

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (1st Chamber) of 23 October 2013 — Gomes Moreira v ECDC

(Case F-80/11) ⁽¹⁾

(Civil Service — Temporary staff — Anticipated termination of a fixed-term contract — Breach of trust — Disciplinary misconduct)

(2013/C 377/44)

Language of the case: French

Parties

Applicant: Joaquim Paulo Gomes Moreira (Lisbon, Portugal) (represented by: S. Orlandi, A. Coolen, J.-N. Louis, É. Marchal and D. Abreu Caldas, lawyers)

Defendant: European Centre for Disease Prevention and Control (represented by: A. Ammon, Agent, initially, and subsequently R. Trott, Agent, D. Waelbroek and A. Duron, lawyers)

Re:

Application for annulment of the decision to terminate the applicant's contract for disciplinary reasons and for payment of a sum by way of compensation for the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 11 October 2010 in so far as it suspended the applicant from his duties;
2. Dismisses the action as to the remainder;
3. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 319, 29.10.2011, p. 30.

Judgment of the Civil Service Tribunal (First Chamber) of 5 November 2013 — Bartha v Commission

(Case F-104/11) ⁽¹⁾

(Civil Service — Open competition EPSO/AD/56/06 — Reopening of the competition procedure — Measures of execution of the judgment in Case F-50/08)

(2013/C 377/45)

Language of the case: Hungarian

Parties

Applicant: Gabór Bartha (Brussels, Belgium) (represented by: P. Homoki, lawyer)

Defendant: European Commission (represented by: J. Currall, B. Bottka, A. Sipos, acting as Agents)

Re:

Application for annulment of EPSO decision to reopen the procedure for open competition EPSO/AD/56/06 and the decision of the selection board relating to the results of competition EPSO/AD/56/06 — Administrator grade A5 with Hungarian citizenship and payment of compensation

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Bartha to bear his own costs and to pay the costs incurred by the European Commission.

⁽¹⁾ OJ C 25, 28.1.2013, p. 68.

Judgment of the Civil Service Tribunal (First Chamber) of 5 November 2013 — Schönberger v Court of Auditors

(Case F-14/12) ⁽¹⁾

(Civil Service — Officials — Promotion — 2011 promotion procedure — Reference multiplier rates)

(2013/C 377/46)

Language of the case: German

Parties

Applicant: Peter Schönberger (Luxembourg, Luxembourg) (represented by: O. Mader, lawyer)

Defendant: Court of Auditors of the European Union (represented initially by: J.-M. Stenier and B. Schäfer, and subsequently by: B. Schäfer and Í. Ni Riágan Dúro, acting as Agents)

Re:

Application for annulment of the defendant's decision not to promote the applicant to grade AD 13 in the 2011 promotion procedure

Operative part of the judgment

The Tribunal:

1. Dismisses the action;

2. Orders Mr Schönberger to bear his own costs and to pay the costs incurred by the Court of Auditors of the European Union.

(¹) OJ C 138, 12.5.2012, p. 33.

Judgment of the Civil Service Tribunal (First Chamber) of 5 November 2013 — De Nicola v EIB

(Case F-63/12) (¹)

(Civil Service — Compliance with a judgment — Costs — Reimbursement of costs — Reimbursement of the sum paid by way of recoverable costs following a judgment annulling in part the judgment by which the applicant was ordered to pay those costs)

(2013/C 377/47)

Language of the case: Italian

Parties

Applicant: Carlo de Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

Defendant: European Investment Bank (represented by: G. Nuvoli and F. Martin, Agents, A. Dal Ferro, lawyer)

Re:

Application to annul the letters by which the defendant refuses to reimburse, following the judgment of the General Court of the European Union in Case T-37/10 P *De Nicola v EIB*, which annulled in part the judgment of the Civil Service Tribunal in Case F-55/08 *De Nicola v EIB*, the EUR 6 000 which the applicant had paid to the defendant by way of recoverable costs following the judgment of the Civil Service Tribunal in Case F-55/08 *DEP*.

Operative part of the judgment

The Tribunal:

1. Annuls the decisions of 4 and 25 May 2012 of the European Investment Bank;
2. Orders the European Investment bank to pay Mr De Nicola the sum of EUR 6 000, with default interest as from 29 April 2012. The default interest rate must be calculated on the basis of the rate set by the European Central Bank for its principal refinancing operations applicable over the period concerned, increased by two points;
3. Dismisses the remainder of the application;
4. Orders the European Investment Bank to bear its own costs and to pay the costs incurred by Mr De Nicola.

(¹) OJ C 311, 13.10.2012, p. 16.

Judgment of the Civil Service Tribunal (First Chamber) of 5 November 2013 — Doyle v Europol

(Case F-103/12) (¹)

(Civil service — Europol staff — Non-renewal of a contract — Refusal to grant a contract of an indefinite duration — Annulment by the Tribunal — Compliance with the judgment of the Tribunal)

(2013/C 377/48)

Language of the case: Dutch

Parties

Applicant: Margaret Doyle (Noordwijkerhout, Netherlands) (represented by: W.J. Dammingsh and N.D. Dane, lawyers)

Defendant: European Police Office (represented by: D. Neumann and D. El Khoury, Agents, B. Wägenbaur, lawyer)

Re:

Application to annul Europol's decision, taken to implement the judgment of the Civil Service Tribunal of 29 June 2010 in Case F-37/09 *Doyle v Europol*, by which Europol granted the applicant a lump sum by way of compensation for the harm caused to him by the decision annulled by that judgment

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 28 November 2011 by which the European Police Office granted Ms Doyle the sum of EUR 3 000 in order to comply with the judgment of the Tribunal of 29 June 2010 in Case F-37/09 *Doyle v Europol*;
2. Orders the European Police Office to bear its own costs and to pay those incurred by Mrs Doyle.

(¹) OJ C 26, 26.01.2013, p. 70.

Judgment of the Civil Service Tribunal (First Chamber) of 5 November 2013 — Hanschmann v Europol

(Case F-104/12) (¹)

(Civil service — Europol staff — Non-renewal of a contract — Refusal to grant a contract of an indefinite duration — Annulment by the Tribunal — Compliance with the judgment of the Tribunal)

(2013/C 377/49)

Language of the case: Dutch

Parties

Applicant: Ingo Hanschmann (Leipzig, Germany) (represented by: J. Dammingsh and N. D. Dane, lawyers)