

**Order of the Civil Service Tribunal (First Chamber) of
10 October 2007 — Pouzol v Court of Auditors**

(Case F-17/07) ⁽¹⁾

*(Staff cases — Official — Pensions — Transfer of pension
rights acquired before entry into the service of the
Communities — Inadmissibility)*

(2007/C 283/77)

Language of the case: French

Parties

Applicant: Michel Pouzol (Combaillaux, France) (represented by:
D. Grisay, I. Andoulsi, and D. Piccininno, lawyers)

Defendant: Court of Auditors of the European Communities
(represented by: T. Kennedy, J.-M. Stenier and G. Cortens,
Agents)

Re:

Annulment of the Court of Auditors' decision of 23 November
2006 declaring inadmissible the complaint brought by the
applicant against the Commission's decision of 18 May 2006 —
Acknowledgment of the applicant's right to a supplementary
premium in his years of pensionable service — Application for
damages.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *Each party is ordered to bear its own costs.*

⁽¹⁾ OJ C 117, 26.5.2007, p. 35.

Action brought on 26 June 2007 — Patsarika v Cedefop

(Case F-63/07)

(2007/C 283/78)

Language of the case: Greek

Parties

Applicant: Maria Patsarika (represented by: N. Korogiannakis and
N. Keramidas, lawyers)

Defendant: European Centre for the Development of Vocational
Training (Cedefop)

Form of order sought

- annul the decision of Cedefop of 20 September 2006 (ref:
Directorate/AMB/2006/380) terminating the applicant's
fixed-term contract with Cedefop at the end of her proba-
tionary period;
- annul the decision of the Appeals Committee of Cedefop
(16 March 2007), which rejected the applicant's complaint
seeking annulment of the abovementioned decision, and
which contains the reasons of the appointing authority
regarding notice of termination of the applicant's contract
(this decision is not the subject of independent challenge);
- order Cedefop to pay damages of an amount equal to the
entirety of the applicant's salary, allowances and pension
rights corresponding to the period from 1 October 2006 to
30 September 2007, less the amount of the compensation
on dismissal that was granted;
- order Cedefop to pay the applicant damages of EUR 20 000
on account of the non-material harm which she has
suffered.

Pleas in law and main arguments

By decision of 20 September 2006, Cedefop dismissed the
applicant with effect from the end of her probationary period.
The applicant submits first of all that case-law was infringed in
relation to her probationary period since it was not completed
under normal conditions. In addition, the adoption of the deci-
sion regarding her dismissal involved a misuse of powers and
the exceeding of the limits of the available discretion, and the
decision was based on a manifest error of assessment. The
assessment report which was drawn up before the end of the
applicant's probationary period proposed her dismissal, despite
her satisfactory professional efficiency and conduct in the
service, because of 'doubts as to her moral qualities'. Those
doubts were based on events unrelated to the relevant period of
employment of the applicant, resulting from her testimony as a
witness in another case pending before the Civil Service
Tribunal. The content of her testimony in that case is demon-
strably correct. Furthermore, no evidence was put forward to
support the criticisms regarding her supposed professional
inadequacy (which is confined to the evaluative assessments of
the deputy director of Cedefop). The applicant further submits
that her right to be heard and rights of defence were infringed,
as were the principles of objectivity and proportionality. The
documents upon which the criticisms of her are based were
never communicated to her, nor was she invited to attend the
hearing (before the Cedefop Appeals Committee) of her
complaint.