



## Reports of Cases

### Case C-326/16 P

LL  
v  
**European Parliament**

(Appeal — Action for annulment — Sixth paragraph of Article 263 TFEU — Admissibility — Time limit for instituting proceedings — Calculation — Former Member of the European Parliament — Decision relating to the recovery of parliamentary assistance allowances — Implementing Measures for the Statute for Members of the European Parliament — Article 72 — Complaint procedure within the European Parliament — Notification of the decision adversely affecting a Member of the European Parliament — Registered letter not collected by its addressee)

Summary — Judgment of the Court (Fifth Chamber), 21 February 2018

1. *European Parliament — Rules on costs and indemnities of MEPs — Recovery of sums unduly paid — Decision of the Secretary General of the Parliament — Complaint — Optional — Application to the EU judicature — Lawfulness — Point at which the period for bringing an action for annulment begins to run*

(Art. 263 TFEU; Charter of Fundamental Rights of the European Union, Art. 47; Decision of the Bureau of the European Parliament concerning implementing measures for the Statute for Members of the European Parliament, Art. 72)

2. *Action for annulment — Time limits — Point at which the period begins to run — Date of notification of the decision — Day on which a measure came to the knowledge of the applicant — Burden of proof*

(Art. 263, sixth para., TFEU and 297(2), third para., TFEU)

1. The complaint procedure set out in Article 72 of the Decision of the Bureau of the European Parliament concerning implementing measures for the Statute for Members of the European Parliament is optional. In that regard, the object of an administrative remedy, whether optional or not, is to enable and encourage the amicable settlement of differences arising between the person concerned and the administration in order to avoid litigation. It follows, in particular, that whether an administrative remedy is optional or obligatory has no effect on the fact that a preliminary administrative procedure constitutes a pre-litigation remedy. Accordingly, it cannot be found, in particular with regard to the right to an effective legal remedy enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, that instituting a complaint procedure within the meaning of Article 72 of that decision prejudices the right to bring legal proceedings against the decision at issue.

In that regard, the lack of a prescribed period within which the Parliament's administration must reply to complaints brought under Article 72 of the Decision of the Bureau of the European Parliament in the context of an optional administrative procedure would not restrict access to the courts, in so far as the person concerned may, at any moment, withdraw from that preliminary administrative

procedure and institute legal proceedings. Accordingly the EU judicature cannot find that the action was brought out of time without taking account of the complaint procedure initiated in accordance with Article 72 of that decision.

(see paras 24-26, 28, 35)

2. See the text of the decision.

(see paras 48, 49)