

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### Judgment of the Civil Service Tribunal (First Chamber) of 5 July 2011 — V v Parliament

(Case F-46/09) <sup>(1)</sup>

*(Staff case — Contract staff — Conditions of engagement — Whether physically fit — Pre-recruitment medical examination. — Protection of individuals with regard to the processing of personal data — Medical confidentiality — Transfer of medical data between institutions — Right to respect for private life)*

(2011/C 282/92)

Language of the case: French

#### Parties

*Applicant:* V (Brussels, Belgium) (represented by: É. Boigelot and S. Woog, lawyers)

*Defendant:* European Parliament (represented by: K. Zejdová and S. Seyr, agents)

*Intervener in support of the applicant:* European Data Protection Supervisor (represented by M. V. Pérez Asinari and H. Kranenborg, agents)

#### Re:

First, annulment of the medical opinion of physical unfitness of 18 December 2008 and, second, annulment of the decision to withdraw the offer of employment previously made to the applicant.

#### Operative part of the judgment

*The Tribunal:*

1. *annuls the decision of 19 December 2008 whereby the European Parliament withdrew the offer of employment made to V;*
2. *orders the European Parliament to pay V the sum of EUR 25 000;*
3. *dismisses the action for the remainder;*
4. *orders the European Parliament to pay the applicant's costs and to bear its own costs;*
5. *orders the European Data Protection Supervisor, as intervener, to bear its own costs.*

<sup>(1)</sup> OJ C 11 of 16.01.10, p. 40.

### Judgment of the Civil Service Tribunal (First Chamber) of 20 July 2011 — Gozi v Commission

(Case F-116/10) <sup>(1)</sup>

*(Staff case — Officials — Duty to provide assistance — Article 24 of the Staff Regulations — Reimbursement of lawyer's fees incurred in legal proceedings before a national court)*

(2011/C 282/93)

Language of the case: Italian

#### Parties

*Applicant:* Sandro Gozi (Rome, Italy) (represented by: G. Passalacqua, lawyer)

*Defendant:* European Commission (represented by: J. Currall and J. Baquero Cruz, agents)

#### Re:

Annulment of the decision rejecting the request for reimbursement of the costs incurred by the applicant in criminal proceedings before a court of a Member State.

#### Operative part of the judgment

*The Tribunal:*

1. *dismisses the action;*
2. *orders Mr Gozi to pay all the costs.*

<sup>(1)</sup> OJ C 55 of 19.02.11, p. 38.

### Order of the Civil Service Tribunal (First Chamber) of 5 July 2011 — Coedo Suárez v Council

(Case F-73/10) <sup>(1)</sup>

*(Staff case — Officials — Action for damages — Implicit decision rejecting a claim for compensation, followed by an explicit decision rejecting that claim — Lateness of prior complaint against the implicit rejection decision — Not admissible)*

(2011/C 282/94)

Language of the case: French

#### Parties

*Applicant:* Angel Coedo Suárez (Brussels, Belgium) (represented by: S. Rodrigues, A. Blot and C. Bernard-Glanz, lawyers)

*Defendant:* Council of the European Union (represented by: K. Zieleskiewicz and M. Bauer, agents)