



Reports of Cases

ORDER OF THE GENERAL COURT (Appeal Chamber)
13 January 2014

Joined Cases T-116/13 P and T-117/13 P

Giorgio Lebedef
v
European Commission

(Appeal — Civil service — Officials — Reports procedure — Career development report — 2008 and 2009 appraisal periods — Half-time secondment for the purposes of union representation — Staff appraisal reports covering the tasks carried out in the service to which he was assigned — Designation for union purposes — Actions dismissed at first instance as manifestly unfounded — Appeal dismissed in part as manifestly inadmissible and in part as manifestly unfounded)

Appeals: against the orders of the European Union Civil Service Tribunal (Third Chamber) of 12 December 2012 in Case F-70/11 *Lebedef v Commission* [2012] ECR-SC I-A-1-0000 and II-A-1-0000 and in Case F-109/11 *Lebedef v Commission* [2012] ECR-SC I-A-1-0000 and II-A-1-0000, seeking to have those orders set aside.

Held: The appeals are dismissed. Mr Giorgio Lebedef is to bear his own costs and is ordered to pay those incurred by the European Commission on the appeal.

Summary

1. Appeals — Grounds of appeal — Mere repetition of the pleas and arguments presented before the Civil Service Tribunal — Error of law relied on not identified — Inadmissibility (Art. 257 TFEU; Statute of the Court of Justice, Annex I, Art. 11(1); Rules of Procedure of the General Court, Art. 138(1))

2. Appeals — Grounds of appeal — Ground seeking the rectification of the judgment of the Civil Service Tribunal — Lack of jurisdiction of the General Court (Rules of Procedure of the General Court, Art. 139(1); Rules of Procedure of the Civil Service Tribunal, Art. 84(1))

1. An appeal must indicate precisely the contested elements of the judgment which the appellant seeks to have set aside, and also the legal arguments specifically advanced in support of the appeal.

That requirement is not satisfied by a ground of appeal which, without even including an argument specifically identifying the error allegedly vitiating the decision under appeal, merely reproduces arguments previously submitted before the Civil Service Tribunal. Such a ground of appeal amounts in reality to no more than a request for re-examination of a plea submitted before the Civil Service Tribunal, which the General Court does not have jurisdiction to undertake.

(see paras 23, 89)

See:

C-401/09 P *Evropaïki Dynamiki v ECB* [2011] ECR I-4911, para. 61 and the case-law cited therein

T-52/10 P *Lebedef v Commission* [2010] ECR, para. 35 and the case-law cited therein

2. Article 84(1) of the Rules of Procedure of the Civil Service Tribunal, concerning the rectification of clerical mistakes, errors in calculation and obvious inaccuracies, is not applicable to the procedure before the General Court, which is solely governed by its own Rules of Procedure. An appellant cannot therefore remedy his failure to act under that article by requesting the General Court to correct or rectify alleged clerical mistakes or obvious inaccuracies in contested decisions of the Civil Service Tribunal.

(see paras 44-45)