

Case T-333/01

Karl L. Meyer

v

Commission of the European Communities

(OCT — Action for damages — Duty of publication and control — Causal link)

Judgment of the Court of First Instance (Third Chamber), 13 February 2003 II- 119

Summary of the Judgment

1. *Procedure — Principle of res judicata — Scope*
2. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Burden of proof*
(EC Treaty, Art. 215 (now Art. 288 EC))

1. The principle of *res judicata* extends only to matters of fact and law actually or necessarily settled by the judicial decision in question.

(see para. 26)

conjunction with Article 215 of the Treaty (now the second paragraph of Article 288 EC), the applicant has to prove that the damage relied on is a sufficiently direct consequence of the conduct of the concerned institution in respect of which the complaint is made.

2. In an action based on Article 178 of the EC Treaty (now Article 235 EC) in

(see para. 32)