

Case T-11/90

H. S.

v

Council of the European Communities

(Inadmissibility)

Order of the Court of First Instance (Third Chamber), 24 June 1992 II - 1870

Summary of the Order

1. *Officials — Actions — Action challenging the organization of annual medical check-ups — No act adversely affecting the official — Obligation to submit a request under Article 90(1) of the Staff Regulations*
(Staff Regulations, Arts 59(4), 90 and 91)
2. *Officials — Actions — Claim for compensation linked with a claim for annulment — Inadmissibility of the claim for annulment rendering the claim for compensation inadmissible*
(Staff Regulations, Arts 90 and 91)

1. Since Article 59(4) of the Staff Regulations, which requires officials to undergo a medical check-up every year, does not provide for any measure to be taken by the institution concerning the check-up, an official who alleges an irregularity or fault on the part of the medical department committed at the time of that check-up must, if unable to establish the existence of any measure ranking as a decision which adversely affected him within the meaning of Article 90(2) of the Staff Regulations, commence the pre-litigation procedure by making a request under Article 90(1) of the Staff Regulations. It is only against the decision reject-

ing that request that the official may complain to the administration under Article 90(2) of the Staff Regulations.

2. Where an official, pursuant to Article 179 of the EEC Treaty, brings an action seeking at the same time the annulment of an act of an institution and the award of compensation for damage caused by that act, the claims are so closely linked that the inadmissibility of the claim for annulment entails the inadmissibility of the action for compensation.