

JUDGMENT OF THE COURT OF FIRST INSTANCE (First Chamber)
31 March 2003

Case T-226/02

André Hecq
v
Commission of the European Communities

(Officials – Action for annulment –
Act adversely affecting an official – Inadmissibility)

Full text in French II - 563

Application for: the annulment of the Commission decision of 15 June 2001 approving the agreement between Vice-President Kinnock and the trade unions and staff associations of the Commission concerning the resources available to staff representatives and the rules on the resources available to staff representatives from 1 January 2002.

Held: The action is dismissed as inadmissible. Each party is to pay its own costs.

Summary

*Officials – Actions – Act adversely affecting an official – Definition – Decision of an institution establishing rules on the resources available to staff representatives – Exclusion
(Staff Regulations, Arts 90(2) and 91(1))*

The existence of an act adversely affecting an official within the meaning of Articles 90(2) and 91(1) of the Staff Regulations is an essential condition for the admissibility of any action brought by officials against the institution by which they are employed. Only measures giving rise to binding legal effects capable of directly and immediately affecting the applicant's interests by significantly altering his legal position constitute acts or decisions which can be the subject of an action for annulment.

Rules adopted by a decision of an institution concerning the resources made available to staff representatives which merely establish a general framework for the distribution of those resources, do not give rise, for each official taken individually, to any obligation or to any right.

Such a decision accordingly does not adversely affect the leader of a trade union whose secondment for that purpose was interrupted following its adoption, where that interruption is not the direct and immediate result of the decision, but has to do with the fact that his trade union decided not to sign the agreement with the trade unions from which the decision stemmed.

Nor does the decision adversely affect that leader in terms of its indirect effects, namely the elimination of the post of secretary made available to the trade union and of the budget allocated for that post, since those consequences do not affect his legal position as an official, but the legal position of the organisation to which he belongs.

(see paras 16, 23-24, 27)

See: 32/68 *Grasselli v Commission* [1969] ECR 505, paras 4 to 7; 17/78 *Deshormes v Commission* [1979] ECR 189, para. 10; T-20/92 *Moat v Commission* [1993] ECR II-799, para. 39; T-391/94 *Baiwir v Commission* [1996] ECR-SC I-A-269 and II-787, para. 34; T-293/94 *Vela Palacios v ESC* [1996] ECR-SC I-A-305 and II-893, para. 22