— the claim for compensation should be dismissed;

— the defendant should be ordered to pay the costs.

ORDER OF THE COURT
14 NOVEMBER 1963[1]

In Case 15/63

CLAUDE LASSALLE, an official of the European Parliament,

applicant,

v

EUROPEAN PARLIAMENT,

defendant,

Application to intervene made by the Staff Committee of the European Parliament, represented by the members of the Committee elected on 27 and 28 February 1963 and 5 March 1963, assisted by Ernest Arendt of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of Mr Arendt, 6 rue W-Goergen;

Issues of fact and of law

Whereas on 28 February 1963 Claude Lassalle, an official of the European Parliament, applied to the Court of Justice for the annulment of Notice of Vacancy No 44 of 1 February 1963 at the Directorate-General of the Parliamentary Documentation and Information Division;

Whereas on 21 June 1963 the Staff Committee of the European Parliament applied to intervene in this action in support of the conclusions of the applicant in the original case;

Whereas the intervener maintains that it has the capacity to bring proceedings in order to protect the interests of the staff which it represents;

Whereas in this case the Staff Committee has a legitimate interest in the result of the original case in view of the effect which the decisions will have on the careers of those officials whom it represents;

Whereas the applicant in the original case supports the argument of the intervener;

Whereas the defendant in the original case contends that the application is inadmissible on the ground in particular that, in order to be allowed to intervene, the applicant should have the capacity to be a party in an original action whilst, as it is not a legal person, the Staff Committee could not bring an original action;

1 — Language of the Case: French.

Grounds of judgment

Whereas in support of its application the intervener maintains that, by using the general word 'person', Articles 37 (EEC) and 38 (EAEC) of the Protocols on the Statute of the Court extend the right to intervene to all parties representing an organized focus of legitimate interests;

Whereas there is no reason to believe that the authors of the EEC and EAEC Treaties wished to extend the opportunities to intervene to the point of allowing intervention by entities lacking legal personality or even its basic aspects;

Whereas, in particular, these aspects include independence and responsibility even if limited;

Whereas, in this respect, the provision establishing the Staff Committee, namely Article 9 of the Staff Regulations, should be considered;

Whereas, within the context of the normal functions laid down by the first three subparagraphs of paragraph (3) of that Article which are relevant to this case, manifestations of the will of the Committee are intended to be operative only within the institution;

Whereas in fact these functions are secondary to the activity of the institution;

Whereas, therefore, in the exercise of its functions laid down in the first three subparagraphs of Article 9 (3) of the Staff Regulations the nature of the Staff Committee is that of an internal agency of its institution;

Whereas, therefore, it has no capacity to bring legal proceedings;

Whereas, therefore, its application to intervene must be dismissed as inadmissible;

On those grounds,

Upon reading the pleadings;
Upon hearing the report of the Judge-Rapporteur;
Upon hearing the parties;
Upon hearing the opinion of the Advocate-General;
Having regard to Article 173 of the EEC Treaty and Article 142 of the Treaty of the EAEC;

Having regard to Articles 37 (EEC) and 38 (EAEC) of the Protocols on the Statute of the Court of Justice;
Having regard to the Staff Regulations;
Having regard to Articles 69, 70 and 93 of the Rules of Procedure of the Court of Justice of the European Communities;

THE COURT

composed of: A. M. Donner, President, Ch. L. Hammes and A. Trabucchi (Rapporteur) Presidents of Chambers, L. Delvaux, R. Rossi, R. Lecourt and W. Strauß, Judges

Advocate-General: M. Lagrange
Registrar: A. Van Houtte

hereby orders:

1. **The application to intervene is dismissed as inadmissible;**
2. **The costs of the intervention procedure shall be borne as follows:**
   (a) **in application of Article 70 of the Rules of Procedure the defendant in the original case shall bear its own costs;**
   (b) **having been unsuccessful in their conclusions the applicant in the original case and the intervener shall each bear their own costs.**

Luxembourg, 14 November 1963.

A. Van Houtte
Registrar

A. M. Donner
President

OPINION OF MR ADVOCATE-GENERAL LAGRANGE DELIVERED ON 5 NOVEMBER 1963[1]

Mr President,
Members of the Court,

The fact that in this instance the Court was not content to follow the procedure laid down in Article 93 of the Rules of Procedure but decided the case should be argued by both parties in open court shows the importance of the principle in the question now before you, that is

1 — Translated from the French.