

The expression 'the end of the term of office' is neutral and encompasses all conceivable cases. Even if the choice of wording were not decisive in interpreting a text, it would not be possible to restrict the scope of legal rules by adopting an interpretation contrary to that wording.

The interpretation espoused by the European Parliament conflicts with the internal logic of Articles 1 and 2 of the Rules. Article 1 assumes that it is possible that a Member of Parliament's term of office may end before the five-year term expires and that nevertheless a transitional allowance should be paid. Both Article 1 and the second sentence of Article 2 provide for payment of an additional allowance in respect of each year of the Member of Parliament's term of office in excess of the five-year period, which shows that the originators of the Rules entertained the possibility of incomplete terms of office. The applicant fulfils the requirements of Article 1 and, even if the Parliament's line of argument with regard to Members serving their first term were to be accepted, she could rely on the provisions of Article 2, which provides that, in the case of Members whose service at the Parliament exceeds five years, the transitional allowance is to be calculated on the basis of the number of years' service. The applicant does not fall within any of the cases set out in the third sentence of Article 2 in which entitlement to the transitional allowance is to cease. That provision relates virtually exclusively to events supervening after the normal end of a parliamentary term and does not cover the case of a person's voluntarily ceasing to be a Member. The Parliament is not entitled to create new cases of disqualification by giving a restrictive interpretation to Article 1 of the Rules.

The Parliament's interpretation would produce the odd phenomenon of a Member completing several terms of office whose right to the allowance would arise at the end of each parliamentary term and disappear after the first month of the following five-year term.

The expression 'the end of their term of office' relates solely to the expiry of the term of office and not to voluntarily ceasing to serve during a parliamentary term; the position adopted by the Parliament's Bureau on 12 December 1990 does not constitute a change in the Rules, but an authentic interpretation given by the actual originator of the Rules.

The applicant's interpretation is further claimed to be consistent with the aims of the Rules. The Rules are designed to enable a transition to be made from the office of Member of Parliament to a new career and to offset the expenses of reinstallation, in particular non-reimbursed election campaign expenses. Moreover, the allowance is paid on a flat-rate basis and Parliament is not empowered to check whether those expenses are genuine. The need to facilitate the transition from political office to another occupation exists both where a Member's term of office ends at the end of the parliamentary term and where a Member's term comes to an end during a parliamentary term. The applicant refers in this connection to the expenses which she had to incur in campaigning in the Heidelberg municipal elections. On those grounds, the Parliament cannot argue that a former Member has no need of a transitional allowance if he gives up his seat voluntarily with a view to taking up another political or professional activity.

That interpretation is borne out by the internal logic of the Rules and by parliamentary practice. The list of cases in which the term of office ceases set out in the second sentence of Article 2 is not exhaustive. The cases of 'incomplete terms of office' covered by Articles 1 and 2 of the Rules relate only to Members who become Members during a parliamentary term following the departure of their predecessors and serve out their terms of office until the end of the parliamentary term. Moreover, the Parliament has always interpreted and applied the Rules in this way. It is not possible to speak of the entitlement to the allowance 'arising' and 'disappearing', since the entitlement exists only where a Member leaves at the end of the parliamentary term and not in the event that the Member obtains a second term of office.

2. The *European Parliament* submits that it is clear from the wording of the Rules, their logic and their purpose that the transitional allowance can be granted only to Members who cease to sit as Members at the end of a parliamentary term.

The Rules are designed to make it easier for an ex-Member of Parliament to make the transition from political office to professional life. If the Member leaves voluntarily, he himself is opting for another occupation and has no need of financial support, since the new activity which he intends to take up

affords him a sufficient basis for subsistence. The allowance is a flat-rate one for technical reasons which apply, moreover, also to other expenses borne by the Parliament. Any other interpretation would, furthermore, be contrary to the principle of sound administrative management and the reasonable allocation of public funds.

VI — Answers to the questions put by the Court

In answer to the question whether there were internal documents drawn up in preparation for the rules on the end-of-service allowance supporting the 'restrictive' interpretation given, the European Parliament states that the Rules, which were adopted by the Parliament's Bureau on 18 May 1988, are based on proposals of the College of Quaestors; it appears from the College's preparatory documents that the allowance was intended for Members leaving the European Parliament at the end of its 1989 term. The question as to whether those Rules should be applied to Members giving up their seats during a parliamentary term arose for the first time in 1990. Unlike the College of Quaestors, the Parliament's Bureau preferred a strict interpretation of the Rules and considered that the expression 'the end of their term of office' could refer only to 'the end of their term of office at the end of the parliamentary term'.

The Parliament answered in the affirmative the question whether, in preparing the Rules, precedents based on rules existing in the Member States or on rules relating to other institutions of the Community had been taken into account. It refers, in that connection, in particular to the financial rules applicable to Members of the Commission and to Members of the Court of Justice. Comparative studies of the rules of the national parliaments were also carried out, although the competent departments of the Parliament no longer had the relevant documents.

In conclusion, the Parliament informed the Court of Justice that the Parliament's Bureau had amended the Rules with effect from 1 July 1992 so as to give any Member ceasing his parliamentary activities entitlement to claim the allowance, provided that he had served a minimum of three years; income from a public office or a post with the Community should be deducted from the allowance; in the event of the death of the former Member, the surviving spouse or dependent children would also be entitled to receive a specified percentage of the allowance.

F. A. Schockweiler

Judge-Rapporteur