

Re:

Officials — Application for compensation for the damage suffered by the applicant as a result of the decision of 1 February 2003 to retire the applicant on the ground of invalidity.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible;*
2. *Ms Soerensen Ferraresi is ordered to pay the costs.*

⁽¹⁾ OJ C 113, 16.05.2009, p. 45

Order of the Civil Service Tribunal (First Chamber) of 30 November 2009 — Meister v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case F-17/09) ⁽¹⁾

(Staff cases — Officials — Action for annulment — Carry-over of promotion points acquired earlier — Absence of act having adverse effect — Action for damages — Damages not quantified — Manifest inadmissibility)

(2010/C 24/149)

Language of the case: German

Parties

Applicant: Herbert Meister (Muchamiel, Spain) (represented by: H.-J. Zimmermann, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: I. de Medrano Caballero, Agent, assisted by D. Waelbroeck, lawyer)

Re:

Annulment of the dismissal of the applicant's complaint regarding the defective and incorrect periodical report for the year 2008 and application for damages for the material loss allegedly suffered.

Operative part of the order

1. *Mr Meister's action is dismissed as manifestly inadmissible;*
2. *Mr Meister is ordered to bear his own costs and to pay the costs of the Office for Harmonisation in the Internal Market (Trade Marks and Designs).*

⁽¹⁾ OJ C 113, 16.05.2009, p. 46

Order of the Civil Service Tribunal (First Chamber) of 30 November 2009 — Lebedef v Commission

(Case F-54/09) ⁽¹⁾

(Staff cases — Officials — Annual leave — Half-time secondment for the purposes of union representation — Unauthorised absence — Deduction from annual leave entitlement — Article 60 of the Staff Regulations — Action manifestly unfounded)

(2010/C 24/150)

Language of the case: French

Parties

Applicant: Giorgio Lebedef (Senningerberg, Luxembourg) (represented by: F. Frabetti, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and G. Berscheid, Agents)

Re:

Annulment of several decisions concerning the deduction of 39 days of the applicant's leave entitlement for 2008.

Operative part of the order

1. *The action is dismissed as manifestly unfounded in law;*
2. *Mr Lebedef is ordered to pay the costs in their entirety.*

⁽¹⁾ OJ C 167, 18.07.2009, p. 28

Order of the Civil Service Tribunal (First Chamber) of 29 September 2009 — Labate v Commission

(Case F-64/09)

(Staff cases — Officials — Social security — Insurance against the risk of accident and occupational disease — Occupational disease — Action for failure to act — Lack of jurisdiction of the Tribunal — Referral to the Court of First Instance)

(2010/C 24/151)

Language of the case: English

Parties

Applicant: Kay Labate (Tarquinia, Italy) (represented by: I. Forrester, lawyer)

Defendant: Commission of the European Communities

Re:

Application for a declaration that the Commission unlawfully failed to act insofar as it failed to take a decision on the applicant's request for recognition that the illness from which her husband died was an occupational disease.

Operative part of the order

1. *The action registered as Case F 64/09 Labate v Commission is referred to the Court of First Instance.*
2. *The costs are reserved.*

Action brought on 15 October 2009 — Kalmár v Europol**(Case F-83/09)**

(2010/C 24/152)

*Language of the case: Dutch***Parties**

Applicant: Andreas Kalmár (The Hague, The Netherlands) (represented by: D. Coppens, lawyer)

Defendant: Europol

Subject-matter and description of the proceedings

Annulment of the decisions of Europol of 4 and 24 February 2009 concerning, respectively, the applicant's dismissal of 4 May 2009 and his suspension. In addition, the application made by the applicant for reintegration and damages for the material and non-material harm suffered.

Form of order sought

- Annul the initial decisions of Europol of 4 and 24 February 2009 and the decision on the complaint of 18 July 2009 and order Europol to allow Mr Kalmár to resume his work there;
- order Europol to pay compensation calculated from the date on which his contract was unduly terminated to the date on which his contract should actually have expired;
- order Europol to pay EUR 25 000 in compensation for non-material harm suffered;
- order Europol to pay the costs.

Action brought on 21 October 2009 — Dekker v Europol**(Case F-87/09)**

(2010/C 24/153)

*Language of the case: Dutch***Parties**

Applicant: Abraham Dekker (Dordrecht, Netherlands) (represented by: D. Dane and P. de Casparis, lawyers)

Defendant: Europol

Subject-matter and description of the proceedings

Annulment of the decision of Europol of 15 April 2009 refusing to guarantee the amount of the invalidity pension awarded to the applicant (taking into account his other sources of income) at a net income of 90 % of his last gross basic salary and refusing to respond to the negative changes to the applicant's total net income due to a tax adjustment.

Form of order sought

- annul the decision of 15 April 2009 by which the defendant informed the applicant that it is not required to guarantee a net income of 90 % of the last gross basic salary of the member of staff and that it does not have an obligation to make good the financial loss in so far as the taxation by the Netherlands tax authorities is maintained;
- annul the decision of 23 July 2009 on the complaint which declared the pleas raised by the applicant against the decision of 15 April 2009 unfounded;
- order Europol to pay the costs.

Action brought on 23 October 2009 — Z v Court of Justice**(Case F-88/09)**

(2010/C 24/154)

*Language of the case: French***Parties**

Applicant: Z (Luxembourg, Luxembourg) (represented by: L. Levi and M. Vandenbussche, lawyers)