

JUDGMENT OF THE COURT OF FIRST INSTANCE (First Chamber)
26 February 2003

Case T-164/01

Arnaldo Lucaccioni
v
Commission of the European Communities

(Officials – Action for damages – Admissibility)

Full text in Italian II - 367

Application for: compensation under the ordinary law governing non-contractual liability applicable under Article 236 EC, for non-material damage and physical harm suffered by the applicant for the period preceding the onset of his occupational disease as a result of the Commission's negligence.

Held: The application is dismissed as inadmissible. The parties are ordered to bear their own costs.

Summary

*1. Officials – Actions – Objection of res judicata – Conditions – Same parties, purpose and submissions in both actions
(Staff Regulations, Art. 91)*

*2. Proceedings – Application initiating proceedings – Formal requirement – Summary of the pleas in law on which the application is based – Evidence offered in support – Action for damages
(EC Statute of the Court of Justice, Art. 19, first para.; Rules of Procedure of the Court of First Instance, Art. 44(1)(c), (d) and (e))*

1. The objection of *res judicata* applies where two actions are between the same parties, concern the same subject-matter and are based on the same grounds. Consequently, the fact that the Court of First Instance has given judgment on an application made by a former official for compensation for non-material damage suffered as a result of an occupational disease and subsequent to the onset of that disease does not allow such an objection to be put forward against an application made by the same applicant, but for compensation for non-material damage suffered before the onset of the disease.

(see paras 28, 34-35, 37)

See: 159/84, 267/84, 12/85 and 264/85 *Ainsworth and Others v Commission* [1987] ECR 1579; T-26/96 *Lopes v Court of Justice* [1996] ECR-SC I-A-487 and II-1357, para. 14 and the case-law cited; T-165/95 *Lucaccioni v Commission* [1998] ECR-SC I-A-203 and II-627, paras 82 to 85

2. Under the first paragraph of Article 19 of the Statute of the Court of Justice, applicable to the procedure before the Court of First Instance by virtue of the first paragraph of Article 46 of the Statute, and Article 44(1)(c), (d) and (e) of the Rules of Procedure of the Court of First Instance, an application initiating proceedings

must, in particular, state the subject-matter of the proceedings, the form of order sought by the applicant, a summary of the pleas in law on which the application is based and any evidence offered in support. Those particulars must be sufficiently clear and precise to enable the defendant to prepare his defence and to enable the Court to give judgment in the action without having to seek further information, if appropriate. In order to guarantee legal certainty and the sound administration of justice it is necessary, for an action to be admissible, that the basic legal and factual particulars relied on are indicated, at least in summary form, coherently and intelligibly in the text of the application itself.

In order to satisfy those requirements, an application seeking compensation for damage caused by a Community institution must state the evidence from which the conduct which the applicant alleges against the institution can be identified, the reasons for which the applicant considers that there is a causal link between the conduct and the damage it claims to have suffered, and the nature and extent of that damage. That is not the case where an application does not give a sufficiently precise indication of the facts from which the nature and extent of the damage might be assessed without establishing the existence of special circumstances exempting the applicant from the need to specify those facts.

(see paras 63, 65)

See: T-64/89 *Automec v Commission* [1990] ECR II-367, para. 73; T-85/92 *De Hoe v Commission* [1993] ECR II-523, para. 20; T-505/93 *Osório v Commission* [1994] ECR-SC I-A-179 and II-581, para. 33 et seq.; T-112/94 *Moat v Commission* [1995] ECR-SC I-A-37 and II-135, paras 32 and 37; T-113/96 *Dubois et Fils v Council and Commission* [1998] ECR II-125, para. 30 and the case-law cited, confirmed by C-95/98 *P Dubois et Fils v Council and Commission* [1999] ECR I-4835; T-154/98 *Asia Motor France and Others v Commission* [1999] ECR II-1703, para. 49; T-277/97 *Ismeri Europa v Court of Auditors* [1999] ECR II-1825, para. 29