



PRESS RELEASE No 139/24

Luxembourg, 11 September 2024

Judgment of the General Court in Case T-793/22 | TU v Parliament

The European Parliament infringed certain protection rules relating to the status as an informant of a parliamentary assistant

By confining itself to relieving the person concerned of his duties, the Parliament did not take all the measures necessary to ensure that he had balanced and effective protection against any form of retaliation.

An accredited parliamentary assistant (APA) within the European Parliament reported cases of harassment and financial irregularities involving a Member of the European Parliament (MEP). He was transferred to another MEP, then, following alleged retaliation, he was discharged from his duties. However, his contract was not renewed. He challenged that decision and the implied refusal to recognise his status as an informant and to adopt protective measures in addition to the measure discharging him from his duties.

The person concerned also claimed compensation of €200 000 for breach of the rules on the protection of informants and the confidentiality of his identity. The Parliament rejected those claims. The person concerned then brought the case before the General Court of the European Union.

The General Court upholds in part the action brought by the former parliamentary assistant, annulling the Parliament's implied decision not to adopt additional protective measures. It orders the Parliament to pay €10 000 to the person concerned.

The General Court notes, as a preliminary point, that the protection of the informant applies automatically to any person reporting potentially illegal activities. The Parliament was therefore not required to adopt a decision recognising that the person concerned had the status of an informant.

However, first, the General Court finds that the Parliament did not correctly inform the person concerned of the action taken in response to his complaints within the prescribed period.

Second, the General Court points out that, where the informant provides credible evidence that he or she has suffered harm as a result of the adoption of the transfer measure, **it is for the institution to demonstrate that it fulfilled its duty of protection towards that person by adopting sufficient measures to that effect.**

Third, the General Court states that the institution must take all measures necessary to ensure that the informants have balanced and effective protection against any form of retaliation.

It is true that, in the absence of a request to that effect from Members of the Parliament, **the General Court considers that the non-renewal of the contract of the person concerned was in accordance with the rules in force**, since an APA has an employment relationship with the Member or Members whom he or she assists, which is characterised by the existence of a bond of trust.

However, by merely informing the person concerned that the discharge measure was the only protective measure that could be envisaged, **the Parliament has not demonstrated that it took all the measures necessary to**

ensure that the person concerned did not suffer any prejudicial effects on the part of the institution as a result of his status as an informant.

Fourth, the General Court finds that the Parliament infringed its duty of confidentiality by disclosing without permission the status as an informant of the person concerned, thereby exposing him to retaliation.

Finally, as regards the harm suffered, the General Court acknowledges the non-material harm suffered by the person concerned and awards him compensation of €10 000.

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.

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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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