

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Third Chamber) of
30 January 2013 — De Luca v Commission**

(Case F-20/06)

(Civil service — Officials — Referral back to the General Court after annulment — Appointment — Official advancing to a higher function group by open competition — Candidate placed on a reserve list prior to the entry into force of the new Staff Regulations — Transitional rules governing classification in grade at the time of recruitment — Classification in grade pursuant to the new rules — Article 12(3) of Annex XIII to the Staff Regulations)

(2013/C 147/55)

Language of the case: French

Parties

Applicant: Patrizia De Luca (Brussels, Belgium) (represented by: S. Orlandi, and J.-N. Louis, lawyers)

Defendant: European Commission (represented by: J. Currall, acting as Agent)

Re:

Annulment of the Commission's decision of 23 February 2005 appointing the applicant, an official already graded at A*10 and a successful candidate in a competition for grades A5/A4, to a post as an administrator in the Directorate-General for Justice, Freedom and Security in so far as it alters her classification in grade from A*10 to A*9.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Declares that Mrs De Luca and the European Commission must bear their own costs in the two sets of proceedings brought before the Tribunal;
3. Declares that the European Commission must bear its own costs and orders it to pay the costs of Mrs De Luca incurred in the proceedings brought before the General Court of the European Union;
4. Declares that the Council of the European Union must bear its own costs.

**Judgment of the Civil Service Tribunal (Third Chamber) of
13 March 2013 — AK v Commission**(Case F-91/10) ⁽¹⁾

(Civil Service — Officials — First paragraph of Article 43 of the Staff Regulations — Delay in drawing up career development reports — Non-pecuniary damage — Loss of the opportunity to be promoted)

(2013/C 147/56)

Language of the case: French

Parties

Applicant: AK (Esbo, Finland) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: European Commission (represented by: G. Berscheid and J. Baquero Cruz, acting as Agents)

Re:

Application for annulment of the decision rejecting the applicant's claim for compensation for the loss suffered by reason of the failure to establish career development reports and for the opening of an administrative inquiry to establish the facts of harassment and application for compensation for the damage suffered.

Operative part of the judgment

The Tribunal:

1. Orders the European Commission to pay the sum of EUR 15 000 to AK as compensation for non-pecuniary damage;
2. Orders the European Commission to pay the sum of EUR 4 000 to AK as compensation for the loss of opportunity to be promoted to a grade higher than A 5 or equivalent before 1 March 2008;
3. Dismisses the remainder of the action;
4. Orders the European Commission to bear its own costs and to pay those incurred by AK.

⁽¹⁾ OJ C 13, 15.1.2011, p. 40.