

(b) If that question is answered in the negative: Does the first half of the final sentence of Article 2(8) of Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts require an interpretation of the national legislation to the effect that the court (the independent body) clarifies of its own motion, without specific assertions (and certainly without relevant offers of evidence) made by one of the parties, whether the invitation to tender in question is not an individual project, but merely a part-project and — in the event that the latter is the case — whether the overall project has an estimated contract value of more than EUR 5 million, or is such a view prohibited precisely because the onus of proof and obligation to produce evidence imposed on the party constitutes the essential difference between a procedure in which both sides are heard and inquisitorial proceedings?

(1) OJ 1989 L 395, p. 33.

Reference for a preliminary ruling by the Verfassungsgerichtshof, Vienna, by order of 12 December 2000 in the case of the Rechnungshof against 1. Österreichischer Rundfunk, 2. Wirtschaftskammer Steiermark, 3. Marktgemeinde Kaltenleutgeben, 4. Land Niederösterreich, 5. Oesterreichische Nationalbank, 6. Stadt Wiener Neustadt, 7. Austrian Airlines, Österreichische Luftverkehrs-AG

(Case C-465/00)

(2001/C 79/22)

Reference has been made to the Court of Justice of the European Communities by order of the Verfassungsgerichtshof, Vienna, by order of 12 December 2000, received at the Court Registry on 28 December 2000 for a preliminary ruling in the case of the Rechnungshof against 1. Österreichischer Rundfunk, 2. Wirtschaftskammer Steiermark, 3. Marktgemeinde Kaltenleutgeben, 4. Land Niederösterreich, 5. Oesterreichische Nationalbank, 6. Stadt Wiener Neustadt, 7. Austrian Airlines, Österreichische Luftverkehrs-AG on the following questions:

1. Are the provisions of Community law, in particular those on data protection, to be interpreted as precluding national rules which require a State body to collect and pass on data on income for the purpose of publishing the names and income of employees of:
 - (a) a regional or local authority,
 - (b) a broadcasting organisation governed by public law,

- (c) a national central bank,
- (d) a statutory body representing its members' interests,
- (e) a partially State-controlled undertaking which is operated for profit?

2. If the answer to at least part of the above question is in the affirmative:

Are the provisions precluding the abovementioned national rules directly applicable, in the sense that persons obliged to disclose data may rely on them to prevent the application of conflicting national rules?

Appeal brought on 22 December 2000 by the European Parliament against the judgment delivered on 26 October 2000 by the Fourth Chamber of the Court of First Instance of the European Communities in Joined Cases T-83/99, T-84/99 and T-85/99 between Ripa di Meana and Others and the European Parliament

(Case C-470/00 P)

(2001/C 79/23)

An appeal against the judgment delivered on 26 October 2000 by the Fourth Chamber of the Court of First Instance of the European Communities in Joined Cases T-83/99, T-84/99 and T-85/99 between Ripa di Meana and Others and the European Parliament was brought before the Court of Justice of the European Communities on 22 December 2000 by the European Parliament, represented by A. Caiola and G. Ricci, acting as Agents, with an address for service in Luxembourg.

The appellant claims that the Court should:

1. set aside the judgment of the Court of First Instance of 26 October 2000 in Cases T-83/99 and T-84/99 Carlo Ripa di Meana and Leoluca Orlando and the European Parliament;
2. in consequence, declare the applications of the said applicants at first instance inadmissible and unfounded, and
3. order the applicants at first instance to pay the whole of the costs of the proceedings before the Court of First Instance and the Court of Justice.

Pleas in law and main arguments

The European Parliament puts forward three pleas in law in support of its appeal, two of which relate to admissibility and the third to the substance, the last being subdivided into various parts and supported by a number of legal arguments. Its grounds of appeal are as follows: