

Case T-8/90

Michel Colmant

v

Commission of the European Communities

(Officials — Partial permanent invalidity — Aggravation of injuries — Method of calculating allowance in the event of aggravation of injuries)

Judgment of the Court of First Instance (Fourth Chamber), 28 February
1992 II - 470

Summary of the Judgment

1. *Officials — Social security — Insurance against the risk of accident and of occupational disease — Invalidity — Method of calculating allowance in the event of aggravation of injuries*
(*Staff Regulations of Officials, Art. 73(2)(c); Rules on the Insurance of Officials of the European Communities against the Risk of Accident and of Occupational Disease, Art. 2*)
2. *Officials — Social security — Insurance against the risk of accident and of occupational disease — Invalidity — Benefits — Lump sum — Compensation payable in the event of invalidity — Aggravation of injuries — Revaluation taking currency depreciation into account — Not permissible*
(*Staff Regulations of Officials, Art. 73(2)(b) and (c)*)

1. The compensation provided for in Article 73(2)(c) of the Staff Regulations must be calculated, in the event of aggravation of injuries subsequent to the date of the accident, on the basis of the amounts of monthly salary received during the

twelve months before the accident and not on the basis of the amounts of monthly salary received during the twelve months before the date of consolidation of the aggravation of the injuries.

Aggravation of injuries cannot be assimilated to a new accident within the meaning of Article 2 of the Rules on the Insurance of Officials of the European Communities against the Risk of Accident and of Occupational Disease nor, consequently, can it constitute a new event giving rise to compensation. Any other interpretation would lead to introducing a system of compensation varying according to whether the injuries caused by the accident manifest themselves immediately after it or only at a later date, at the risk of bringing about unequal treatment of officials who have been the victim of an accident within the meaning of the abovementioned Rules.

2. The benefits referred to in Article 73 of the Staff Regulations are social security benefits and not benefits intended to

make good loss and damage in the context of an action for damages. The allowance provided for in Article 73(2)(b) and (c) of the Staff Regulations therefore represents the performance not of an obligation to make good loss and damage but of an obligation to pay a fixed sum of money assessed on the basis of the lasting effects of an accident.

In the event of aggravation of the injuries subsequent to the accident, that allowance, by reason both of its lump-sum nature and of the lack of provisions in the Staff Regulations or in the Rules on Insurance against the Risk of Accident authorizing an increase, cannot be increased, once the injuries have become consolidated, in order to take account of currency depreciation which has occurred in the meantime.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
28 February 1992 *

In Case T-8/90,

Michel Colmant, an official of the Commission of the European Communities, residing in Brussels, represented by Edmond Lebrun, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of L. Schiltz, 2 Rue du Fort Rheinsheim,

applicant,

* Language of the case: French.