

**Judgment of the Civil Service Tribunal (Third Chamber) of  
14 September 2011 — Hecq v Commission**

(Case F-47/10) <sup>(1)</sup>

*(Civil service — Officials — Social security — Occupational disease — Articles 73 and 78 of the Staff Regulations — Correctness of the opinion of the medical committee — Refusal to accept that the applicant suffers from partial permanent invalidity)*

(2011/C 362/40)

Language of the case: French

**Parties**

*Applicant:* Hecq (Chaumont-Gistoux, Belgium) (represented by: L. Vogel, lawyer)

*Defendant:* Commission (represented by: J. Currall and D. Martin, acting as Agents, and J.-L. Fagnart, lawyer)

**Re:**

Application for the annulment of the Commission decisions refusing to accept that the applicant suffers from partial permanent invalidity within the meaning of Article 73 of the Staff Regulations and making him liable for part of the fees and expenses incurred during the proceedings of the medical committee.

**Operative part of the judgment**

The Tribunal:

1. Declares that there is no need to adjudicate on the claim for annulment of the decisions of European Commission of 7 September 2009 in so far as they require Mr Hecq to pay the costs and fees of the doctor whom he nominated to represent him in the medical committee and half of the costs and fees of the third doctor in the medical committee nominated by mutual agreement;
2. Dismisses the claims for annulment of the decisions of 7 September 2009 in so far as they refuse to award Mr Hecq a rate of permanent invalidity as unfounded;
3. Orders Mr Hecq to pay the entirety of the costs.

<sup>(1)</sup> OJ C 221, 14.8.2010, p. 61.

**Order of the Civil Service Tribunal (Full Court) of 27  
September 2011 — De Nicola v EIB**

(Case F-55/08 DEP)

*(Staff cases — Procedure — Taxation of costs — Recoverable costs — Essential costs — Fees paid by an institution to its lawyer — Obligation for an unsuccessful applicant to pay those fees — Principle of equal treatment — Effective judicial protection — Conditions)*

(2011/C 362/41)

Language of the case: Italian

**Parties**

*Applicant:* De Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

*Defendant:* European Investment Bank (EIB) (represented by: F. Martin, Agent, assisted by A. Dal Ferro, lawyer)

**Re:**

Request for taxation of costs lodged by the defendant following the judgment of the Civil Service Tribunal (First Chamber) of 30 November 2009 in Case F-55/08.

**Operative part of the order**

*The amount of the costs recoverable by the European Investment Bank in Case F-55/08 De Nicola v EIB is fixed at EUR 6 000.*

**Order of the Civil Service Tribunal (Third Chamber) of 12  
September 2011 — Cervelli v Commission**

(Case F-98/10) <sup>(1)</sup>

*(Civil service — Officials — Expatriation allowance — Request for review — Material new facts — Action manifestly inadmissible)*

(2011/C 362/42)

Language of the case: French

**Parties**

*Applicant:* Francesca Cervelli (Brussels, Belgium) (represented by: J.R. García-Gallardo Gil-Fournier and M. Arias Díaz, lawyers)

*Defendant:* Commission (represented by: J. Currall and D. Martin, Agents)

**Re:**

Application for annulment of the Commission's decision refusing to grant the applicant the expatriation allowance.

**Operative part of the order**

1. *The action is dismissed as manifestly inadmissible.*
2. *Ms Cervelli is ordered to bear all the costs.*

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(<sup>1</sup>) OJ C 13, 15.1.2011, p. 42.

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**Order of the Civil Service Tribunal (Third Chamber) of 28 September 2011 — Hecq v Commission**

(Case F-12/11) (<sup>1</sup>)

*(Civil service — Occupational disease — Invalidity procedure — Application to resume professional activity — Application for damages and interest)*

(2011/C 362/43)

Language of the case: French

**Parties**

Applicant: Hecq (Chaumont-Gistoux, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission (represented by: J. Currall and D. Martin, acting as Agents)

**Re:**

Action for annulment of the implied decision rejecting the applicant's request to resume his professional activities and for full payment of his remuneration as an official, calculated from 1 August 2003, and for damages, plus default interest calculated at a rate of 7 % per annum from 1 August 2003.

**Operative part of the order**

1. *The action is dismissed as manifestly inadmissible.*
2. *Mr Hecq shall pay the entirety of the costs.*

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(<sup>1</sup>) OJ C 113, 9.4.11, p. 22.

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