

# Case T-321/02

Paul Vannieuwenhuyze-Morin

v

European Parliament and Council of the European Union

(Action for annulment — Directive 2002/58/EC — Natural or legal persons —  
Capacity to bring proceedings — Inadmissibility)

Order of the Court of First Instance (Fourth Chamber), 6 May 2003 . . . II - 1999

## Summary of the Order

*Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector — Provisions regulating unsolicited electronic communications — Internet user — Action inadmissible*  
(Art. 230, fourth para., EC; Directive 2002/58 of the European Parliament and of the Council, Art. 13(1) to (3))

Persons other than those to whom a measure is addressed may claim to be individually concerned, for the purposes of the fourth paragraph of Article 230 EC, only if that measure affects them by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons and by virtue of these factors distinguishes them individually just as in the case of the person addressed.

An internet user who uses the net to send unsolicited applications to potential employers when he is seeking employment and also to carry out direct mailing over the internet to make himself known and to spread his ideas is not individually concerned by Article 13(1) to (3) of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data

and the protection of privacy in the electronic communications sector, which regulate unsolicited electronic communications.

The rules in that directive, particularly in Article 13(1) to (3), are set out in general terms, apply to objectively determined situations and produce legal effects in relation to categories of persons considered generally and objectively, namely providers of electronic communications services and any users of or subscribers to those services. Directive 2002/58 therefore concerns such a user only in his objective capacity as an internet user, in the same way as all other business users of the internet.

(see paras 26, 28-29, 32)