

Action brought on 20 July 2010 — Barthel and Others v Court of Justice

(Case F-59/10)

(2010/C 260/38)

*Language of the case: French***Parties**

Applicants: Yvette Barthel (Arlon, Belgium) and Others (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Court of Justice

Subject-matter and description of the proceedings

Annulment of the decision of the Court of Justice rejecting the claim by the applicants for payment of the allowance for continuous work or shiftwork provided for in the first indent of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976, determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ 1976 L 38, p. 1)

Form of order sought

— Annul the decision of the Registrar of the Court of Justice of the European Union rejecting the applicants' claim of 8 June 2009 for payment, as from 20 December 2006, of the allowance for continuous work or shiftwork provided for in the first indent of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976;

— order the Court of Justice to pay the costs.

Action brought on 22 July 2010 — Chiavegato v Commission

(Case F-60/10)

(2010/C 260/39)

*Language of the case: French***Parties**

Applicant: Fulvia Chiavegato (Bettembourg, Luxembourg) (represented by: F. Frabetti, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the list of officials promoted under the 2009 promotion procedure and, incidentally, the formal measures leading to that decision

Form of order sought

— Annul the list of officials promoted under the 2009 promotion procedure adopted by the Appointing Authority on 13 November 2009 in so far as that list does not contain the applicant's name and, incidentally, the formal measures leading to that decision;

— Order the European Commission to pay the costs.

Action brought on 30 July 2010 — Esders v Commission

(Case F-62/10)

(2010/C 260/40)

*Language of the case: French***Parties**

Applicant: Jürgen Esders (Berlin, Germany) (represented by: S. Rodriguez, M. Vandenbussche and C. Bernard-Glanz, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the Commission's decision reassigning the applicant to Brussels as part of the 2010 rotation.

Form of order sought

— Declare this action to be admissible;

- annul the appointing authority's decision of 27 July 2010 reassigning the applicant to Brussels as from 1 September 2010;
- order the European Commission to pay the costs.

Action brought on 5 August 2010 — Lunetta v Commission

(Case F-63/10)

(2010/C 260/41)

Language of the case: French

Parties

Applicant: Calogero Lunetta (Brussels, Belgium) (represented by: L. Levi and C. Christophe Bernard-Glanz, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the decision of the Commission terminating the procedure opened on the basis of Article 73 of the Staff Regulations following the applicant's accident of 13 August 2001 and awarding him a partial permanent invalidity rate of 6 %, and an order requiring the defendant to pay to the applicant a sum in respect of damages

Form of order sought

- declare that the present application is admissible;
- if appropriate, request that the defendant produce the decision adopted by the President of the Court of Justice of the European Union to designate the third doctor of the Medical Committee;

- if appropriate, request that the defendant produce a copy of the documents in the file opened under the number 10006353;
 - annul the decision of the Appointing Authority of 28 October 2009 terminating the procedure opened on the basis of Article 73 of the Staff Regulations following the applicant's accident of 13 August 2001 and awarding him a partial permanent invalidity rate of 6 % and, in so far as necessary, the decision of the Appointing Authority rejecting the complaint;
 - in consequence, find that the partial permanent invalidity rate should be assessed on the basis of the rules and of the assessment scale in force at the time of the accident and until 1 January 2006, and that the examination of the application made by the applicant under Article 73 of the Staff Regulations should be resumed by a Medical Committee formed in an impartial and neutral manner which is able to work rapidly in complete independence and without any preconceived views;
 - order the defendant to pay damages fixed *ex aequo et bono* at EUR 50 000 (fifty thousand euro) in respect of the non-material harm suffered as a result of the contested decisions;
 - order the defendant to pay damages fixed provisionally at EUR 25 000 (twenty-five thousand euro) in respect of the material damage suffered on account of the contested decisions;
 - order the defendant to pay interest for late payment on the lump sum payable under Article 73 of the Staff Regulations at a rate of 12 % over a period which began on 13 August 2002 at the latest and up until the complete payment of the lump sum;
 - in any event, order the defendant to pay damages fixed *ex aequo et bono* at EUR 50 000 (fifty thousand euro) in respect of the damage suffered as a result of infringement of the principle that action is to be taken within a reasonable period;
 - order the European Commission to pay the costs.
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