

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### **Judgment of the Civil Service Tribunal (Third Chamber) of 5 February 2016 –Bulté and Krempa v Commission**

(Case F-96/14) <sup>(1)</sup>

*(Civil service — Surviving dependants of a deceased former official — Pensions — Survivors' pensions — Article 85 of the Staff Regulations — Recovery of overpayment — No due reason for the payment — Patent irregularity — None)*

(2016/C 106/56)

Language of the case: French

#### **Parties**

*Applicants:* Hilde Bulté and Tom Krempa (Brussels, Belgium) (represented by: J. Lombaert and A. Surny, lawyers)

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

#### **Re:**

Application for annulment of the decision taken by the Commission retroactively revising the survivors' pensions paid to the applicants and ordering the recovery of the excess amounts received.

#### **Operative part of the judgment**

*The Tribunal:*

1. Annuls the decision of the European Commission of 22 November 2013, as set out in the opinion of the Paymaster Office of the same day, to modify, with retroactive effect from 1 August 2010, the pensions paid to Ms Bulté and Mr Krempa in their capacity as the surviving dependants of a deceased former official and to recover the sums overpaid to them from 1 August 2010 until November 2013;
2. Orders the European Commission to reimburse Ms Bulté and Mr Krempa for the sums levied on their respective pensions pursuant to the decision referred to in paragraph 1 of this operative part;
3. Orders each of the parties to bear their own costs.

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<sup>(1)</sup> OJ C 7, 12.1.2015, p. 49.

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### **Judgment of the Civil Service Tribunal (First Chamber) of 5 February 2016 — GV v EEAS**

(Case F-137/14) <sup>(1)</sup>

*(Civil service — EEAS staff — Member of the contract staff — Contract for an indefinite period — Article 47(c) of the CEOS — Reasons for dismissal — Breakdown in the relationship of trust — Right to be heard — Article 41 of the Charter of Fundamental Rights of the European Union — Principle of sound administration — Material damage — Non-material damage)*

(2016/C 106/57)

Language of the case: German

#### **Parties**

*Applicant:* GV (represented by: H. Tettenborn, lawyer)

*Defendant:* European External Action Service (represented by: S. Marquardt and M. Silva, acting as Agents)

**Re:**

Application for annulment of the decision of the EEAS terminating the applicant's contract of employment for an indefinite period, and a claim for compensation for the material and non-material damage which the applicant claims to have suffered.

**Operative part of the judgment**

*The Tribunal:*

1. Annuls the decision of 29 January 2014 by which the Director of the 'Human Resources' Directorate of the European External Action Service, acting in his capacity as the authority authorised to conclude contracts of employment, decided to terminate GV's employment contract with effect from 31 August 2014;
2. Orders the European External Action Service to pay GV the sum of EUR 5 000 by way of compensation for the non-material damage suffered;
3. Dismisses the action as to the remainder;
4. Orders the European External Action Service to bear its own costs and to bear the costs incurred by GV.

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<sup>(1)</sup> OJ C 34, 2.2.2015, p. 54.

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**Judgment of the Civil Service Tribunal (Third Chamber) of 5 February 2016 –Barnett and Mogensen v Commission**

(Case F-56/15) <sup>(1)</sup>

*(Civil service — Retired officials — Retirement pensions — Article 64 of the Staff Regulations — Weightings — Annual update of weightings — Article 65(2) of the Staff Regulations — Interim update — Articles 3, 4 and 8 of Annex XI to the Staff Regulations — Sensitivity threshold — Change in the cost of living — Article 65(4) of the Staff Regulations — Decision by the legislature not to update the weightings for 2013 and 2014 — Scope — Regulation No 1416/2013 — Over-estimation of the weighting for Denmark — Reduction of the weighting through the interim update mechanism — Misuse of powers)*

(2016/C 106/58)

*Language of the case: French*

**Parties**

*Applicants:* Adrian Barnett (Roskilde, Denmark) and Sven-Ole Mogensen (Hellerup, Denmark) (represented by: S. Orlandi and T. Martin, lawyers)

*Defendant:* European Commission (represented by: G. Gattinara and F. Simonetti, acting as Agents)

**Re:**

Application for annulment of the decisions to reduce the weighting applicable to the pensions of the applicants, who are resident in Denmark, as is apparent from their pension receipts for June 2014, and a claim for compensation for the non-material damage which they claim to have suffered as a result of the different and contradictory information used to support the contested decisions.