

Case 276/86

Mohamed Belkacem
v
Federal Republic of Germany
(Lack of jurisdiction of the Court)

Order of the Court, 17 December 1986 3975

Summary of the Order

Procedure — Action by a natural or legal person against a Member State for the annulment of decisions of national courts — Lack of jurisdiction of the Court
(Rules of Procedure, Art. 92 (1))

ORDER OF THE COURT
17 December 1986 *

In Case 276/86

Mohamed Belkacem, residing in Berlin, Gardes-du-Corps-Straße 10a, represented
by Rupert Müller-Voss, Rechtsanwalt of Berlin, Konstanzer Straße 55,

applicant,

v

Federal Republic of Germany,

defendant,

* Language of the Case: German.

APPLICATION for the annulment of the decisions of the Amtsgericht Charlottenburg of 30 April 1986 and of the Kammergericht Berlin of 8 August 1986,

THE COURT

composed of: Lord Mackenzie Stuart, President, Y. Galmot, C. Kakouris, T. F. O'Higgins and F. Schockweiler (Presidents of Chambers), G. Bosco, T. Koopmans, O. Due, U. Everling, K. Bahlmann, R. Joliet, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges,

Advocate General: C. O. Lenz

Registrar: P. Heim

after hearing the views of the Advocate General,

makes the following

ORDER

- 1 By application lodged at the Court Registry on 27 October 1986 and registered on 13 November 1986, Mohamed Belkacem, an Algerian national residing in Berlin (West), brought an action against the Federal Republic of Germany for the annulment of the decision of the Amtsgericht Charlottenburg of 30 April 1986 and of the decision of the Kammergericht Berlin of 8 August 1986.
- 2 The decisions in question were given in a dispute between Mr Belkacem and his wife, also an Algerian national, concerning the right to the custody of the children of the marriage. Mr Belkacem considers that these decisions are contrary to the principles of non-discrimination and the free movement of persons enshrined in Articles 7, 48 and 53 of the EEC Treaty.

- 3 No provision of the Treaty provides for the possibility for a natural or legal person to bring an action against a Member State before the Court of Justice for the annulment of decisions of national courts.
- 4 Since it is clear that the Court has no jurisdiction to take cognizance of the present application, it is necessary, pursuant to Article 92 (1) of the Rules of Procedure, to declare the application inadmissible even before it is served on the party against whom it is made.
- 5 Under Article 69 (2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs. As the applicant has failed in his submissions, he must be ordered to pay the costs.

On those grounds,

THE COURT

hereby orders as follows:

- (1) The application is dismissed;
- (2) The applicant is ordered to pay the costs.

Luxembourg, 17 December 1986.

P. Heim

Registrar

A. J. Mackenzie Stuart

President