

## Case T-54/89

Mrs V.

v

### European Parliament

(Official — Member of the temporary staff —  
Conditions for being retired on the ground of invalidity —  
Invalidity Committee)

Judgment of the Court of First Instance (Fourth Chamber), 22 November 1990 ..... 661

#### Summary of the Judgment

1. *Officials — Invalidity — Invalidity Committee — Collegial nature of its work — Scope — Keeping of Minutes — Not an essential condition (Staff Regulations, Annex II, Art. 7)*
2. *Officials — Actions — Act adversely affecting an official — Definition — Letter notifying the conclusions of the Invalidity Committee — Not included (Staff Regulations, Arts 90 and 91; Annex II, Art. 9, second paragraph)*
3. *Officials — Invalidity — Competent authority to determine the state of invalidity of a member of the temporary staff — Invalidity Committee — Lack of authority of the appointing authority (Conditions of Employment of Other Servants, Art. 33(2))*
4. *Officials — Sick-leave — Proof of sickness — Production of a medical certificate not giving reasons — Inadequate — Production of a certificate containing a diagnosis contradicted by the conclusions of the Invalidity Committee and by a visit by the medical officer — Rejection of the certificate (Staff Regulations, Art. 59)*

5. *Officials — Member of the temporary staff — Dismissal — Termination of a contract of unlimited duration before the notification to the person concerned of the conclusions of the Invalidity Committee — Lawfulness*

(*Conditions of Employment of Other Servants, Arts 47 and 48*)

1. The collegial nature of the work of the Invalidity Committee does not prevent the exchange of views between its members taking place partly in writing. Moreover, the existence of Minutes is not an essential condition for the validity of the Invalidity Committee's deliberations.
2. The letter by which, pursuant to the second paragraph of Article 9 of Annex II to the Staff Regulations, the official is informed of the conclusions of the Invalidity Committee does not constitute a decision by the appointing authority capable of being the subject of an application for annulment.
3. It follows from Article 33(2) of the Conditions of Employment of Other Servants that where the Invalidity Committee has reached the conclusion that a member of the temporary staff is not suffering from invalidity, the appointing authority cannot take a contrary decision.
4. The presentation of a certificate which does not state grounds is no medical justification for an official to be absent from work; nor is the production of a certificate referring to a diagnosis contradicted both by the Invalidity Committee's conclusions and by a visit by the institution's medical adviser.
5. Articles 47 and 48 of the Conditions of Employment do not prevent the unilateral termination, without a statement of reasons, of a contract of employment of indefinite length of a member of the temporary staff. That is so even during a period of sick-leave, the only condition being that where the contract provides for notice, the period of notice cannot begin to run during the sick-leave provided the sick-leave does not exceed three months. There is no provision that the effect of invalidity proceedings is to suspend the appointing authority's right to terminate the contract of a member of the temporary staff until he has been informed of the Invalidity Committee's opinion. The sole fact that the decision to dismiss him was adopted before he was informed of the Invalidity Committee's opinion does not justify a finding that there was a misuse of power.