

SUMMARY

ECJ 24 February 2022, case C-283/20 (EULEX-KOSOVO), Miscellaneous

CO and Others – v – MJ, European Commission, European External Action Service (EEAS), Council of the European Union and Eulex Kosovo, EU case

Summary

Eulex Kosovo qualifies as employer and therefore as defendant in any action regarding the mission in Kosovo.

Question

Must Article 8(3) and (5), Article 9(3) and Article 10(3) of Joint Action 2008/124 and Article 16(5) of Joint Action 2008/124, as amended be interpreted as meaning that they designate, as employer of the staff of Eulex Kosovo for the period before 12 June 2014, the Head of Mission, acting personally and on his or her own behalf, and/or the Commission, the EEAS, the Council or any other entity?

Ruling

Article 16(5) of Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, Eulex Kosovo, as amended by Council Decision 2014/349/CFSP of 12 June 2014, must be interpreted as meaning that, starting from 15 June 2014, it designates the Rule of Law Mission in Kosovo, known as ‘Eulex Kosovo’, referred to in Article 1 of that joint action, as responsible and therefore as defendant in any action relating to the consequences of the implementation of the mission entrusted to it, irrespective of whether the facts underlying such an action occurred before 12 June 2014, the date when Decision 2014/349 entered into force.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-02-24

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