

Case C-188/96 P

Commission of the European Communities

v
V

(Officials — Removal from post — Statement of reasons)

Opinion of Advocate General Elmer delivered on 29 May 1997	I - 6563
Judgment of the Court (First Chamber), 20 November 1997	I - 6575

Summary of the Judgment

- 1. Appeals — Pleas in law — Inadequate statement of reasons — Jurisdiction of the Court of Justice — Review of the extent of the obligation to state reasons for a decision imposing a disciplinary measure on an official — Account taken of the findings of fact made by the Court of First Instance — Included*
(EC Treaty, Art. 190; Staff Regulations, Art. 25, second para.)
- 2. Appeals — Pleas in law — Grounds of a judgment vitiated by an infringement of Community law — Erroneous assessment by the Court of First Instance of the statement of reasons for a decision imposing a disciplinary measure on an official — Appeal well founded*
(EC Treaty, Art. 190; Staff Regulations, Art. 25, second para.)

1. The extent of the obligation to state reasons for a decision imposing a disciplinary measure on an official is a question of law reviewable by the Court of Justice on appeal. Its review, in that context, of the legality of a decision must of necessity take into consideration the facts on which the Court of First Instance based itself in reaching its conclusion as to the adequacy or inadequacy of the statement of reasons.
2. The statement of the reasons for a decision adversely affecting the person concerned must enable the Community judicature to exercise its review of legality

and provide that person with the information which he needs in order to know whether the decision is well founded.

Where a decision imposing a disciplinary measure on an official gives a sufficiently precise indication of the reasons for which the appointing authority decided not to follow the Disciplinary Board's advice and to impose a heavier sanction than that advocated by the latter, a judgment of the Court of First Instance finding the statement of reasons for that decision inadequate is vitiated by an error of law.