

## I

(Information)

## COURT OF JUSTICE

## COURT OF JUSTICE

## JUDGMENT OF THE COURT

(Grand Chamber)

of 29 June 2004

in Case C-486/01 P: **Front National v European Parliament** <sup>(1)</sup>

**(Appeal — Statement of formation of a group within the meaning of Rule 29(1) of the Rules of Procedure of the European Parliament — Lack of political affinities — Retroactive dissolution of the TDI Group — Cross-appeal — Interpretation of the fourth paragraph of Article 230 EC — Meaning of decision of ‘direct and individual’ concern to a natural or legal person — Inadmissibility of action brought by a national political party)**

(2004/C 217/01)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-486/01 P: Front National, established at Saint-Cloud (France) (avocats: F. Wagner and V. de Poulpiquet de Brescanvel) — appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber, Extended Composition) of 2 October 2001 in Joined Cases T-222/99, T-327/99 and T-329/99 *Martinez and Others v Parliament* [2001] ECR II-2823, seeking to have that judgment set aside, the other party to the proceedings being: European Parliament (Agents: G. Garzón Clariana, J. Schoo and H. Krück) — the Court (Grand Chamber), composed of: V. Skouris, President, P. Jann, C.W.A. Timmermans (Rapporteur), A. Rosas, J.-P. Puissechet and J.N. Cunha Rodrigues (Presidents of Chambers), R. Schintgen, F. Macken, N. Colneric, S. von Bahr and R. Silva de Lapuerta, Judges; D. Ruiz-Jarabo Colomer, Advocate General; M. Múgica Arzamendi, Principal Administrator, for the Registrar, has given a judgment on 29 June 2004, in which it:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 2 October 2001 in Joined Cases T-222/99, T-327/99 and T-329/99 *Martinez and Others v Parliament* in so far as it declared admissible the action brought by the Front National (Case T-327/99);
2. Dismisses as inadmissible the action brought by the Front National for annulment of the European Parliament’s Decision of

14 September 1999 concerning the interpretation of Rule 29(1) of the Parliament’s Rules of Procedure and dissolving with retroactive effect the ‘Groupe technique des députés indépendants (TDI) – Groupe mixte’;

3. Finds that there is no longer any need to adjudicate on the appeal brought by the Front National against the judgment referred to in paragraph 1 of the operative part of this judgment;
4. Orders the Front National to pay the costs incurred by the European Parliament both in these proceedings and in the proceedings for interim measures.

<sup>(1)</sup> OJ C 84 of 6.4.2002.

## JUDGMENT OF THE COURT

(Second Chamber)

of 8 July 2004

**in Joined Cases C-502/01 and C-31/02 (reference for a preliminary ruling from the Sozialgericht Hannover and the Sozialgericht Aachen): Silke Gaumain-Cerri v Kaufmännische Krankenkasse-Pflegekasse, and Maria Barth v Landesversicherungsanstalt Rheinprovinz** <sup>(1)</sup>

**(Social security — Freedom of movement for workers — EC Treaty — Council Regulation (EEC) No 1408/71 — Benefits designed to cover the risk of becoming reliant on care — Payment by the care insurance of old age insurance contributions of the carer assisting the reliant person)**

(2004/C 217/02)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Joined Cases C-502/01 and C-31/02: Reference to the Court under Article 234 EC from the the Sozialgericht Hannover

(Germany) (C-502/01) and the Sozialgericht Aachen (Germany) (C-31/02) for a preliminary ruling in the proceedings pending before that court between Silke Gaumain-Cerri and Maria Barth and Kaufmännische Krankenkasse-Pflegekasse, and Landesversicherungsanstalt Rheinprovinz — on the interpretation of the provisions of the EC Treaty and of secondary legislation relating to freedom of movement of Union citizens and in particular of Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community as amended and updated by Regulation (EC) No 118/97 of 2 December 1996 (OJ 1997 L 28, p. 1) — the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, J.-P. Puissechet (Rapporteur), R. Schintgen, F. Macken and N. Colneric, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 8 July 2004 in which it has ruled:

## JUDGMENT OF THE COURT

(Full Court)

of 29 June 2004

**in Case C-110/02: Commission of the European Communities v Council of the European Union <sup>(1)</sup>**

**(Aid granted by the Portuguese Government to pig farmers — Aid intended to allow the repayment of aid declared incompatible with the common market — Council decision declaring such aid compatible with the common market — Illegality — Third subparagraph of Article 88(2) EC)**

(2004/C 217/03)

(Language of the case: French)

1. A benefit such as the payment, by the body providing care insurance, of old age insurance contributions of the third party providing care in the home of a reliant person in the circumstances of the cases in the main proceedings constitutes a sickness benefit to the advantage of the reliant person covered by Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community as amended and updated by Regulation (EC) No 118/97 of 2 December 1996.

2. So far as concerns benefits such as those under German care insurance accorded in the circumstances of the cases in the main proceedings to an insured person resident on the territory of the competent State or to a person resident on the territory of another Member State and covered by that insurance as a member of the family of a worker, the Treaty, in particular Article 17 EC, and Regulation No 1408/71, as amended and updated by Regulation No 118/97, preclude payment of the old age insurance contributions of a national of a Member State in the position of the third party caring for the recipient of those benefits being refused by the competent institution on the ground that that third party or the aforementioned recipient resides in a Member State other than the competent State.

(Provisional translation; the definitive translation will be published in the European Court reports)

In Case C-110/02: Commission of the European Communities (Agents: F. Santaolalla Gadea, D. Triantafyllou and V. Di Bucci) v Council of the European Union (Agents: J. Carbery and F. Florindo Gijón) supported by Portuguese Republic (Agent: L. Fernandes and I. Palma) and French Republic (Agent: G. de Bergues and F. Million) — application for the annulment of Council Decision 2002/114/EC of 21 January 2002 authorising the Government of Portugal to grant aid to Portuguese pig farmers who were beneficiaries of the measures granted in 1994 and 1998 (OJ 2002 L 43, p. 18) — the Court (Full Court), composed of: V. Skouris, President, P. Jann, C.W.A. Timmermans, A. Rosas, C. Gulmann, J.-P. Puissechet and J.N. Cunha Rodrigues, Presidents of Chambers, A. La Pergola, R. Schintgen, F. Macken, N. Colneric, S. von Bahr and K. Lenaerts (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 29 June 2004, in which it:

1. Annuls Council Decision 2002/114 /EC of 21 January 2002 authorising the Government of Portugal to grant aid to Portuguese pig farmers who were beneficiaries of the measures granted in 1994 and 1998;
2. Orders the Council of the European Union to pay the costs;
3. Orders the Portuguese Republic and the French Republic to bear their own costs.

<sup>(1)</sup> OJ C 84 of 6.4.2002.  
OJ C 109 of 4.5.2002.

<sup>(1)</sup> OJ C 131 of 1.6.2002.