

From: [REDACTED]
Sent: 31 January 2022 15:03
To: [REDACTED]
Subject: RE: Jursisprudence 110

[REDACTED]

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0258;>

According to the jurisprudence of the Court of Justice of the European Union, the expression “general implementing provisions” in Article 110(1) of the Staff Regulations refers, first and foremost, to general implementing provisions expressly provided for by certain special provisions of the Staff Regulations. However, in exceptional circumstances, an obligation to adopt implementing rules subject to the procedural requirements of Article 110(1) of the Staff Regulations may arise also when the Staff Regulations do not expressly stipulate for the adoption of general implementing provisions. According to the Court, this could namely be the case “where the provisions of the Staff Regulations are so unclear and imprecise that any application of them must be arbitrary.” 14

[Alba Aguilera vs EEAS Judgement 2020](#)

According to the Court’s case-law, recalled, in essence, by the General Court in paragraph 28 of the judgment under appeal, the expression ‘general implementing provisions’ in Article 110(1) of the Staff Regulations refers first and foremost to general implementing provisions expressly provided for by certain special provisions of the Staff Regulations. In the absence of any express stipulation, the obligation to adopt implementing rules subject to the formal requirements of that provision can be recognised only in exceptional circumstances, namely where the provisions of the Staff Regulations are so unclear and imprecise that any application of them must be arbitrary (judgment of 8 July 1965, Willame v Commission, 110/63, EU:C:1965:71, page 815).

[REDACTED]

From: [REDACTED]
Sent: 31 January 2022 09:37
To: [REDACTED]
Subject: RE: Jursisprudence 110

[REDACTED]

From: [REDACTED]
Sent: 23 November 2021 19:38

To: [REDACTED]

Subject: Jursisprudence 110

