



Reports of Cases

ORDER OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL
(First Chamber)
7 June 2016

Case F-108/12

Marco Verile
v
European Commission

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer of pension rights acquired under a national pension scheme into the EU pension scheme — Proposal concerning additional pensionable years — Action — Annulment — Appeal — Reclassification of claim for annulment of the proposal concerning additional pensionable years — Interpretation of the claim for annulment as a claim seeking annulment of the decision recognising additional pensionable years following the transfer of pension rights — Rejection of the claim — Judgment on appeal which has acquired the force of *res judicata* — No need to adjudicate)

Application: under Article 270 TFEU, applicable to the EAEC Treaty pursuant to Article 106a thereof, in which Mr Marco Verile seeks, *inter alia*, annulment of the decision of the European Commission of 9 December 2011 crediting him with additional pensionable years following the transfer, under Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union in the version applicable at that time ('the Staff Regulations') of capital representing the pension rights which he had acquired under his national pension scheme into the European Union pension scheme, and, to the extent necessary, annulment of the decision of the Commission's appointing authority rejecting his complaint against that decision.

Held: There is no need to adjudicate in Case F-108/12, *Verile v Commission*. Mr Marco Verile and the European Commission are each to bear their own costs.

Summary

Actions for annulment — Action that has become devoid of purpose following a definitive judgment by the EU judicature in another case concerning the same subject-matter, following reclassification of the subject-matter of the action — No need to adjudicate
(*Rules of Procedure of the Civil Service Tribunal, Art. 85(1)*)

An action for annulment has become devoid of purpose and there is no need to adjudicate on its merits, where the subject-matter of a judgment delivered by the EU judicature in another case has, following reclassification of the subject-matter of the action in that case, become the same as that of the action in the current case, the parties being the same in both cases and the aforementioned judgment having acquired the authority of *res judicata* and thus become definitive.

Since the principle of *res judicata* is of fundamental importance for the EU legal order, in order to ensure both stability of the law and legal relations and the sound administration of justice, it is important that judicial decisions which have become definitive after all rights of appeal have been exhausted or after expiry of the time-limits provided for in that connection can no longer be called into question.

(see paras 36-39)

See:

Judgment of 16 March 2006 in *Kapferer*, C-234/04, EU:C:2006:178, para. 20 and the case law cited