



Reports of Cases

Order of the General Court (Seventh Chamber) of 14 July 2021 – AI v ECDC

(Case T-79/20)

(Action for annulment and for damages – Civil service – ECDC staff – Psychological harassment – Article 12a of the Staff Regulations – Damage to reputation – Request for assistance – Article 24 of the Staff Regulations – Dismissal of application – Right to be heard – Absence of prima facie evidence – Duty of care – Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)

1. *Officials – Performance of duties – Professional reputation – Serious allegations – Obligation of administration to provide assistance – Scope*

(Staff Regulations of Officials, Art. 24)

(see paras 59, 60)

2. *Officials – Obligation of administration to provide assistance – Scope – Duty of the administration to examine complaints of psychological harassment and inform the complainant of the action to be taken in respect of that complaint – Condition*

(Staff Regulations of Officials, Arts 12a and 24)

(see paras 61, 62)

3. *Officials – Psychological harassment – Burden of proof – Obligation for the party concerned to provide prima facie evidence*

(Staff Regulations of Officials, Arts 12a and 24)

(see paras 63, 64)

4. *Officials – Obligation of administration to provide assistance – Implementation in the case of psychological harassment – Administration’s discretion – Decision to reject a request for assistance without an administrative investigation – Taking into account of information supplied by the person requesting assistance and information known to the administration – Whether permissible*

(Staff Regulations of Officials, Arts 12a and 24)

(see para. 65)

5. *Officials – Rights and obligations – Internal inquiry into alleged psychological harassment – Complainant’s right to be heard*

(Charter of Fundamental Rights of the European Union, Art. 41(2)(a); Staff Regulations of Officials, Arts 12a and 24)

(see paras 69-73)

6. *Officials – Rights and obligations – Internal inquiry into alleged psychological harassment – Complainant’s right of access to the file relating to the investigation – Limits – Obligation for the administration to maintain confidentiality*

(Staff Regulations of Officials, Arts 12a and 24; European Parliament and Council Regulation 2018/1725, Art. 9(1)(b))

(see paras 79, 82-84)

7. *Officials – Administration’s duty to have regard for the interests of officials – Scope – Greater obligation in a case affecting the health of the official*

(Staff Regulations of Officials, Art. 24)

(see paras 101, 102)

8. *Actions brought by officials – Claim for compensation for damage caused by conduct that does not constitute a decision – No pre-litigation procedure in accordance with the Staff Regulations – Inadmissibility*

(Staff Regulations of Officials, Arts 90 and 91)

(see paras 114, 118, 119)

Re:

Application under Article 270 TFEU seeking, first, annulment of ECDC’s decision of 5 April 2019 rejecting the applicant’s request for assistance of 10 April 2018 and, in so far as necessary, of ECDC’s decision of 4 November 2019 rejecting the complaint against the decision of 5 April 2019 and, secondly, compensation for the damage suffered.

Operative part

1. The action is dismissed.
2. AI is ordered to pay the costs.