

Case T-36/89

Henricus Nijman

v

Commission of the European Communities

(Officials — Liability of the Commission —
Service-related fault —

Non-disclosure of illness at the medical check-up)

Judgment of the Court of First Instance (Fourth Chamber),
25 September 1991 II - 700

Summary of the Judgment

Officials — Non-contractual liability of the institutions — Failure by the medical service to fulfil its obligation to inform officials about their state of health — Service-related fault

The medical services of the Community institutions, whose duties include in particular the provision of medical assistance to the institutions' staff in order to ensure, to an extent consistent with scientific knowledge, not only the early detection of any illness but also the identification of risk factors which may cause an illness to appear, are obliged to warn the persons concerned of any illness revealed by the medical file and to alert them to behaviour posing a threat to their health,

which presupposes that all pertinent data and information in that regard are communicated to them.

The failure to inform an official in good time of his state of health constitutes a breach of the duties imposed upon the medical services and a service-related fault such as to render the defendant institution liable.