

Judgment of the General Court of 12 June 2019 — RV v Commission(Case T-167/17) ⁽¹⁾

(Civil service — Officials — Article 42c of the Staff Regulations — Leave in the interests of the service — Automatic retirement — Measure not open to challenge — Partial inadmissibility — Scope of the law — Court acting of its own motion — Literal, contextual and teleological interpretation)

(2019/C 263/43)

*Language of the case: French***Parties**

Applicant: RV (represented by: initially, J.-N. Louis and N. de Montigny, subsequently, J.-N. Louis, lawyers)

Defendant: European Commission (represented by: G. Berscheid and D. Martin, acting as Agents)

Intervener(s) in support of the defendant(s): European Parliament (represented by: initially, J. Steele and D. Nessaf, subsequently, J. Steele and M. Rantala, and finally, J. Steele and C. González Argüelles, acting as Agents) and Council of the European Union (represented by: M. Bauer and R. Meyer, acting as Agents)

Re:

Application pursuant to Article 270 TFEU seeking annulment of the Commission's decision of 21 December 2016 to place the applicant on leave in the interests of the service pursuant to Article 42c of the Staff Regulations of Officials of the European Union and simultaneously to retire the applicant automatically pursuant to the fifth paragraph thereof.

Operative part of the judgment

The Court:

1. *Annuls the decision of the European Commission of 21 December 2016 to place RV on leave in the interests of the service and simultaneously to retire RV automatically;*
2. *Dismisses the remainder of the action;*
3. *Orders the Commission to bear its own costs and to pay those incurred by RV, including those incidental to the proceedings for interim measures;*
4. *Orders the European Parliament and the Council of the European Union to bear their own costs.*

⁽¹⁾ OJ C 144 of 8.5.2017.
