Case T-64/96

Filippo de Jorio

v

Council of the European Union

(Allowances for members of the Economic and Social Committee —
Action for annulment — Action for failure to act — Manifest inadmissibility)

Order of the Court of First Instance (Third Chamber), 6 February 1997 .... II - 129

Summary of the Order

1. *Procedure — Application initiating proceedings — Formal requirements — Summary of the pleas in law on which the application is based*
   (EC Statute of the Court of Justice, Art. 19; Rules of Procedure of the Court of First Instance, Art. 44(1)(c))

2. *Actions for failure to act — Conditions of admissibility — Proper conduct of the pre-litigation procedure — Formal notice to the institution — Essential formal requirement — Need for the applicant to be the person who formulated the request to act*
   (EC Treaty, Art. 175, second para.)

1. In accordance with Article 19 of the Statute of the Court of Justice and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, any application must state the subject-matter of the proceedings and contain a summary of the pleas in law on which it is based. That information must be sufficiently clear and precise so as to enable the defendant to prepare his defence and the Community judicature to adjudicate upon the action, if necessary without any other information in support. In order to ensure legal certainty and the proper administration of justice, for an action to be admissible, the essential factual and legal elements on which it is based must appear, at least summarily, but in a coherent and comprehensible fashion, from the text of the application itself.

2. An action for failure to act brought under Article 175 of the EC Treaty is admissible only in so far as the applicant has duly followed the pre-litigation procedure by complying with the essential formal requirement of a request to act, within the meaning of the second paragraph of that article, addressed to the defendant institution. The action must, furthermore, be brought by the person who formulated that request.