

Judgment of the Civil Service Tribunal (First Chamber) of 10 March 2009 — Tsirimiagos v Committee of the Regions

(Case F-100/07) ⁽¹⁾

(Staff case — Officials — Remuneration — Transfer of part of the emoluments outside the country of employment — Article 17(2)(b) of Annex VII to the old Staff Regulations — Building savings account — Recovery of amounts wrongly paid — Conditions — Irregularity of the transfers — Obvious nature of the irregularity)

(2009/C 102/55)

Language of the case: French

Parties

Applicant: Kyriakos Tsirimiagos (Kraainem, Belgium) (represented by: M.-A. Lucas, lawyer)

Defendant: Committee of the Regions of the European Union (represented by: P. Cervilla, Agent, and B. Wägenbaur, lawyer)

Re:

Annulment of the decision of 21 November 2006 to recover the amounts paid to the applicant in respect of the correction coefficient on part of his emoluments transferred to France from April 2004 to May 2005 because of the alleged failure to comply with the conditions required for that transfer — Application for damages

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the Committee of the Regions of the European Union of 21 November 2006, as amended by the Decision of 21 June 2007, in so far as it orders the recovery of sums resulting from the application of the correction coefficient to the transfers made by Mr Tsirimiagos to his building savings account from April 2004 to May 2005, amounting to 15 300 euros;

2. Orders the Committee of the Regions of the European Union to reimburse Mr Tsirimiagos the sums, together with default interest, withheld from his remuneration, corresponding to the application of the correction coefficient to the transfers made to his building savings account from April 2004 to May 2005, amounting to EU 15 300; that interest is to run from the date of the recovery until the date of the actual payment, at the rate fixed by the European Central Bank for its main refinancing operations and applicable during the period concerned, increased by 2 points;
3. Dismisses the action as to the remainder;
4. Orders the Committee of the Regions of the European Union to pay, in addition to its own costs, half of the applicant's costs;
5. Orders the applicant to bear half of his own costs.

⁽¹⁾ OJ C 269, 10.11.2007, p. 73.

Judgment of the Civil Service Tribunal (First Chamber) of 10 March 2009 — Giaprakis v Committee of the Regions

(Case F-106/07) ⁽¹⁾

(Staff case — Officials — Remuneration — Transfer of part of the emoluments outside the country of employment — Article 17(2)(b) of Annex VII to the old Staff Regulations — Building savings account — Recovery of amounts wrongly paid — Conditions — Irregularity of the transfers — Obvious nature of the irregularity)

(2009/C 102/56)

Language of the case: French

Parties

Applicant: Stavros Giaprakis (Brussels, Belgium) (represented by: M.-A. Lucas, lawyer)

Defendant: Committee of the Regions of the European Union (represented by: P. Cervilla, agent, and B. Wägenbaur, lawyer)