

Appeal brought on 16 January 2004 by Mr G. Krikorian, Mrs S. Krikorian (née Tatoyan) and the Euro-Armenia Association against the order made on 17 December 2003 by the First Chamber of the Court of First Instance of the European Communities in Case T-346/03 G. Krikorian and Others v Parliament, Council and Commission and against the order made on 17 December 2003 by the President of the Court of First Instance in Case T-346/03 R G. Krikorian and Others v Parliament, Council and Commission between G. Krikorian and Others and the Parliament, the Council and the Commission of the European Communities

(Case C-18/04 P)

(2004/C 94/37)

An appeal against the order made on 17 December 2003 by the First Chamber of the Court of First Instance in Case T-346/03 (*G. Krikorian and Others v Parliament, Council and Commission*) and against the order made on 17 December 2003 by the President of the Court of First Instance in case T-346/03 R (*G. Krikorian and Others v Parliament, Council and Commission*) between G. Krikorian and Others and the Parliament, the Council and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 16 January 2004 by Mr G. Krikorian, Mrs S. Krikorian (née Tatoyan) and the Euro-Armenia Association.

The appellants claim that the Court should:

1. set aside in its entirety the order made on 17 December 2003 and notified by registered letter received on 6 January 2004, by which the Court of First Instance of the European Communities (First Chamber), in Case T-346/03 *G. Krikorian and Others v Parliament, Council and Commission*, dismissed, pursuant to Article 111 of its Rules of Procedure, the appellants' action for damages on the ground that it was manifestly lacking any foundation in law;
2. set aside in its entirety the order made on 17 December 2003 and notified by registered letter received on 6 January 2004, by which the President of the Court of First Instance, in Case T-346/03 *G. Krikorian and Others v Parliament, Council and Commission*, held that as a consequence there was no longer any need to adjudicate on the application for interim measures;
3. allow all the forms of order claimed at first instance and, as a consequence:
 - (a) declare that the Resolution of 18 June 1987 by which the European Parliament acknowledged the historic reality of the Armenian genocide – perpetrated by the 'Young Turk' Government in 1915 against 1 500 000 innocent Armenian victims – and considered modern Turkey's failure to acknowledge it an insurmountable obstacle to consideration of Turkey's accession to the European Union, an act giving rise to legitimate expectations on the part of European citizens of Armenian

origin and thus on the part of the appellants, has binding legal force with regard to the European Community;

- (b) hold that by their complete failure to draw political and legal consequences from the abovementioned resolution, the European Parliament, the Council of the European Union and the Commission of the European Communities have committed a sufficiently serious infringement of Community law, which is to the detriment of the appellants;
- (c) order the three abovementioned Community institutions jointly and severally liable to pay each of the appellants the sum of EUR 1 (one euro) by way of damages in respect of the non-pecuniary damage caused to them by that infringement of Community law, attributable to the Community institutions; In the alternative,

Having set aside the two contested orders in their entirety:

4. refer the case back to the Court of First Instance for adjudication;
5. hold that the Court of First Instance will be bound as regards any points of law decided by the Court of Justice and, in particular, as regards the binding legal force, for the defendant institutions, of the European Parliament's resolution of 18 June 1987, which gave rise to a legitimate expectation on the part of the appellants that the Community institutions would adhere to the terms of that resolution;

In any event,

6. order the Community institutions jointly and severally to pay the costs.

Pleas in law and main arguments

- Procedural irregularities which have prejudiced the appellants' interests:
 1. in dismissing the appellants' action for damages, the Court of First Instance infringed Article 111 of its Rules of Procedure;
 2. in ordering the appellants to pay the costs, the Court of First Instance infringed Article 87(3) of its Rules of Procedure, and its order is also vitiated by inadequate reasoning;
 3. consideration of the contested order further shows an infringement of Articles 6(1) and 13 of the European Convention on Human Rights and Article 1 of the First Protocol thereto, as well as a breach of the principle of effective judicial protection;
- Infringement of Community law: in making the contested order, the Court of First Instance infringed the principles of the protection of legitimate expectations, of legal certainty and of acquired rights.