

## GENERAL COURT

Judgment of the General Court of 30 January 2020 — PV v Commission

(Joined Cases T-786/16 and T-224/18) <sup>(1)</sup>

*(Civil service — Civil servants — Psychological harassment — Bundle of decisions adopted by the Commission adversely affecting the applicant — Applications for assistance — Disciplinary procedure — Revocation — Withdrawal of the revocation — New disciplinary procedure — Fresh revocation)*

(2020/C 77/58)

Language of the case: French

**Parties**

*Applicant:* PV (represented by: M. Casado García-Hirschfeld, lawyer)

*Defendant:* European Commission (represented by: G. Berscheid, B. Mongin and I. Melo Sampaio, acting as Agents)

**Re:**

Action under Article 270 TFEU seeking, in the first place, a declaration that the applicant was the victim of psychological harassment; in the second place, annulment, primarily, in Case T-786/16, of (i) the applicant's 2014, 2015 and 2016 appraisal reports; (ii) the decisions of the Director-General of the Commission's Directorate General (DG) for Interpretation of 31 May and 5 July 2016 on the deductions from the applicant's salary, and the decision of 28 November 2016 rejecting the claims brought against those decisions; (iii) the pre-information letter from the Paymaster's Office (PMO) of 21 June 2016 informing the applicant that he was liable for a debt amounting to EUR 33 593,88, the PMO's decision of 11 July 2016 suspending the applicant's salary as of 1 July 2016, and the decision of 17 January 2017 rejecting the claim brought against those decisions; (iv) the revocation decision of 26 July 2016; (v) the note from the Director-General of the Commission's DG Interpretation of 31 July 2016 announcing the intention to regard the applicant's absences for the period from 2 June to 31 July 2016 as unjustified and to make the corresponding deductions from his salary; (vi) the PMO's pre-information letter of 21 September 2016 informing the applicant that he was liable for an amalgamated debt amounting to EUR 42 704,74, and the decision of 17 January 2017 rejecting the claim brought against that letter; (vii) the debit note of 20 July 2017 and the decision of 29 November 2017 rejecting the claim brought against that note; and (viii) disciplinary procedure CMS 13/087; and, in Case T-224/18, (i) the decision to open disciplinary procedure CMS 17/025; (ii) the emails inviting the applicant to take part in the appraisal exercises for 2016 and 2017; (iii) the decision of 24 July 2017 to reinstate the applicant following the withdrawal of the revocation decision concerning him, together with the decision of 15 January 2018 rejecting the claim brought against that decision; (iv) the PMO's decision of 12 September 2017 on the set off of the debit note of 20 July 2017 against the applicant's unpaid salary for the period from 1 August 2016 to 30 September 2017, the decision rejecting the claim brought against that decision, and the decision to suspend the applicant's salary from 1 October 2017; and, in the alternative, annulment, in Case T-786/16, of (i) the medical opinions of 27 June and 10 October 2014; (ii) the decisions of 23 October 2014, 20 January, 20 March and 30 July 2015 and of 15 March and 18 May 2016 refusing applications for assistance; (iii) the decisions of 9 February, 30 March, 5 May, 24 June, 1 October and 12 November 2015, 15 January, 22 April, 31 May, 5 July, 11 July and 15 September 2016 on salary deductions and the decisions rejecting the claims brought against those decisions; (iv) the debt letters of 10 March, 11 May, 10 June, 11 August, 13 November and 9 December 2015 and of 18 July 2016; (v) the decisions of 12 March, 11 August and 13 October 2015 and of 7 June and 21 September 2016 rejecting the claims brought against the appraisal procedures; (vi) the medical notes of the Commission's examining doctor noting the applicant's non-attendance for a medical examination on 16 and 18 July, 8 August, 4 September and 4 December 2014, 4 February, 13 April, 4 June, 11 August, 14 October and 4 December 2015, 5 February, 22 March, 18 April, 3 June, 30 June and 25 July 2016; and (vii) the decision rejecting the claim of 14 July 2016 concerning an unjustified absence on 16 and 17 March 2016; and, in the third place, in Cases T-786/16 and T-224/18, compensation in respect of material and non-material damage allegedly suffered by the applicant.

**Operative part of the judgment**

The Court:

1. *Dismisses the actions;*
2. *Orders PV to pay the costs, including those relating to the interlocutory proceedings in Cases T-224/18 R and T-224/18 R II.*

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<sup>(1)</sup> OJ C 123, 9.4.2018.

**Judgment of the General Court of 30 January 2020 — CBA Spielapparate- und Restaurantbetrieb v Commission**

(Case T-168/17) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the administrative procedure concerning alleged State aid implemented by the Austrian authorities in favour to concession holders pursuant to the law on gaming — Refusal to grant access — Plea relating to the protection of the purpose of inspections, investigations and audits — Overriding public interest — Obligation to state reasons — Plea of illegality)*

(2020/C 77/59)

*Language of the case: German*

**Parties**

*Applicant:* CBA Spielapparate- und Restaurantbetrieb GmbH (Vienna, Austria) (represented by A. Schuster, lawyer)

*Defendant:* European Commission (represented by C. Ehrbar, F. Erlbacher and K. Blanck, acting as Agents)

*Interveners in support of the defendant:* European Parliament (represented by N. Görlitz and D. Moore, acting as Agents), Council of the European Union (represented by M. Bauer and E. Rebasti, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment of Commission Decision C(2017) 249 final of 13 January 2017 refusing the request for access to documents concerning Case SA.40224 [2014/CP] on the basis of Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders CBA Spielapparate- und Restaurantbetrieb GmbH to bear its own costs and pay those incurred by the European Commission;*
3. *Orders the European Parliament and the Council of the European Union to bear their own costs.*

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<sup>(1)</sup> OJ C 151, 15.5.2017.