



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 3 May 2023 – SN v Parliament

(Case T-249/21)¹

(Law governing the institutions – Rules governing the payment of expenses and allowances to Members of Parliament – Parliamentary assistance allowance – Recovery of sums unduly paid – Obligation to state reasons – Independence of Members – Error of assessment)

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

(see paragraphs 28-30, 36, 37, 95)

2. *Judicial proceedings – Application initiating proceedings – Formal requirements – Identification of the subject matter of the dispute – Summary of the pleas in law on which the application is based*

(Statute of the Court of Justice, Arts 21, first para. and 53, first para.; Rules of Procedure of the General Court, Art. 76(d))

(see paragraph 42)

3. *European Parliament – Members – Independence – Scope*

(Arts 2 and 10(1) and (2) TEU)

(see paragraphs 48, 49)

4. *European Parliament – Members – Payment of expenses and allowances – Recovery of sums unduly paid – Decision of the Secretary General of the Parliament – Undermining of the independence of the Member concerned – None*

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

¹ OJ C 278, 12.7.2021.

(see paragraphs 52, 53, 55)

5. *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 paragraphs 66, 67)

Operative part

The Court:

1. Annuls the decision of the Secretary-General of the European Parliament of 21 December 2020 concerning the recovery from SN of a sum of EUR 196 199.84 unduly paid by way of parliamentary assistance and the corresponding debit note of 15 January 2021, in so far as they concern sums paid for May, July and November 2016, June 2017 and March, April and November 2018;
2. Dismisses the action as to the remainder;
3. Orders SN and the Parliament to bear their own costs, including those relating to the proceedings for interim measures.