

Case T-17/00

Willi Rothley and Others

v

European Parliament

(Measure of the Parliament — Action for annulment — Admissibility —
Immunity of Members of the Parliament — European Anti-Fraud Office
(OLAF) — Powers of investigation)

Judgment of the Court of First Instance (Fifth Chamber), 26 February 2002 II - 581

Summary of the Judgment

1. *Actions for annulment — Actionable measures — Act of the Parliament amending its Rules of Procedure concerning the internal investigations conducted by the European Anti-Fraud Office (OLAF)*
(Art. 230, first para., EC; Rules of Procedure of the Parliament, Rule 9a)

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Act of the Parliament affecting its current and future Members without distinction — Legislative character — Inadmissibility (Art. 230, fourth para., EC; Rules of Procedure of the Parliament)*

1. An act of the European Parliament which on the one hand amends its internal Rules of Procedure by adding a Rule 9a concerning the internal investigations conducted by the European Anti-Fraud Office (OLAF) and on the other approves the Parliament's decision concerning the terms and conditions of internal investigations, and which is one of the measures intended to protect the Communities' financial interests and to combat fraud and any other illegal activities which might be detrimental to those interests, goes in both its object and its effects beyond the internal organisation of the work of the Parliament. It may therefore be the subject of an action for annulment under the first paragraph of Article 230 EC.
2. An action brought by Members of the European Parliament against an act of that institution which applies without distinction to the Members of that institution in office at the time of its entry into force and to any other person subsequently coming to perform the same duties is inadmissible. Such an act applies without temporal limitation to objectively determined situations and has legal effects with respect to categories of persons envisaged generally and in the abstract. Such an act, although called a 'decision', therefore constitutes a measure of general application.

(see paras 56-57)

(see paras 61-62, 78)