

Judgment of the Court of Justice, 'Les Verts', Case 294/83 (23 April 1986)

Caption: Excerpt from the judgment of the Court of Justice of the European Communities, of 23 April 1986, Parti écologiste 'Les Verts' v European Parliament, Case 294/83, concerning the scope of the Court of Auditors' review of the legality of expenditure. According to the Court of Justice, the Court of Auditors may only examine the legality of expenditure with reference to the budget and the secondary provision on which the expenditure is based (commonly called the basic measure).

Source: Reports of Cases before the Court. 1986. [s.l.].

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Case 294/83
Parti écologiste 'Les Verts' v European Parliament

(Action for annulment - Information campaign for the elections to the European Parliament)

Summary

[...]

3. Action for annulment - Court of Auditors' review of the legality of expenditure - Scope (EEC Treaty, Arts 173 and 206a)

[...]

3. The Court of Auditors' review under Article 206a of the Treaty relates to the legality of expenditure with reference to the budget and the secondary provision on which the expenditure is based (commonly called 'the basic measure'). Its review is thus distinct from that exercised by the Court of Justice, which concerns the legality of the basic measure.

[...]

JUDGMENT OF THE COURT
23 April 1986*

In Case 294/83

Parti écologiste 'Les Verts', a non-profit-making association, whose headquarters are in Paris, represented by Étienne Tête, special delegate, and Christian Lallement, of the Lyon Bar, with an address for service in Luxembourg at the Chambers of E. Wirion, 1 place du Théâtre,

applicant,

v

European Parliament, represented by Mr Pasetti-Bombardella, Jurisconsult, Roland Bieber, Legal Adviser, Johannes Schoo, Principal Administrator, Jean-Paul Jacqué, Professor at the Faculty of Law and Political Science of the University of Strasbourg, and Jürgen Schwarz, Professor at the University of Hamburg, acting Agents, and by Mr Lyon-Caen, avocat, with an address for service in Luxembourg at its seat, plateau du Kirchberg, BP 1601,

defendant,

APPLICATION for a declaration that two decisions of the Bureau of the European Parliament, the first dated 12 and 13 October 1982 and the second dated 29 October 1983, concerning the allocation of Item 3708 of the budget are void,

THE COURT,

composed of: T. Koopmans, President of Chamber, acting as President, U. Everling, K. Bahlmann and R. Joliet (Presidents of Chambers), G. Bosco, O. Due, Y. Galmot, C. Kakouris and T. F. O'Higgins, Judges,

Advocate General: G. F. Mancini

Registrar: D. Louterman, Administrator

after hearing the Opinion of the Advocate General delivered at the sitting on 4 December 1985,

gives the following

JUDGMENT

(The account of the facts and issues which is contained in the complete text of the judgment is not reproduced)

Decision

1 By an application lodged at the Court Registry on 28 December 1983, 'Les Verts - Parti écologiste', a non-profit-making association whose headquarters are in Paris and whose formation was declared to the préfecture de police on 3 March 1980, brought an action under the second paragraph of Article 173 of the EEC Treaty requesting the Court to declare void the decision of the Bureau of the European Parliament dated 12 October 1982 concerning the allocation of the appropriations entered under Item 3708 of the General Budget of the European Communities and the decision of the enlarged Bureau of the European Parliament dated 29 October 1983 adopting rules governing the use of the appropriations for reimbursement of expenditure incurred by the political groupings having taken part in the 1984 European elections.

[...]

3. The question whether the 1982 Decision and the 1983 Rules are measures intended to produce legal effects *vis-à-vis* third parties

27 The two contested measures both concern the allocation of the appropriations entered in the budget of the European Parliament to cover the cost of preparations for the 1984 European elections. They deal with the allocation of those appropriations to third parties for expenses relating to activities to take place outside the European Parliament. In that regard they govern the rights and obligations both of political groupings which were already represented in the European Parliament in 1979 and of those which were to take part in the 1984 elections. They determine the proportion of the appropriations to be received by each of the groupings, either on the basis of the number of seats obtained in 1979 or on the basis of the number of votes obtained in 1984. For that reason, the measures in question were designed to produce legal effects *vis-à-vis* third parties and may therefore be the subject of an action under Article 173 of the Treaty.

28 The argument that the Court of Auditors' power of review under Article 206a of the Treaty precludes any review by the Court of Justice must be rejected. The Court of Auditors only has power to examine the legality of expenditure with reference to the budget and the secondary provision on which the expenditure is based (commonly called 'the basic measure'). Its review is thus in any event distinct from that exercised by the Court of Justice, which concerns the legality of the basic measure. The measures contested in this case are in reality the equivalent of a basic measure, inasmuch as they provide in principle for the expenditure and lay down the detailed rules according to which the expenditure is to be effected.

[...]

On those grounds,

THE COURT

hereby:

(1) Declares that the decision of the Bureau of the European Parliament dated 12 October 1982 concerning the allocation of the appropriations entered under Item 3708 of the General Budget of the European Communities and the rules adopted by the enlarged Bureau on 29 October 1983 governing the use of the appropriations for reimbursement of expenditure incurred by the political groupings having taken part in the 1984 elections are void;

(2) Orders each party to bear its own costs.

Koopmans
Everling
Bahlmann
Joliet
Bosco
Due
Galmot
Kakouris
O'Higgins

Delivered in open court in Luxembourg on 23 April 1986.

P. Heim
Registrar

T. Koopmans
President of Chamber
acting as President

* Language of the Case: French.