

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 25 September 2008 — Guido Strack v Commission

(Case F-44/05) ⁽¹⁾

(Staff case — Officials — Recruitment — Vacancy notice — Rejection of candidature — Action for annulment and for damages — Admissibility — Interest in bringing proceedings — Retirement — Preselection committee — Composition — Temporal application of new provisions — Independence — Impartiality — Notification of a decision)

(2008/C 285/96)

Language of the case: French

Parties

Applicant: Guido Strack (Cologne, Germany) (represented by: J. Mosar initially, then by M. Wehrheim, then by F. Gengler, lastly by P. Goergen, lawyers)

Defendant: Commission of the European Communities (represented by: G. Berscheid and H. Kraemer, acting as Agents)

Re:

Application for annulment of the Commission's decision to reject the applicant's candidature for the post of head of the 'Calls for tender and contracts' unit and to appoint another candidate to that post and, secondly, an application for damages

Operative part of the judgment

The Tribunal:

1. Dismisses the application for annulment of the decision to appoint Mr A to the post of head of the 'Calls for tender and contracts' unit of the Publications Office of the European Communities as inadmissible;
2. Annuls the decision to reject the candidature of Mr Strack for the post of head of the 'Calls for tender and contracts' unit of the Publications Office of the European Communities;
3. Orders the Commission of the European Communities to pay the applicant EUR 2 000 by way of damages;
4. Dismisses the action as to the remainder;
5. Orders Mr Strack to bear half of his own costs;

6. Orders the Commission of the European Communities to pay its own costs and half of the costs incurred by Mr Strack.

⁽¹⁾ OJ C 205, 20.8.2005, p. 28 (Case initially registered before the Court of First Instance of the European Communities under number T-225/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).

Judgment of the Civil Service Tribunal (Third Chamber) of 11 September 2008 — Coto Moreno v Commission

(Case F-127/07) ⁽¹⁾

(Staff case — Officials — Open competition — Non-inclusion on the reserve list of successful candidates — Assessment of written and oral tests)

(2008/C 285/97)

Language of the case: French

Parties

Applicant: Juana Maria Coto Moreno (Gaborone, Botswana) (represented by: K. Lemmens and C. Doutrelepon, lawyers)

Defendant: Commission of the European Communities (represented by: B. Eggers and M. Velardo, Agents)

Re:

Annulment of the decision of the selection board of competition EPSO AD/25/05 of 12 February 2007 not to include the applicant's name on the reserve list of successful candidates for that competition — Claim for damages.

Operative part of the judgment

The Tribunal:

1. Dismisses Ms Coto Moreno's action;
2. Orders that each party shall bear its own costs.

⁽¹⁾ OJ C 22, 26.1.2008, p. 57.