

Case T-357/03

Gollnisch and Others

v

European Parliament

(Decision of the Bureau of the European Parliament —
Action for annulment — Inadmissibility)

Order of the Court of First Instance (Second Chamber), 10 January 2005 . . . II - 4

Summary of the order

1. *Procedure — Production before the Court of First Instance of opinions of the legal services of the Community institutions — Conditions*

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Interpretation, contrary to law, of the requirement of being individually concerned — Not permissible*
(Art. 230, fourth para., EC)
3. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Measure by the Bureau of the European Parliament amending the conditions for use of appropriations from a budget item by political groups and non-attached Members — Actions brought by non-attached Members — Inadmissibility*
(Art. 230, fourth para., EC)

1. It would be contrary to public policy, which requires that the institutions be able to receive the advice of their legal service given in full independence, to allow such internal documents to be produced, in a dispute before the Court of First Instance, by persons other than the services at whose request they were prepared, unless their production has been authorised by the institution concerned or ordered by the Court.

pretation of that provision cannot have the effect of setting aside that last condition, expressly laid down in the Treaty, without going beyond the jurisdiction conferred by the Treaty on the Community Courts.

(see para. 62)

(see para. 34)

2. It follows from the wording of the fourth paragraph of Article 230 EC itself that a natural or legal person is entitled to pursue the annulment of an act which does not constitute a decision addressed to that person only if that person is not only directly but also individually concerned by such act, so that the inter-
3. Persons other than those to whom a decision is addressed may claim to be individually concerned by that measure only if it affects them by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons and by virtue of these factors distinguishes them individually just as in the case of the person to whom the measure is addressed.

In that regard, a measure adopted by the Bureau of the European Parliament and amending the conditions for use of appropriations from a budget item by political groups and non-attached Members applies generally and in the future to both. It is therefore capable of affecting future political groups and non-attached Members as well as those of whom the Parliament was constituted at the time the measure was adopted, even though it does not concern any of

them individually. Moreover, the status of non-attached Members is not a feature which distinguishes the applicants individually just as in the case of the person to whom the measure is addressed.

(see paras 63, 65-66)