

**Judgment of the Civil Service Tribunal (First Chamber) of
30 November 2009 — Wenig v Commission**

(Case F-80/08) ⁽¹⁾

(Staff cases — Officials — Disciplinary procedure — Suspension of an official — Withholding of salary — Allegation of serious fault — Rights of the defence — Powers — Failure to publish a delegation of powers — Author of the contested measure lacking powers)

(2010/C 24/138)

Language of the case: French

Parties

Applicant: Fritz Harald Wenig (Woluwé-Saint-Pierre, Belgium) (represented by: G.-A. Dal, D. Voillemot, D. Bosquet and S. Woog, lawyers)

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

Re:

Annulment of the Commission's decision to suspend the applicant and to order EUR 1 000 per month to be withheld from his remuneration.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 18 September 2008 by which the Commission of the European Communities, pursuant to Articles 23 and 24 of Annex IX to the Staff Regulations of Officials of the European Communities, suspended Mr Wenig for an indefinite period and ordered an amount of EUR 1 000 per month to be withheld from his remuneration for a maximum period of six months;
2. Orders the Commission of the European Communities to pay the costs of the main proceedings;
3. Orders each party to bear their own costs in the application for interim measures.

⁽¹⁾ OJ C 313, 6.12.2008, p. 59.

**Judgment of the Civil Service Tribunal (First Chamber) of
30 November 2009 — Voslamber v Commission**

(Case F-86/08) ⁽¹⁾

(Staff case — Officials — Social Security — Joint Sickness Insurance Scheme — Spouse of a former official — Circumscribed powers — Article 13 of the Rules on Sickness Insurance for Officials of the European Communities)

(2010/C 24/139)

Language of the case: German

Parties

Applicant: Dietrich Voslamber (Freiburg, Germany) (represented by: L. Thielen, lawyer)

Defendant: European Commission (represented by: D. Martin and B. Eggers, Agents)

Re:

Annulment of the Commission's decision of 9 July 2008, rejecting the applicant's application for primary sickness insurance cover for his spouse pursuant to the Rules on Sickness Insurance for Officials of the European Communities.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Dismisses the forms of order sought by the European Commission submitted pursuant to Article 94(a) of the Rules of Procedure;
3. Orders the European Commission, in addition to bearing its own costs, to pay two thirds of the costs of Mr Voslamber;
4. Orders Mr Voslamber to bear one third of his costs.

⁽¹⁾ OJ C 327, 20.12.2008, p. 43.