

JUDGMENT OF THE COURT OF FIRST INSTANCE (Single Judge)  
8 February 2001

Case T-183/98

**Jean-François Ferrandi**  
v  
**Commission of the European Communities**

(Officials – Transfer of pension rights – Weighting applicable to retirement pension – Sickness insurance cover – Invalidity pension – Force of *res judicata*)

Full text in French . . . . . II - 115

**Application for:** first, annulment of the decision of the Commission to reject the applicant's requests for his pension rights acquired prior to entering the service of the European Communities to be transferred, the weighting applicable to his retirement pension to be recalculated, for sickness insurance cover and for an invalidity pension and, secondly, for compensation for harm suffered as a result of those requests having been refused.

**Held:** The application is dismissed. Each of the parties is ordered to bear their own costs.

## Summary

*1. Officials – Pensions – Retirement pension – Early retirement pension – Recipient subsequently engaged as local staff attached to a Community institution – Effect on pension rights – None  
(Staff Regulations, Annex VIII, Arts 9, second indent, and 40, second para.)*

*2. Procedure – Application originating proceedings – Formal requirements – Identification of subject-matter of the proceedings – Summary of the pleas relied on – Application seeking compensation for damage caused by a Community institution  
(EC Statute of the Court of Justice, Arts 19 and 46; Rules of Procedure of the Court of First Instance, Art. 44(1)(c))*

1. A local staff post held temporarily for a Community institution by a former official in receipt of a pension payable on early retirement pursuant to the second indent of Article 9 of Annex VIII to the Staff Regulations does not alter the pension rights which he acquired on the date of his request to start to draw the pension. The local staff contract under which that post is filled does not have the effect of reinstating the person concerned in his former status as an official, but merely of placing him temporarily in the service of the Community.

That conclusion is not invalidated by the fact that, during the period in which he holds the local staff post, the person concerned does not receive his pension. That circumstance is merely the consequence of applying the second paragraph of Article 40 of Annex VIII to the Staff Regulations, according to which a retirement pension is not to be drawn concurrently with a salary payable by an institution of the Communities.

(see paras 60-61)

2. Under Article 19 of the EC Statute of the Court of Justice, applicable to the proceedings before the Court of First Instance under Article 46 of that Statute, and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, an application must state the subject-matter of the proceedings and contain a summary of the pleas in law on which it is based. The information given must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to give a ruling. In order to ensure legal certainty and sound administration of justice, for an action to be admissible the facts and law on which it is based must be apparent from the text of the application itself, at least summarily, provided that the statement is coherent and comprehensible.

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 alleged against the institution can be identified, the reasons for which the applicant considers there to be a causal link between that conduct and the harm he claims to have suffered, and the nature and extent of that harm.

Although, in special circumstances, it has been held that it was not essential to specify the exact extent of the harm in the application and to state the amount of compensation sought, the applicant must nevertheless establish in that application, or at least indicate, the existence of any such circumstances.

The applicant's claim must therefore be held to be inadmissible since he has neither clearly indicated the nature of the alleged illegal conduct of the institution concerned nor provided evidence from which the actual damage alleged and the existence of a causal link between that conduct and the alleged damage can be identified, and since he has also failed to indicate the circumstances which allegedly prevented him from specifying the extent of the harm suffered by him and from stating the amount of compensation sought by him.

(see paras 80-84)

See: T-195/95 *Guérin automobiles v Commission* [1997] ECR II-679, paras 20 and 21;  
T-262/97 *Goldstein v Commission* [1998] ECR II-2175, para. 25