Reports of Cases

JUDGMENT OF THE COURT (First Chamber)

12 March 2026*

(Appeal – Staff coming under the Common Foreign and Security Policy (CFSP) – International contract staff member hired by the European Union Special Representative in Bosnia and Herzegovina – Successive fixed-term employment contracts – Termination of the employment contract following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union – Appeal brought by a Member State which did not intervene in the proceedings before the General Court – Third paragraph of Article 56 of the Statute of the Court of Justice of the European Union – Admissibility of the appeal – Concept of 'disputes between the Union and its servants' – Cross-appeal – Admissibility)

In Case C-728/23 P,

APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, brought on 27 November 2023,

Kingdom of Spain, represented by M. Morales Puerta, acting as Agent,

appellant,

the other parties to the proceedings being:

Robert Stockdale, residing in Bristol (United Kingdom), represented by N. de Montigny, avocate,

applicant at first instance,

Council of the European Union, represented by M. Bauer and J. Rurarz, acting as Agents,

European Commission, represented by D. Bianchi, G. Gattinara, L. Hohenecker, T. Lilamand and Y. Marinova, and subsequently by D. Bianchi, G. Gattinara, L. Hohenecker and Y. Marinova, acting as Agents,

European External Action Service (EEAS), represented by S. Marquardt, S. Rodríguez Sánchez-Tabernero and R. Spáč, acting as Agents,

EU Special Representative in Bosnia and Herzegovina, represented by B. Bajic, acting as Agent, and by E. Raoult, avocate,

defendants at first instance,

* Language of the case: French.

THE COURT (First Chamber),

composed of F. Biltgen, President of the Chamber, T. von Danwitz (Rapporteur), Vice-President of the Court, I. Ziemele, A. Kumin and S. Gervasoni, Judges,

Advocate General: N. Emiliou,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after hearing the Opinion of the Advocate General at the sitting on 18 September 2025,

gives the following

Judgment

1 By its appeal, the Kingdom of Spain seeks to have set aside in part the judgment of the General Court of the European Union of 26 July 2023, *Stockdale* v *Council and Others* (T-776/20, 'the judgment under appeal', EU:T:2023:422), by which the General Court upheld in part the pleas of lack of competence and inadmissibility raised by the defendants at first instance against the action brought by Mr Robert Stockdale concerning, principally, an application based on Articles 263, 268 and 272 TFEU seeking, first, a declaration that the decision of the European Union Special Representative ('the EUSR') in Bosnia and Herzegovina of 17 November 2020, by which the latter terminated Mr Stockdale's employment contract with effect from 31 December 2020, was unlawful and compensation for the harm he allegedly suffered as a result of that decision, second, a reclassification of his contractual relationship with the EUSR as a permanent contract, third, compensation for the harm he allegedly suffered as a result of the failure of the Council of the European Union, the European Commission and the European External Action Service (EEAS) to adopt a clear legal status applicable to him and, in the alternative, a claim for compensation based on the non-contractual liability of the European Union on the ground that his employment conditions did not respect his fundamental rights.

2 By his cross-appeal, Mr Stockdale seeks to have set aside or to reverse in part the judgment under appeal in so far as the General Court dismissed his action in part as inadmissible.

The legal framework

The Statute of the Court of Justice of the European Union

3 Article 50a(1) of the Statute of the Court of Justice of the European Union provides:

'The General Court shall exercise at first instance jurisdiction in disputes between the Union and its servants as referred to in Article 270 [TFEU], including disputes between all institutions, bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union.'

4 Article 56 of the Statute of the Court of Justice of the European Union provides:

'An appeal may be brought before the Court of Justice, within two months of the notification of the decision appealed against, against final decisions of the General Court and decisions of that Court disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. …

With the exception of cases relating to disputes between the Union and its servants, an appeal may also be brought by Member States and institutions of the Union which did not intervene in the proceedings before the General Court. Such Member States and institutions shall be in the same position as Member States or institutions which intervened at first instance.'

Decision (CFSP) 2019/1340

5 Article 4 of Council Decision (CFSP) 2019/1340 of 8 August 2019 appointing the European Union Special Representative in Bosnia and Herzegovina (OJ 2019 L 209, p. 10), entitled 'Implementation of the mandate', was worded as follows:

'1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the [High Representative of the Union for Foreign Affairs and Security Policy (HR)].

…

3. The EUSR shall work in close coordination with the [EEAS] and the relevant departments thereof.'

6 Article 6 of that decision, entitled 'Constitution and composition of the team', provided:

'1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the EUSR's mandate.'

Background to the dispute

7 The background to the dispute, as set out in paragraphs 2 to 18 of the judgment under appeal, may, for the purposes of the present proceedings, be summarised as follows.

8 Mr Stockdale is a United Kingdom national who held the post of Head of Finance and Administration with the EUSR in Bosnia and Herzegovina.

9 Pursuant to Article 33 TEU, the Council adopted, on 11 March 2002, Joint Action 2002/211/CFSP on the appointment of an EUSR in Bosnia and Herzegovina (OJ 2002 L 70, p. 7). Subsequently, the Council adopted various successive acts by which it appointed, without interruption, an EUSR in Bosnia and Herzegovina for a fixed-term mandate.

10 On the date the action was brought by Mr Stockdale, that is to say, 29 December 2020 as mentioned in paragraph 1 above, the EUSR in Bosnia and Herzegovina was appointed by Decision 2019/1340 for the period from 1 September 2019 to 31 August 2021.

11 Mr Stockdale was recruited by the EUSR in Bosnia and Herzegovina under an initial fixed-term contract concluded with the EUSR, with effect from 15 February 2006 and for a period not exceeding the EUSR's mandate. From 1 March 2007, he concluded 16 successive fixed-term contracts with the EUSR. The last fixed-term contract concluded by Mr Stockdale ('the contract at issue'), according to Article 5 thereof, ran from 1 September 2019 to 31 August 2021.

12 In parallel, Mr Stockdale also signed 13 tripartite contracts with the Commission and the EUSR in Bosnia and Herzegovina, appointing him as Interim Head of Office with effect from 1 July 2007. Those contracts provided that, in the event of the death or resignation of the EUSR, or an accident or illness preventing him from carrying out his duties, or the end of the contribution agreement between the Commission and the EUSR, Mr Stockdale would be responsible for managing the funds allocated to the EUSR. The last Interim Head of Office contract was signed by Mr Stockdale on 7 October 2019.

13 On 24 January 2020, the representatives of the European Union and the United Kingdom signed the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ 2020 L 29, p. 7; 'the withdrawal agreement'), which was approved on behalf of the European Union and the European Atomic Energy Community (EAEC) by Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ 2020 L 29, p. 1).

14 In accordance with Article 185 thereof, the withdrawal agreement entered into force on 1 February 2020. Article 126 of that agreement provided for a transitional period which began on the date of entry into force of that agreement and ended on 31 December 2020. In accordance with Article 127(6) of the withdrawal agreement, the reference to 'Member States' in EU law was to be understood as including the United Kingdom.

15 On 24 June 2020, Mr Stockdale sent a letter to the EUSR in Bosnia and Herzegovina asking the latter about his rights and claiming discrimination in the event that his role should ultimately be deemed redundant if the EUSR's office were transferred to the EU Delegation in that State, and therefore to the EEAS. In particular, he pointed out that, for the EUSR's international staff, there were no severance or unemployment rights, nor was there any provision for a pension.

16 On 7 July 2020, the EUSR in Bosnia and Herzegovina forwarded the request to the head of the Commission's Foreign Policy Instruments Service, explaining that Mr Stockdale had questions about the terms and conditions of his employment, especially with a view to the likely

termination of the contract at issue in connection with the withdrawal of the United Kingdom from the European Union. On 13 July 2020, a head of unit at that service replied that the service was not responsible for human resources management of CFSP staff and recommended that the EUSR consult the EEAS on the subject. She also emphasised that, as far as the financial aspects of Mr Stockdale's request were concerned, no severance payment or pension contribution could be paid to him under the terms of the contract at issue.

17 On 15 September 2020, the EUSR in Bosnia and Herzegovina forwarded Mr Stockdale's letter of 24 June 2020 to the EEAS.

18 On 28 September 2020, Mr Stockdale wrote again to the EUSR in Bosnia and Herzegovina, requesting further information on whether he could continue to perform his duties beyond the end of the transition period. After the EUSR referred the matter to the Commission's Foreign Policy Instruments Service, the director of that service replied to him on 2 October 2020 stating that no exceptions were envisaged for UK nationals and that their contracts would end on 31 December 2020.

19 On 17 November 2020, the EUSR in Bosnia and Herzegovina adopted a termination decision by which he gave notice of termination of the contract at issue, that decision taking effect on 31 December 2020 ('the termination decision').

20 On 25 November 2020, Mr Stockdale asked the EUSR in Bosnia and Herzegovina to review the termination decision.

The procedure before the General Court and the judgment under appeal

21 By application lodged at the Registry of the General Court on 29 December 2020, Mr Stockdale brought an action against the Council, the Commission, the EEAS and the EUSR in Bosnia and Herzegovina, by which he claimed that the Court should:

– principally (i) declare that the termination decision was unlawful, (ii) order the defendants to pay him EUR 10 000 by way of compensation for psychological damage resulting from that decision and (iii) order that he be reinstated or, alternatively, order that the defendants pay him EUR 393 850.08 by way of compensation for material damage resulting from that decision ('the first head of claim');

– principally, reclassify his contractual relationship with the EUSR in Bosnia and Herzegovina as a permanent contract and declare that the defendants breached their contractual obligations and, in particular, the obligation to serve valid prior notice in the context of the termination of a permanent contract ('the second head of claim');

– principally, declare that the Council, the Commission and the EEAS treated him in a discriminatory manner during his employment with the EUSR in Bosnia and Herzegovina concerning his remuneration, pension rights and other related benefits, declare that he should have been recruited as a member of the temporary staff of the Council, the Commission or the EEAS and order them to compensate him for the loss or harm suffered as a result of the fact that international contracted staff recruited under the CFSP were not subject to the Conditions of Employment of Other Servants of the European Union ('the CEOS'), or a legal regime comparable to the CEOS ('the third head of claim'), and

– alternatively, order the Council, the Commission or the EEAS to pay him EUR 400 000 on the basis of their non-contractual liability for the loss or harm resulting from the failure to respect his fundamental rights ('the fourth head of claim').

22 By separate pleadings lodged at the Court Registry, respectively, on 11 May 2021 by the Commission and the Council, on 12 May 2021 by the EEAS and on 30 June 2021 by the EUSR in Bosnia and Herzegovina, those parties raised pleas of inadmissibility and lack of competence arguing, inter alia, that the termination decision and the possible irregularities raised by Mr Stockdale are not attributable to them.

23 On 30 August 2021, Mr Stockdale lodged his observations on the pleas of lack of competence and inadmissibility, contending that those pleas should be rejected.

24 The General Court decided, pursuant to Article 130 of its Rules of Procedure, to rule, in respect of all the heads of claim submitted by the applicant at first instance, on the questions of competence and admissibility before examining the substance of the case.

25 By the judgment under appeal, the General Court rejected in part the pleas of inadmissibility and lack of competence raised by the defendants.

26 First of all, as is apparent from paragraph 167 of the judgment under appeal, the General Court declared that it has jurisdiction to rule on the first head of claim (i) on the basis of Article 263 TFEU, with regard to the application for a review of the legality of the termination decision, which is a decision adopted by an EU entity established under the Treaties, namely the EUSR in Bosnia and Herzegovina, and (ii) on the basis of Article 268 TFEU, with regard to the claim for financial compensation for the psychological and material damage allegedly suffered as a result of that decision. After equating, in paragraph 139 of the judgment under appeal, the EUSR in Bosnia and Herzegovina with an EU body which adopted the termination decision, the General Court concluded, in paragraph 167 of the judgment under appeal, that those claims were admissible in so far as they concern the EUSR in Bosnia and Herzegovina, and inadmissible in so far as they concern the Council, the Commission and the EEAS.

27 Conversely, regarding Mr Stockdale's claim that the General Court should order his reinstatement as a member of staff of the EUSR in Bosnia and Herzegovina, it is clear from paragraph 168 of the judgment under appeal that the General Court declined jurisdiction on the ground that the EU judicature cannot, in principle – even in the context of an action for damages – issue directions to an institution, body, office or agency of the European Union without encroaching on the prerogatives of the administrative authority.

28 Next, the General Court dismissed the second head of claim in its entirety, in paragraph 169 of the judgment under appeal, on the ground of lack of competence. It noted, first, in paragraph 84 of that judgment, that it did not have jurisdiction to rule on the application to issue directions to the EUSR in Bosnia and Herzegovina, in its capacity as Mr Stockdale's employer, for the reclassification of his contractual relationship with the EUSR as a permanent contract. Second, since the claim that the General Court should find that the defendants breached their contractual obligations was not submitted in support of an application for annulment or an application for compensation for loss or harm, the General Court held, in paragraph 85 of that judgment, that that claim had to be regarded as seeking only a ruling by means of a general declaration or statement of principle, which does not fall within the powers conferred on it by the Treaties.

29 Lastly, in paragraph 170 of the judgment under appeal, the General Court declared that it had jurisdiction, under Article 268 TFEU, to rule on the third and fourth heads of claim seeking compensation for the harm allegedly suffered by Mr Stockdale as a result of the failure to adopt a clear status applicable to him. According to the General Court, as is apparent from paragraph 162 of the judgment under appeal, any failure to adopt a general regime applicable to CFSP contract staff in general or to the contract staff of the EUSR in Bosnia and Herzegovina in particular must be imputed to the Council, with the result that those heads of claim are admissible as regards the Council. In that regard, the General Court stated, in paragraph 148 of the judgment under appeal, that the Council was responsible for framing the CFSP and for adopting the decisions necessary for defining and implementing it on the basis of the general guidelines and strategic lines defined by the European Council. The adoption, where appropriate, of a legal regime applicable to contract staff recruited under the CFSP falls, according to the General Court, within the implementation of that policy and is therefore a matter for the Council.

Forms of order sought

Forms of order sought in the main appeal

30 The Kingdom of Spain claims that the Court of Justice should:

– set aside the judgment under appeal in so far as the EUSR in Bosnia and Herzegovina was considered to be the defendant in relation to the first head of claim submitted by the applicant at first instance, and

– declare that the first head of claim is admissible in relation to the Council and inadmissible in relation to the EUSR in Bosnia and Herzegovina.

31 Mr Stockdale claims that the Court of Justice should:

– uphold the appeal brought by the Kingdom of Spain, and

– order the defendants to pay the costs of the present appeal proceedings.

32 The Council contends that the Court of Justice should:

– dismiss the appeal, and

– order the Kingdom of Spain to pay the costs incurred by the Council in the present proceedings.

33 The Commission contends that the Court of Justice should:

– dismiss the appeal, and

– order the Kingdom of Spain to pay the costs.

34 The EEAS contends that the Court of Justice should:

– dismiss the appeal as unfounded or, failing that, dismiss it as inadmissible, and

– order the Kingdom of Spain to pay the costs.

35 The EUSR in Bosnia and Herzegovina contends that the Court of Justice should:

– dismiss the appeal as inadmissible or, in any event, as unfounded, and

– order the Kingdom of Spain to pay the costs.

Forms of order sought in the cross-appeal

36 Mr Stockdale claims that the Court of Justice should:

– set aside in part the judgment under appeal;

– declare the second head of claim (of a contractual nature) seeking compensation for breaches of the employer's obligations to be admissible;

– rule that the first and second heads of claim (of a contractual nature) are admissible in so far as they are directed against all the defendants;

– declare that the legislative initiative and the legislative procedure provided for in Article 336 TFEU are not considered to be excluded from the CFSP;

– declare that the fourth head of claim (of a non-contractual nature) is also admissible in so far as it is directed against the Commission, and

– order the defendants to pay the costs of the present proceedings and refer the case back to the General Court.

37 The Council contends that the Court of Justice should:

– dismiss the cross-appeal as inadmissible in part and unfounded in part, and

– order Mr Stockdale to pay the costs incurred by the Council in the present proceedings.

38 The Commission contends that the Court of Justice should:

– dismiss the cross-appeal as inadmissible or, in the alternative, as unfounded, and

– order Mr Stockdale to pay the costs.

39 The EEAS and the EUSR in Bosnia and Herzegovina contend that the Court of Justice should:

– dismiss the cross-appeal as manifestly inadmissible or, in the alternative, as manifestly unfounded, and

– order Mr Stockdale to pay the costs.

The main appeal

40 In the present case, the Court of Justice is hearing an appeal brought by the Kingdom of Spain under the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union against the judgment under appeal by which the General Court ruled on the pleas of lack of competence and inadmissibility raised by the defendants at first instance against the action brought by Mr Stockdale, a former member of the contract staff with the EUSR in Bosnia and Herzegovina, concerning, principally, an application based on Articles 263, 268 and 272 TFEU seeking, inter alia, a declaration that the termination decision is unlawful and financial compensation for the loss or harm allegedly suffered as a result of that decision, a reclassification of his contractual relationship with the EUSR in Bosnia and Herzegovina as a permanent contract and an order that those defendants pay compensation for the contractual and non-contractual loss or harm which he claims to have suffered.

Arguments of the parties

41 The Kingdom of Spain states that, on the date of delivery of the judgment under appeal, it had applied for leave to intervene in the proceedings before the General Court in support of Mr Stockdale, but had not yet been granted leave to intervene.

42 In support of its appeal, the Kingdom of Spain raises two grounds of appeal challenging the judgment under appeal in that the General Court held that the EUSR in Bosnia and Herzegovina was a body that was legally distinct from the Council and should be treated as a defendant in relation to the first head of claim submitted by the applicant at first instance.

43 Mr Stockdale submits that the appeal is well founded.

44 The EEAS and the EUSR in Bosnia and Herzegovina contend that the appeal is inadmissible and, in any event, unfounded. The Commission submits that the appeal is in part inadmissible and in part unfounded. According to the Council, the appeal is unfounded.

Findings of the Court

45 Under the first paragraph of Article 56 of the Statute of the Court of Justice of the European Union, an appeal may be brought before the Court of Justice against final decisions of the General Court and against its decisions disposing of the substantive issues in part or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility. According to the second paragraph of Article 56 of the Statute of the Court of Justice, that appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions.

46 The third paragraph of Article 56 of the Statute of the Court of Justice provides that, with the exception of cases relating to disputes between the European Union and its servants, an appeal may also be brought by Member States and EU institutions which did not intervene in the proceedings before the General Court. Such Member States and institutions are to be in the same position as Member States or institutions which intervened at first instance.

47 As the Advocate General observed in points 41 to 43 of his Opinion, the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union confers on the Member States an extended right to bring an appeal, which derogates from the general rule set out in the

second paragraph of Article 56, according to which only parties who have been unsuccessful, in whole or in part, in their submissions and who have therefore intervened before the General Court, are entitled to bring an appeal against its final decisions and against those disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

48 However, that provision sets a limit to that extended right in that, in 'cases relating to disputes between the Union and its servants', a Member State or an EU institution cannot lodge an appeal against a final decision unless it intervened in the proceedings before the General Court (see, by analogy, judgment of 5 October 2000, *Council* v *Busacca and Others*, C-434/98 P, EU:C:2000:546, paragraph 21).

49 In the light of those considerations, it is necessary to ascertain whether, in the present case, the main appeal brought by the Kingdom of Spain against the judgment under appeal must be regarded as having been brought in the context of a 'dispute between the Union and its servants' and, therefore, as being inadmissible under the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union. In making that assessment, it is necessary to take into account not only the actual wording of that provision, but also the context in which it occurs and the objectives of the rules of which it forms part.

50 In the first place, as regards the wording of the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union, it should be noted that the concept of 'disputes between the Union and its servants' is formulated in general terms and does not refer to any of the remedies provided for by the FEU Treaty. In particular, that provision makes no reference to Article 270 TFEU, which establishes a specific legal remedy in civil service disputes, distinct from remedies of general application, such as an action for annulment under Article 263 TFEU and an action for damages governed by Article 268 TFEU, read in conjunction with the second and third paragraphs of Article 340 TFEU.

51 In the second place, as regards the context of the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union, it must be pointed out that, under Article 50a(1) of that statute, 'the General Court shall exercise at first instance jurisdiction in disputes between the Union and its servants as referred to in Article 270 [TFEU], including disputes between all institutions, bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union'.

52 It follows that Article 50a(1) of the Statute of the Court of Justice of the European Union, which defines the extent of the General Court's jurisdiction as a court hearing EU civil service disputes, refers not only to the disputes mentioned in Article 270 TFEU, that is to say, those covered by the Staff Regulations of Officials of the European Union and the CEOS, but also to all 'disputes between all institutions, bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union'. That provision cannot, therefore, be interpreted as limiting the jurisdiction of the General Court as a civil service court to disputes covered by Article 270 TFEU.

53 In those circumstances, it likewise cannot be held that, by referring to 'disputes between the Union and its servants', the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union refers exclusively to disputes covered by Article 270 TFEU, to the exclusion of those brought on the basis of Article 263 TFEU or Article 268 TFEU. The meaning and scope of the concept of 'disputes between the Union and its servants' in both Article 50a(1) and the third paragraph of Article 56 of that statute, cannot vary, within the statute itself, according to the

provision in which that concept is used. Furthermore, it should be noted that, in Article 270 TFEU, the scope of that concept is limited by the phrase 'within the limits and under the conditions laid down in the Staff Regulations of Officials', with the result that that concept must necessarily have a broader scope where it is used without such a limit being laid down, as is the case with the third paragraph of Article 56 of that statute. It follows that the context of the latter provision does not permit the inference that the scope of that provision is limited solely to disputes coming under Article 270 TFEU.

54 In that respect, it should also be pointed out that, as regards the limits of the jurisdiction of the courts and the remedies provided for in Article 270 TFEU, on the one hand, and in Articles 263 and 268 TFEU, on the other, the Court of Justice has repeatedly held that Article 270 TFEU confers on the EU Courts substantive jurisdiction to rule on disputes which have their origin in the employment relationship between those officials or other staff members and the EU institutions (see, to that effect, judgments of 10 September 2015, *Review Missir Mamachi di Lusignano* v *Commission*, C-417/14 RX-II, EU:C:2015:588, paragraph 41, and of 5 May 2022, *Commission* v *Missir Mamachi di Lusignano*, C-54/20 P, EU:C:2022:349, paragraph 41).

55 Thus, it is settled case-law that the EU Courts have jurisdiction to rule on any dispute between an official or other staff member and the EU institution by which he or she is employed, even if it is a claim for compensation, where that dispute originates in the relationship of employment between the person concerned and that institution (see, to that effect, judgment of 10 September 2015, *Review Missir Mamachi di Lusignano* v *Commission*, C-417/14 RX-II, EU:C:2015:588, paragraphs 38 and 42).

56 The jurisdiction *ratione materiae* of the EU Courts to hear proceedings relating to civil service disputes derives from the origin of the dispute in question, as defined in paragraph 54 above, and not from the legal basis on which an action may be founded as such (see, by analogy, judgments of 10 September 2015, *Review Missir Mamachi di Lusignano* v *Commission*, C-417/14 RX-II, EU:C:2015:588, paragraph 50, and of 5 May 2022, *Commission* v *Missir Mamachi di Lusignano*, C-54/20 P, EU:C:2022:349, paragraph 43 and the case-law cited).

57 In the third place, the interpretation set out in paragraph 53 above is also confirmed by the objective and purpose of the exclusion of cases relating to civil service disputes provided for in the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union, it being understood that that exclusion is based, inter alia, on the individual nature of disputes relating to staff management, which can lead only to the annulment of individual decisions (see, by analogy, judgment of 5 October 2000, *Council* v *Busacca and Others*, C-434/98 P, EU:C:2000:546, paragraph 23) or to compensation for personal loss or harm suffered by officials or other staff of the institutions and bodies of the European Union.

58 As the Advocate General observed, in essence, in point 42 of his Opinion, the extended right conferred by that provision on the institutions and Member States is intended to enable privileged applicants, in their capacity as 'guardians of the law', to bring an action before the Court of Justice in order to safeguard the consistency of case-law, including in a situation where the parties to the proceedings before the General Court accept the judgment delivered by that Court. Since, as has been recalled in the preceding paragraph, disputes relating to staff management are individual in nature, any action by an institution or a Member State would not come under that objective. The legislature therefore expressly refrained from guaranteeing the pursuit of that objective by not

conferring that extended right on the institutions or the Member States, thereby limiting their possibilities of bringing an action to those provided for in the second paragraph of Article 56 of the Statute of the Court of Justice.

59 As regards disputes of the same kind concerning issues of an individual nature, there is no reason why the States or the institutions of the European Union should be able to enjoy an extended right to bring an appeal under the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union and, in so doing, intervene in disputes relating to staff covered by the CFSP, such as the one at issue in the present case, when that right is not conferred on them in disputes involving officials or other members of staff of the European Union acting on the basis of Article 270 TFEU.

60 That is all the more so since the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union, inasmuch as it establishes an exception to the general rule set out in the second paragraph of Article 56, according to which only parties who intervened before the General Court are entitled to bring an appeal against decisions of the General Court, cannot be interpreted broadly.

61 In the present case, it should be noted that this dispute, not only in so far as it concerns the unlawfulness of the termination decision, but also in so far as it seeks financial compensation for the loss or harm allegedly suffered as a result of that decision, the reclassification of the contractual relationship as a permanent contract and compensation for contractual and non-contractual loss or harm, arises from the employment relationship between Mr Stockdale and the EUSR in Bosnia and Herzegovina.

62 It must therefore be held that the whole of the present dispute arises from that employment relationship, it being understood that that dispute, both in so far as it concerns the lawfulness of the termination of the employment contract at issue and the financial compensation for the loss or harm allegedly suffered as a result of that termination, may lead the EU Courts to make assessments relating to that employment relationship.

63 Moreover, in the present case, it is clear that Mr Stockdale's claims, based on Articles 263, 268 and 272 TFEU, relate to a decision having an individual character.

64 It follows from all the foregoing considerations that the present dispute must be regarded as being '[a dispute] between the Union and [one of] its servants' for the purposes of the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union.

65 That conclusion cannot be called into question by the argument put forward by the Council, the Commission and the EEAS in response to the question for written reply posed by the Court, according to which the present dispute cannot simply and exclusively be equated to a dispute 'between the Union and its servants' within the meaning of the third paragraph of Article 56 of the Statute of the Court of Justice of the European Union, since its subject matter extends beyond that definition and also concerns institutional aspects. Neither the literal interpretation nor the teleological interpretation of that provision makes it possible to make the scope of the interpretation of the exception relating to 'disputes between the Union and its servants' in that provision dependent on the nature of the questions of law raised in the dispute at issue.

66 Consequently, the appeal lodged by the Kingdom of Spain must be rejected as inadmissible.

The cross-appeal

Arguments of the parties

67 In support of his cross-appeal, Mr Stockdale repeats the four heads of claim as set out in the judgment under appeal, without, however, specifying the grounds on which they are based.

68 As regards the arguments relating to the first head of claim, Mr Stockdale submits that the General Court erred in law in its interpretation of Articles 4 and 6 of Decision 2019/1340, read in conjunction with Article 28(1) TEU and Article 33 TEU, in so far as it considered the EUSR in Bosnia and Herzegovina to be a CFSP entity capable of being a party to legal proceedings and as being the only defendant required to respond to the first head of claim. According to Mr Stockdale, the Special Representatives of the European Union can neither be equated to institutions nor entities with legal personality, with the result that they cannot validly be classified as 'bodies, offices or agencies of the Union', nor be treated in the same way as other CFSP entities, which are at least recognised as having the capacity to be parties to legal proceedings.

69 As regards the second head of claim, Mr Stockdale disputes, inter alia, the General Court's assessment that that head of claim related, first, to a finding of a declaratory nature and, second, to an injunction held to be inadmissible on the ground that the General Court did not have the power to issue it. According to Mr Stockdale, the General Court should have held that the claims for compensation arising from the breaches of contract relied on under that head of claim were admissible under Article 268 TFEU.

70 As regards the third head of claim, Mr Stockdale calls into question the General Court's analysis of the regime applicable to international contracted staff recruited by the EUSR in Bosnia and Herzegovina which, in his view, should have been adopted on the basis of Article 336 TFEU.

71 As regards the fourth head of claim, he disputes the General Court's analysis relating to the claim that the institutions should be held liable on the basis of the non-contractual liability of the European Union.

72 The Commission, the EEAS and the EUSR in Bosnia and Herzegovina submit that the cross-appeal is inadmissible and, in any event, unfounded. The Council submits that the cross-appeal is in part inadmissible and in part unfounded.

Findings of the Court

73 Under Article 176 and Article 178(1) and (3) of the Rules of Procedure of the Court of Justice, the parties to the relevant case before the General Court having an interest in the appeal being allowed or dismissed may submit a cross-appeal, which must be brought by a document separate from the response, and which must seek to have set aside, in whole or in part, the decision of the General Court on the basis of pleas in law and legal arguments that are separate from those relied on in the response.

74 In the present case, contrary to what the Commission and the EUSR in Bosnia and Herzegovina maintain in their responses to the cross-appeal, Mr Stockdale, jointly with his response following notification of the appeal brought by the Kingdom of Spain, lodged a cross-appeal by a separate document.

75 However, Article 178(3) of the Rules of Procedure of the Court of Justice requires that the grounds of appeal and legal arguments relied on in support of the cross-appeal must identify precisely those paragraphs in the grounds of the decision of the General Court which are contested.

76 According to settled case-law, an appeal, including a cross-appeal, must indicate precisely the contested elements of the judgment which the appellant seeks to have set aside and also the legal arguments specifically advanced in support of that appeal. In that regard, even if it does allow the contested element of the judgment under appeal to be identified, an appeal in which the argument is not clear and precise enough to enable the Court of Justice to exercise its judicial review must be declared inadmissible. Since the essential points on which a ground of appeal is based are not indicated sufficiently coherently and intelligibly in the text of that appeal, which is worded in a vague and ambiguous manner, the Court of Justice is not in a position to exercise its judicial review without running the risk of ruling *ultra petita* (see, to that effect, judgments of 29 September 2011, *Arkema* v *Commission*, C-520/09 P, EU:C:2011:619, paragraph 61 and the case-law cited, and of 23 March 2023, *PV* v *Commission*, C-640/20 P, EU:C:2023:232, paragraph 200 and the case-law cited).

77 Arguments which merely repeat or reproduce verbatim those previously submitted to the General Court, without indicating the error of law which the General Court allegedly committed in rejecting them, are also inadmissible. Such an appeal does not satisfy the requirements to state reasons under Article 256 TFEU, the first paragraph of Article 58 of the Statute of the Court of Justice of the European Union and Article 168(1)(d) of the Rules of Procedure of the Court of Justice. Such an appeal amounts in reality to no more than a request for re-examination of the application submitted to the General Court, which the Court of Justice does not have jurisdiction to undertake (see, to that effect, judgment of 3 March 2022, *WV* v *EEAS*, C-171/20 P, EU:C:2022:154, paragraph 86 and the case-law cited).

78 It must be pointed out that the arguments put forward in support of the present cross-appeal do not satisfy the requirements set out in paragraphs 76 and 77 above, which prevents the Court of Justice from exercising its powers of judicial review.

79 As the respondents rightly point out, many of the arguments put forward in support of the cross-appeal do not identify the paragraphs of the judgment under appeal the legality of which is being challenged, but are formulated in very general terms and merely reiterate arguments put forward at first instance or criticise the positions adopted by the defendants at first instance, in breach of Article 178(3) of the Rules of Procedure of the Court of Justice. The other arguments lack clarity in that they do not contain any conclusions or do not make it possible to identify the aspects of the judgment under appeal in which the General Court erred in law.

80 That applies, in particular, to the introductory arguments and to the arguments relating to the first head of claim, which are in part unclear and in part irrelevant for the purposes of the appeal, in that they merely dispute positions expressed by other parties during the proceedings at first instance and repeat arguments already submitted to the General Court, without indicating precisely the error of law which the General Court allegedly committed in rejecting them. Furthermore, by invoking, in general terms, the lack of legal personality of the Special Representatives of the European Union, Mr Stockdale did not satisfy the requirement to put forward in a sufficiently precise manner essential evidence capable of showing that the General Court misinterpreted Articles 4 and 6 of Decision 2019/1340, read in conjunction with

Article 28(1) TEU and Article 33 TEU, in considering the EUSR in Bosnia and Herzegovina to be an autonomous entity capable of being a party to legal proceedings and as being the defendant required to respond to the first head of claim.

81 As regards the arguments put forward in the context of the second head of claim, it should also be noted that Mr Stockdale does not provide the essential elements with sufficient clarity and precision to satisfy the requirements set out in paragraph 76 above.

82 The same applies to all the arguments relating to the third and fourth heads of claim, in respect of which Mr Stockdale also fails to specify the paragraphs of the judgment under appeal which he seeks to challenge.

83 In the light of the foregoing considerations, the cross-appeal does not satisfy the requirements arising from Article 178(3) of the Rules of Procedure of the Court of Justice and must, therefore, be dismissed as inadmissible.

Costs

84 Under Article 138(1) of the Rules of Procedure of the Court of Justice, which applies to appeal proceedings by virtue of Article 184(1) thereof, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings.

85 Since the Kingdom of Spain has been unsuccessful in its main appeal and the Council, the Commission, the EEAS and the EUSR in Bosnia and Herzegovina have applied for costs, the Kingdom of Spain must be ordered to pay the costs relating to the main appeal.

86 Since Mr Stockdale has been unsuccessful in his cross-appeal and the Council, the Commission, the EEAS and the EUSR in Bosnia and Herzegovina have applied for costs, Mr Stockdale must be ordered to pay the costs relating to the cross-appeal.

On those grounds, the Court (First Chamber) hereby:

1. Dismisses the main appeal brought by the Kingdom of Spain as inadmissible;

2. Dismisses the cross-appeal brought by Mr Robert Stockdale as inadmissible;

3. Orders the Kingdom of Spain to pay the costs of the main appeal;

4. Orders Mr Robert Stockdale to pay the costs of the cross-appeal.

[Signatures]