

Judgment of the General Court of 13 July 2018 — SQ v EIB(Case T-377/17) ⁽¹⁾

(Civil Service — EIB staff — Complaint of psychological harassment — Administrative enquiry — Concept of ‘psychological harassment’ — Requirement that the conduct complained of must be repetitive in order to constitute ‘psychological harassment’ — Refusal to initiate disciplinary proceedings against the person responsible for that conduct — Duty of confidentiality in relation to an ongoing administrative enquiry and, subsequently, to the decision terminating the procedure finding that there had been psychological harassment)

(2018/C 341/27)

Language of the case: French

Parties

Applicant: SQ (represented by: N. Cambonie and P. Walter, lawyers)

Defendant: European Investment Bank (EIB) (represented by: G. Faedo and K. Carr, acting as Agents, assisted by B. Wägenbaur, lawyer, and J. Currall, Barrister)

Re:

Application under Article 50a(1) of the Statute of the Court of Justice of the European Union and Article 41 of the EIB Staff Regulations seeking, first, the partial annulment of the decision of the President of the EIB of 20 March 2017 and, second, compensation in respect of the material and non-material damage allegedly suffered by the applicant as a result of psychological harassment by her superior and the EIB's conduct.

Operative part of the judgment

The Court:

1. *Annuls in part the decision of the President of the European Investment Bank (EIB) of 20 March 2017, in so far as it applies an incorrect definition of the concept of ‘psychological harassment’, does not provide for immediate disciplinary action in the event of a proven case of psychological harassment within the EIB, and imposes a duty of confidentiality on the addressee of that decision, contrary to the purposes of an investigation procedure concerning an alleged case of psychological harassment;*
2. *Dismisses the remainder of the claims for annulment;*
3. *Orders the EIB to pay to SQ, in respect of the non-material damage suffered, an amount of EUR 10 000;*
4. *Dismisses the remainder of the claims for compensation;*
5. *Orders the EIB to bear its own costs and to pay half of the costs incurred by SQ;*
6. *Orders SQ to bear half of her own costs.*

⁽¹⁾ OJ C 277, 21.8.2017.

Action brought on 22 June 2018 — WI v Commission

(Case T-379/18)

(2018/C 341/28)

Language of the case: French

Parties

Applicant: WI (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested decisions;
- order the payment of a surviving spouse's pension to [WI];
- order the European Commission to pay the costs

Pleas in law and main arguments

In support of his action challenging the decision of the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO) dated 16 August 2017 refusing to grant the applicant a survivor's pension, and the confirmatory decision, the applicant relies on two pleas in law.

1. First plea in law, alleging a manifest error in the assessment of the term 'surviving spouse' and infringement of Article 1d (2) of the Staff Regulations of Officials of the European Union ('the Staff Regulations') and Article 17 of Annex VIII thereto, in so far as the Commission based its reasoning on a restrictive and erroneous interpretation of the term 'surviving spouse' provided for by the Staff Regulations for the purposes of rejecting the applicant's request for recognition of his status as a surviving spouse.
2. Second plea in law, alleging infringement of the principle of sound administration and of the duty to have regard for the welfare of officials in so far as, according to the applicant, the Commission should have taken into account the exceptional circumstances of the case in order to interpret Article 17 of Annex VIII to the Staff Regulations as meaning that the applicant may be entitled as of right to a pension by way of his status as a surviving spouse.

Action brought on 6 July 2018 — CdT v EUIPO

(Case T-417/18)

(2018/C 341/29)

Language of the case: French

Parties

Applicant: Translation Centre for the Bodies of the European Union (CdT) (represented by: J. Rikkert and M. Garnier, acting as Agents)

Defendant: European Union Intellectual Property Office (EUIPO)

Form of order sought

The applicant claims that the General Court should:

- annul EUIPO's decision of 26 April 2018 to terminate the arrangement concluded with the CdT;
- annul EUIPO's decision of 26 April 2018 claiming the right to implement all the preliminary measures necessary to ensure the continuity of provision of the translation services which it requires, in particular by issuing calls for tenders;
- annul EUIPO's decision to issue a call for tenders for translation services, published in the *Official Journal* under reference 2018/S 114-258472, and excluding the CdT from signing any contracts in connection with that call for tenders;
- declare it unlawful for an agency or any other body or office of the EU whose founding regulation provides that the translation services which it requires are to be provided by the CdT to issue a call for tenders for translation services;