



Reports of Cases

ORDER OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL (First Chamber)
12 February 2014

Case F-71/13

CL
v

European Environment Agency (EEA)

(Civil service — Temporary staff — Duty to provide assistance — Article 24 of the Staff Regulations — Psychological harassment by the hierarchical superior — Rejection of a request for an administrative inquiry to be initiated — Action manifestly inadmissible)

Application: under Article 270 TFEU, in which CL essentially seeks annulment of the decision of 20 September 2012 by which the European Environment Agency (EEA) rejected his request of 21 May 2012 for an administrative inquiry to be initiated with a view to proving or clarifying facts relating to harassment, as well as an order that the EEA pay him EUR 25 000.

Held: The action is dismissed. CL is to bear his own costs and is ordered to pay the costs incurred by the European Environment Agency.

Summary

Actions brought by officials — Prior administrative complaint — Time-limits — Mandatory — Claim barred by lapse of time — Re-establishment of the right of action — Condition — New fact (Staff Regulations, Arts 90 and 91)

An official or member of the temporary staff is not allowed to circumvent the time-limits laid down by Articles 90 and 91 of the Staff Regulations for lodging a complaint and an appeal by calling into question, by means of a request, a previous decision which has not been challenged within the period prescribed, since only the existence of material new facts may justify the submission of a request for a review of a decision which has become definitive.

In the system for the settlement of disputes established by the Staff Regulations, a request for assistance submitted by an official under Article 24 of the Staff Regulations may in no case re-establish to his advantage a right of action which has already lapsed against a decision which has become definitive upon expiry of the time-limits referred to above.

(see paras 26, 27)

See:

22 September 1994, T-495/93 *Carrer and Others v Court of Justice*, para. 21

10 September 2007, F-146/06 *Speiser v Parliament*, para. 22