

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Lebedef and Mr Jones to pay all the costs, with the exception of those incurred by the Council of the European Union;
3. Orders the Council of the European Union, intervener, to bear its own costs.

(¹) OJ C 129, 6.6.2009, p. 21.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 14 October 2010 — W v Commission**

(Case F-86/09) (¹)

(Civil Service — Contractual agents — Remuneration — Family benefits — Couple of persons of the same sex — Household allowance — Condition governing the grant — Access to legal marriage — Notion — Article 1(2)(c)(iv) of Annex VII to the Staff Regulations)

(2010/C 328/98)

Language of the case: French

Parties

Applicant: W (Brussels, Belgium) (represented by: É. Boigelot, lawyer)

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

Re:

Annulment of the decision not to grant the household allowance to the applicant on the ground that the applicant and his partner have access to legal marriage in Belgium

Operative part of the judgment

The Tribunal:

1. Annuls the decisions of the Commission of 5 March 2009 and 17 July 2009 refusing W the benefit of the grant of the household allowance provided for in Article 1 of Annex VII to the Staff Regulations of the European Union;
2. Orders the European Commission to pay all the costs.

(¹) OJ C 11, 16.1.2010, p. 40.

Action brought on 28 September 2010 — Bovagnet v Commission

(Case F-89/10)

(2010/C 328/99)

Language of the case: French

Parties

Applicant: François-Carlos Bovagnet (Luxembourg, Luxembourg) (represented by: M. Korving, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the defendant's decision not to reimburse fully the education costs in respect of the applicant's children

Form of order sought

— Uphold the applicant's complaint and grant him full reimbursement of all the disputed invoices relating to the school year 2009/2010, namely, payment of the sum of EUR 2 580 by the PMO;

— Order the Commission to pay the costs.

Action brought on 4 October 2010 — Blessemaille v Parliament

(Case F-93/10)

(2010/C 328/100)

Language of the case: French

Parties

Applicant: Philippe Blessemaille (Remich, Luxembourg) (represented by: E. Boigelot and S. Woog, lawyers)

Defendant: European Parliament

Subject-matter and description of the proceedings

Application for annulment of the defendant's decision not to include the applicant on the list of officials promoted to grade AST 8 under the 2009 promotion procedure and for compensation in respect of the non-material damage suffered

Form of order sought

— Annul the decision of the Parliament, published on 2 December 2009, not to include the applicant on the list of officials promoted from grade AST 7 to grade AST 8 under the 2009 promotion procedure;

— As a result of that annulment, carry out a new comparative examination of the merits of the applicant and the other candidates under the 2008 and 2009 promotion procedures and accord to the applicant the promotion to grade AST 8 with retroactive effect as from 1 January 2008 as well the payment of interest on arrears of remuneration as from 1 January 2008 at two points above the European Central Bank rate for main refinancing operations, without, however, calling into question the promotions of the other officials promoted;

— Order the Parliament to pay to the applicant the sum of EUR 3 500 as compensation for the non-material damage suffered as a result of his not being promoted on 1 January 2008, subject to the possibility of an increase in the course of the proceedings;

— In the alternative, if the Tribunal should take the view that the promotion to grade AST 8 cannot take effect before 1 January 2009, order the Parliament to pay additional damages as compensation for material damage of an amount corresponding to the difference in salary between that actually received in 2008 following the promotion on 1 January 2008, and calculated in respect of the period either from 1 January to 31 December 2008 or from 1 January to 31 August 2008, depending on the date on which the disputed promotion is deemed to have taken effect (respectively 1 January 2009 or 1 September 2008);

— Order the Parliament to pay the costs.

**Action brought on 8 October 2010 — Eberhard Bömcke
v EIB**

(Case F-95/10)

(2010/C 328/101)

Language of the case: French

Parties

Applicant: Eberhard Bömcke (Athus, Belgium) (represented by: D. Lagasse, lawyer)

Defendant: European Investment Bank

Subject-matter and description of the proceedings

Annulment of the decision taken by the Director of Human Resources of the defendant confirming that the applicant's mandate as staff representative has expired and application for damages

Form of order sought

- Annul the decision of the Director of Human Resources of the EIB notified to the applicant by letter of 22 September 2010 and received on 24 September 2010;
- Order the EIB to pay compensation for the non-material harm caused to the applicant by the above decision and in that regard award him the sum of EUR 25 000;
- Order the EIB to pay the costs.