

**Judgment of the Civil Service Tribunal (Second Chamber)
of 1 March 2007 — Neirinck v Commission**

(Case F-84/05) ⁽¹⁾

**(Officials — Temporary staff — Admissibility — Request
within the meaning of Article 90(1) of the Staff Regulations
— Principle of the protection of legitimate expectations —
Alleged promise to recruit)**

(2007/C 82/115)

Language of the case: French

Parties

Applicant: Wineke Neirinck (Brussels, Belgium) (represented by: G. Vandersanden, L. Levi and C. Ronzi, lawyers)

Defendant: Commission of the European Communities (represented by: D. Martin and L. Lozano Palacios, agents)

Re:

An application for damages seeking compensation for the loss suffered by the applicant as a result of not having been employed as a member of the temporary staff following an alleged error on the part of the defendant's administration.

Operative part of the judgment

The Tribunal:

1. *dismisses the action;*
2. *orders each party to bear its own costs.*

⁽¹⁾ OJ C 281, 12.11.2005, p. 29 (case initially registered before the Court of First Instance of the European Communities under number T-334/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).

**Judgment of the Civil Service Tribunal of 14 February
2007 — Fernández Ortiz v Commission**

(Case F-1/06) ⁽¹⁾

**(Officials — Recruitment — Probationary period —
Dismissal after the end of the probationary period)**

(2007/C 82/116)

Language of the case: Spanish

Parties

Applicant: Fernández Ortiz (Madrid, Spain) (represented by: J. Iturriagoitia Bassas, lawyer)

Defendant: Commission of the European Communities (represented by: F. Clotuche-Duvieusart, L. Lozano Palacios and L. Escobar Guerrero, Agents)

Re:

Annulment of the decision whereby the Commission of the European Communities dismissed the applicant after the end of his probationary period.

Operative part of the judgment

The Tribunal:

1. *Dismisses the application;*
2. *Orders the parties to bear their own costs.*

⁽¹⁾ OJ C 74 of 25.3.2006.

Action brought on 18 December 2006 — Meister v OHIM

(Case F-138/06)

(2007/C 82/117)

Language of the case: German

Parties

Applicant: Herbert Meister (Alicante, Spain) (represented by: Hans-Joachim Zimmermann)

Defendant: Office for Harmonisation in the Internal Market

Form of order sought

- annul the implied decision of rejection by the President of the Office for Harmonisation in the Internal Market (OHIM) of 18 September 2006 taken under Article 90(2) of the Staff Regulations;
- in the alternative, annul the implied decision of rejection by the President of OHIM of 18 September 2006 taken under Article 90(2) of the Staff Regulations and the written decision of rejection by the President of OHIM of 20 September 2006 (dated 18 September 2006);
- in the further alternative, annul the written decision of the President of OHIM of 20 September 2006 which was based on Article 90(2) of the Staff Regulations;

- in the alternative, annul the communication of OHIM of 9 June 2006 entitled ‘definitive Promotion Points 2006’;
- in the alternative, annul the implied decision of rejection by the President of OHIM of 27 November 2006;
- order OHIM to pay the applicant an appropriate amount of up to one year’s salary, but not less than EUR 45 000;
- order OHIM to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant is an official of OHIM in Alicante, Spain, and complains about the reports which the defendant has to submit about him every two years, which, he claims, are substantively incorrect and are flawed and have not been produced on numerous occasions. Accordingly, the applicant seeks annulment of all the defendant’s implied decisions taken on the basis of Article 90(2) of the Staff Regulations and the amendment of the promotion points granted erroneously by the defendant to him in 2006.

The applicant also claims that, by unlawfully infringing Article 90(2) of the Staff Regulations in his regard for years, the defendant has intentionally and immorally disregarded his rights as an employee. He thus seeks damage for non-material harm from the defendant on the grounds of physical harassment and continuous infringement of his personal rights.

Action brought on 26 January 2007 — Chassagne v Commission

(Case F-8/07)

(2007/C 82/118)

Language of the case: French

Parties

Applicant: Olivier Chassagne (Brussels, Belgium) (represented by: Y. Minatchy, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- Annul the Commission’s decisions dated 23 June 2006 and 27 October 2006 and adopt the measures arising from such annulment for the applicant;
- Order every measure necessary to safeguard the applicant’s rights and interests;

- Order the defendant to pay damages of EUR 1;
- Order the defendant to pay the costs.

Pleas in law and main arguments

By the contested decisions, the Commission transferred the applicant, an official in DG TREN with the status, at that time, of half-time secondment for trade union activities, from that DG’s list to the ‘A*10 list in Annex IV’ under the 2006 promotion procedure.

In support of his action, the applicant claims, in particular, that the decisions: (i) infringe the principle of the obligation to state reasons; (ii) are devoid of legal basis, and (iii) misapply Article 6 (3)(b) of the General provisions for implementing Article 43 of the Staff Regulations.

Action brought on 7 February 2007 — Scozzaro v EMEA

(Case F-13/07)

(2007/C 82/119)

Language of the case: French

Parties

Applicant: Salvatore Scozzaro (Broxbourne, United Kingdom) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: European Medicines Agency (EMA)

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of 31 March 2006 by which the Executive Director of the EMEA refused the applicant’s request for the establishment of an Invalidation Committee and the confirmatory decision of the following 25 October;
- order the defendant to pay the costs.

Pleas in law and main arguments

On 17 March 2005, the applicant, a member of the EMEA’s temporary staff, fell victim to an accident at work, as a result of which he became incapable of carrying out his work. On 14 February 2006, he was informed that his contract would not be renewed beyond 15 October 2006. His request for the establishment of an Invalidation Committee was refused.