

Judgment of the Civil Service Tribunal of 16 January 2007
— Gesner v OHIM

(Case F-119/05) ⁽¹⁾

(Officials — Invalidity — Refusal of request for the establishment of an Invalidity Committee)

(2007/C 42/81)

Language of the case: Spanish

Parties

Applicant: Charlotte Gesner (Birkerød, Denmark) (represented by: J. Vázquez Vázquez and C. Amo Quiñones, lawyers)

Defendant: Office for Harmonisation in the Internal Market (represented by: I. de Medrano Caballero, Agent)

Re:

Staff case — Annulment of the decision of OHIM of 2 September 2005 refusing the applicant's request for the establishment of an Invalidity Committee to evaluate her inability to perform the duties corresponding to a post in her function group, and her right to claim invalidity allowance

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 21 April 2005 by which the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) refused Ms Gesner's request for the establishment of an Invalidity Committee;
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 96, 22.4.2006, p. 34.

Judgment of the Civil Service Tribunal (First Chamber) of 16 January 2007 — Borbély v Commission

(Case F-126/05) ⁽¹⁾

(Officials — Reimbursement of expenses — Installation allowance — Daily subsistence allowance — Travel expenses on taking up an appointment — Place of recruitment — Unlimited jurisdiction)

(2007/C 42/82)

Language of the case: English

Parties

Applicant(s): Andrea Borbély (Brussels, Belgium) (represented by: R. Stötzel, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer, agents)

Re:

Annulment of the decision of the Commission refusing the applicant the benefit of the installation allowance and the daily subsistence allowance and reimbursement of travel expenses following the establishment of her place of recruitment as Brussels

Operative part of the judgment

The Tribunal:

1. Declares that the decision of the Commission of the European Communities of 2 March 2005 is annulled in so far as it refuses to grant the applicant the installation allowance provided for in Article 5(1) of Annex VII to the Staff Regulations and the daily subsistence allowance provided for in Article 10(1) of that Annex;
2. Orders the Commission of the European Communities to pay the applicant, in accordance with the rules of the Staff Regulations in force, those allowances plus default interest, from the dates on which they were payable respectively and up to the date of their payment, at the rate set by the European Central Bank for its main refinancing transactions, as applicable during the relevant period, increased by two points;
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

⁽¹⁾ OJ C 60, 11.3.2006, p. 54.

Judgment of the Civil Service Tribunal (First Chamber) of 16 January 2007 — Frankin and Others v Commission

(Case F-3/06) ⁽¹⁾

(Officials — Obligation on the administration to provide assistance — Refusal — Transfer of pension rights acquired in Belgium)

(2007/C 42/83)

Language of the case: French

Parties

Applicants: Jacques Frankin (Sorée, Belgium) and Others (represented by: G. Bouneou and F. Frabetti, lawyers)

Defendant: Commission of the European Communities (represented by: L. Lozano Palacios and D. Martin, Agents)