Judgment of the Civil Service Tribunal (Third Chamber) of 23 October 2013 — Solberg v EMCDDA

(Case F-148/12) [1]

(Civil service — Former member of the temporary staff — Staff report — Legal interest in bringing proceedings — Obligation to state reasons — Scope of discretion)

(2013/C 352/50)

Language of the case: French

Parties

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

Defendant: European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (represented by: D. Storti, Agent, and by B. Wägenbaur, lawyer)

Re:

Application to annul the decision establishing the applicant's staff report for the period from 1 January to 31 December 2011

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Orders Mr Solberg to bear his own costs and to pay the costs incurred by the European Monitoring Centre for Drugs and Drug Addiction.*

[1] OJ C 71, 09.03.2013, p. 30.

Action brought on 21 June 2013 — ZZ v Commission

(Case F-58/13)

(2013/C 352/51)

Language of the case: Italian

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

Application for annulment of the decision rejecting the applicant's request for compensation for the harm suffered as a result of the infringement alleged of the applicant's right to confidentiality caused by the defendant's sending a letter concerning his situation to a lawyer who did not represent him.

Form of order sought

— Annul the measure, whatever the form in which it was adopted, rejecting the request sent by the applicant to the Commission on 9 March 2012 and duly received by the Commission;

— annul the note of 28 June 2012;

— annul the measure, whatever the form in which it was adopted, rejecting the complaint against the decision rejecting the request of 9 March 2012, sent by the applicant to the Commission on 26 September 2012 and duly received by the Commission;

— in so far as necessary, annul the note of 1 February 2013;

— order the Commission to pay to the applicant the sum of EUR 10 000,00, together with interest on that sum at the rate of 10 % per annum, and annual capitalisation, with effect from 9 March 2012 until actual payment;

— order the Commission to pay the costs.

Action brought on 26 June 2013 — ZZ v Commission

(Case F-62/13)

(2013/C 352/52)

Language of the case: Italian

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

Application for annulment of the decision to recover the sum of EUR 500 and five further sums in the amount of EUR 504.67 withheld from the applicant's invalidity allowance for the months July to December 2012.

Form of order sought

— Annul the decision, contained in the pension statement for the month of July 2012, to withhold EUR 500 from the invalidity allowance to which the applicant was entitled in respect of that month;

— annul the decisions, contained in the pension statements for the months August to December 2012, to withhold EUR 504.67 from the invalidity allowance to which the applicant was entitled in respect of each of those months;

— in so far as necessary, annul the decisions, whatever the form in which they were adopted, rejecting the complaints of 15 October 2012 and 15 January 2013 against those decisions;

— annul the memorandum of 6 February 2013 together with the annex to that memorandum and a copy of a memorandum of 3 August 2012 purportedly from the Commission's Office for Administration and Payment of Individual Entitlements;

— order the Commission to pay to the applicant the following sums: (1) EUR 500.00, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 August 2012 until actual payment of that sum; (2) EUR 504.67, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 September 2012 until actual payment of that sum; (3) EUR 504.67, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 October 2012 until actual payment of that sum; (4) EUR 504.67, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 November 2012 until actual payment of that sum; (5) EUR 504.67, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 December 2012 until actual payment of that sum; (6) EUR 504.67, together with interest on that sum at the rate of 10 % per annum and annual capitalisation, with effect from 1 January 2013 until actual payment of that sum;

— order the Commission to pay the costs.

Action brought on 9 August 2013 — ZZ v Europol

(Case F-77/13)

(2013/C 352/53)

Language of the case: Dutch

Parties

Applicant: ZZ (represented by: W. Brouwer, lawyer)

Defendant: Europol

Subject-matter and description of the proceedings

Annulment of the decision fixing the interest payable on the sum paid on the basis of total incapacity for work following injuries suffered in two accidents while on work-related travel and payment of damages for the harm allegedly suffered.

Form of order sought

— Annul the decision of 15 October 2012, in conjunction with that of 13 March 2012 and that of 18 December 2012, respectively;

— annul the implied decision of 10 May 2013 rejecting the claim of 10 January 2013;

— order the defendant to pay the interest due from it on the amount of EUR 170 074,39 paid to the applicant on 14 May 2013, namely:

  — principally: interest due for the period from 21 February 2001 to 14 May 2013, assessed at EUR 138 331,75;

  — in the alternative: interest due for the period from 27 January 2004 to 14 May 2013, assessed at EUR 83 154,25;

  — in the further alternative: at least, the interest due for the period from 27 January 2001 to 1 February 2013, assessed at EUR 80 356,75, at least, from a date to be fixed by the Tribunal in accordance with judicial discretion from which the interest is to fall due, or award an amount of compensation for the harm suffered by the applicant for which the defendant is responsible which takes account of the defendant's omissions;

— order the defendant to pay: