

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 24 September 2009 — Brown v Commission

(Case F-37/05) ⁽¹⁾

(Staff case — Competition internal to the institution — Admission criteria — Members of the auxiliary staff — Rejection of candidature)

(2009/C 267/148)

Language of the case: French

Parties

Applicant: Michael Brown (Overijse, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities (represented by: H. Tserepa-Lacombe and K. Herrmann, acting as Agents)

Re:

Annulment of the selection board's decision in competition COM/PB/04, competition for change of category C to B, refusing to admit the applicant to the pre-selection tests for that competition on the ground that he did not fulfil the required statutory condition at the closing date for the lodging of applications

Operative part of the judgment

The Tribunal:

1. dismisses the action;
2. orders the parties to bear their own costs.

⁽¹⁾ OJ C 193, 6/8/2005, p. 36. (the case was initially brought before the Court of First Instance of the European Communities under Case T-208/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005)

Judgment of the Civil Service Tribunal (Second Chamber) of 10 September 2009 — Van Arum v Parliament

(Case F-139/07) ⁽¹⁾

(Staff case — Officials — Appraisal — Staff Report — Scope of the complaint referred to in Article 90 of the Staff Regulations)

(2009/C 267/149)

Language of the case: Dutch

Parties

Applicant: Rinse van Arum (Winksele, Belgium) (represented by: W. van den Muijsenbergh, lawyer)

Defendant: European Parliament (represented by: J.F. De Wachter, C. Burgos and K. Zejdová)

Re:

Staff case — Application to alter, or, alternatively, to annul the Staff Report, and to order the defendant to pay the token sum of EUR 1 as damages.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 92, 12.4.2009, p. 49.

Judgment of the Civil Service Tribunal (Second Chamber) of 10 September 2009 — Rosenbaum v Commission

(Case F-9/08) ⁽¹⁾

(Staff case — Officials — Appointment — Grading — Request for reclassification — Scope of Article 13 in Annex XIII to the Staff Regulations — Taking into account professional experience — Recruitment in the grade of the competition — Article 31 of the Staff Regulations — Principle of non-discrimination — Free movement of workers)

(2009/C 267/150)

Language of the case: German

Parties

Applicant: Eckehard Rosenbaum (Bonn, Germany) (represented by: H.-J. Rüber, lawyer)

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

Intervener in support of the defendant: Council of the European Union (represented by: M. Simm and M. Bauer, Agents)

Re:

Staff case — First, annulment of the decision classifying the applicant, a successful candidate in a competition held for the purpose of drawing up a reserve list for the recruitment of administrators in Grade A7/A6, in Grade AD 6/2 and, second, an application for reclassification.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Rosenbaum to bear his costs and to pay those of the Commission of the European Communities;
3. Orders the Council of the European Union, intervener, to bear its own costs.

⁽¹⁾ OJ C 64, 8.3.2008, p. 70.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 24 September 2009 — Schell v Commission**

(Case F-36/08) ⁽¹⁾

**(Staff case — Officials — Promotion — Allocation of
promotion points by Directors-General — 2007 promotion
procedure)**

(2009/C 267/151)

Language of the case: French

Parties

Applicant: Arno Schell (Brussels, Belgium) (represented by: F.Frabetti, lawyer)

Defendant: Commission of the European Communities (represented by: C. Berardis-Kayser and G. Berscheid, acting as Agents)

Re:

Staff case — Annulment of the applicant's career development report for the period from 1 January 2006 to 31 December 2006 and annulment of his 2007 promotion report

Operative part of the judgment

The Tribunal:

1. dismisses the action;
2. orders Mr Schell to pay all of the costs.

⁽¹⁾ OJ C 142, 7/6/2008, p. 40.

**Order of the Civil Service Tribunal (Second Chamber) of
15 September 2009 — Hartwig v Commission**

(Case F-141/06) ⁽¹⁾

**(Appointment — Members of the temporary staff appointed
as officials — Candidates names included on a reserve list of
a competition published prior to the entry into force of the
new Staff Regulations — Grading pursuant to the new less
favourable rules — Transitional measures of Annex XIII to
the Staff Regulations)**

(2009/C 267/152)

Language of the case: French

Parties

Applicant: Marc Hartwig (Brussels, Belgium) (represented by: T. Bontinck, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Krämer, Agents)

Re:

Annulment of the decisions of the Commission and the Parliament with effect from 16 April 2006 by which the applicant, a member of temporary staff in grade B*7 and successful candidate in Open Competition PE/34/B, was appointed an official in grade B*3, step 2, pursuant to the provisions of Annex XIII to the Staff Regulations.

Operative part of the order

1. There is no need to rule on the action in Case F-141/06 Hartwig v Commission.
2. Each party is ordered to bear its own costs.

⁽¹⁾ OJ C 20, 27.1.2007, p. 40.

**Action brought on 10 September 2009 — Sukup v
Commission**

(Case F-73/09)

(2009/C 267/153)

Language of the case: French

Parties

Applicant: Viktor Sukup (Brussels, Belgium) (represented by: Stéphane Rodriguez and Christophe Bernard-Glanz, lawyers)

Defendant: Commission of the European Communities