



Press and Information

General Court of the European Union

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Judgment in Case T-399/17
John Dalli v Commission

The Court dismisses the action brought by the former European Commissioner John Dalli by which he applied for compensation for damage allegedly suffered as a result of the termination of his office

Mr Dalli has not shown the existence of unlawful conduct on the part of OLAF or the Commission and has not established the existence of a sufficiently direct causal link between the conduct complained of and the alleged damage, or even the existence of the latter

By judgment of 12 May 2015¹, the General Court dismissed the action brought by Mr John Dalli, former European Commissioner, seeking annulment of the 'oral decision of 16 October 2012 of termination of [his] office ... with immediate effect, taken by the President of the Commission' and for compensation for damage of 1 symbolic euro for non-material damage and, on a provisional basis, of €1,913,396 for material damage. By order of 14 April 2016², the Court of Justice dismissed the appeal brought by Mr Dalli against that judgment.

Mr Dalli brought another action before the Court for compensation for the damage, in particular non-material damage, caused to him, principally, by the alleged unlawful conduct of the Commission, including OLAF (the European Anti-Fraud Office), connected with the termination of his office as a Member of the Commission, with immediate effect, on 16 October 2012.

By today's judgment, the Court examines, first of all, **the plea of inadmissibility** raised by the Commission as a result of the force of *res judicata* of the judgment of 12 May 2012 and holds that it does not follow from that judgment that the points of law and of fact relating to OLAF's unlawful conduct alleged in the first action were actually or necessarily settled and that that judgment therefore does not have, in that regard, the force of *res judicata*.

As regards the substance, the Court notes next, as a preliminary point, that **the non-contractual liability of the European Union and the exercise of the right to compensation for damage suffered depend on the satisfaction of a number of conditions, namely the unlawfulness of the conduct of which the institutions are accused, the fact of damage and the existence of a causal link between that conduct and the damage complained of.**

The Court carries out an examination of the complaints concerning the unlawfulness of the conduct of the institutions while noting that in order to satisfy the condition relating to the unlawfulness of the conduct alleged of the institutions, the case-law requires there to have been a sufficiently serious breach of a rule of law intended to confer rights on individuals.

In that context, the Court rejects each of the seven complaints put forward by Mr Dalli concerning the unlawfulness of OLAF's conduct. Those complaints alleged, inter alia, the unlawfulness of the decision to open an investigation, flaws in the characterisation of the investigation and the unlawful extension of it, the breach of the principles governing the gathering of evidence and distortion and falsification of the evidence, an infringement of the rights of the defence and of the principle of presumption of innocence and of the right to the protection of personal data.

¹ Case: [T-562/12](#) Dalli v Commission see Press Release No [51/15](#)

² Order in case [C-394/15 P](#) Dalli v Commission see Press Release No [40/16](#)

The Court next rejects the two complaints put forward by Mr Dalli concerning the unlawfulness of the Commission's conduct. Those complaints alleged, firstly, the violation of the principle of sound administration and of the duty to behave in a loyal, impartial and objective manner and to respect the principle of independence, and, secondly, the violation of OLAF's independence.

The Court concludes that **Mr Dalli fails to show the existence of unlawful conduct on the part of OLAF or the Commission**. By way of an examination for the sake of completeness, **the Court concludes that Mr Dalli does not establish the existence of a sufficiently direct causal link between the conduct complained of and the damage alleged, or even the existence of the latter**.

Mr Dalli's action is therefore dismissed.

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](#) of the judgment is published on the CURIA website on the day of delivery

Press contact: Jacques René Zammit ☎ (+352) 4303 3355