

ORDER OF THE FOURTH CHAMBER OF THE COURT

20 April 1988 *

In Joined Cases 146 and 431/85 — Interpretation

Claude Maindiaux and Others, officials of the Economic and Social Committee, represented by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Yvette Hamilius, 10 boulevard Royal,

applicants,

v

Economic and Social Committee, represented by Detlef Bruggemann, a member of its Personnel Directorate, assisted by Alex Bonn, of the Luxembourg Bar, with an address for service in Luxembourg at the latter's Chambers, 22 côte d'Eich,

and

Claus Diezler and Others, represented by Marcel Slusny, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 4 avenue Marie-Thérèse,

defendants,

APPLICATION for the interpretation of the judgment delivered by the Court on 27 October 1987 in Joined Cases 146 and 431/85,

THE COURT (Fourth Chamber)

composed of: G. C. Rodríguez Iglesias, President of Chamber, T. Koopmans and C. Kakouris, Judges,

Advocate General: Sir Gordon Slynn
Registrar: J.-G. Giraud

after hearing the views of the Advocate General,

makes the following

* Language of the Case: French.

Order

- 1 By application of 20 November 1987, Claude Maindiaux and Others, interveners in Joined Cases 146 and 431/85 *Claus Diezler and Others v Economic and Social Committee* [1987] ECR 4283), lodged an application under Article 40 of the Protocol on the Statute of the Court of Justice of the EEC and Article 102 of the Rules of Procedure, for the interpretation of the judgment delivered on 27 October 1987 in the said cases. -
- 2 By that judgment the Court annulled 'the decision of the general meeting of the staff of the Economic and Social Committee of 19 April 1985 on a voting system for the election of its Staff Committee . . . '.
- 3 The Economic and Social Committee argues in its observations that the application is inadmissible on the ground that only the main parties to the proceedings in the strict sense of the expression and not interveners may apply for the interpretation of a judgment. The other defendants made no observations on that point.
- 4 It should be observed in that connection that Article 40 of the Protocol on the Statute of the Court of Justice of the EEC makes it possible for parties to the main proceedings to apply for an interpretation, but draws no distinction between the main parties and interveners. In view of the purpose of Article 40, the term 'party' is to be broadly construed so as to include interveners. Under Article 37 of the Protocol on the Statute of the Court of Justice interveners are permitted to intervene because they can establish a 'interest in the result of [a] case' which is autonomous and independent with respect to the party whose conclusions they support; consequently, they must be allowed to submit an application for interpretation even if the party whose conclusions they support has not done so. The objection of inadmissibility cannot therefore be upheld.
- 5 It should next be observed that, as is clear from previous judgments of the Court, an application for interpretation must, in order to be admissible, seek to resolve obscurity or ambiguity affecting the meaning or scope of the judgment (judgment of 7 April 1965 in Case 70/63 A *High Authority v Collotti and the Court of Justice*

[1965] ECR 275; judgment of 13 July 1966 in Case 110/63 A *Willame v Commission of the EAEC* [1966] ECR 287; order of 29 September 1983 in Case 9/81 — Interpretation *Court of Auditors v Williams* [1983] ECR 2859).

- 6 Furthermore, an application for interpretation must essentially seek an interpretation of the operative part together with the essential grounds (judgment of 28 June 1955 in Case 5/55 *Assider v High Authority* [1955] ECR 135). Such an application is not admissible where it relates to points not decided by the judgment or where it seeks to obtain from the Court an opinion on the application, implementation or consequences of the judgment (order of 29 September 1983 in Case 206/81 A *Alvarez v European Parliament* [1983] ECR 2865; order of 11 December 1986 in Case 25/86 *Suss v Commission* [1986] ECR 3929; order in Case 9/81 — Interpretation *Court of Auditors v Williams* cited above).
- 7 In this instance, the application for interpretation essentially seeks to establish whether as a result of the annulment, by the operative part of the judgment whose interpretation is sought, of the decision of the general meeting of the staff of the Economic and Social Committee of 19 April 1985 on a voting system for the election of its Staff Committee, a new general meeting may or must be convened with a view to the possible adoption of a new voting system on the basis of which the forthcoming elections should be conducted.
- 8 That question was neither considered nor decided by the judgment in question. Consequently, the application does not seek clarification of a point decided by the judgment but seeks to obtain from the Court an opinion as to its implementation and consequences, as the defendants rightly contend. The application for interpretation must therefore be dismissed as inadmissible.
- 9 In the light of the foregoing it is appropriate to decide on the admissibility of the application for interpretation in an order, without any oral procedure and without there being any need for the parties to submit further observations in support of their conclusions.

Costs

- 10 Under Article 69 (2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been asked for in the successful party's pleading. However, under Article 70 of the Rules of Procedure, costs incurred by the institutions in applications by officials of the Communities are to be borne by the institutions themselves.

On those grounds,

THE COURT (Fourth Chamber)

hereby orders as follows:

- (1) The application for interpretation is dismissed as inadmissible;**
- (2) The parties shall bear their own costs.**

Luxembourg, 20 April 1988.

J.-G. Giraud
Registrar

G. C. Rodríguez Iglesias
President of the Fourth Chamber