

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (1st Chamber) of 17 October 2013 — BF v Court of Auditors

(Case F-69/11) ⁽¹⁾

*(Civil service — Procedure for filling the post of director —
Report of the pre-selection board — Statement of reasons —
None — Unlawfulness of the nomination decision —
Conditions)*

(2013/C 352/42)

Language of the case: French

Parties

Applicant: BF (Luxembourg, Luxembourg) (represented by: L. Levi, lawyer)

Defendant: Court of Auditors of the European Union (represented by: T. Kennedy and J. Vermer, acting as Agents, and by D. Waelbroeck)

Re:

Application to annul the decision of the Court of Auditors not to appoint the applicant to the post of director of the Directorate of Human Resources and to appoint another candidate to that post.

Operative part of the judgment

The Tribunal:

1. Annuls the decisions of 18 November 2011 by which the Court of Auditors of the European Union appointed Ms Z to the post of Director of Human Resources and rejected BF's candidacy for that post;
2. Considers that there is no need to adjudicate on the request of the Court of Auditors of the European Union to remove from the file Annexes A7 and A11 to the application;
3. Dismisses the action as to the remainder;
4. Orders the Court of Auditors of the European Union to bear its own costs and to pay those incurred by BF.

⁽¹⁾ OJ C 282, 24.9.2011, p. 52.

Judgment of the Civil Service Tribunal (Third Chamber) of 11 September 2013 — de Brito Sequeira Carvalho v Commission

(Case F-126/11) ⁽¹⁾

*(Civil Service — Officials — Disciplinary measures —
Disciplinary procedure — Disciplinary sanction —
Reprimand — Article 25 of Annex IX to the Staff
Regulations — Article 22a of the Staff Regulations)*

(2013/C 352/43)

Language of the case: French

Parties

Applicant: José Antonio de Brito Sequeira Carvalho (Brussels, Belgium) (represented by: M. Boury, lawyer)

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

Re:

Application to annul the decision of the Appointing Authority in so far as it issues a disciplinary sanction in the form of a written reprimand to the applicant.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr de Brito Sequeira Carvalho to bear his own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 174, 16.6.12, p. 31.

Judgment of the Civil Service Tribunal (3rd Chamber) of 23 October 2013 — BQ v Court of Auditors

(Case F-39/12) ⁽¹⁾

*(Civil service — Official — Staff report — Psychological
harassment — Damages — Admissibility — Time-limits)*

(2013/C 352/44)

Language of the case: French

Parties

Applicant: BQ (Bereldange, Luxembourg) (represented by: D. Abreu Caldas, S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Court of Auditors of the European Union (represented by: T. Kennedy, B. Schäfer and I. Ní Riagáin Düro, Agents)

Re:

Application to annul the rejection by the European Court of Auditors of the applicant's application seeking the recognition of unlawful conduct which allegedly caused him material and non-material harm

Operative part of the judgment

The Tribunal:

1. *Orders the Court of Auditors of the European Union to pay BQ EUR 2 000;*
2. *Dismisses the action as to the remainder;*
3. *Orders the parties to bear their own costs.*

(¹) OJ C 138, 12.05.2012, p. 38.

Judgment of the Civil Service Tribunal (Third Chamber) of 18 September 2013 — Scheidemann v Commission

(Case F-76/12) (¹)

(Civil service — Official — Inter-institutional transfer — Articles 43 and 45 of the Staff Regulations — Promotion — Merit points — Equal treatment — Autonomy of the institutions)

(2013/C 352/45)

Language of the case: French

Parties

Applicant: Sabine Scheidemann (Berlin, Germany) (represented by: S. Rodrigues and A. Blot, lawyers)

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Berscheid, Agents)

Re:

Application to annul the Commission's decision concerning the conversion of merit points acquired in another institution and the administrative notice publishing the list of officials promoted in the 2011 promotion exercise.

Operative part of the judgment

The Tribunal:

1. *Dismisses the application;*
2. *Orders Ms Scheidemann to bear her own costs and to pay the costs incurred by the European Commission.*

(¹) OJ C 287, 22.09.2012, p.41.

Judgment of the Civil Service Tribunal (First Chamber) of 17 October 2013 — Vasilev v Commission

(Case F-77/12) (¹)

(Civil Service — Open competition — Notice of competition EPSO/AD/208/11 — Lack of availability, at the preliminary test, of a keyboard for the applicant to use to which he was accustomed — Refusal of admission to the assessment tests — Equal treatment)

(2013/C 352/46)

Language of the case: Bulgarian

Parties

Applicant: Vasil Vasilev (Sandanski, Bulgaria) (represented by: R. Nedin, lawyer)

Defendant: European Commission (represented by: B. Eggers and N. Nikolova, acting as Agents)

Re:

Application to annul the decision not to admit the applicant to the assessment tests in competition EPSO/AD/208/11.

Operative part of the judgment

1. *Dismisses the action.*
2. *Orders Mr Vasilev to bear his own costs and to pay those incurred by the European Commission.*

(¹) OJ C 319, 20.10.2012, p. 18.

Judgment of the Civil Service Tribunal (3rd Chamber) of 23 October 2013 — D'Agostino v Commission

(Case F-93/12) (¹)

(Civil service — Member of the contract staff — Article 3a of the CEOS — Non-renewal of a contract — Duty of care — Interests of the service — Full and detailed examination within all departments of the possibility of employment corresponding to the tasks envisaged in the contract)

(2013/C 352/47)

Language of the case: French

Parties

Applicant: Luigi D'Agostino (Luxembourg, Luxembourg) (represented by: M.-A. Lucas, lawyer)