

Appeal brought on 19 September 2005 by le Front National, M.F. Stirbois, B. Gollnisch, C. Lang, J.C. Martinez, Ph. Claeys, K. Dillen and M. Borghesio against the judgment delivered on 11 July 2005 by the Court of First Instance of the European Communities (Second Chamber) in Case T-17/04 between Le Front National and Others and the European Parliament and the Counsel of the European Union

(Case C-338/05 P)

(2005/C 315/16)

(Language of the case: French)

An appeal against the judgment delivered on 11 July 2005 by the Court of First Instance of the European Communities (Second Chamber) in Case T-17/04 between Le Front National and Others and the European Parliament and the Council of the European Union was brought before the Court of Justice of the European Communities on 19 September 2005 by Le Front National and Others, represented by W. De Saint-Just, avocat.

The applicants claim that the Court should:

set aside, with all the legal consequences flowing therefrom, the judgment under appeal dated 11 July 2005.

Pleas in law and main arguments

The appellants, le Front National, a political party, and European members of various national political groupings (Front National, Lega Nord, Vlaams Blok) brought an application before the Court of First Instance for the annulment of Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding⁽¹⁾, in particular on the grounds that it is unlawful, it infringes the principles of equality, transparency, political pluralism and subsidiarity and that there is a presumption of abuse of process.

In the judgment under appeal of 11 July 2005, the Court of First Instance decided, firstly (paragraph 48), that the Front National is directly affected by the contested regulation. However, the Court of First Instance decided (paragraph 52) that those appellants who are elected members of political groupings are not themselves directly concerned by the contested regulation. It is, however, clear that those members, who are elected representatives, can be distinguished by their activities and involvement within their political parties from 'any other citizen'. They therefore have grounds on which to challenge a measure which would undermine the rights pertaining to and the rules governing the political groupings of which they are members. The Court of First Instance decided, however (paragraph 66), that the Front National is not individually concerned by the contested regulation.

On this point, the Court of First Instance accepted the European Parliament's arguments that Article 4 of that regulation was not intended to be immediately applicable and thus 'there is therefore no effect flowing directly from Regulation 2004/2003 as regards the Front National'.

Nevertheless, Article 13 of that regulation states that 'Articles 4 to 10 shall apply from the date of the opening of the first session held after the European Parliament elections of June 2004'. In view of the fact that the Front National submits a list of candidates in all the major French regions for the European elections and that there is no doubt that some of its candidates will be elected in view of the fact that it is a body with a high level of representation within France, it would not be an extrapolation or 'speculation' to state that the Front National will have representatives in the European Parliament. On this view, it is directly concerned by the provisions of the regulation on 'the regulations governing political parties at European level and the rules regarding their funding'.

⁽¹⁾ (OJ 2003 L 297, p. 1).

Reference for a preliminary ruling from the Cour du travail de Liège by judgment of that court of 6 September 2005 in the case of Monique Chateignier v Office national de L'emploi (O.N.Em)

(Case C-346/05)

(2005/C 315/17)

(Language of the case: French)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour du travail de Liège of 6 September 2005, received at the Court Registry on 22 September 2005, for a preliminary ruling in the proceedings between Monique Chateignier and Office national de L'emploi, (O.N.Em) on the following question:

Do Article 39(2) of the Treaty and Article 3(1) of Regulation No 1408/71 which guarantee equal treatment for workers of the Member States and the free movement of persons (including workers), permit Article 67(3) of Regulation No 1408/71⁽¹⁾ to be interpreted as imposing an obligation on a worker who is a national of a Member State to complete a period of employment giving the right to unemployment benefits in the State of residence even where the internal law of that State does not impose such an obligation in the case of a foreign worker whether he is from a Member State or not?

⁽¹⁾ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (English special edition: Series I Chapter 1971(II) p. 416)