

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
17 June 2003

Case T-385/00

Jean-Paul Seiller
v
European Investment Bank

(European Investment Bank – Staff – Admissibility –
Clarity of the application – Confirmatory act – Action brought late –
Previous conciliation procedure – Pension rights – Luxembourg law –
Settlement – Fraudulent misrepresentation – Time-barred)

Full text in French II - 801

Application for: payment of the sum of LUF 4 779 652, together with interest, due to him in respect of his pension rights.

Held: The application is dismissed. The applicant is ordered to bear his own costs and to pay those incurred by the EIB.

Summary

1. Procedure – Originating application – Procedural requirements – Summary of the pleas in law relied on (EC Statute of the Court of Justice, Arts 21, first para., and 53, first para.; Rules of Procedure of the Court of First Instance, Art. 44(1)(c))

2. Officials – Actions – Disputes between the European Investment Bank and its staff – Conditions of admissibility – Exhaustion of previous conciliation phase – Excluded – Optional nature of such a procedure (Staff Regulations, Arts 90 and 91; Staff Regulations of the European Investment Bank, Art. 41)

1. Under the first paragraph of Article 21 of the Statute of the Court of Justice, applicable to proceedings before the Court of First Instance by virtue of the first paragraph of Article 53 of the same statute, and under Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, all applications must contain the subject-matter of the dispute and a brief statement of the pleas in law. Irrespective of any question of terminology, that statement must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to exercise its power of judicial review. In order to guarantee legal certainty and sound administration of justice it is necessary, for an action to be admissible, that the basic matters of law and fact relied on be indicated, at least in summary form, coherently and intelligibly in the application itself. The Rules of Procedure of the Court of First Instance do not require the applicant to state the specific provisions of the Treaty which entitle him to bring legal proceedings.

(see paras 40-41)

See: 2/63 to 10/63 *San Michele and Others v High Authority* [1963] ECR 327, 341 and 342; T-85/92 *De Hoe v Commission* [1993] ECR II-523, para. 20; T-277/97 *Ismeri*

Europa v Court of Auditors [1999] ECR II-1825, para 29; T-164/01 *Lucaccioni v Commission* [2003] ECR-SC I-A-67 and II-367, para. 63

2. Unlike the Staff Regulations of Officials, the Staff Regulations of the European Investment Bank do not contain any provision requiring a conciliation procedure prior to an appeal. Article 41 of the Staff Regulations of the European Investment Bank refers to an amicable settlement procedure, which is carried out in addition to proceedings being instituted before the Community judicature. The admissibility of the appeal is therefore not subject to the exhaustion of a previous conciliation phase.

(see paras 50-51, 73)

See: T-7/98, T-208/98 and T-109/99 *De Nicola v EIB* [2001] ECR-SC I-A-49 and II-185, para 96