

General Court Rules on Damage Claim against Europol



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News

In its judgment of 29 September 2021, the [General Court](#) dismissed the action brought by Mr *Kočner* against Europol. The plaintiff was seeking compensation for damage from data leaks.

Following the murder of Slovak journalist *J. Kuciak* and his fiancée *M. Kušnírová* in Slovakia on 21 February 2018, the Slovak authorities conducted an extensive investigation. As part of this investigation and at the request of the Slovak authorities, Europol secured and transferred data stored on two cell phones suspected to belong to *Mr Kočner* and stored on a USB storage device.

In May 2019, the Slovak press published extensive information, in particular transcripts of private conversations that originated, among other things, from the cell phones in question. *Mr Kočner* then brought an action before the General Court ([Case T-528/20](#)), claiming that Europol had breached its data protection obligations by disclosing the information at issue to the public before the reports had even been communicated to the Slovak authorities.

The General Court pointed out that the EU can only incur non-contractual liability for damage allegedly caused by its agencies if three cumulative conditions are fulfilled:

- ; The unlawfulness of the conduct alleged against the agency;
- ; The fact of damage;
- ; The existence of a causal link between that conduct and the damage being complained about.

In the given case, the General Court found no evidence that disclosure of the transcriptions at issue could be imputable to Europol. Hence, the damage allegedly resulting from the development of the terms used by the Slovak press when they mentioned that *Mr Kočner* is not imputable to Europol.

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