

Appeal brought on 31 December 2014 by Carlo de Nicola against the judgment of the Civil Service Tribunal of 18 November 2014 in Case F-59/09 RENV De Nicola v EIB

(Case T-849/14 P)

(2015/C 073/57)

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

Form of order sought by the appellant

The appellant claims that the Court should: uphold the present appeal and, reversing the judgment under appeal in part, set aside points 2 and 3 of the operative part, the assertion that the proceedings are pursuant to Article 270 TFEU, and paragraphs 43, 44, 50, 55, 56, 58, 59, 60, 61, 63, 65, 66, 67, 68, 69, 70, 71, 72 and 73 of the grounds for that judgment; refer the case to a different Chamber, sitting in a different formation, of the Civil Service Tribunal so that, following completion of the requested medical report, a fresh decision may be made regarding the paragraphs set aside; adopt any measure of inquiry, direct and/or otherwise, which may be necessary in relation to the EIB's defence and the production of any other documents considered useful for refuting the arguments raised therein.

Grounds of appeal and main arguments

The present appeal is brought against the judgment of the Civil Service Tribunal of 18 November 2014 in Case F-59/09 RENV *De Nicola v EIB*.

The appellant relies on the following grounds of appeal.

1. The appellant contests the finding of inadmissibility as regards his head of claim concerning the Appeals Committee as follows: he makes reference to that body's rules of operation, challenges the Civil Service Tribunal's assertion that adequate compensation is provided for the harm suffered by removing the annulled measure from his personal file, and alleges an abuse of that court's judicial powers.
2. The appellant contests as follows the finding of inadmissibility regarding his head of claim concerning the harassment suffered: he challenges the Civil Service Tribunal's finding that the application for a declaration was inadmissible, makes reference to that court's failure to give a ruling on that specific application and its refusal to follow the order for reference, states that the new objections proposed by the EIB in the main proceedings are unlawful, and alleges that the Civil Service Tribunal abused its powers by putting itself in the place of his counsel, deciding that it was better not to examine the claim for compensation because it was covered in a more structured way in Case F-52/11.
3. As regards his request for a medical report and for other organisational measures, the appellant emphasises that he never waived his requests for measures of inquiry, which were rejected as unnecessary by the Civil Service Tribunal. Accordingly, once the General Court of the European Union established that the dispute had to be settled on the merits, the Civil Service Tribunal was required to examine all requests timeously submitted, establishing which of them were relevant for the purposes of its decision and adopting the related measures of organisation of the procedure.