SUMMARY

ECJ 5 November 2026, Case C-881/24 (SC - v - Eulex Kosovo)

SC - Eulex Kosovo, Kosovar case

Summary

A former international staff member (SC) of EULEX Kosovo challenged the non-renewal of her fixed-term contract after an internal selection procedure chaired by a manager involved in earlier assessment and selection procedures concerning her. The ECJ clarified the distinct tests for subjective and objective impartiality under Article 41(1) of the Charter. A conflict of interest is only one possible manifestation of subjective bias; however, SC had not produced sufficiently convincing evidence that the manager had displayed bias or personal prejudice during the 2016 procedure. The ECJ therefore ultimately dismissed the action.

Questions

How must the requirements of subjective and objective impartiality under Article 41(1) of the Charter be assessed where a member of a selection board was involved in earlier procedures concerning the applicant?

Ruling

Article 41(1) of the Charter requires subjective and objective impartiality to be assessed separately. Subjective impartiality is not limited to the absence of a conflict of interest: an applicant must establish, through objective, relevant, and consistent evidence, that the official displayed bias or personal prejudice. The General Court's judgment is set aside insofar as it had incorrectly limited its assessment of subjective impartiality to the existence of a conflict of interest, and had consequently rejected SC's claims concerning the lawfulness of the selection and non-renewal decisions and compensation. However, the ECJ held that SC had not

established, on the facts, that the board chair had displayed bias or personal prejudice during the 2016 selection procedure. The remainder of the appeal and SC's action were dismissed.

Creator: Hof van Justitie van de Europese Unie
Verdict at: 2026-11-05
Case number: ECLI:EU:C:2026:938 / C-881/24 P