

ORDER OF THE COURT OF FIRST INSTANCE (Fifth Chamber)  
27 June 2000

Case T-608/97

**Onno Plug**  
v  
**Commission of the European Communities**

(Officials – Act adversely affecting an official – Confirmatory act –  
Inadmissibility)

Full text in French . . . . . II - 569

**Application for:** annulment of the decision contained in the Commission's letter of 14 January 1997 and, in so far as necessary, the decision of 12 December 1997 rejecting the complaint of 16 April 1997.

**Held:** The application is dismissed as inadmissible. The parties shall bear their own costs.

## Summary

*Officials – Actions – Act adversely affecting an official – Concept – Purely confirmatory act – Exclusion  
(Staff Regulations, Arts 90(2) and 91(1))*

Both an administrative complaint and the ensuing court proceedings must be directed against an ‘act adversely affecting’ the applicant within the meaning of Articles 90(2) and 91(1) of the Staff Regulations, the act adversely affecting the applicant being the act that directly and immediately affects the legal situation of the person concerned. A purely confirmatory measure, such as an act which contains no new factors as compared with a previous measure adversely affecting the applicant and which has not therefore replaced it, cannot be described as an act adversely affecting the applicant.

(see paras 22 and 23)

See: 23/80 *Grasselli v Commission* [1980] ECR 3709, para. 18; 204/85 *Strogili v Court of Auditors* [1987] ECR 389, para. 6; T-14/91 *Weyrich v Commission* [1991] ECR II-235, para. 35; T-82/92 *Cortes Jimenez and Others v Commission* [1994] ECR-SC I-A-69 and II-237, para. 14; T-173/95 *Biedermann and Others v Court of Auditors* [1998] ECR-SC I-A-273 and II-831, para. 39; T-130/96 *Aquilino v Council* [1998] ECR-SC I-A-351 and II-1017, para. 34