

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Second Chamber) of 24 April 2008 — Dalmasso v Commission**

(Case F-61/05) <sup>(1)</sup>

*(Staff case — Contract staff — Recruitment — Grading in function group — Application for review of grade and remuneration set on recruitment — Former auxiliary staff member employed as contract staff member — Article 3a and Article 80(2) and (3) of the CEOS — Duties falling under different function groups — Equal treatment — Action unfounded)*

(2008/C 209/122)

*Language of the case: French*

### Parties

*Applicant:* Raffaëlle Dalmasso (Schaerbeek, Belgium) (represented by: L.Vogel, lawyer)

*Defendant:* Commission of the European Communities (represented by: J. Currall and G. Berscheid, agents)

*Intervener in support of the defendant:* Council of the European Union (represented by M. Arpio Santacruz and I. Sulce, agents)

### Re:

Staff case — First, annulment of the Commission's decision rejecting the complaint submitted by the applicant, a former member of the auxiliary staff, against the decision fixing his grade and remuneration as a contract staff member and, secondly, an application for damages (formerly T-269/05)

### Operative part of the judgment

*The Tribunal:*

1. *dismisses the action;*
2. *orders each party to bear its own costs.*

<sup>(1)</sup> OJ C 229 of 17.9.2005, p. 30 (case initially registered before the Court of First Instance of the European Communities as T-269/05 and transferred to the Civil Service Tribunal by order dated 15.12.2005).

**Judgment of the Civil Service Tribunal (Full Court) of 24 June 2008 — Cerafolgi and Paolo Poloni v ECB**

(Case F-116/05) <sup>(1)</sup>

*(Staff Case — ECB Staff — Remuneration — Method of calculation of annual salary adjustment — Enforcement of a judgment of the Community judicature — Confirmatory act — Inadmissibility)*

(2008/C 209/123)

*Language of the case: French*

### Parties

*Applicants:* Maria Concetta Cerafolgi and Paolo Poloni (Frankfurt am Main, Germany) (represented by: G. Vandersanden and L. Levi, lawyers)

*Defendant:* European Central Bank (ECB) (represented by: F. Malfrère and K. Sugar, Agents and H.-G. Kamann, lawyer)

### Re:

First, annulment of the applicants' respective remuneration slips for the month of July 2001, as drawn up by the European Central Bank in May 2005, in enforcement of the judgment of the Court of First Instance of 20 November 2003 in Case T-63/02 *Cerafolgi and Poloni v ECB* and, second, a claim for damages.

### Operative part of the judgment

*The Tribunal:*

1. *Dismisses the action as inadmissible;*
2. *Orders each party to bear its own costs.*

<sup>(1)</sup> OJ C 48, 25.2.2005 (case initially lodged before the Court of First Instance of the European Communities as Case T-431/05 and transferred to the European Union Civil Service Tribunal by order of 15.12.2005).