

## Case T-62/89

**José Manuel Pinto Teixeira**

v

**Commission of the European Communities**

(Official — Former member of EAC staff —  
Classification on recruitment as a probationary official —  
Portuguese national)

Judgment of the Court of First Instance (Fourth Chamber), 27 March 1990 ..... 122

### Summary of the Judgment

- 1. Officials — Recruitment — Special rules applicable to Spanish and Portuguese nationals — Special rules applicable to overseas staff of the European Association for Cooperation — Separate sets of rules  
(Council Regulations Nos 3517/85 and 3018/87)*
- 2. Officials — Recruitment — Special rules applicable to overseas staff of the European Association for Cooperation — Powers of the Commission — Limits  
(Council Regulation No 3018/87, Art. 3)*

1. The special and temporary measures laid down in Regulation No 3517/85 for the recruitment of Spanish and Portuguese nationals upon the accession of Spain and Portugal and by Regulation No 3018/87 for the recruitment of overseas staff of the European Association for Cooperation were adopted for two specific purposes and thus constitute two independent sets of rules.

It follows that an official recruited on the basis of the special and temporary

measures for recruitment laid down by either of those regulations may not claim the benefit, in whole or in part, of the special and temporary measures for recruitment laid down by the other regulation.

2. The European Association for Cooperation is an association governed by Belgian law and cannot, therefore, be regarded as an administrative unit of the Commission.

It follows that the engagement and appointment by the Commission of a member of the overseas staff of the Association constitutes recruitment from outside the institutions and that the Commission cannot, therefore, be under

any obligation to verify and, if necessary, modify that person's classification with the Association on the basis of which he or she was classified on recruitment as an official of the European Communities.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)  
27 March 1990 \*

In Case T-62/89

**José Manuel Pinto Teixeira**, an official of the Commission of the European Communities, residing at Mbabane, Swaziland, represented by Edmond Lebrun, of the Brussels Bar, with an address for service in Luxembourg at the chambers of Tony Bieber, 83, boulevard Grande-Duchesse-Charlotte,

applicant,

v

**Commission of the European Communities**, represented by Sean van Raepenbusch, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

defendant,

APPLICATION for the annulment of the decisions of the Commission appointing the applicant as a probationary and subsequently as an established official, in so far as they determine his grade and step, and for recognition of his classification in Grade A 6, Step 2,

\* Language of the case: French.