

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 15 March 2007 — Sanchez Ferriz v Commission

(Case F-111/05) ⁽¹⁾

(Officials — Appraisal — Career development report —
2001-2002 appraisal procedure)

(2007/C 95/113)

Language of the case: French

Parties

Applicant: Carlos Sanchez Ferriz (Brussels, Belgium) (represented by: F. Frabetti, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer, Agents)

Re:

Application for annulment of the applicant's career development report for the period 2001-2002

Operative part of the judgment

The Tribunal:

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

⁽¹⁾ OJ C 48, 25.2.2006, p. 36 (case initially registered before the Court of First Instance of the European Communities under number T-413/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).

Order of the President of the Civil Service Tribunal of 13 March 2007 — Chassagne v Commission

(Case F-1/07 R)

(Application for interim measures — Application for suspension
of operation — Urgency — None)

(2007/C 95/114)

Language of the case: French

Parties

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

Defendant: Commission of the European Communities (represented by: J. Currall and V. Joris, Agents)

Re:

First, application for annulment of the list of Commission temporary staff promoted during the 2006 procedure in so far as it does not include the applicant and, secondly, an application for damages

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

Action brought on 26 February 2007 — O'Connor v Commission

(Case F-12/07)

(2007/C 95/115)

Language of the case: French

Parties

Applicant: Elizabeth O'Connor (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul the Commission's decision to set at 11 months and 25 days the maximum period for the award of an unemployment allowance to the applicant;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a former member of the Commission's temporary staff, worked for the latter continuously from 16 January 2001 to 31 December 2005 under six different fixed-term contracts concluded in the following order: a first contract as a member of the temporary staff, a first contract as a member of the auxiliary staff, a second contract as a member of the temporary staff, a second contract as a member of the auxiliary staff, a third contract as a member of the temporary staff and, finally, a contract as a member of the contract staff.

The administration granted her entitlement to the unemployment allowance for a maximum period of 11 months and 25 days, in so far as it held that the periods covered by the auxiliary staff contracts should be treated as periods spent in the service of an employer other than the Community institutions.

In support of her action, the applicant submits, first, that the Commission committed an abuse of rights by retaining her in its service more than five years under a variety of fixed-term contracts and under different sets of staff regulations. Secondly, she submits that the Commission misapplied Article 28a(4) and Article 96(4) of the Conditions of Employment of Other Servants, in so far as the period during which the applicant worked as a member of the auxiliary staff was not taken into account for the purposes of their provisions.

Action brought on 27 February 2007 — K v European Parliament

(Case F-15/07)

(2007/C 95/116)

*Language of the case: German***Parties***Applicant:* K (represented by Dieter Struck)*Defendant:* European Parliament**Form of order sought**

- annul the decision of the European Parliament of 29 November 2006 rejecting the applicant's application;
- order the defendant to pay damages for pain and suffering and compensation;
- declare the principle of equal treatment to have been infringed and deliberate and intentional harm to the applicant's general rights as an individual to have taken place;

- declare the defendant to have infringed the principle of legitimate expectations and the obligation to give reasons for administrative acts, as also the principle of non-discrimination;
- order the defendant to bear all the costs incurred in connection with the bringing of the action and the costs of the action itself.

Pleas in law and main arguments

The applicant, who was an official at the European Parliament from 1 January 1978, seeks damages for pain and suffering and compensation from the defendant by reason of conduct leading to the infringement of the applicant's general rights as an individual and the unusual circumstances which led to the applicant's retirement on the ground of ill health.

Action brought on 5 March 2007 — Kerelov v Commission

(Case F-19/07)

(2007/C 95/117)

*Language of the case: French***Parties***Applicant:* Georgi Kerelov (Pazardzhik, Bulgaria) (represented by: Angel Kerelov, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

- annul the decision of 6 December 2006 of the selection board for competition EPSO/AD/43/06-CJ not to include the applicant on the reserve list for that competition;
- declare null and void, and if necessary annul as unlawful, the decision of 2 February 2007 of the selection board for competition EPSO/AD/43/06-CJ to exclude the applicant from that competition;
- order the defendant to pay the applicant fixed damages assessed on equitable principles at EUR 120 491,28 (two years' salary) with statutory interest from the date on which the application in respect of the material and non-material damage suffered by the applicant as a result of those illegal decisions by the competition selection board was lodged;
- order the defendant to pay the costs.