



Reports of Cases

Judgment of the General Court (First Chamber) of 16 May 2017 — CW v Parliament

(Case T-742/16 RENV)

(Civil service — Officials — Psychological harassment — Article 12a of the Staff Regulations — Obligation to provide assistance — Internal Rules for the Advisory Committee on Harassment and its Prevention in the Workplace — Article 24 of the Staff Regulations — Request for assistance — Rejection — Decision rejecting the complaint — Independent content — Premature nature of the complaint — None — Role and powers of the Advisory Committee on Harassment and its Prevention in the Workplace — Option for an official to approach the Committee — Non-contractual liability)

1. *Actions brought by officials — Prior administrative complaint — Nature of the procedure — Subject-matter — Re-examination of the contested decision*

(Staff Regulations, Art. 90)

(see para. 52)

2. *Officials — Obligation of administration to provide assistance — Implementation in the matter of psychological harassment — No obligation on the person concerned to refer to the Advisory Committee on Harassment before making a request for assistance or a complaint — Complaint dismissed as premature for failure to refer to that committee — Not permissible*

(Staff Regulations, Arts 12a, 24 and 90)

(see paras 54, 55)

3. *Actions brought by officials — Judgment annulling a measure — Effect — Annulment of a decision rejecting a complaint against a decision to refuse assistance — No impact on the legality of the decision to refuse assistance by reason of its autonomous character of the fact that the administration used a different reasoning — Consequences — Need for that decision to form once more the subject-matter of a pre-litigation procedure within a time-limit running from the date the annulling judgment pronounced*

(Arts 266 TFEU and 270 TFEU; Staff Regulations, Art. 90)

(see paras 58-61)

4. *Actions brought by officials — Actions for damages — Annulment of the illegal act in dispute — Whether appropriate reparation for non-material damage — Limits*

(Staff Regulations, Art. 91)

(see para. 64)

Re:

ACTION pursuant to Article 270 TFEU seeking, first, annulment of the European Parliament's decision of 8 April 2013 refusing to grant the request for assistance, submitted by the applicant because of the psychological harassment to which she felt she had been subjected by her superiors, and annulment of the decision of the Secretary-General of the Parliament of 23 October 2013 rejecting her complaint of 9 July 2013 and, second, damages to make good the loss the applicant is alleged to have suffered.

Operative part

The Court:

1. Annuls the decision of 23 October 2013 of the Secretary General of the European Parliament, acting as the appointing authority, rejecting CW's complaint of 9 July 2013;
2. Rejects as inadmissible the application for annulment of the decision of the Parliament of 8 April 2013 rejecting the request for assistance made by CW;
3. Orders the Parliament to pay CW, in respect of non-material damage suffered, a sum of EUR 2000 with default interest from the date of delivery of the present judgment at the rate fixed by the European Central Bank (ECB) for its main refinancing operations;
4. Dismisses the claim for damages as to the remainder;
5. Orders the Parliament to bear its own costs and pay those incurred by CW in the original proceedings before the Civil Service Tribunal in the action in Case F-124/13, in the proceedings on appeal in Case T-309/15 P and in the present proceedings after referral back in Case T-742/16 RENV.