ments must be rejected. The Parliament's decision to hold, in plenary, a topical and urgent debate on a motion for a resolution on a given subject relates to the internal organization of its work and cannot, therefore, be the subject of judicial review.

3. In the exercise of the powers which they have under Article 77 of the ECSC Treaty, Article 216 of the EEC Treaty and Article 189 of the EAEC Treaty in relation to establishing the seat of the institutions the governments of the Member States have adopted decisions relating to the provisional working places of the institutions. The decisions designating Strasbourg as the provisional meeting place for plenary sittings of the Parliament must be interpreted in the light of the rule imposing reciprocal obligations of bona fide cooperation on the Member States and the Community institutions, as embodied in particular in Article 5 of the EEC Treaty. As regards the working conditions of the Parliament, that rule is of particular importance in a situation where the governments of the Member States have not yet fulfilled their obligation to establish the seat of the institutions or even decided on a single provisional working place for the Parliament. They do not prevent the Parliament, in exercising the power conferred on it by Articles 25, 142 and 112 of the aforementioned Treaties to determine its own internal organization, from deciding to hold a plenary sitting away from Strasbourg, when such a decision remains exceptional in nature, thus respecting the position of that city as the normal meeting place, and is justified by objective reasons connected with the proper functioning of the Parliament.

A resolution of the Parliament expressing the intention to organize in Brussels special or additional part-sessions during weeks devoted largely to meetings of Parliamentary committees or political groups thus remains within those limits.

REPORT FOR THE HEARING
delivered in Joined Cases 358/85 and 51/86*

I — Facts and procedure

1. Article 216 of the EEC Treaty, Article 189 of the EAEC Treaty and Article 77 of the ECSC Treaty provide that the seat of the institutions of the Community are to be determined by common accord of the governments of the Member States.

2. On the entry into force of the ECSC Treaty the Ministers for Foreign Affairs of the six Member States decided on 25 July 1952 that the Assembly would hold its first meeting in Strasbourg and that the definitive decision on the seat would be taken subsequently.

* Language of the Case: French.

No other decision on the seat was taken before the entry into force of the EEC and EAEC Treaties and the Assembly, with certain rare exceptions, held its meetings in Strasbourg and its General Secretariat began its work in Luxembourg where the institutions and the departments of the ECSC were established.

In a press release on 7 January 1958, after the entry into force of the EEC and EAEC Treaties, the Ministers for Foreign Affairs of the six Member States declared that they were agreed in principle to assemble all the European institutions of the six countries in the same place but no definitive or provisional seat had however been determined. The release however stated that 'the Assembly will meet in Strasbourg'.

No other decision on the seat was taken before the Treaty establishing a single Council and a single Commission of the European Communities was signed and the Assembly continued to hold its meetings in Strasbourg and its General Secretariat continued to function in Luxembourg. A practice however developed in relation to the meetings of the committees of the Assembly according to which they were held in Brussels where the Councils and Commissions of the EEC and EAEC Communities had been established.

On 8 April 1965, when the Treaty establishing a single Council and a single Commission of the European Communities was signed, the governments of the six Member States, pursuant to Article 37 of the Treaty in relation to the provisions required in order to settle certain problems peculiar to the Grand Duchy of Luxembourg which arose out of the Treaty, adopted a decision (Official Journal 1967, L 152, p. 18) which provided *inter alia* as follows:

'Article 1

Luxembourg, Brussels and Strasbourg shall remain the provisional places of work of the institutions of the Communities.

...

Article 4

The General Secretariat of the Assembly and its departments shall remain in Luxembourg.

...

Article 12

Subject to the aforegoing provisions the present decision shall not affect the provisional places of work of the institutions and departments of the European Communities, as determined by previous decisions of the governments.'

In the following years, in particular after the Luxembourg authorities had built the necessary facilities, the Parliament developed the practice of holding a certain number of its part-sessions, especially those of shorter duration, in Luxembourg. That practice was the subject of protests by the French Government in 1971, 1973 and 1978.

After the Act concerning the Election of the Representatives of the Assembly by Direct

Universal Suffrage was signed, the President of the Parliament, in a letter dated 6 July 1977 to the President of the Council, raised the problems of the working conditions faced by the Parliament in the new circumstances. In his reply of 22 September 1977 the President of the Council informed the Parliament that the governments of the Member States considered that there was no ground for altering either *de jure* or *de facto* the provisions currently in force with regard to the provisional places of work of the Assembly, namely Strasbourg and Luxembourg, where its General Secretariat and departments continued to be located, the parliamentary committees having become accustomed to meet in Brussels.

After its election by universal suffrage the Parliament held its part-sessions in Strasbourg and until 1981 a certain number in Luxembourg after the Luxembourg authorities had built a new hemicycle.

On 23 and 24 March 1981 the Heads of State or Government met at Maastricht as the European Council and confirmed the status quo in relation to the provisional places of work of the European institutions.

Following a memorandum from the French Government referring to the difficulties encountered by the Parliament by reason of the dispersal of the places in which it carried on its activities, the representatives of the governments of the Member States met together on 30 June 1981 at a conference on the seat of the institutions of the Community and reached the following decision:

'(1) The governments of the Member States note that, pursuant to Article 216 of the Treaty, the decision on the seat of the institutions of the Community falls within their exclusive competence.

(2) The decision of the governments of the Member States, meeting in Maastricht on 23 and 24 March 1981, to retain the status quo in regard to the provisional places of work, falls within the exercise of this competence. It shall be without prejudice to the decision fixing the seat of the institutions.'

On 7 July 1981 the Parliament adopted a resolution calling upon the governments of the Member States to comply with the obligation laid on them by the Treaties and at long last to establish a single seat for the institutions of the Community; it decided, pending a final decision on a single meeting place of the Parliament, to hold its plenary sittings in Strasbourg, to organize the meetings of its committees and political groups as a general rule in Brussels and, finally, to review, for the purpose of meeting those requirements, the operation of the Secretariat and technical services of the Parliament and to make the fullest possible use of the latest means of telecommunication to facilitate cooperation between the institutions.

The Luxembourg Government brought an action before the Court to declare that resolution void. In its judgment of 10 February 1983 in Case 230/81 [1983] ECR 255 the Court dismissed the application as unfounded.

On 20 May 1983 the Parliament adopted a resolution on the consequences to be drawn from the adoption of the foresaid resolution of 7 July 1981 and decided *inter alia* to proceed to divide up staff of the Secretariat in the most rational manner between the

places of work of the Parliament by arranging for services that are mainly concerned with the functioning of part-sessions to be based permanently in Strasbourg and for the services mainly concerned with the functioning of the committees to be based in Brussels.

The Luxembourg Government brought an action before the Court to have that resolution declared void. In its judgment of 10 April 1984 in Case 108/73 ([1984] ECR 1945) the Court declared the resolution void.

3. At its October 1985 session Mr von der Vring and 36 other Members of the Parliament submitted a request for a topical and urgent debate on a proposal for a resolution on meeting facilities in Brussels. Since the proposal was not entered on the agenda of the topical and urgent debate for 24 October 1985, a motion, pursuant to Rule 48 (2), was tabled and justified in writing for its insertion followed by a vote. The motion was carried at the sitting on 23 October 1985 with 108 votes for, 33 votes against and 7 abstentions.

At the topical and urgent debate on 24 October 1985 the resolution was adopted with 132 votes for, 113 votes against and 13 abstentions.

In that resolution, the European Parliament,

'A. noting that the largest meeting room of the Parliament in Brussels contains only 187 seats (plus a small public gallery) and that no significantly larger conference room with full simultaneous interpretation facilities for all the Community languages exists in Brussels,

B. concerned that, following enlargement of the Community, the Parliament's existing meeting rooms in Brussels will be too small for a political group to meet under normal conditions and that, as a result of future elections or the amalgamation of groups, the facilities could become inadequate for another political group,

C. observing that it is aleady impossible for two or more of the larger political groups to meet together in the Parliament building or other permanent facilities in Brussels,

D. concerned also that the Parliament's own working pattern is inflexible because there are no permanent facilities in Brussels for a special or additional plenary session to be held there during a week largely devoted to committee or group meetings,

E. conscious of the European Parliament's role as the institution closest to the citizens of Europe and wishing to improve the facilities for citizens having common interests to meet together through Community-wide organizations,

F. noting that an increasing number of such organizations are establishing headquarters in Brussels,

G. aware that the same room could meet all those needs,

...

(1) decides to have a building constructed, with a room providing seating for not less than 600 people, a visitors' gallery and ancillary facilities suitable for the above purposes and as close as possible to the Parliament's building in rue Belliard;

(2) instructs its Bureau and Quaestors to prepare plans for this purpose, to engage all necessary professional assistance and to ensure the earliest possible completion of this project, at the latest by 31 August 1988; and authorize its President, Bureau and Quaestors to negotiate and conclude all necessary contracts to this end;

(3) agrees to make the appropriate budgetary provisions and instructs its President, Bureau and Secretary-General to make all necessary proposals for this purpose ...'.

4. By application lodged at the Court Registry on 20 November 1985 and registered as Case 358/85 the French Government brought an action under Article 38 of the ECSC Treaty, alternatively Article 173 of the EEC Treaty and Article 146 of the EAEC Treaty, to declare void the aforementioned Resolution of 24 October 1985 on meeting facilities in Brussels.

By application lodged at the Court Registry on 2 April 1986 Mr von der Vring and four other Members of the Parliament requested leave to intervene in the case in support of the conclusions of the defendant. By order of 3 July 1986 the Court dismissed the application.

5. By application lodged at the Court Registry on 20 February 1986 and filed as Case 51/86 the French Government brought a second action under the aforementioned provisions of the ECSC, EEC and EAEC Treaties again to declare void the Resolution of 24 October 1985. That application refers to publication of the contested resolution in Official Journal C 343 of 31 December 1985 (p. 84) and, apart from the submissions put forward in support of Case 358/85, is based on a submission relating to the principle of proportionality.

By application lodged at the Court Registry on 25 March 1986 the Parliament, pursuant to Article 91 of the Rules of Procedure, objected to the admissibility of the second action. By a decision of 15 October 1986 the Court ordered the decision on the objection of inadmissibility to be reserved for the final judgment.

6. By order of 8 July 1987 the Court ordered the two cases to be joined for the purposes of the oral procedure and the judgment.

7. Upon 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.

II — Conclusions of the parties

1. The *French Government* claims in Case 385/85 and Case 51/86 that the Court should:

Declare null and void the Resolution of the European Parliament of 24 October 1985 on meeting facilities in Brussels;

Order the defendant to pay the costs.

2. The *Parliament* contends in Case 358/85 that the Court should:

Consider the admissibility of the application;

Dismiss the application as unfounded;

Order the applicant to pay the costs.

3. The *Parliament* contends in Case 51/86 that the Court should:

Dismiss the action as inadmissible, or alternatively unfounded;

Order the applicant to pay the costs.

III — Submissions and arguments of the parties

A — *Admissibility*

1. *Lis pendens*

The Parliament considers that Case 51/86, which was brought subsequent to Case 358/85 by the same party and has the same subject-matter, is inadmissible. The same issue cannot be pending before the same court in two different actions.

On several occasions and of its own motion the Court has held that *lis pendens* is a bar to admissibility; see, for example, the judgments of 17 May 1973 in Joined Cases 58 and 75/72 (*Perinciolo* v *Council* [1973] ECR 511), of 4 October 1979 in Joined Cases 64 and 113/76, 167 and 239/78, 27, 28 and 45/79 (*Dumortier and Others* v *Council* [1979] ECR 3091) and most recently of 19 September 1985 in Joined Cases 172 and 226/83 (*Hoogovens Groep BV* v *Commission* [1985] ECR 2831).

In the last of those judgments the Court rejected as inadmissible a subsequent action between the same parties to declare void the same decisions on the same grounds. That is exactly the position in Case 51/86. The grounds on which the applicant bases the action are the same as those put forward in Case 358/85 and of that added by the applicant at the stage of the reply in relation to breach of the principle of proportionality.

With regard to the admissibility of the latter ground in Case 358/85 the Parliament considers that it is a fresh issue but relies on

the wisdom of the Court as to whether it is admissible in view of the provision of Article 42 (2) of the Rules of Procedure.

The French Government states that the first case, Case 358/85, was prepared quickly and brought before publication of the contested measure in Official Journal C 343 of 31 December 1985. The second case, Case 51/86, which was brought within the period prescribed by Article 38 (2) of the ECSC Treaty, Article 173 (3) of the EEC Treaty and Article 146 (3) of the EAEC Treaty, commencing from the date of publication, was brought as a precautionary measure should the first action be held to be premature.

In the second action (Case 51/86) certain arguments in the first case are adopted but others are also put forward, in particular relating to the principle of proportionality. The two cases are thus not identical. According to the aforementioned judgment of 19 September 1985 in *Hoogovens Groep BV* v *Commission* there is no *lis pendens* unless the two actions are between the same parties, have the same subject-matter and are based on identical grounds.

If the Court were to make a finding of *lis pendens* the applicant would have no objection to the second application being declared inadmissible in so far as the grounds relied on are the same in the two actions. If, however, the Court were to find that the grounds put forward in the application in Case 51/86 and the reply in Case 358/85 constitute new issues and are therefore inadmissible in Case 358/85 the Court could not, according to the aforementioned judgment of 19 September 1985, declare the action in Case 51/86 to be inadmissible since it would no longer be based on the same grounds.

2. *The legal basis of the applications*

The Parliament feels it must give voice to reservations about the admissibility of the actions in so far as they are based on Articles 173 of the EEC Treaty and 146 of the EAEC Treaty. Although acts of the Parliament are not expressly included in the list of measures which may be the subject of an action for annulment before the Court under those provisions, the Court has recently confirmed, in its judgment of 23 April 1986 in Case 294/83 *Partie écologiste 'Les Verts'* v *European Parliament* [1986] ECR 1339, that an action for annulment may be directed against acts of the Parliament intended to have legal effects *vis-à-vis* third parties. Similarly, in its judgment of 10 April 1984 in Case 108/83 (*Luxembourg* v *Parliament* [1984] ECR 1945) the Court recognized as admissible an action against a resolution the content of which showed that it was of a specific and precise decision-making nature, producing legal effects.

In contrast with those judgments, the resolution at issue does not, in so far as it involves the acquisition of immovable property, fall within a sphere in which the Parliament has 'the last word' and is not capable of producing legal effects *vis-à-vis* third parties. Under Article 211 of the EEC Treaty it is the Commission which represents the Community in the acquisition of such property. The acquisition of immovable property would thus require at the very least the Commission's authorization, since the Parliament cannot of its own motion provide for such an acquisition in its annual budget.

The French Government contends that in its judgment of 23 April 1986 in the case of

'Les Verts' the Court settled the question of the admissibility of an action for annulment based on Article 173 of the EEC Treaty against a resolution of the Parliament by holding that such an action was admissible. The present actions are thus also undoubtedly admissible on the basis of Article 173 of the EEC Treaty and Article 146 of the EAEC Treaty.

B — *Substance*

In support of its claims the applicant puts forward three submissions, namely infringement of essential procedural requirements, since the resolution at issue could not be adopted under the urgent procedure, lack of competence, since the governments of the Member States are alone competent to decide on the seat of the institutions and the resolution adopted is incompatible with the decisions taken by those governments, and, lastly, breach of the principle of proportionality, which is relied on in Case 51/86 and in the reply in Case 358/85, since the facilities contemplated by the resolution far exceed what is necessary for the work of the Parliament in Brussels.

1. *Infringement of essential procedural requirements*

The French Government claims that the resolution at issue could not lawfully be adopted under the procedure for topical and urgent debates referred to in Rule 48 of the Rules of Procedure of the Parliament. Under that provision a political group or at least 21 Members may ask the President in writing for a debate to be held on a topical and urgent subject. The applicant does not deny that that procedure was actually followed in accordance with the Rules of Procedure of the Parliament but does deny that the resolution was on a topical and urgent subject and thus that the Parliament was able to have recourse to the said procedure.

In the applicant's view, it is clear that the adoption of the resolution at issue was in no way urgent. On the contrary, the resolution required reflection and detailed prior study. That is confirmed by the debate which took place in the Parliament where several Members objected to the procedure followed and by the fact that originally the resolution was not included in the topical and urgent debates agenda but only after a motion with reasons stated in accordance with the procedure provided for in Article 48 (2) of the Rules of Procedure of the Parliament and after a vote was taken on its insertion in the agenda.

The Parliament states in the first place that, as the Court confirmed in its aforesaid judgment of 10 February 1983, it is within its powers for it to debate any question of interest to the Communities and to adopt resolutions on such questions. It is within the sovereign power of the Parliament, as part of its independence in internal matters, to adopt resolutions on the internal procedure which it considers the most appropriate. In the present case the Parliament, while observing its Rules of Procedure and the democratic rules of the majority, considered that the resolution constituted a topical and urgent subject. The Parliament does not consider that it behoves a Member State to challenge that fact before the Court. In the same way, in its order of 4 June 1986 in Case 78/85 (*Group of the European Right* v *European Parliament* [1986] ECR 1753), the Court held that acts relating to the internal organization of the work of the Parliament are not open to review by the Court.

With regard to the arguments put forward by the applicant, the Parliament contends that statements made in parliamentary debates are an individual matter and the decision to insert a subject in the topical and urgent debate agenda constitutes a political choice which was made in the present case by a parliamentary majority.

2. *Lack of competence*

The French Government observes that according to its terms the resolution contemplates the construction of a room with not less than 600 seats in Brussels and according to the recital D the object of the resolution is to enable the Parliament to hold plenary sessions in Brussels.

The applicant considers that the resolution is *ultra vires* the Parliament and infringes the decisions of the governments of the Member States on the provisional seat of the institutions.

Under Article 216 of the EEC Treaty, Article 189 of the EAEC Treaty and Article 77 of the ECSC Treaty the determination of a seat of the institutions is a matter exclusively for the governments of the Member States. They expressly recalled this in their decision of 30 June 1981. Similarly, in its judgment of 10 February 1983 the Court reiterated that the decisions of the Parliament must have regard for the powers of the governments of the Member States in relation to the seat and for the decisions taken.

The applicant does not deny the Parliament's power to debate any question of interest to the Communities including the question of the seat of the institutions and to adopt resolutions relating to such questions. However, in doing so, the Parliament must have regard for the respective powers of the governments of the Member States and of the Parliament and cannot on its own account alter the places of work which those governments have determined for it.

The decisions taken by the governments of the Member States clearly lay down three places of work for the Parliament: Strasbourg for part-sessions, Luxembourg for its Secretariat and departments and Brussels where the committees and parliamentary groups may meet. The part-sessions may be held only in Strasbourg. That is the position which the French Government has always upheld when it has periodically protested against part-sessions being held outside Strasbourg. It is not possible in that respect to distinguish between ordinary part-sessions and sessions which according to the terms of the resolution are special or additional.

The Parliament has also in its previous Resolution of 7 July 1981 confirmed that part-sessions must be held solely in Strasbourg. In its judgment of 10 February 1983 the Court recognized the legality of that resolution and its conformity with the decisions of the governments of the Member States.

It is not possible to infer from the latter judgment, as the Parliament does, that the rule for holding part-sessions in Strasbourg admits of exceptions. The reason for which the Court did not condemn the practice followed until then of holding certain sessions in Luxembourg is that it had not been asked to do so since the subject of the action was the question whether the Parliament could lawfully abandon that practice, which had been established on its

own initiative and never sanctioned by the Member States.

The facilities contemplated by the resolution cannot be regarded as meeting the needs of the Parliament's work conducted in Brussels. The applicant does not deny the Parliament's right to obtain the necessary means for the proper performance of its tasks, as is within its power, but the construction of a room with no less than 600 seats goes far beyond the facilities necessary for the meetings of committees or groups and the reason for such a room can only be the holding of part-sessions. A decision on the construction of such a room brings into issue the rules on the places of work of the Parliament.

As regards the General Secretariat of the Parliament, the Court, in a case not unlike the present one, declared the Parliament's decision to redistribute the staff of its Secretariat void because the transfer of staff exceeded what was necessary to ensure in the various places of work the performance of the tasks which the Treaties confer on the Parliament since, the Court stressed, any decision to transfer the Secretariat, wholly or partially, *de jure* or *de facto*, would constitute an infringement of the decisions of the governments of the Member States.

The Parliament contends that the object of the resolution at issue is solely to allow the Parliament to have the premises needed for the proper functioning of the parliamentary activities in Brussels.

The Parliament does not moreover deny the principle clearly established by the Treaty according to which it is for the governments of the Member States to determine the seat of the institutions and takes the view that the effect of the resolution is not to call in question the decisions of those governments on the provisional places of work of the Parliament. The resolution does not imply that the part-sessions or even the special or additional sessions would not be held in Strasbourg.

As is clear from the recitals to the resolution, the facilities contemplated by the resolution are intended above all to enable the Parliament's work in Brussels, where the Parliament has not sufficient facilities, to be carried out more efficiently. The resolution thus complies with the judgment of the Court of 10 February 1983 in which the Parliament's power to take decisions on its internal organization is expressly recognized.

That judgment does not preclude the Parliament, if special circumstances so require, from holding part-sessions, by way of exception, away from Strasbourg. In the judgment the Court took the view that the Parliament was free to discontinue the practice of holding certain sessions in Luxembourg, but it did not in any way condemn the practice as being contrary to the decisions of the governments of the Member States. The Court thus confirmed that although part-sessions must be held in Strasbourg there are exceptions to the rule. Article 10 (2) of the Rules of Procedure of the Parliament provides that exceptionally, on a resolution adopted by a majority of its current Members, Parliament may decide to hold one or more sittings elsewhere than at its seat.

It was for the purposes of sensible organization that the resolution at issue contemplated the holding, in Brussels, of special or additional part-sessions outside the normal calendar of sessions. Such sessions cannot always be organized in Strasbourg where the hemicycle used by the Parliament is not its own property but that of the Council of Europe. The Parliament is not free to dispose of it.

3. *The principle of proportionality*

The French Government claims that the principle of proportionality requires that the institutions, in exercising their powers, should ensure that the expenditure does not exceed what is necessary to achieve the aims which they have to accomplish (see judgment of 24 October 1973 in Case 5/73 *Balkan-Import-Export* v *Hauptzollamt Berlin-Packhoff* [1973] ECR 1091).

The applicant observes that the construction of the building contemplated by the resolution would require the annual expenditure of a sum equivalent to 10% of the Parliament's budget.

The facilities which the Parliament plans are incompatible with the principle of proportionality. Since only meetings of groups or committees may be held in Brussels, a room with not less than 600 seats would be either unusable or out of proportion. Even taking account of the exceptional holding of part-sessions such a room would for the majority of the time be unused. Since according to the Parliament the holding of part-sessions in Brussels would be quite hypothetical, its possibility cannot justify the construction of such a room.

The Parliament observes that the case-law cited by the applicant requires the institutions to observe the principle of proportionality only in respect of third parties. The Court has never inferred from that principle any power to control the way in which an institution manages its internal organization.

The Parliament challenges the figures put forward by the applicant in relation to the cost of the facilities contemplated. The resolution has not yet been acted upon. The resolution does not necessarily imply the acquisition of a building but covers the possibility of renting.

The facilities contemplated cannot in any event in the Parliament's view be regarded as disproportionate. The proper performance of the work of the committees and groups in Brussels requires larger facilities than those which exist at present. It would in the Parliament's view be sound management to contemplate the construction of a 'multi-purpose' room capable of accommodating, if necessary, part-sessions. The resolution also contemplates the commercial use of the room.

IV — Oral Procedure

Admissibility

As regards the Parliament's objection of inadmissibility on the ground of *lis pendens*, the French Government contends that the reference to the principle of proportionality, put forward as a separate submission in Case 51/86, may in the result be regarded as an argument in support of the submission of lack of competence. Since that argument

does not constitute a fresh issue, it is in any event admissible in Case 358/85.

The reference to the principle of proportionality is intended to highlight the real purpose of the resolution at issue. If the facilities envisaged are disproportionate to the needs of the meetings which may lawfully be held in Brussels, namely the meetings of the political groups and parliamentary committees, and if those needs thus cannot justify the construction of those facilities, there can be no escaping the conclusion that the true purpose of the resolution can be nothing other than to hold part-sessions in Brussels. It is precisely that purpose which, in the opinion of the French Government, the resolution cannot have without encroaching on the powers of the Member States.

Should the Court consider that reasoning as thus subsumed under the submission of lack of competence, the French Government would not object to the application in Case 51/86, identical to that in Case 358/85, being declared inadmissible.

Substance

As regards the submission of lack of competence, the Parliament points out that it has always considered that it has the right to meet where it wishes, as long as the governments of the Member States have not fulfilled their obligation under the Treaties to determine a single seat.

The Parliament insists that none of the decisions taken by the governments of the Member States is such, in law, as to compel the Parliament to meet exclusively and in all circumstances in Strasbourg. The decision of 7 January 1958 is, according to its wording, provisional, and is not binding since it took the form of a press release. The decision of 8 April 1965 is designed, in accordance with Article 37 of the Treaty establishing a single Council and Commission of the European Communities under which it was adopted, to give certain guarantees to the Grand Duchy of Luxembourg and not to affirm Strasbourg as the place where the Parliament's sessions are held. It therefore adds nothing to the previous decision. Finally, the 1981 decisions do nothing more than confirm the status quo, namely the existing situation. At the time the Parliament freely fixed every year, when adopting its calendar, the venue of its part-sessions and since 1967 it has regularly held part-sessions in Luxembourg. It was only in the Zagari resolution of 7 July 1981, the subject of the Court's judgment of 10 February 1983 cited above, that the Parliament decided in principle, pending the determination of a single place of work, to hold its part-sessions in Strasbourg.

O. Due
Judge-Rapporteur