

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (First Chamber) of 12 May 2011 — Missir Mamachi di Lusignano v European Commission

(Case F-50/09) ⁽¹⁾

(Civil service — Officials — Action for damages — Rule of correspondence between request, complaint and action regarding compensation — Inter partes nature of proceedings — Use in judicial proceedings of a confidential document classified as ‘EU restricted’ — Non-contractual liability of the institutions — Liability for fault — Causal link — Plurality of causes of damage — Third party fault — Strict liability — Duty to provide assistance — Obligation on an institution to ensure the protection of its staff — Murder of an official and his spouse by a third party — Loss of a chance of survival)

(2011/C 232/66)

Language of the case: Italian

Parties

Applicant: Livio Missir Mamachi di Lusignano (Kerkhove-Avelgem, Belgium) (represented by: F. Di Gianni, R. Antonini and N. Sibona, lawyers)

Defendant: European Commission (represented by: L. Pignataro, B. Eggers and D. Martin, Agents)

Re:

Application for an order that the defendant pay a sum by way of reparation for material and non-material damage suffered by the applicant by reason of the murder of his son, a former official.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders the extracts from the 2006 document on security standards and criteria, sent by the European Commission to the Tribunal in the course of proceedings, to be returned immediately to the European Commission in an envelope marked “confidential” and “classified restricted EU”.
3. Orders the European Commission to pay all the costs.

⁽¹⁾ OJ C 167, 18.7.2009, p. 27.

Judgment of the Civil Service Tribunal (First Chamber) of 7 June 2011 — Emmanuel Larue and Olivier Seigneur v European Central Bank

(Case F-84/09) ⁽¹⁾

(Staff case — Staff of the ECB — Pay — General adjustment to salaries — Disregard of the method of calculation)

(2011/C 232/67)

Language of the case: French

Parties

Applicant: Emmanuel Larue and Olivier Seigneur (Frankfurt-am-Main, Germany) (represented by L. Levi, lawyer)

Defendant: European Central Bank (represented by G. Nuvoli and N. Urban, Agents, and B. Wägenbaur, lawyer)

Re:

Application for annulment of pay-slips for January 2009.

Operative part of the judgment

The Tribunal:

1. Annuls Mr Larue and Mr Seigneur’s pay-slips for the month of January 2009;
2. Dismisses the remainder of the action;
3. Orders the European Central Bank to bear all the costs.

⁽¹⁾ OJ C 312 of 19.12.09, p. 44.

Judgment of the Civil Service Tribunal (First Chamber) of 25 May 2011 — Luis Maria Bombín Bombín v European Commission

(Case F-22/10) ⁽¹⁾

(Civil service — Officials — Leave on personal grounds — Annual leave — Carry-over of annual leave — Official who has left the service — Financial compensation)

(2011/C 232/68)

Language of the case: Spanish

Parties

Applicant: Luis Maria Bombín Bombín (Rome, Italy) (represented by: R. Pardo Pedernera, lawyer)

Defendant: European Commission (represented by: D. Martin and J. Baquero Cruz, Agents)

Re:

Action seeking annulment of the decision of the Commission to refuse the applicant, on his retirement, compensation for more than 12 days of annual leave not taken

Operative part of the judgment

The Tribunal:

1. Dismisses Mr Bombín Bombín's action;
2. Orders Mr Bombín Bombín to pay all the costs.

(¹) OJ C 148, 5.6.2010, p. 54.

Judgment of the Civil Service Tribunal (First Chamber) of 28 June 2011 — De Nicola v European Investment Bank

(Case F-49/10) (¹)

(Staff case — Staff of the European Investment Bank — Sickness insurance — Refusal to reimburse medical expenses — Request for independent doctor to be designated — Reasonable period of time)

(2011/C 232/69)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented by L. Isola, avocat)

Defendant: European Investment Bank (represented by T. Gilliams and F. Martin, Agents)

Re:

Application for annulment of the defendant's decision not to reimburse sessions of laser therapy.

Operative part of the judgment

The Tribunal:

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

(¹) OJ C 221 of 14.8.10, p. 61.

Judgment of the Civil Service Tribunal (First Chamber) of 28 June 2011 — AS v Commission

(Case F-55/10) (¹)

(Staff case — Officials — Notice of vacancy — Rejection of application — Legal interest in bringing proceedings — Official on invalidity — Decision to reject candidature not inseparable from decision to appoint — Distinction drawn between officials in the same function group and holding the same grade and at a different stage in their career)

(2011/C 232/70)

Language of the case: French

Parties

Applicant: AS (Brussels, Belgium) (represented by: N. Lhoëst, lawyer)

Defendant: European Commission (represented by: J. Currall and B. Eggers, Agents)

Re:

Application for annulment of the decision refusing to take into consideration the applicant's application for a post as a library assistant and for an order for the Commission to pay her a sum as compensation for the material and non-material damage suffered.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 30 September 2009 by which the European Commission rejected AS's application;;
2. Orders the European Commission to pay AS the sum of EUR 3 000;
3. Dismisses the remainder of the action;
4. Orders the European Commission to pay, in addition to its own costs, three quarters of AS's costs;
5. Orders AS to pay a quarter of her own costs.

(¹) OJ C 246, 11.9.2010, p. 43.

Judgment of the Civil Service Tribunal (First Chamber) of 7 June 2011 — Mantzouratos v European Parliament

(Case F-64/10) (¹)

(Staff case — Officials — Promotion — Promotion period 2009 — Decision not to promote — Admissibility of plea of illegality — Comparative examination of merits — Manifest error of assessment)

(2011/C 232/71)

Language of the case: French

Parties

Applicant: Andreas Mantzouratos (Brussels, Belgium) (represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)