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Judgment of the General Court in Case T-349/23 | Semedo v Parliament

Harassment complaint against a former Member of the European Parliament: the General Court annuls the finding of harassment and the penalty imposed by the President of the Parliament, on the ground of failure to observe the rights of the defence

A person accused of harassment is entitled to disclosure of a summary of the statements of the various witnesses heard during the investigation procedure

In March 2022, an advisory committee of the European Parliament initiated an investigation against Ms Monica Semedo, formerly a Member of the European Parliament. That investigation followed a complaint lodged by her former parliamentary assistant alleging psychological harassment.

In November 2022, the committee adopted its report on that complaint, concluding that the alleged acts constituted psychological harassment. It therefore recommended that Ms Semedo be ordered to forfeit entitlement to the subsistence allowance for a period of 20 days. In December 2022, the President of the Parliament sent Ms Semedo an anonymised version of the report and asked her to submit observations. The following month, Ms Semedo challenged the report, requesting, inter alia, access to the entire file. That request was refused. In April 2023, the President of the Parliament, first, found that certain acts which Ms Semedo was alleged to have engaged in constituted psychological harassment and, secondly, imposed on Ms Semedo a penalty consisting in the forfeiture of entitlement to the subsistence allowance for a period of 10 days. Ms Semedo brought an action for annulment of those decisions before the General Court of the European Union.

The General Court **annuls the decisions adopted by the President of the Parliament**. It holds that the decisions are vitiated by irregularities affecting Ms Semedo's rights of defence.

In the first place, the General Court notes that Ms Semedo was sent a non-confidential version of the committee's report, containing a summary of the statements of the witnesses **which did not reflect the substance** of the testimony given during the investigation.

In the second place, the General Court points out that Ms Semedo did **not have the opportunity to ascertain the detailed content** of the documents in the file serving as the basis for the allegations against her in the decisions concerning her. Although the General Court makes clear that Ms Semedo was indeed in possession of the written exchanges relied on to determine that harassment had occurred, having written those exchanges herself, it nevertheless finds that **not all of the written evidence was furnished to her** by the Committee or the President of the Parliament.

The General Court recalls that that failure to disclose documents in the file which the authorities have relied on **inevitably affects**, in the light of the protection to be afforded to the rights of the defence, the **lawfulness of the measures** adopted at the end of a procedure liable to affect the applicant adversely.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU 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 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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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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