



C/2024/4481

22.7.2024

Action brought on 6 May 2024 – DV v Frontex

(Case T-237/24)

(C/2024/4481)

Language of the case: English

Parties

Applicant: DV (represented by: S. Pappas and A. Pappas, lawyers)

Defendant: European Border and Coast Guard Agency

Form of order sought

The applicant claims that the Court should:

- annul i) the decision of 27 June 2023, by which Frontex's Deputy Fundamental Rights Officer, in the capacity of the Appointing Authority by sub-delegation, dismissed the applicant at the end of her probationary period ('the first contested decision'), and ii) the decision of Frontex's Fundamental Rights Officer of 26 January 2024 to reject the complaint against the abovementioned decision of 27 June 2023 submitted by the applicant pursuant to Article 90(2) of the Staff Regulations ('the second contested decision');
- order the defendant to bear its costs as well as the applicant's costs for the current proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on eight pleas in law.

1. First plea in law, alleging that the Fundamental Rights Officer was not competent to adopt the probationary period report [infringement of Article 14(3) of the Conditions of Employment of Other Servants of the European Union ('CEOS')] and that the sub-delegation by the Fundamental Rights Officer of his powers as Appointing Authority to his deputy is unlawful (conflict of interest).
2. Second plea in law, alleging that the Fundamental Rights Officer was not competent to adopt the second contested decision (partiality).
3. Third plea in law, alleging that Frontex infringed the applicant's right to be heard, as enshrined in Article 41 of the Charter of Fundamental Rights of the European Union ('the Charter').
4. Fourth plea in law, alleging that the first contested decision infringes the obligation to state reasons.
5. Fifth plea in law, alleging that the first contested decision is vitiated by errors of fact and manifest error of assessment;
6. Sixth plea in law, alleging that the Fundamental Rights Officer failed to properly exercise his competence as reporting officer, in violation of Article 14 CEOS.
7. Seventh plea in law, alleging that the reasoning of the second contested decision, by which the applicant's complaint was rejected, is illegal.
8. Eighth plea in law, alleging that the right to an impartial and fair treatment, as enshrined in Article 41 of the Charter, has been infringed.