

Operative part of the judgment

The Tribunal:

1. Sets aside the decision whereby the European Commission removed Mr Šimonis from the selection procedure under vacancy notice COM/2007/142 by declining to request his transfer from the Court of Justice of the European Union;
2. Orders the European Commission to bear its own costs and pay those of the applicant;
3. Orders the Republic of Lithuania to bear its own costs..

(¹) OJ C 79, 29.3.2008, p. 36.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 17 February 2011 — Strack v European Commission**

(Case F-119/07) (¹)

(Civil service — Officials — Mediation procedure — Act adversely affecting an official — Article 73 of the Staff Regulations — Consolidation — Provisional allowance)

(2011/C 252/101)

Language of the case: German

Parties

Applicant: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Defendant: European Commission (represented by: J. Currall and B. Eggers, Agents)

Re:

Annulment of several decisions of the Commission rejecting the applicant's requests for the conduct of a mediation procedure, for immediate intervention, for the adoption of dispute resolution measures and for payment of an allowance pursuant to Article 19(4) of the Common Rules on insurance against the risk of accident and of occupational disease. Application for damages.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the European Commission of 26 February 2007 refusing to pay Mr Strack a provisional allowance pursuant to Article 19(4) of the Common Rules.
2. Dismisses the remainder of the action.
3. Orders the Commission to pay half of the costs incurred by Mr Strack in addition to its own costs.

4. Orders Mr Strack to pay half of his own costs.

(¹) OJ C 183, 19.07.2008, p. 32.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 15 March 2011 — Strack v European Commission**

(Case F-120/07) (¹)

(Civil service — Officials — Carry-over of days of annual leave — Article 4 of Annex V to the Staff Regulations — Reasons attributable to the interests of the service — Article 73 of the Staff Regulations — Directive 2003/88/EC — Right to paid annual leave — Sick leave)

(2011/C 252/102)

Language of the case: French

Parties

Applicant: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Defendant: European Commission (represented by: J. Currall and B. Eggers, Agents)

Re:

Annulment of several decisions of the Commission concerning the application to carry over from 2004 to 2005 a number of days of unused annual leave exceeding the limit of 12 days. An order that the European Commission pay the applicant compensation for the 26.5 days of unused leave in respect of which no compensation has been paid with interest at a rate of 2 % per year.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the European Commission of 15 March 2007 rejecting the request by Mr Strack to carry over the balance of his days of annual leave from 2004;
2. Dismisses the remainder of the application;
3. Orders the European Commission to pay its own costs and those of Mr Strack.

(¹) OJ C 315, 22.12.2007, p. 50.