

General Court Ruled on Irregularities by Former EU Auditor

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News

On 11 September 2024, the [General Court \(GC\)](#) ruled for the first time on the legality of procedures of the European Court of Auditors (ECA) and OLAF vis-à-vis alleged irregularities committed by a former ECA member.

The GC largely upheld the ECA's decision on the recovery of undue expenditure and also backed OLAF's investigations in the case at issue ([Case T-386/19, CQ v Court of Auditors](#)).

The case concerned several serious irregularities attributed to the former ECA member (CQ) for potentially undue expenditure being charged to the EU budget. Indeed, an OLAF investigation found that there had been a certain number of abuses of the ECA's resources 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. The ECA ordered the recovery of the undue amounts. CQ paid the amount claimed by the ECA, whilst bringing an action before the GC for annulment of that decision and making a claim for compensation for the non-material damage which he claimed to have suffered.

The GC largely dismissed CQ's arguments and claims. It concluded, *inter alia*, that OLAF neither unlawfully extended the subject matter of the investigation initially opened nor infringed the defendant's right to respect his private life and the right of defence. In addition, the GC ruled that ECA's decision to recover certain amounts was sufficiently reasoned and largely well founded. However, the GC annuls the recovery decision insofar as first, a very limited number of claims were time-barred and, second, certain expenses were legitimate. Lastly, the GC dismissed CQ's claim for compensation in respect of the non-material damage because CQ did not establish that the alleged damage was the direct consequence of an act attributable to the ECA.

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