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Judgment of the General Court in Case T-386/19 | CQ v Court of Auditors

The General Court of the European Union rules for the first time on the financial consequences of alleged irregularities with regard to a former Member of the European Court of Auditors

The General Court largely upholds the decision by the Court of Auditors to recover expenditure considered to be undue

CQ, in his capacity as a Member of the European Court of Auditors, received reimbursement for various expenses, and benefited from an official car and the provision of a driver.

As a result of information obtained by the Court of Auditors concerning several serious irregularities attributed to that Member which had led to potentially undue expenditure being charged to the EU budget, the European Anti-Fraud Office (OLAF) was informed.

Following an investigation, OLAF concluded that there had been a certain number of abuses of the resources of the Court of Auditors in the context of activities unrelated to CQ's functions, that confidential information had been transmitted and that there had been a conflict of interests.

Following OLAF's investigation, the Court of Auditors adopted a decision establishing a financial claim against CQ and ordering the recovery of that amount. CQ paid the amount claimed by the Court of Auditors, whilst bringing an action before the General Court of the European Union for annulment of that decision and making a claim for compensation for the non-material damage which he claimed to have suffered ¹.

In its judgment delivered today, the General Court holds that the investigation carried out by OLAF was not vitiated by any irregularity and that the Court of Auditors' decision to recover certain amounts was sufficiently reasoned and largely well founded. As regards the merits of the recovery decision, the General Court concludes that, despite the fact that five years elapsed between the facts and the finding that there was a financial claim, most of the claims were not time-barred since, as regards those claims, it was only after the OLAF investigation had been completed that the Court of Auditors was able to establish them. The General Court also confirms that a significant proportion of CQ's meetings with politicians had no connection with his duties as a Member of the Court of Auditors, and therefore holds that the expenses incurred in connection with such meetings were irregular. However, the General Court annuls the recovery decision, finding, first, that a very limited number of claims were time-barred and, second, that certain mission and representation expenses, as well as expenses linked to the driver, were legitimate ².

The General Court dismisses the claim for compensation in respect of the non-material damage which CQ alleges he suffered. According to the General Court, CQ did not establish that the alleged damage was the direct consequence of an act attributable to the Court of Auditors, with the result that one of the conditions for non-contractual liability to be incurred by the European Union, namely the unlawfulness of the conduct alleged against the EU institution ³, was not satisfied.

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.

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 and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ CQ argues that the Court of Auditors harmed his career and reputation as a result of its successive communications regarding the existence and conclusions of OLAF's report at a time when he himself did not have access to that report or to any preliminary report by the President of the Court of Auditors.

² The Court of Auditors is, consequently, required to repay CQ the amount of €19 254.20, plus late payment interest at the rate of 3.5% from 7 June 2019 until full payment by the Court of Auditors.

³ For the European Union to incur non-contractual liability under the second subparagraph of Article 340 TFEU, a set of cumulative conditions must be met, namely that the conduct alleged against the EU institution is unlawful, that damage has actually been suffered, and that there is a causal link between that institution's conduct and the damage invoked.