

**Judgment of the Civil Service Tribunal (Second Chamber)
of 30.9.2013 BP v FRA**

(Case F-38/12) ⁽¹⁾

(Civil service — Staff of the European Union Agency for Fundamental Rights — Member of the contract staff — Non-renewal of a fixed-term contract for an indefinite period — Reassignment to another department until expiry of the contract — Action for annulment — Action for damages)

(2014/C 71/60)

Language of the case: English

Parties

Applicant: BP (Barcelona, Spain) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Union Agency for Fundamental Rights (FRA) (represented by: M. Kjærum, acting as Agent, and B. Wägenbaur, lawyer)

Re:

Action for annulment of the decision of the European Union Agency for Fundamental Rights not to renew the applicant's contract as a member of the contract staff and of the decision to transfer the applicant to another department of the Agency, and a claim for damages for the material and non-material damage allegedly suffered.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Declares that BP shall bear all her own costs and orders her to pay all costs incurred by the European Union Agency for Fundamental Rights.

⁽¹⁾ OJ C 138, 12.5.2012 p. 37.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 16 September 2013 — Höpcke v Commission**

(Case F-46/12) ⁽¹⁾

(Civil Service — Open competition — Competition notice EPSO/AST/111/10 — Non-inclusion in the reserve list — Instruction to draft a text of a minimum length — Failure to comply)

(2014/C 71/61)

Language of the case: French

Parties

Applicant: Dagmar Höpcke (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis, É. Marchal and D. Abreu Caldas, lawyers)

Defendant: European Commission (represented by: B. Eggers and G. Gattinara, acting as Agents)

Re:

Application to annul the decision of the selection board of competition EPSO/AST/111/10 not to include the name of the applicant in the list of successful candidates for that competition.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Ms Höpcke to bear her own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 184, 23.6.2012, p. 25.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 7.11.2013**

Cortivo v Parliament

(Case F-52/12) ⁽¹⁾

(Civil service — Officials — Pensions — Correction coefficient — Member State of residence — Concept — Principal residence — Residence shared between Member States — Documents in support — Legitimate expectations)

(2014/C 71/62)

Language of the case: French

Parties

Applicant: Maria Luisa Cortivo (Sagone, France) (represented by: A. Salerno, lawyer)

Defendant: European Parliament (represented by: M. Ecker and S. Alves, acting as Agents)

Re:

Application for annulment, first, of the decision fixing the applicant's main place of residence in Luxembourg; and, second, of the decision modifying the applicant's pension entitlements by withdrawing the correction coefficient for France as from 1 January 2010.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders Ms Cortivo to bear her own costs and to pay the costs incurred by the European Parliament.

⁽¹⁾ OJ C 200, 7.7.2012 p. 22.

Judgment of the Civil Service Tribunal (Second Chamber) of 21 November 2013 — Roulet v Commission

(Joined Cases F-72/12 and F-10/13) ⁽¹⁾

(Civil Service — Remuneration — Article 66 of the Staff Regulations — Former member of the temporary staff at Grade AD12 — Recruitment as an official at Grade AD6 — Payment of remuneration equivalent to that paid to an official at Grade AD12 — Manifest error — Recovery of undue payments under Article 85 of the Staff Regulations)

(2014/C 71/63)

Language of the cases: French

Parties

Applicant: Josiane Roulet (Ottignies, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis, É. Marchal and D. Abreu Caldas, lawyers)

Defendant: European Commission (represented by: G. Gattinara and D. Martin, acting as Agents)

Re:

Application for annulment of: (i) the decision rejecting a request for compensation made by the applicant on the basis of Article 90(1) of the Staff Regulations by reason of the errors made when establishing her entitlements when she took up her duties and for the delay in rectifying those errors; and (ii) the Commission's decision relating to the recovery of a certain amount of the remuneration of the applicant, formerly a

member of the temporary staff at Grade A4 (AD12), and subsequently an official at Grade AD6, pursuant to Article 85 of the Staff Regulations.

Operative part of the judgment

The Tribunal:

1. Dismisses the actions in Joined Cases F-72/12 and F-10/13;
2. Orders Ms Roulet to bear her own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 258, 25.8.2012, p. 29; OJ C 108, 13.4.2013, p. 39.

Judgment of the Civil Service Tribunal (Second Chamber) of 16 September 2013 — CN v Council

(Case F-84/12) ⁽¹⁾

(Civil service — Article 78 of the Statute — Invalidity Committee — Medical report — Medical data of a psychiatric or psychological nature — Confidentiality of medical information — Access — Action for annulment — Action for damages)

(2014/C 71/64)

Language of the case: French

Parties

Applicant: CN (Brumath, France) (represented by: M. Velardo, lawyer)

Defendant: Council of the European Union (represented by: J. Herrmann and M. Bauer, acting as Agents)

Re:

Application for annulment of the decision refusing the applicant direct access to the final report of the findings of the Invalidity Committee and access to the diagnosis of the third doctor of that committee.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders CN to bear his own costs and to pay those incurred by the Council of the European Union.

⁽¹⁾ OJ C 295, 29.09.2012 p. 35.