

**Judgment of the Civil Service Tribunal (Third Chamber) of
13 June 2012 — Davids v Commission**

(Case F-105/11) ⁽¹⁾

(Civil Service — Temporary agents — Temporary agent occupying a permanent post — Non-renewal of a fixed-term contract — Discretion of the administration — Article 8 of the CEOS — Article 4 of the Decision of the Director General of OLAF of 30 June 2005 on a new policy for the engagement and use of OLAF's temporary agents — Maximum duration of temporary staff contracts — Abuse of rights)

(2012/C 227/61)

Language of the case: French

Parties

Applicant: Hans Davids (Doorn, Netherlands) (represented by: D. Abreu Caldas, S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

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

Re:

Application for annulment of the decision of the Director-General of OLAF to reject the applicant's request for the extension of the applicant's contract as a member of the temporary staff within the meaning of Article 2(b) of the Conditions of Employment

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 6, 7.1.12, p. 26.

Action brought on 18 June 2012 — ZZ v EMA

(Case F-47/12)

(2012/C 227/62)

Language of the case: French

Parties

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

Defendant: European Medicines Agency

Subject-matter and description of the proceedings

Annulment of the decision of the European Medicines Agency not to recognise the applicant's permanent invalidity and not to award him an invalidity allowance.

Form of order sought

- Annul the decision of the European Medicines Agency of 15 September 2011 not to award the applicant an invalidity allowance because of his total permanent invalidity preventing him from performing the duties corresponding to a post in his function group and his grade;
- so far as necessary, annul the decision of 16 January 2012 rejecting his complaint;
- order the European Medicines Agency to pay the costs.

Action brought on 28 May 2012 — ZZ v Commission

(Case F-57/12)

(2012/C 227/63)

Language of the case: Italian

Parties

Applicant: ZZ (represented by: G. Cipressa, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Application for annulment of the Commission's decision to reduce the applicant's invalidity allowance for the months of June to September 2011.

Form of order sought

- Annul the Commission's decision, in so far as, *ultraque incerta sunt*, it exists, rejecting the request of 19 October 2011;
- Annul the Commission's decision, in so far as, *ultraque incerta sunt*, it exists, rejecting the request of 20 October 2011;
- Annul each of the decisions, if and to the extent that, *ultraque incerta sunt*, they exist, on the basis of which the Commission unlawfully deducted from each monthly instalment of the invalidity allowance to which the applicant was entitled for the months of June to September 2011 sums totalling EUR 1 661, and annul the decisions, if and to the extent that they exist, to make those deductions;
- Order the Commission to pay to the applicant the sum of EUR 1 661, together with interest on that sum at the rate of 15 % per annum, with annual capitalisation, from 27 October 2011 until the date on which sums in question are actually paid,

— Order the Commission to pay the costs.

Action brought on 7 June 2012 — ZZ v Court of Auditors

(Case F-59/12)

(2012/C 227/64)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Levi, lawyer)

Defendant: European Court of Auditors

Subject-matter and description of the proceedings

Annulment of the vacancy notice ECA/2011/67 for the post of Director of the Directorate for Human Resources.

Form of order sought

- Annul the vacancy notice ECA/2011/67;
- annul all of the decisions taken in the course of the recruitment procedure opened following the vacancy notice ECA/2011/67;
- pay compensation for the material damage suffered consisting in the loss of financial rights connected to the appointment (including career and pension rights) and, therefore, the payment of those rights with effect from 1 January 2001;
- taking account of the context of those decisions, award EUR 15 000 as compensation for the non-material damage;

— order the Court of Auditors to pay the costs.

Action brought on 11 June 2012 — ZZ and ZZ v Commission

(Case F-61/12)

(2012/C 227/65)

Language of the case: French

Parties

Applicants: ZZ and ZZ (represented by: D. Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of proposals for transfer of pension rights acquired before entering the service of the Commission on the basis of the calculation taking into account new GIP (general implementing provisions) entering into force after the applicants' applications for transfer.

Form of order sought

- Annul the decisions rejecting the applicants' complaints seeking the application of the GIP and actuarial rates in force when their applications for transfer of pension rights were made;
- So far as necessary, annul the decisions concerning calculation of the value of their pension rights acquired before they entered the service of the Commission;
- order the Commission to pay the costs.