

SUMMARY

ECJ 10 June 2021, case C-591/19 P (Commission v De Esteban Alonso), Miscellaneous

European Commission – v – Fernando De Esteban Alonso, EU case

Summary

European Anti-fraud Office and the Commission not found liable for alleged conduct in the context of criminal investigations against a former employee.

Grounds of appeal

The grounds of appeal allege that:

the General Court erred in its legal characterisation of the facts by holding that Mr De Esteban Alonso should have been treated in the same way as the persons referred to by name in the note of 19 March 2003 or, at the very least, should have been regarded as being implicated in the acts complained of and, on that basis, informed of the investigations that might involve him, in accordance with Article 4 of Commission Decision 1999/396. The Commission submits that he does not fall within either category of persons;

the General Court erred in law in finding, in paragraphs 97 to 109 of the judgment under appeal, that Article 9(4) of Regulation No 1073/1999 prevented the Commission from filing a complaint and applying to join the proceedings before the national judicial authorities as a civil party before OLAF's final report was lodged; and

(in the alternative) the General Court could not uphold Mr De Esteban Alonso's action for damages in the absence of a sufficiently direct causal link between the Commission's conduct and the harm alleged.

Ruling

The Court (First Chamber):

Sets aside the judgment of the General Court of the European Union of 11 June 2019, De Esteban Alonso v Commission (T|138/18, EU:T:2019:398);

Dismisses the action in Case T|138/18;

Orders each party to bear its own costs relating to both the proceedings at first instance and on appeal.

Creator: European Court of Justice (ECJ)

Verdict at: 2021-06-10

Case number: C-591/19 P