

JUDGMENT OF THE COURT OF FIRST INSTANCE (Single Judge)
7 May 2003

Case T-327/01

Luciano Lavagnoli
v
Commission of the European Communities

(Officials – Delay in drawing up staff report –
Action for damages)

Full text in French II - 691

Application for: payment of damages in compensation for non-material damage caused by the delay in drawing up a definitive staff report for the period 1 July 1997 to 30 June 1999.

Held: The Commission is ordered to pay the applicant the sum of EUR 2 000. The remainder of the application is dismissed. The Commission is ordered to pay the costs.

Summary

*1. Officials – Reports procedure – Staff report – Drawing up – Delay – Breach of administrative duty giving rise to non-material damage
(Staff Regulations, Art. 43)*

*2. Officials – Reports procedure – Staff report – Drawing up – Time-limit – Mandatory nature of the time-limits set by an institution's internal rules
(Staff Regulations, Art. 43)*

1. The absence, as a result of a breach of administrative duty, of the periodic report from an official's personal file is capable of giving rise to non-material damage entitling him to compensation if his career could have been affected thereby or if that fact resulted in his being put in an uncertain or anxious frame of mind with regard to his future.

(see para. 48)

See: T-78/96 and T-170/96 *W v Commission* [1998] ECR-SC I-A-239 and II-745, para. 233

2. The case-law granting the Commission, in the light of the wording of Article 43 of the Staff Regulations, a reasonable period in which to draw up staff reports for its officials cannot apply where rules that are binding on the Commission make the conduct of the reports procedure subject to specific time-limits.

(see para. 54)