

Case T-215/07

Beniamino Donnici
v
European Parliament

(Declining of jurisdiction)

Order of the Court of First Instance (Third Chamber), 13 December 2007 . . II - 5241

Summary of the Order

Procedure — Division of jurisdiction between the Court of Justice and the Court of First Instance

(Statute of the Court of Justice, Arts 40, second para., and 54, third para.; Rules of Procedure of the Court of First Instance, Art. 80)

The second paragraph of Article 40 of the Statute of the Court of Justice gives no right of intervention to natural or legal persons in cases before the Court between Member States, on the one hand, and institutions of the Community, on the other hand. The only possibility for natural or legal persons to put forward their pleas in law and arguments in disputes which concern them is therefore to bring an action themselves, in cases in which they have standing to do so, before the competent court. It is in the interest of the proper administration of justice and of safeguarding the rights of the defence of individuals that the court with jurisdiction to hear and determine the action brought by a

Member State should be able to take into consideration the various pleas in law and arguments of fact and law relied on by natural and legal persons in support of their applications for annulment of the same act. Accordingly, it is appropriate to decline jurisdiction in favour of the Court of Justice in order to enable the latter to give judgment on the application for annulment.

(see paras 9, 10, 12)