

Case T-7/90

Dorothea Kobor

v

Commission of the European Communities

(Official — Medical Committee —
Determination of the partial permanent invalidity rate)

Judgment of the Court of First Instance (Third Chamber), 27 November 1990 722

Summary of the Judgment

1. *Officials — Social security — Insurance against accidents and occupational disease — Medical report — Review by the Court — Limits*
(*Staff Regulations, Art. 73; Rules on the Insurance of Officials against the Risk of Accident and of Occupational Disease, Arts 23 and 28*)
2. *Officials — Actions — Prior administrative complaint — Subject-matter — Correspondence between the complaint and the application — Submission not made in the complaint — Not admissible*
(*Staff Regulations, Arts 90 and 91*)

1. In an action brought against a decision adopted by the appointing authority applying the Rules on the Insurance of Officials against the Risk of Accident and of Occupational Disease, the review by the Court cannot extend to assessments of a purely medical nature made by the committee provided for by Article 23 of those rules. Such assessments must be regarded as definitive if made under proper conditions.
2. The purpose of the pre-litigation procedure is to permit an amicable settlement of differences which have arisen between officials or servants and the administration. In order that such a

procedure may fulfil its purpose, it is necessary that the appointing authority should be in a position to know in sufficient detail the criticisms made by the aggrieved official of the contested decision.

A submission not put forward in the complaint submitted prior to the commencement of proceedings must be dismissed as inadmissible if the official concerned was in a position to make that submission in his complaint.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
27 November 1990 *

In Case T-7/90,

Dorothea Kobor, an official of the Commission of the European Communities, residing at Goetzingen (Grand Duchy of Luxembourg), represented by Louis Schiltz, of the Luxembourg Bar, with an address for service in Luxembourg at his Chambers, 83 boulevard Grande-Duchesse Charlotte,

applicant,

v

Commission of the European Communities, represented by J. Griesmar, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of Guido Berardis, a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

defendant,

APPLICATION seeking the reversal of the Commission's decision of 10 March 1989 fixing the partial permanent invalidity rate for the applicant at 14%,

THE COURT OF FIRST INSTANCE (Third Chamber),

composed of: C. Yeraris, President of Chamber, A. Saggio and K. Lenaerts, Judges,

H. Jung, Registrar

* Language of the case: French.