

Case T-4/90

Jean Lestelle

v

Commission of the European Communities

(Official — Pension — Allowance on termination of service —
Whether pension contributions are compulsory or optional)

Judgment of the Court of First Instance (Fourth Chamber), 22 November 1990 690

Summary of the Judgment

1. *Officials — Actions — Act adversely affecting an official — Definition — Notice determining rights to allowance on termination of service (Staff Regulations of Officials, Arts 90 and 91)*
2. *Officials — Termination of service — Special measures on accession — Pension contributions (Staff Regulations of the ECSC, Art. 34; Council Regulation No 3518/85, Arts 4(7) and 5(1))*

1. The notice determining rights to an allowance on termination of service is a measure against which an application for annulment lies, whereas the salary statements drawn up on the basis of such notices are merely confirmatory inasmuch as they do not alter it or contain any new factor.
2. Article 4(7) of Regulation No 3518/85 introducing special measures to terminate

the service of officials of the European Communities as a result of the accession of Spain and Portugal does not envisage any derogation from the obligation to pay contributions to the pension scheme incumbent on the recipient of an allowance under Article 34 of the Staff Regulations of the ECSC and Article 95 of the Rules and Regulations of the ECSC.