



## Reports of Cases

JUDGMENT OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL  
(First Chamber)  
18 September 2014

Case F-54/13

CV

v

**European Economic and Social Committee (EESC)**

(Civil service — Action for damages — Administrative investigations — Disciplinary proceedings — Psychological harassment)

**Application:** under Article 270 TFEU, applicable to the EAEC Treaty pursuant to Article 106a thereof, in which CV requests the Tribunal to order the European Economic and Social Committee (EESC) to compensate for the material and non-material harm he suffered as a result of ‘excessive zeal’ on the part of members of the EESC’s staff.

**Held:** The action is dismissed. Each party is ordered to bear its own costs.

### Summary

*1. Actions brought by officials — Action for damages — Autonomy in relation to the action for annulment — Limits — Damages claim aimed at circumventing the inadmissibility of an action for annulment — Inadmissibility  
(Staff Regulations, Arts 90 and 91)*

*2. Officials — Disciplinary measures — Disciplinary proceedings — Time-limits — Administration’s obligation to act within a reasonable period — Assessment  
(Staff Regulations, Annex IX)*

1. Although a party may take action by means of a claim for compensation without being obliged by any provision of law to seek the annulment of the illegal measure which causes him damage, he may not by those means circumvent the inadmissibility of an application which concerns the same instance of illegality and which has the same financial end in view. In particular, an official who has failed to contest the acts purportedly adversely affecting him by bringing an action for annulment in due time cannot repair that omission and procure for himself a new period for lodging an appeal by bringing a claim for damages.

(see para. 31)

See:

judgment in *Burban v Parliament*, T-59/96, EU:T:1997:75, paras 26 and 27

2. It follows from the principle of sound administration that disciplinary authorities are under an obligation to conduct disciplinary proceedings with due diligence and to ensure that each procedural step is taken within a reasonable time following the previous step. The unreasonable duration of disciplinary proceedings may be the result both of the conduct of prior administrative investigations and of the disciplinary proceedings themselves, since the question whether the disciplinary proceedings, once commenced, have been conducted with due diligence will be influenced by the length of the period between the occurrence of the alleged disciplinary offence and the decision to institute disciplinary proceedings. Lastly, the reasonableness of the duration of the proceedings must be assessed in the light of the circumstances specific to each case and, in particular, the importance of the case for the person concerned, its complexity and the conduct of the applicant and of the competent authorities.

(see para. 46)

See:

judgment in *Baustahlgewebe v Commission*, C-185/95 P, EU:C:1998:608, para. 29

judgment in *Andreasen v Commission*, F-40/05, EU:F:2007:189, para. 194; and order in *CX v Commission*, F-5/14 R, EU:F:2014:21, para. 43