



Reports of Cases

ORDER OF THE GENERAL COURT (Appeal Chamber)
8 October 2013

Case T-597/11 P

Christos Michail
v
European Commission

(Appeal — Civil service — Officials — Request for assistance — Article 24 of the Staff Regulations — Psychological harassment — Appeal clearly unfounded)

Appeal: against the judgment of the European Union Civil Service Tribunal (Third Chamber) of 13 September 2011 in Case F-100/09 *Michail v Commission* [2011] ECR-SC and seeking that that judgment be set aside.

Held: The appeal is dismissed. Mr Christos Michail is to bear his own costs and is ordered to pay those incurred by the European Commission on the appeal.

Summary

1. Appeals — Pleas in law — Incorrect assessment of the facts — Inadmissibility — Review by the General Court of the assessment of the facts and the evidence — Possible only where the clear sense of the evidence has been distorted
(Art. 257 TFEU; Statute of the Court of Justice, Annex I, Art. 11(1))

2. Actions brought by officials — Pleas in law — Misuse of powers — Concept — Burden of proof borne by the official

3. Judicial proceedings — Measures of organisation of procedure — Measures of inquiry — Discretion of the Courts of the Union — Scope

1. See the text of the decision.

(see para. 19)

See:

T-222/07 P *Kerstens v Commission* [2008] ECR-SC I-B-I-37 and II-B-I-267, paras 60-62 and the case-law cited therein

2. See the text of the decision.

(see para. 26)

See:

C-274/11 and C-295/11 *Spain v Council* [2013] ECR, para. 33 and the case-law cited therein

3. The assessment of the appropriateness of adopting a measure of organisation of procedure or a measure of inquiry, for the purposes of the decision which the court must make, is a matter for the court, not the parties. However, whilst it is true that a party cannot require the Courts of the European Union to adopt a measure of organisation of procedure or a measure of inquiry, it is none the less true that the court cannot draw inferences from the absence of certain items in the file until it has exhausted all the means provided for in its rules of procedure to obtain production of those items from the relevant party.

(see paras 39-40)

See:

T-560/08 P *Commission v Meierhofer* [2010] ECR II-1739, paras 61 and 62