

## Case T-122/89

F.

v

### Commission of the European Communities

(Officials — (1) Compensation for accidents and occupational diseases — Establishing whether a disease results from an official's occupation — (2) Invalidity pensions — Invalidity which makes it impossible for an official to perform his duties)  
(Articles 73 and 78 of the Staff Regulations)

Judgment of the Court of First Instance (Third Chamber), 26 September 1990 ..... 519

#### Summary of the Judgment

1. *Officials — Social security — Insurance against accidents and occupational diseases — Medical report — Aggravation of invalidity following an altercation at work — Aggravation attributed by the medical report to a pre-existing occupational disease — Administration's refusal to accept that the aggravation results from the official's occupation — Inadmissible*  
(*Staff Regulations of Officials, Art. 73*)
2. *Officials — Actions — Prior complaint through administrative channels — Time-limits — Matter of public policy*  
(*Staff Regulations of Officials, Arts 90 and 91*)

3. *Officials — Actions — Prior complaint through official channels — Subject-matter and grounds must be the same in both cases*  
(*Staff Regulations of Officials, Arts 90 and 91*)

1. By deciding on adequate grounds that the aggravation of an official's invalidity following an altercation at work was caused in the performance of his duties, inasmuch as the aggravation was in fact a result of the official's pre-existing occupational disease, the Medical Committee establishes a comprehensible link between the medical findings in its report and the conclusions which it draws; it thus confines itself to drawing the appropriate medical conclusions from its findings relating to the cause of the disease and does not make appraisals of a legal nature.

Consequently, when a defendant institution relies on the link between an altercation and the resulting degree of invalidity in order to deduct that degree of invalidity from the total degree of invalidity to be awarded to an official, without taking into account the relationship between the aforementioned altercation and the official's pre-existing psychopathic condition, that institution unlawfully replaces the conclusions of the report with its own appraisal of a matter of a purely medical nature. The fact that the conduct of which the official is accused constitutes a breach of his obligations under the Staff Regulations is not a ground for denying that the part of

his degree of invalidity resulting from the incident resulted from his occupation, because his conduct does not call into question the relationship between the incident and the official's prior psychopathic condition and does not therefore have any bearing on the causal link established by the Medical Committee between the pre-existing occupational disease and the aggravation of the degree of invalidity.

2. The time-limits prescribed in Articles 90 and 91 of the Staff Regulations for the lodging of complaints and appeals are a matter of public policy: they were laid down with a view to ensuring legal certainty and are not subject to the discretion of the parties or the Court.
3. The conclusions submitted by an official to the Court must have the same subject-matter as the conclusions raised in the prior complaint through administrative channels and contain only heads of claim which are based on the same matters as the heads of claim relied on in the complaint.