

Case T-124/04

Jamal Ouariachi

v

Commission of the European Communities

(Action for damages — Non-contractual liability of the Community — Damage caused by a member of staff in the performance of his duties — Absence of causal link)

Order of the Court of First Instance (Fifth Chamber), 26 October 2005 . . . II - 4655

Summary of the Order

Non-contractual liability — Compensation for damage caused by servants of the Community in the performance of their duties — Activity not included in the performance of the duties of that servant — No liability

(Art. 288, second para., EC)

By referring at one and the same time to damage caused by the institutions and to that caused by the servants of the Community, Article 288 EC indicates that the Community is only liable for those acts of its servants which, by virtue of an internal and direct relationship, are the necessary extension of the tasks entrusted to the institutions. In the light of the special nature of this legal system, it would not therefore be lawful to extend it to categories of acts other than those referred to.

wife of the applicant, for the issue by the local authorities of a residence permit to herself and her two children cannot be considered to be an act for which the Community is liable. The drawing up of such a 'Verbal Note' merely constitutes a practice and cannot be considered to be an act which is the necessary extension of tasks entrusted to the institutions — in this case, tasks entrusted to outside delegations of the Commission — and thus an act undertaken in the performance of the duties of the servant who undertook it.

Thus, the signature by an official of a Commission delegation in a third country of a 'Verbal Note' in support of an application by a close relation, who is the divorced

(see paras 18, 22)