

Judgment of the Civil Service Tribunal (Second Chamber) of 22 September 2015 — Barnett v EESC(Case F-20/14) ⁽¹⁾

(Civil service — Pension — Retirement pension — Early retirement without reduction of pension rights — General implementing provisions for Article 9(2) of Annex VIII to the Staff Regulations — Objection of illegality concerning the general implementing provisions — Interests of the service — Definition — None — Duration of the applicant's professional activity — Taking account of all of the professional career both inside and outside the EU institutions — Discretion of the institution — Legality)

(2015/C 363/55)

Language of the case: French

Parties

Applicant: Inge Barnett (Roskilde, Denmark) (represented by: initially N. Nikolajsen, lawyer, then S. Orlandi and T. Martin, lawyers)

Defendant: European Economic and Social Committee (represented by: M. Pascua Mateo, L. Camarena Januzec and K. Gambino, acting as Agents, M. Troncoso Ferrer and F.-M. Hislaire, lawyers)

Re:

Application for annulment of the decision of the EESC rejecting the applicant's request to be entitled to early retirement without a reduction of her pension rights, pursuant to Article 9(2) of Annex VIII to the Staff Regulations.

Operative part of the judgment

The Tribunal:

- 1) *annuls the decision of the European Economic and Social Committee of 11 July 2013, issuing the list of beneficiaries, in respect of 2013, of the measure laid down in Article 9(2) of Annex VIII to the Staff Regulations of Officials of the European Union, in so far as it refuses to allow Mrs Barnett to benefit from that measure;*
- 2) *orders the European Economic and Social Committee to bear its own costs and to pay the costs incurred by Ms Barnett.*

⁽¹⁾ OJ C 175, 10/6/2014, p. 55.

Judgment of the Civil Service Tribunal (First Chamber) of 22 September 2015 — Gioria v Commission(Case F-82/14) ⁽¹⁾

(Civil Service — Open competitions — Competition EPSO/AST/126/12 — Family relationship between a member of the selection board and a candidate — Conflict of interests — Article 27 of the Staff Regulations — Recruitment of officials with the highest integrity — Decision to exclude the candidate from the competition)

(2015/C 363/56)

Language of the case: Italian

Parties

Applicant: Roberto Gioria (Veruno, Italy) (represented by: M. Cornacchia, lawyer)

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

Re:

Application for annulment of the decision to exclude the applicant from Competition EPSO/AST/126/2012 because he did not inform the Selection Board of his family relationship to one of the members of the board.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders Mr Gioria to bear half of his own costs;*
3. *Orders the European Commission to bear its own costs and to pay half of the costs incurred by Mr Gioria.*

⁽¹⁾ OJ C 388, 3.11.2014, p. 32.

Judgment of the Civil Service Tribunal (Second Chamber) of 22 September 2015 — Silvan v Commission

(Case F-83/14) ⁽¹⁾

(Civil Service — Officials — 2013 promotion procedure — Decision not to promote the applicant — Articles 43 and 45(1) of the Staff Regulations — Commission GIP — Plea of illegality — Comparison of the merits — Account taken of the staff assessment reports — Lack of marks awarded or analytical assessments — Wording of the comments)

(2015/C 363/57)

Language of the case: French

Parties

Applicant: Juha Tapio Silvan (Brussels, Belgium) (represented initially by: D. de Abreu Caldas, M. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by: J.-N. Louis and N. de Montigny, lawyers)

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

Re:

Application for annulment of the decision not to promote the applicant to the next grade (AST 10) in the European Commission's 2013 promotion procedure.

Operative part of the judgment

The Tribunal:

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

⁽¹⁾ OJ C 7, 12.1.2015, p. 47.