

C/2024/5825

7.10.2024

Action brought on 16 July 2024 – LU v BEI

(Case T-365/24)

(C/2024/5825)

Language of the case: English

Parties

Applicant: LU (represented by: B. Maréchal, lawyer)

Defendant: European Investment Bank

Form of order sought

The applicant claims that the Court should:

- annul the decision of the President of the EIB of 19 April 2024 ('the contested decision'), endorsing the conclusions of the final report of the EIB Dignity at Work Panel of 22 March 2023;
- declare the applicant's use of the Dignity at Work procedure as legitimate and not malicious;
- annul the disciplinary proceedings initiated against the applicant by the President of the EIB on 8 January 2021;
- grant compensation for the moral damage suffered by the applicant amounting to EUR 150 000;
- grant compensation for the material damage suffered by applicant amounting to EUR 200 000, provisionally calculated amount;
- grant compensation for the legal fees incurred by the applicant for the current application to EUR 35 000 (including VAT).

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging the illegality of the contested decision and of the final report following the inadmissibility of the applicant's complaint lodged under the EIB Group Dignity at Work Policy for alleged psychological harassment ('the complaint') and the defendant's wrongful actions and/or omissions relating to the improper initiation, continuation and conduct of the Dignity at Work procedure, considering:
 - the illegal refusal to assess and provide a properly motivated analysis of the admissibility of the complaint;
 - the faulty omission to consider and re-assess in a substantiated and motivated analysis the admissibility of the complaint.
2. Second plea in law, alleging the improper conduct of the Dignity at work procedure in breach of the applicant's rights of defence and right to good administration, and of the principle of proportionality, considering:
 - the failure to conduct proceedings in compliance with the principles of impartiality and independence, in breach of the applicant's right to a fair trial;
 - errors and failure in the implementation of the judgment of 2 February 2022, LU v EIB (T-536/20, not published, EU:T:2022:40) affecting the regularity of the Dignity at Work procedure and the applicant's rights;
 - the conflict of interest of various members of the Personnel office.

3. Third plea in law, alleging the illegality of the contested decision arising from the unlawful replacement of the former EIB president's decision of 21 December 2023 and the illegality of both the former and latter contested decisions insofar as the moral harassment alleged by the applicant was not admitted, considering:
 - the assessment of harassment allegations ;
 - the alleged abusive use of the procedure, as determined in chapter 5 of the contested decision.
 4. Fourth plea in law, alleging the liability of the defendant for moral and material damages suffered by the applicant as a result of the contested decisions and the related violations of his fundamental rights.
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