



(10/2015)¹

24.6.2024

NOTICE TO MEMBERS

Subject: Guidelines for the application of Rule 155 of the Rules of Procedure

- Having regard to Rule 155 of the Rules of Procedure,
- Having regard to Articles 263, 265, 267 and 277 of the Treaty on the Functioning of the European Union,
- Having regard to Articles 23, 24, 40 and 62a of the Statute of the Court of Justice,

The Committee on Legal Affairs approved the following guidelines on 24 February 2015:

Procedure

1. For each 6-month period, the Committee on Legal Affairs will appoint a standing rapporteur to deal with disputes.
2. The Secretariat will keep the standing rapporteur informed of all matters relating to disputes. Cases may be raised by the Legal Service or another committee, but the Secretariat may also decide to bring a matter to the attention of the standing rapporteur of its own motion. When cases are raised by another committee, the request by that committee to the Committee on Legal Affairs to issue a recommendation shall be accompanied by the relevant opinion of the Legal Service on the basis of which that committee decided to make its request.
3. The standing rapporteur will take his or her decisions on the basis of a note from the Secretariat and/or the Legal Service.

¹ As last amended by the Committee on Legal Affairs on 26.5.2021.

4. In all matters concerning disputes, the committee will vote in camera, on the basis of the rapporteur's recommendation. Any member may ask the Legal Service for oral explanations on a given case before the committee proceeds to vote.
5. In cases where the deadline set by the court or the Treaties does not allow the above procedure to be followed, a decision may be adopted by written procedure. The matter should then be submitted to the next committee meeting for ratification or otherwise.
6. In urgent cases where the President of Parliament acts alone, he may consult the Chair of the Committee on Legal Affairs or the standing rapporteur, depending on availability.
7. In making recommendations and taking decisions, the standing rapporteur and the committee will take account of the following guidelines.

Actions for annulment

8. Parliament is entitled to take action for the annulment of legal acts adopted by other institutions, bodies, offices or agencies of the Union intended to produce legal effects vis-à-vis third parties on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.
9. In particular, Parliament should bring an action where the Council wrongfully adopted an act without co-deciding with, or requesting the consent of, Parliament, as required by the relevant legal basis. The same applies where the Council did not comply with an essential procedural requirement involving Parliament, such as consultation or re-consultation, or keeping Parliament duly informed.
10. Likewise, Parliament should bring such an action against Commission decisions that do not comply with the relevant delegation of legislative power or power to adopt implementing acts.

Actions for failure to act

11. Parliament should bring an action for failure to act where there has been a clear violation of obligations laid down in acts adopted or co-adopted by Parliament.

Intervention in direct actions to which Parliament is not a party

12. Where the validity of an act adopted or co-adopted by Parliament is at stake, Parliament should intervene in defence of that validity.
13. Where the validity of an act adopted or co-adopted by Parliament is not at stake, Parliament should not intervene, unless the case raises major legal issues that are also relevant to Parliament.
14. However, where an act has been adopted with Parliament's consent, the committee may decide on a case-by-case basis that an intervention in order to defend the validity of that act is justified.
15. Parliament should intervene in an action for failure to act where there has been a clear

violation of obligations laid down in acts adopted or co-adopted by Parliament.

Submission of observations in proceedings for a preliminary ruling

16. Where the validity of an act adopted or co-adopted by Parliament is at stake, be it alone or in combination with a question of interpretation, Parliament should submit observations in defence of that validity.
17. Where only the interpretation of a provision is at stake, Parliament should not submit observations.

Actions in support of Members of the European Parliament or of members of staff

18. Parliament should not intervene or submit observations in support of the interests of individual Members of the European Parliament or of members of staff unless the case has a clear link with the institution.

Actions in the interest of private citizens

19. Without prejudice to point 13, Parliament should take no action in support of the interests of private citizens.

Submission of observations in other procedures

20. Where the Court of Justice has written to Parliament under Article 24 of its statute requesting information, under Article 62a of its statute notifying Parliament of a review procedure, or under Article 196(3) of its Rules of Procedure inviting Parliament to submit observations regarding a request for opinion made in accordance with Article 218(11) TFEU, Parliament should respond where its interests would be affected by the outcome of the procedure and it has a clear institutional position to state.

These Guidelines replace any preceding guidelines and notices concerning the application of Rule 155.