



Press and Information

General Court of the European Union
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Judgment in Cases T-633/16, Dominique Bilde v European Parliament, and
T-634/16, Sophie Montel v European Parliament

The General Court upholds the decision of the European Parliament to recover from Dominique Bilde MEP the sums paid for the employment of a parliamentary assistant on the grounds that she had not proven that work was in fact carried out by that assistant

However, it annuls, in part, the decision of the European Parliament to recover from another MEP, Sophie Montel, the sums paid to employ a parliamentary assistant since the Parliament had not adduced evidence sufficient to refute the evidence adduced by Ms Montel to establish the work carried out by that assistant for the period between February and April 2015

Ms Dominique Bilde has been a Member of the European Parliament since 2014. By decision of 23 June 2016, the Parliament decided that for the period between October 2014 and June 2015, an amount of €40 320 had been unduly paid to Ms Bilde in respect of parliamentary assistance and must be recovered from her. That amount corresponds to the payments made by the Parliament for an assistant employed by Ms Bilde as a local parliamentary assistant with effect from 1 October 2014. The Parliament alleged that Ms Bilde had not proven that any work of a local assistant was done directly and exclusively in connection with her mandate in the period until June 2015.

Ms Sophie Montel has also been a Member of the European Parliament since 2014. By decision of 24 June 2016, the Parliament decided that, for the period from August 2014 until June 2015, an amount of €77 276.42 had been unduly paid to Ms Montel in respect of parliamentary assistance and must be recovered from her on the same grounds as those alleged against Ms Bilde. That amount corresponds to payments made by the Parliament for an assistant employed by Ms Montel as a local parliamentary assistant with effect from 1 August 2014.

Ms Bilde and Ms Montel ask the General Court to annul the decisions by the Parliament against them.

By today's judgments, the General Court partially upholds the action brought by Ms Montel but dismisses Ms Bilde's action.

As regards, first, Ms Montel, the General Court finds that, as regards the period between August 2014 and January 2015 and the period after April 2015, Ms Montel has not produced any evidence to prove that work was in fact done by her assistant. By contrast, the General Court finds that, for the period between February to April 2015, Ms Montel produced documents which are, at the very least, prima facie proof that the assistant in question carried out work connected with the exercise of the mandate of a Member of the European Parliament. In those circumstances, the General Court considers that the Parliament should have adduced specific and concrete evidence to prove that the documents adduced by Ms Montel for the period mentioned did not establish that work was in fact done by the assistant and, hence, must be rejected. However, the Parliament did not adduce any evidence that allowed the probative value of the documents adduced to be validly refuted.

For the remainder, the General Court rejected all the arguments advanced by Ms Montel. In particular, it held:

- that the Secretary General of the Parliament is competent to adopt decisions for the recovery of sums unduly paid in the context of implementing measures for the Statute of Members of the European Parliament;
- that the possibility for the Parliament of deciding to recover sums unduly paid in respect of parliamentary assistance allowance does not harm the independence of MEPs;
- that Ms Montel had validly been given the opportunity to put forward her point of view, such that the rights of the defence had not been infringed;
- that it is for MEPs and not the Parliament to prove that the amounts paid were used in order to cover expenses actually incurred and resulting entirely and exclusively in the employment of their assistants;
- that no part of the Parliament's decision could lead to a finding that it had considered that the function of a parliamentary assistant is, in itself, incompatible with the voluntary political activity carried out by Ms Montel's assistant for a French political party (the National Front), the Parliament's decision being based only on the fact that Ms Montel was not able to prove that her assistant carried out actual tasks for her, and,
- that Ms Montel had not been the victim of discriminatory and biased treatment, given that she had not adduced any proof that could lead to a finding that only MEPs from the National Front had been, in the past or currently, the object of similar proceedings carried out by the Parliament.

As regards Ms Bilde, the General Court rejected, in essence, all of her arguments for the same reasons. In particular, the General Court found that Ms Bilde had not adduced any evidence capable of establishing that any work was in fact done by her assistant. In those circumstances the General Court confirms in its entirety the decision of the Parliament taken against Ms Bilde.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The full text of the judgments [T-633/16](#) & [T-634/16](#) are published on the CURIA website on the day of delivery

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