



Press and Information

Court of Justice of the European Union

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Judgment in Joined Cases C-237/11 and C-238/11
France v Parliament

The Court annuls the votes of the European Parliament concerning the Parliament's calendar of periods of part-sessions for 2012 and 2013

The periods of plenary part-sessions for October 2012 and 2013, split into two parts by the Parliament, cannot be regarded individually as periods of monthly plenary part-sessions

The Treaties require the European Parliament, whose seat is established in Strasbourg, to meet in 12 monthly plenary part-sessions per year in Strasbourg, including the budgetary session, but do not prescribe the length of those periods of plenary part-sessions. It is traditional for two periods of plenary part-sessions to be held in Strasbourg in October to compensate for the lack of a plenary part-session in August. In accordance with the Parliament's practice, the periods of ordinary plenary part-sessions, which last four days, are held in Strasbourg while the additional periods of part-sessions are held in Brussels.

Following two amendments tabled by Mr Fox MEP, the Parliament, by two votes adopted on 9 March 2011, amended the calendar of periods of part-sessions for 2012 and 2013. Firstly, one of the two periods of plenary part-sessions of four days to be held in October 2012 and October 2013 in Strasbourg was cancelled. Secondly, the remaining period of plenary part-sessions of October 2012 and October 2013 were split in two: two separate periods of plenary part-sessions of two days were thus to be held during the week of 22 to 25 October 2012 and two during the week of 21 to 24 October 2013 to be held in Strasbourg.

France brought an action before the Court of Justice seeking annulment of those two votes of the Parliament. Supported by Luxembourg, it submits that those votes infringe the Treaties and the case-law of the Court. It alleges, inter alia, that the Parliament has broken the regularity of the rhythm of the periods of plenary part-sessions by scheduling additional part-sessions in Brussels when only 11 periods of plenary part-sessions were scheduled for Strasbourg.

In today's judgment, **the Court annuls the votes of the European Parliament of 9 March 2011.**

The Court reiterates its case-law on the interpretation of the Edinburgh Decision¹, the wording of which was adopted verbatim in the protocols concerning the seats of the institutions. In a judgment which it delivered in 1997², the Court set out the relationship between the competence of the Member States to determine the Parliament's seat in Strasbourg and the Parliament's power to determine its own internal organisation. Thus, the Court found that the Member States intended the seat of the Parliament (Strasbourg) to be the place where 12 periods of ordinary plenary part-sessions must take place on a regular basis, including those during which the Parliament is to exercise the budgetary powers conferred upon it by the Treaty. Equally, the Court held that additional periods of plenary part-sessions cannot be scheduled for any other place of work unless

¹ In 1992, at the Edinburgh summit, the Governments of the Member States adopted the 'Edinburgh Decision' on the location of the seats of the institutions and of certain bodies and departments of the European Communities. At the intergovernmental conference which led to the adoption of the Treaty of Amsterdam, it was decided to append the Edinburgh Decision to the Treaties. At present, Protocol No 6, annexed to the EU Treaty and the TFEU, and Protocol No 3, annexed to the EAEC Treaty, adopt the wording of the Edinburgh Decision (Article 1(a)).

² Case [C-345/95](#) France v Parliament. By that judgment, the Court annulled the European Parliament's vote of 20 September 1995 on the ground that it did not provide for 12 periods of ordinary plenary part-sessions in Strasbourg in 1996.

the Parliament holds 12 periods of ordinary plenary part-sessions in Strasbourg. The Member States have not, by so defining its seat, encroached upon the competence of the Parliament to determine its own internal organisation.

It is not disputed that the Parliament departed, by the contested votes of March 2011, from the draft calendars adopted by the Conference of Presidents in so far as concerns the periods of monthly plenary part-sessions scheduled for October 2012 and 2013. It is apparent from those votes that the periods of monthly plenary part-sessions, each lasting four days, scheduled for October 2012 and 2013, were replaced by two periods of part-sessions lasting two days each. **The Court finds that the periods of plenary part-sessions as provided for in the contested votes for October 2012 and 2013 do not satisfy the requirements resulting from the Treaties concerning the seats of the institutions.**

The Court notes, first of all, that, in the light of the background of the contested votes, the wording of the amendments leading to those votes and the Parliament's general practice, as is apparent from the agenda of the plenary sessions of October 2012, the contested votes objectively bring about a significant reduction in the time which the Parliament was able to devote to its debates and its deliberations in October 2012 and will be able to in 2013. Compared with the periods of ordinary plenary part-sessions, the actual time available for the part-sessions during October 2012 and 2013 is reduced by more than half.

Second, the Court states that 12 periods of ordinary plenary part-sessions must take place on a regular basis in Strasbourg so that additional periods of plenary part-sessions can be scheduled. For a plenary part-session to fall in the category of 'periods of ordinary plenary part-session', it must be equivalent to the other ordinary monthly part-sessions scheduled in accordance with the Treaties, in particular in terms of the actual duration of the sessions. Thus, given their duration, the periods of part-sessions in October 2012 and 2013 scheduled by the contested votes are not equivalent to the other periods of ordinary monthly part-sessions scheduled by those same votes.

Third, the Court finds that the Parliament has not given any reasons justifying – in spite of the continuous growth of its budgetary powers – the significant reduction in the duration of the two periods of plenary part-sessions for October 2012 and 2013. In that regard, the Court considers, in particular, that the consideration that the budget session could from now on, in practice, be dealt with quickly, cannot, in the light of the significance of the budget session, justify the reduction in the duration of a period of plenary part-sessions. It points out that the exercise by the Parliament of its budgetary powers in plenary sitting constitutes a fundamental event in the democratic life of the EU and must therefore be carried out with all the attention, rigour and commitment required of such a responsibility. The exercise of that power requires, *inter alia*, a public debate in plenary sitting enabling the citizens of the EU to acquaint themselves with the various political orientations expressed and, as a result, to build a political opinion on the EU's actions.

Lastly, the Court observes that, even if the disadvantages and costs engendered by the plurality of places of work – as described by the Parliament – are acknowledged, it is not for the Parliament or the Court to remedy that situation; rather, it is for the Member States to do so, if appropriate, in the exercise of their competence to determine the seats of the institutions.

Consequently, the votes of 9 March 2011 must be annulled to the extent that they do not provide for 12 periods of monthly plenary part-sessions in Strasbourg in 2012 and 2013.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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