

GENERAL COURT

Judgment of the General Court of 13 December 2016 — IPSO v ECB

(Case T-713/14) ⁽¹⁾

(ECB — ECB staff — Interim employees — Restriction on the maximum length of service of an interim employee — Action for annulment — Act open to challenge — Directly and individually affected — Locus standi — Time limit for bringing proceedings — Admissibility — Failure to inform and consult the applicant union — Non-contractual liability)

(2017/C 046/21)

Language of the case: French

Parties

Applicant: International and European Public Services Organisation (IPSO) (Frankfurt-am-Main, Germany) (represented by: L. Levi, lawyer)

Defendant: European Central Bank (represented initially by: B. Ehlers, I. Köpfer and M. López Torres, and subsequently by: B. Ehlers, P. Pfeifhofer and F. Malfrière, acting as Agents, and B. Wägenbaur, lawyer)

Re:

Action on the basis of Article 263 TFEU seeking the annulment of an act of the Executive Board of the ECB of 20 May 2014 restricting to two years the maximum period for which the ECB may avail itself of the services of any interim employee for administrative and secretarial tasks and, in addition, an action on the basis of Article 268 TFEU seeking compensation for the non-pecuniary loss suffered.

Operative part of the judgment

The Court:

1. Annuls the decision of the Executive Board of the ECB of 20 May 2014 restricting to two years the maximum period for which the ECB may avail itself of the services of any interim employee for administrative and secretarial tasks;
2. Dismisses the remainder of the action;
3. Orders the ECB to bear its own costs and to pay three-quarters of the costs incurred by the International and European Public Services Organisation (IPSO). Orders IPSO to bear a quarter of its own costs.

⁽¹⁾ OJ C 431, 1.12.2014.

Action brought on 28 November 2016 — Karp v Parliament

(Case T-833/16)

(2017/C 046/22)

Language of the case: English

Parties

Applicant: Kevin Karp (Brussels, Belgium) (represented by: N. Lambers, and R. Ben Ammar, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the authority authorised to conclude contracts of employment for the EFDD Group within the European Parliament which classified the applicant in function group I within the scope of the accredited parliamentary assistant (APA) contract signed on 25 February 2015 and in function group II within the scope of the contract of employment signed on 12 May 2016;
- order the defendant to compensate the applicant for the material and non-material damage suffered, estimated provisionally to be EUR 40 888,68 and EUR 63 323,20, respectively;
- order the defendant to bear its own costs and to pay the costs incurred by the applicant.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging a violation of Article 80 of the CESO Staff Regulations

- The applicant was given a salary grade corresponding to function group I for his first contract and at the bottom of function group II for the second employment contract he was offered. The function group II involves ‘Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of officials or temporary staff’ while the vast majority of tasks entrusted to the applicant within the scope of his first and his second employment contracts were administrative and advisory tasks as demonstrated in the annexes to the application.

2. Second plea in law, alleging a violation of Article 82 of the CEOS Staff Regulations

- Article 82 of the CEOS staff regulations states that a contract staff member shall be recruited in function group IV if he can demonstrate a level of education which corresponds to completed university studies of at least three years attested by a diploma or professional training of an equivalent level. The applicant has five years of university studies attested by two diplomas and, in addition, regarding the second contract he was offered, has a previous work experience for the European Parliament involving tasks equivalent to the tasks he ended up performing.

Action brought on 6 December 2016 — Dow Corning and Dow Corning Europe v Commission

(Case T-858/16)

(2017/C 046/23)

Language of the case: English

Parties

Applicants: Dow Corning Corporation (Midland, Michigan, United States) and Dow Corning Europe (Seneffe, Belgium) (represented by: S. Verschuur, M. Stroungi and L. Mélia, lawyers)

Defendant: European Commission