

Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders ClientEarth and Pesticide Action Network Europe (PAN Europe), the European Food Safety Authority (EFSA) and the European Commission each to bear their own costs.

⁽¹⁾ OJ C 179, 18.6.2011.

Judgment of the General Court of 16 September 2013 — De Nicola v EIB

(Case T-264/11 P) ⁽¹⁾

(Appeal — Civil service — EIB staff — Appraisal — Promotion — 2007 appraisal and promotion period — Decision of the Appeals Committee — Psychological harassment — Reasonable period — Claim for setting aside — Claim for damages)

(2013/C 313/41)

Language of the case: Italian

Parties

Appellant: Carlo De Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

Other party to the proceedings: European Investment Bank (EIB) (represented by: initially by T. Gilliams and F. Martin, and subsequently by Gilliams and G. Nuvoli, acting as Agents, and by A. Dal Ferro, lawyer)

Re:

Appeal against the judgment of the Civil Service Tribunal of the European Union (First Chamber) in Case F-59/09 *De Nicola v EIB*, not yet published in the ECR, seeking the setting aside of that judgment.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Civil Service Tribunal of the European Union (First Chamber) in Case F-59/09 *De Nicola v EIB*, in so far as it rejects Mr Carlo De Nicola's claims seeking the annulment of the decision of the Appeals Committee of the European Investment Bank (EIB) and compensation for the damage he claims to have suffered as a result of his harassment by the EIB;
2. Dismisses the remainder of the appeal;
3. Refers the case back to the Civil Service Tribunal;
4. Reserves the costs.

⁽¹⁾ OJ C 211, 16.7.2011.

Judgment of the General Court of 12 September 2013 — Besselink v Council

(Case T-331/11) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Draft Council Decision authorising the Commission to negotiate the Accession Agreement of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms — Exception relating to the protection of the public interest as regards international relations — Partial access — Obligation to state reasons — Application for measures of organisation of procedure or inquiry — Inadmissible)

(2013/C 313/42)

Language of the case: English

Parties

Applicant: Leonard Besselink (Utrecht, Netherlands) (represented by: O. Brouwer, J. Blockx and E. Raedts, lawyers)

Defendant: Council of the European Union (represented: initially by C. Fekete, P. Plaza García and J. Herrmann, and subsequently by P. Plaza García, J. Herrmann and B. Driessen, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: E. Paasivirta and P. Costa de Oliveira, acting as Agents)

Re:

Application for annulment of the Council Decision of 1 April 2011 refusing access in full to document 9689/10, containing a draft Council Decision authorising the Commission to negotiate the Accession Agreement of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950

Operative part of the judgment

The Court:

1. Annuls the Council Decision of 1 April 2011 refusing full access to document 9689/10 in that it refuses access to Negotiating Directive No 5 and to the undisclosed parts of the requested document, which set out the principles laid down in the EU Treaty that should govern negotiations for the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, or which only set out the questions to be addressed in the negotiations;
2. Dismisses the action as to the remainder;
3. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 238, 13.8.2011.