

ORDER OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
24 January 2000

Case T-179/98

José Cuenda Guijarro and Others
v
Council of the European Union

(Officials – Interest in bringing action – General and abstract interest –
Act adversely affecting an official – None – Manifest inadmissibility)

Full text in French II - 1

Application for: annulment of the decision of the Council of 12 January 1998 rejecting, first, the applicants' request regarding certain measures to be taken in relation to safety, health protection and respect for the environment at the workplace in respect of the Council's 'Justus Lipsius' Building in Brussels and, second, the claim for compensation for the non-material harm which they consider they have sustained owing to the faults, inefficiency and negligence of the institution in respect of the state of that building.

Held: The application is dismissed as manifestly inadmissible. The applicants shall bear their own costs and pay one half of the defendant's costs. The defendant shall bear one half of its costs.

Summary

*1. Officials – Actions – Interest in bringing an action – Requirement that claims put forward by an official must relate to him personally
(Staff Regulations, Art. 91)*

*2. Officials – Actions – Act adversely affecting an official – Concept – Refusal to appoint an expert to examine a Community building – Exclusion
(Staff Regulations, Arts 90 and 91)*

1. Although the institutions' duty to ensure safety, health protection and quality of the environment at the workplace without doubt corresponds to a general interest, an official is not entitled to act in the interests of the law or of the institutions and may put forward, in support of an action for annulment, only such claims as relate to him personally.

(see para. 51)

See: T-163/89 *Sebastiani v Parliament* [1991] ECR II-715, para. 24; T-178/97 *Moncada v Commission* [1998] ECR-SC II-989, para. 39

2. Since no provision of the Staff Regulations confers on officials the right generally to request the institution of employment to appoint an expert to identify the flaws and defects affecting the buildings in which they work, and since it is for the administrative authority alone to decide whether such a measure is appropriate and useful, and also to decide on the scope of any instructions given to the expert, the refusal of the appointing authority to appoint such an expert and to undertake the work recommended by him cannot adversely affect an official.

(see paras 62 to 66)