



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 14 July 2021 – Rochefort v Parliament

(Case T-172/20)

(Law governing the institutions – Rules on expenses and allowances for Members of Parliament – Parliamentary assistance allowance – Recovery of sums unduly paid – Burden of proof – Duty to state reasons – Rights of the defence – Error of law – Error of assessment – Proportionality)

1. *Acts of the institutions – Statement of reasons – Obligation – Scope – Decision of the Parliament ordering the recovery of a sum unduly paid by way of parliamentary assistance*

(Art. 296, second para., TFEU)

(see paras 21, 29-33)

2. *European Parliament – Rules on costs and indemnities of MEPs – Parliamentary assistance allowances – Check relating to the use of parliamentary assistance expenses – Burden of proof*

(Decision of the Bureau concerning implementing measures for the Statute for Members of the European Parliament, Arts 33(1) and (2), and 68)

(see paras 39-47, 59, 60, 96)

3. *European Parliament – Rules on costs and indemnities of MEPs – Recovery of sums unduly paid – Obligation to hear the Member concerned before adopting a decision – None – Obligation to hear third parties in the recovery procedure – Absence*

(Decision of the Bureau concerning implementing measures for the Statute for Members of the European Parliament, Art. 68(2))

(see paras 66-68, 71)

4. *European Parliament – Rules on costs and indemnities of MEPs – Recovery of sums unduly paid – Amount to be recovered – Parliament's lack of discretion – Claim by the Member concerned of infringement of the principle of proportionality – Rejection*

(Decision of the Bureau concerning implementing measures for the Statute for Members of the European Parliament, Art. 68(1))

(see paras 76, 77)

Re:

Application under Article 263 TFEU for annulment of the decision of the Secretary General of the Parliament of 17 December 2019 on the recovery from the applicant of a sum of EUR 60 499.38 unduly paid by way of parliamentary assistance and of the corresponding debit note of 22 January 2020.

Operative part

The Court:

1. Annuls the decision of the Secretary General of the Parliament of 17 December 2019 on the recovery from Mr Robert Rochefort of a sum of EUR 60 499.38 unduly paid by way of parliamentary assistance and the corresponding debit note of 22 January 2020 in so far as they concern sums paid for April 2010, for the days not corresponding to the missions accepted by the Secretary General of the Parliament, and the period from 29 to 31 March 2011;
2. Dismisses the action as to the remainder;
3. Orders Mr Rochefort and the Parliament each to bear their own costs.