

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### Judgment of the Civil Service Tribunal (Second Chamber) of 10 September 2009 — Behmer v European Parliament

(Case F-16/08) <sup>(1)</sup>

*(Officials — Procedure for the award of merit points at the European Parliament — Infringement of the obligation to state reasons — Statement of reasons given in the course of the procedure)*

(2009/C 297/52)

*Language of the case: French*

#### Parties

*Applicant:* Joachim Behmer (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

*Defendant:* European Parliament (represented by: C. Burgos and R. Ignătescu, Agents)

#### Re:

Action for annulment of the decision to award the applicant two merit points for the years 2004 and 2006.

#### Operative part of the judgment

*The Tribunal:*

1. Declares that it is not necessary to rule on the action in so far as it is directed against the decision of the European Parliament of 4 June 2007 awarding Mr Behmer two merit points in respect of the year 2004;
2. annuls the decision of the European Parliament of 26 June 2007 awarding Mr Behmer two merit points in respect of the year 2006;
3. orders the European Parliament to bear its own costs and to pay one half of the costs incurred by Mr Behmer;
4. orders Mr Behmer to bear one half of his own costs.

<sup>(1)</sup> OJ C 116, of 09.05.2008 p. 32.

### Judgment of the Civil Service Tribunal (Third Chamber) of 7 October 2009 — Y v Commission

(Case F-29/08) <sup>(1)</sup>

*(Contract staff — Dismissal for obviously inadequate work — Conduct in the service inadequate)*

(2009/C 297/53)

*Language of the case: French*

#### Parties

*Applicant:* Y (Brussels, Belgium) (represented by: N. Lhoëst, lawyer)

*Defendant:* Commission of the European Communities (represented by: J.-P. Keppenne and L. Lozano Palacios, Agents)

#### Re:

Annulment of the decision of the authority authorised to conclude contracts of employment of 24 May 2007 to dismiss the applicant as a member of the contract staff on account of the applicant's allegedly inadequate conduct in the service and compensation for the material and non-material damage suffered

#### Operative part of the judgment

*The Tribunal:*

1. Dismisses the action;
2. orders Y to pay all the costs.

<sup>(1)</sup> OJ C 116, of 09.05.2008 p. 35.

### Judgment of the Civil Service Tribunal (First Chamber) of 21 October 2009 — V v Commission

(Case F-33/08) <sup>(1)</sup>

*(Staff case — Members of the contract staff — Recruitment — Refusal to employ the applicant for physical unfitness to perform her duties — Validity of the procedure — Validity of the medical examination prior to appointment — Preparatory acts)*

(2009/C 297/54)

*Language of the case: French*

#### Parties

*Applicant:* V (Brussels, Belgium) (represented by: C. Ronzi, A. Grauling and É. Boigelot, lawyers)

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