

Case T-346/03

Grégoire Krikorian and Others

v

European Parliament and Others

(Non-contractual liability of the Community —  
Action manifestly lacking any foundation in law)

Order of the Court of First Instance (First Chamber), 17 December  
2003 . . . . . II-6040

Summary of the Order

1. *Non-contractual liability — Conditions — Acts attributable to the Community — Act of the European Council — Exclusion — Recognition of the Republic of Turkey's status as a candidate for accession to the European Union (Arts 7 EC and 288, second para., EC)*

2. *Non-contractual liability — Conditions — Unlawful conduct of the institutions — Accession partnership of the Republic of Turkey — Admissibility in the light of a resolution of the European Parliament not having binding legal consequences — Principle of the protection of legitimate expectations — Breach — None — Liability not incurred*

*(Art. 288, second para., EC)*

3. *Procedure — Costs — Decision given by reasoned order — Action manifestly lacking any foundation in law — Failure to ask for costs — Sharing of costs where the circumstances are exceptional*

*(Rules of Procedure of the Court of First Instance, Arts 87(2)(3) and 111)*

1. Recognition of the Republic of Turkey's status as a candidate for accession to the European Union by the European Council of Helsinki of 10 and 11 December 1999 cannot give rise to the non-contractual liability of the Community within the meaning of the second paragraph of Article 288 EC because it is the result of a measure from the European Council, which is not an institution of the Community within the meaning of Article 7 EC. Only the conduct of an institution of the Community can give rise to such liability.

munity within the meaning of the second paragraph of Article 288 EC on the ground of alleged unlawful conduct of the Community institutions because the partnership is contrary to the resolution of the European Parliament of 18 June 1987 on a political solution to the Armenian question. That resolution is a document containing declarations of a purely political nature, which may be amended by the Parliament at any time. It cannot therefore have binding legal consequences for its author nor, a fortiori, for the other Community institutions or give rise to a legitimate expectation that the institutions would comply with that resolution.

(see para. 17)

2. The fact that the Republic of Turkey enjoys a European Union accession partnership cannot give rise to the non-contractual liability of the Com-

(see paras 18-20)

3. In accordance with Article 87(2) of the Rules of Procedure of the Court of First Instance, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. However, under Article 111 of its Rules of Procedure, when the Court gives a decision by reasoned order in an action manifestly lacking any foundation in law, but before the defendants have lodged their defence and had the opportunity to

apply for costs, it is necessary to apply Article 87(3) of the Rules of Procedure, according to which the Court of First Instance may order the costs to be shared where the circumstances are exceptional.

(see paras 28-29)