

Case T-40/91

Agostino Ventura
v
European Parliament

(Conditions governing appointment as a probationary official)

Judgment of the Court of First Instance (Fifth Chamber), 10 April 1992..... II - 1698

Summary of the Judgment

Officials — Status of official — Conditions for acquiring such status not satisfied in the absence of a regular appointment — Inapplicability of the provisions of the Staff Regulations governing probationary periods

Since the legal tie which binds the official to the administration is governed by the Staff Regulations and not by contract, the appointment and establishment of an official can take place only in the manner and subject to the conditions provided for by the Staff Regulations.

According to Article 3 of the Staff Regulations, the appointment of an official necessarily has its origin in a unilateral

instrument of the appointing authority stating the date on which the appointment takes effect and the post to which the official is appointed.

The provisions of the Staff Regulations applicable to probationary periods cannot be relied upon in the absence of a decision of appointment in good and due form issued by the competent appointing authority.