

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Third Chamber) of
2 May 2007 — Giraudy v Commission**

(Case F-23/05) ⁽¹⁾

(Officials — Actions — Action for damages — Investigation by the European anti-Fraud Office (OLAF) — Reassignment — Regulation (EC) No 1073/1999 — Decision 1999/396/EC, ECSC, Euratom — Fault — Damage — Occupational disease — Account to be taken of the benefits provided for under Article 73 of the Staff Regulations)

(2007/C 129/42)

Language of the case: French

Parties

Applicant: Jean-Louis Giraudy (Paris, France) (represented by: D. Voillemot, lawyer)

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

Re:

First, annulment of the Commission's decision refusing to acknowledge the liability of its departments and the damage allegedly suffered by the applicant in the context of an investigation carried out by the European Anti-Fraud Office (OLAF) in the Commission's Office in France and, second, a claim for damages.

Operative part of the judgment

1. *The Commission of the European Communities is ordered to pay Mr Giraudy damages in the amount of EUR 15 000 by way of compensation for the non-material damage suffered by him in the form of an attack on his reputation and integrity.*
2. *The remainder of the application is dismissed.*
3. *The Commission of the European Communities shall bear its own costs and two thirds of Mr Giraudy's costs*
4. *Mr Giraudy shall bear one third of his own costs.*

⁽¹⁾ OJ C 171 of 9.7.2005, p. 29 (case initially registered at the Court of First Instance of the European Communities under number T-169/05 and transferred to the Civil Service Tribunal of the European Union by order of 15 December 2005).

**Order of the Civil Service Tribunal (Second Chamber) of
3 May 2007 — Bracke v Commission**

(Case F-123/05) ⁽¹⁾

(Officials — Competitions — Internal competition — Eligibility conditions — Competition notice — Seniority requirement — Temporary staff — Article 27 of the Staff Regulations — Principle of sound administration — Principle of non-discrimination)

(2007/C 129/43)

Language of the case: French

Parties

Applicant: Jean-Marc Bracke (Etterbeeck, Belgium) (represented by: P. Bruwier, lawyer)

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

Re:

First, the inapplicability, under article 241 EC, of point III.1 of the notice of competition COM/PC/04 on account of infringement of the principle of non-discrimination, and, second, annulment of the decision of the Appointing Authority not to recruit the applicant, and of the measures taken in consequence of that decision, on the grounds that it infringes Article 27 of the Staff Regulations, the principle of non-discrimination, the principle of sound administration, the principle of independence of the selection board, the principle of the protection of legitimate expectations, and that it is founded on an illegal provision of the notice.

Operative part of the order

1. *The application is dismissed as being manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 60 of 11.3.2006, p. 53.