

**Judgment of the Civil Service Tribunal (Second Chamber)
of 11 December 2013 — Balionyte-Merle v Commission**

(Case F-113/12) ⁽¹⁾

(Civil service — Open competition — Notice of competition EPSO/AD/204/10 — Failure to include the applicant on the reserve list — Assessment of candidates' general competencies — Assessment on the basis of performance in tests at the assessment centre — Consistency between the mark obtained and comments appearing in the competency passport)

(2014/C 71/65)

Language of the case: English

Parties

Applicant: Vilija Balionyte-Merle (Auderghem, Belgium) (represented by: L. Levi and A. Tymen, lawyers)

Defendant: European Commission (represented by: B. Eggers and G. Gattinara, acting as Agents)

Re:

Application for annulment of the decision of the selection board not to include the applicant on the reserve list for competition EPSO/AD/204/10 and for annulment of the decision to reject the complaint.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders Ms Balionyte-Merle to bear her own costs and to pay those incurred by the European Commission.*

⁽¹⁾ OJ C 26, 26.1.2013 p. 710.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 21 November 2013 — Arguelles Arias v Council**

(Case F-122/12) ⁽¹⁾

(Civil Service — Contract staff — Contract for an indefinite period — Termination — Post held requiring security clearance — Clearance refused by the national security authority — Decision varied by the appeal body — Findings of the national security authority and the appeal body not binding on the AECE)

(2014/C 71/66)

Language of the case: French

Parties

Applicant: Bruno Arguelles Arias (Awans, Belgium) (represented by: J. Lecuyer, lawyer)

Defendant: Council of the European Union (represented by: M. Bauer and A. Bisch, acting as Agents)

Re:

Action for annulment of the decision of the Council dismissing the applicant and for compensation for the material and non-material damage suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders Mr Arguelles Arias to bear his own costs and to pay those incurred by the Council of the European Union.*

⁽¹⁾ OJ C 26, 26.1.2013, p. 72.

**Order of the Civil Service Tribunal (Second Chamber) of
5.12.2013 Birkhoff v Commission**

(Case F-60/09 DEP)

(Civil service — Procedure — Taxation of costs — No need to adjudicate)

(2014/C 71/67)

Language of the case: Italian

Parties

Applicant: Gerhard Birkhoff (Isny, Germany) (represented by: C. Inzillo, lawyer)

Defendant: European Commission (represented by: J. Currall and B. Eggers, acting as Agents, and by A. Dal Ferro, lawyer)

Operative part of the order

1. *There is no longer any need to adjudicate on the application for taxation of costs in Case F 60/09 DEP, Birkhoff v Commission.*
2. *The parties are to bear their own costs incurred in respect of the present taxation of costs proceedings.*