



Reports of Cases

Judgment of the General Court (Fourth Chamber) of 1 June 2022 – Cristescu v Commission

(Case T-754/20)¹

(Civil service – Officials – Disciplinary proceedings – Acts contrary to the dignity of the office – Preliminary assessment – Administrative investigation – Mandate entrusted to IDOC – Data protection – Principle of impartiality – Principle of sound administration – Disciplinary procedure – Rights of the defence – Disciplinary penalty of reprimand – Procedural irregularity – Reasonable time – Extenuating circumstances)

1. *Officials – Disciplinary measures – Enquiry preceding the initiation of disciplinary proceedings – Investigatory powers of the Investigation and Disciplinary Office of the Commission (IDOC) – Processing of personal data – Lawfulness – Disclosure to witnesses of statements made by other persons – Whether permissible*

(Staff Regulations of Officials, Annex IX; European Parliament and Council Regulation 2018/1725, Art. 5(1)(a))

(see paras 73-75)

2. *Officials – Disciplinary measures – Enquiry preceding the initiation of disciplinary proceedings – Breach of the rules relating to the protection of personal data – Consequences*

(European Parliament and Council Regulation 2018/1725)

(see paras 76, 77)

3. *Officials – Disciplinary measures – Disciplinary proceedings – Time limits – Obligation on the administration to act within a reasonable period – Assessment*

(Staff Regulations of Officials, Annex IX)

(see paras 88-108)

4. *Officials – Disciplinary measures – Enquiry preceding the initiation of disciplinary proceedings – Investigatory powers of the Investigation and Disciplinary Office of the*

¹ OJ C 62, 22.2.2021.

Commission (IDOC) – Powers of assessment of that Office – Limits – Compliance with the principles of sound administration, impartiality and exhaustiveness of the grounds of exclusion

(Staff Regulations of Officials, Annex IX)

(see paras 112-114, 120, 121)

5. *Officials – Disciplinary measures – Initiation of disciplinary proceedings – – Obligation of the administration to send a disciplinary report to the official concerned – Report drawn up by the Investigation and Disciplinary Office of the Commission (IDOC) – Whether permissible*

(Staff Regulations of Officials, Annex IX, Art. 3(1)(c)(i))

(see paras 135, 138-140)

6. *Officials – Disciplinary measures – Procedure – Observance of the rights of the defence – Scope*

(Staff Regulations of Officials, Annex IX, Art. 11)

(see paras 159-162, 167)

7. *Officials – Disciplinary measures – Penalty – Discretion of the appointing authority – Limits – Observance of the principle of proportionality – Judicial review – Scope*

(Art. 5(4) TEU; Charter of Fundamental Rights of the European Union, Art. 47; Staff Regulations of Officials, Annex IX, Art. 10)

(see paras 179, 180, 208, 215-223, 237-239)

Operative part

The Court:

1. Annuls the decision of the European Commission of 27 February 2020 which imposed a reprimand on Mr Adrian Sorin Cristescu;
2. Orders each party to bear its own costs.