

Case T-353/00

Jean-Marie Le Pen

v

European Parliament

(Act of the Parliament — Disqualification of a Member of the European Parliament from holding office — Application of national law — Action for annulment — Challengeable act — Inadmissibility)

Judgment of the Court of First Instance (Fifth Chamber), 10 April 2003 . . . II - 1731

Summary of the Judgment

Actions for annulment — Actionable measures — Meaning — Measures producing binding legal effects — Declaration of the President of the European Parliament taking note of the vacancy of a seat following the application of national rules by the national authorities — Not covered

(Art. 230 EC; Act concerning the election of the representatives of the Assembly by direct universal suffrage, Art. 12(2))

Only measures which produce binding legal effects such as to affect the interests of an applicant, by bringing about a distinct change in his legal position may be the subject of an action for annulment under Article 230 EC. Thus, an action for annulment is available in the case of all measures adopted by the institutions, whatever their nature or form, which are intended to have legal effects.

The declaration of the President of the Parliament in the plenary session of 23 October 2000 by which, 'in accordance with Article 12(2) of the [1976 Act], the... Parliament takes note of the notification of the French Government declaring the disqualification of [the applicant] from holding office' is not capable of being the subject of an action for annulment under Article 230 EC.

The process of 'taking note' of a vacancy of a seat of a Member of the European Parliament under Article 12(2) of the 1976 Act concerning the election of the representatives of the Assembly by direct universal suffrage refers not to the disqualification from office of the person concerned but to the simple fact that his seat has become vacant as a result of the application of national provisions. In other words, the role of the Parliament is not to 'bring about' the disqualification from office, but merely to take note of the declaration, already made by the national authorities, that the seat is vacant, that is to say, of a pre-existing legal situation resulting exclusively from a decision of those authorities.

(see paras 77-78, 90, 98)