

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Second Chamber)
of 28 June 2007 — da Silva v Commission**

(Case F-21/06) ⁽¹⁾

(Officials — Appointment in grade — Post of director advertised before 1 May 2004 — Amendment of the Staff Regulations — Article 2 and Article 5(5) of Annex XIII to the Staff Regulations — Classification by grade pursuant to new less-favourable provisions — Principle that all officials are entitled to reasonable career prospects)

(2007/C 183/81)

Language of the case: French

Parties

Applicant: João da Silva (Brussels, Belgium) (represented by: G. Vandersanden and L. Levi, lawyers)

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

Party intervening in support of the defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, acting as Agents)

Re:

First, annulment of the Commission's decision of 18 May 2005 appointing the applicant as a Director and fixing his grade at A*14 instead of the A2 indicated in the vacancy notice published in 2003, and secondly, the reinstatement of the applicant at grade A*15 (ex A2) and restoration of his career prospects with retrospective effect

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the Commission of the European Communities of 18 May 2005, inasmuch as it classifies Mr da Silva as a director in grade A*14, step 2;
2. Orders the Commission of the European Communities to bear its own costs and to pay Mr da Silva's costs;
3. Orders the Council of the European Union to bear its own costs.

⁽¹⁾ OJ C 108, 6.5.2006, p. 31.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 28 June 2007 — Bianchi v European Training
Foundation (ETF)**

(Case F-38/06) ⁽¹⁾

(Staff cases — Members of temporary staff — Fixed-term contract — Non-renewal — Substandard work — Duty to state reasons — Manifest error of assessment)

(2007/C 183/82)

Language of the case: French

Parties

Applicant: Irène Bianchi (Turin, Italy) (represented by: M.-A. Lucas, lawyer)

Defendant: European Training Foundation (ETF) (represented by: M. Dunbar, assisted by G. Vandersanden, lawyer)

Re:

First, annulment of the decision by the Director of the European Training Foundation not to renew the applicant's contract of employment as a member of the temporary staff and, secondly, a claim for damages

Operative part of the judgment

The Tribunal:

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

⁽¹⁾ OJ C 143, 17.6.2006, p. 37.