

SUMMARY

ECJ 12 December 2024, case C-130/22 P (DD v FRA), Dismissal

DD – v – European Union Agency for Fundamental Rights (FRA), EU case

Summary

A member of the EU staff does not lose his or her status as a member during the notice period and therefore remains subject to the obligations incumbent upon every official of the European Union, unless express provision is made to the contrary.

Ruling

The Court:

Sets aside the judgment of the General Court of the European Union of 21 December 2021, *DD v FRA* (T|703/19, EU:T:2021:923), in so far as, first, it dismissed the fifth plea of unlawfulness raised by DD and, second, it rejected as unfounded the claim for damages in the action relating to the third plea of unlawfulness, to the extent to which that claim sought compensation for the damage suffered by the appellant as a result of the breach, by the European Union Agency for Fundamental Rights (FRA), of the obligation to inform him, in good time, of the existence of an administrative inquiry in his regard and of the failure to communicate to him the documents directly related to the allegations made against him; Dismisses the remainder of the appeal;

Refers the case back to the General Court of the European Union for a ruling on the action at first instance with regard, first, to the fifth plea of unlawfulness put forward by DD in support of that action and, second, to the fact of the non-material damage put forward by DD in the third plea of unlawfulness as a result of the breach, by the European Union Agency for Fundamental Rights (FRA), of the obligation to inform him, in good time, of the existence of an administrative inquiry in his regard and of the failure to communicate to him the

documents directly related to the allegations made against him;
Reserves the costs.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-12-12

Case number: C-130/22 P