

Case C-257/98 P

Arnaldo Lucaccioni

v

Commission of the European Communities

(Appeal — Action for damages)

Opinion of Advocate General Alber delivered on 20 April 1999. I-5254
Judgment of the Court (First Chamber), 9 September 1999 I-5276

Summary of the Judgment

1. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Cumulative conditions — Whether the Court must consider cumulative conditions in a particular order — No such obligation*
(EC Treaty, Art. 215, second para. (now Art. 288, second para., EC))
2. *Officials — Non-contractual liability of the institutions — Evaluation of damage — Account to be taken of benefits received pursuant to Article 73 of the Staff Regulations*
(EC Treaty, Art. 215 (now Art. 288 EC); Staff Regulations, Art. 73)
3. *Appeals — Pleas in law — Plea alleging an incorrect assessment of the facts — Inadmissible — Whether the Court may review findings of fact — Possible only where evidence has been fundamentally misconstrued*
(EC Treaty, Art. 168a (now Art. 255 EC); EC Statute of the Court of Justice, Art. 51)

4. *Appeals — Pleas in law — Plea alleging an inadequate statement of reasons — Criteria set by the Court of First Instance for determining the amount to be awarded in damages — Review by the Court of Justice*
(EC Statute of the Court of Justice, Art. 51, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c))
5. *Appeals — Pleas in law — Plea unsupported by legal argument — Inadmissible*
(EC Statute of the Court of Justice, Art. 51, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c))

1. The Community can be held liable only if a number of conditions are satisfied as regards the illegality of an institution's conduct, the genuine nature of the damage suffered and the existence of a causal link between the conduct of the institution and the damage alleged.

The conditions to be satisfied if the institution in question is to incur liability need not be examined by the Community judicature in any particular order. In so far as the above conditions must be satisfied cumulatively, the fact that one of the three has not been satisfied is a sufficient basis on which to dismiss an action for damages.

2. Where an accident or occupational disease is attributable to the institution by which an official is employed, he cannot claim double compensation for the damage suffered, that is to say, under both Article 73 of the Staff Regulations and Article 215 of the Treaty (now Article 288 EC).

Consequently, in the context of an action for damages in respect of a wrongful act on the part of the employ-

ing institution, which has thereby incurred liability, when the Community judicature evaluates the damage in respect of which compensation is payable, account must be taken of benefits received by the official pursuant to Article 73 of the Staff Regulations.

3. In principle, the Court of Justice has no jurisdiction when hearing an appeal to examine evidence which the Court of First Instance accepted in support of the facts, any more than it has jurisdiction to establish those facts. Provided that the evidence has been properly obtained and the general principles of law and the rules of procedure relating to the burden of proof and the taking of evidence have been observed, it is for the Court of First Instance alone to assess the value to be attached to the evidence produced. Accordingly, that appraisal does not constitute, save where the evidence has been fundamentally misconstrued, a point of law which is subject, as such, to review by the Court of Justice.

4. Once the Court of First Instance has found that damage has indeed been

caused, it alone has jurisdiction to determine — within the confines of the application — the means of remedying that damage and the measure of compensation due. However, in order for the Court of Justice to be able to review judgments of the Court of First Instance, those judgments must state sufficient grounds and, as regards the evaluation of damage, they must indicate the criteria taken into account for the purposes of determining the amount decided upon.

A judgment must be regarded as sufficiently reasoned if the Court of First Instance has applied several different criteria therein in order to determine whether the amount received by the applicant constituted appropriate compensation for the damage suffered.

5. It follows from the first paragraph of Article 51 of the Statute of the Court of Justice and Article 112(1)(c) of the Rules of Procedure that an appeal must indicate precisely the elements of the judgment under appeal which are contested and the legal arguments in support of the application to have that judgment set aside.

That requirement is not satisfied in the case of a plea in law alleging that the Court of First Instance reached a false conclusion but failing to specify the legal basis on which the Court of First Instance ought to have formed a different view.