

Judgment of the Civil Service Tribunal (First Chamber) of 28 October 2010 — Cerafogli v European Central Bank

(Case F-96/08) ⁽¹⁾

(Civil service — ECB Staff — Pay — Additional increase in salary — Ad personam promotion — Consultation with staff committee to determine the criteria for granting additional increases in salary)

(2011/C 13/70)

Language of the case: French

Parties

Applicant: Maria Concetta Cerafogli (Frankfurt am Main, Germany) (represented by: L. Levi and M. Vandebussche, lawyers)

Defendant: European Central Bank (represented by: F. Alfrère and N. Urban, Agents and B. Wägenbaur, lawyer)

Re:

Annulment of the ECB Decision not to award the applicant the benefit of an *ad personam* promotion and an order that the defendant pay compensation for the applicant's pain and suffering.

Operative part of the judgment

The Tribunal:

1. Annuls the decision by which the European Central Bank refused to grant Mrs Cerafogli an additional increase in salary for 2008;
2. Orders the European Central Bank to pay Mrs Cerafogli the sum of EUR 3 000;
3. Dismisses the action as to the remainder;
4. Order the European Central Bank to pay all of the costs.

⁽¹⁾ OJ C 44, 21.02.2009, p. 75.

Judgment of the Civil Service Tribunal (First Chamber) of 28 October 2010 — Vicente Carbajosa and Others v Commission

(Case F-9/09) ⁽¹⁾

(Staff case — Open competitions EPSO/AD/116/08 and EPSO/AD/117/08 in the field of fraud prevention — Act adversely affecting the applicants — Exclusion of candidates following results obtained in admission tests — EPSO not competent)

(2011/C 13/71)

Language of the case: French

Parties

Applicant: Vicente Carbajosa and Others (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

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

Re:

Application for annulment of the decision adopting and publishing the competition notices EPSO/AD/116/08 and EPSO/AD/117/08 and the decisions relating to the correction of the pre-selection tests and the written tests and the awarding of marks for the oral tests.

Operative part of the judgment

The Tribunal:

1. Annuls the decisions of the European Personnel Selection Office (EPSO) not to admit Ms Vicente Carbajosa in respect of the competition EPSO/AD/117/08 and Ms Lehtinen and Ms Menchén in respect of the competition EPSO/AD/116/08 onto the list of candidates invited to submit a full application;
2. Dismisses the remainder of the action as being inadmissible;
3. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 82 of 04.04.2009, p. 37.

Judgment of the Civil Service Tribunal (First Chamber) of 12 October 2010 — Wendler v Commission

(Case F-49/09) ⁽¹⁾

(Staff case — Officials — Retirement pension — Payment of pension — Obligation to open a bank account in country of residence — Freedom to provide services — Plea involving a matter of public policy — Principle of equal treatment)

(2011/C 13/72)

Language of the case: German

Parties

Applicant: Eberhard Wendler (Laveno Mombello, Italy) (represented by: M. Müller-Trawinski, lawyer)

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

Intervener in support of the defendant: Council of the European Union (represented by: M. Bauer and K. Zieleškievicz, agents)

Re:

Annulment of the Commission's request that the applicant designate a bank account in his country of residence for his pension payments.

Operative part of the judgment

The Tribunal:

1. Dismisses Mr Wendler's action;