

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (First Chamber) of 28 October 2010 — Vicente Carajosa and Others v Commission

(Case F-77/08) ⁽¹⁾

(Civil service — Open competitions EPSO/AD/116/08 and EPSO/AD/117/08 in the field of fraud prevention — Exclusion of candidates in consequence of their results in the admission tests — Decision of the Appointing Authority — Failure to lodge a complaint — Inadmissibility of the action)

(2011/C 13/68)

Language of the case: French

Parties

Applicants: Isabel Vicente Carajosa and Others (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: European Commission (represented by: J. Currall and B. Eggaers, acting as Agents)

Intervener in support of the applicant: Kingdom of Spain (represented by: F. Díez Moreno, acting as Agent)

Re:

Annulment of EPSO's individual decisions not to admit the applicants to the tests in competitions EPSO/AD/116/08 and EPSO/AD/117/08.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders the applicants to bear their own costs and to pay those incurred by the European Commission;*
3. *Orders the Kingdom of Spain, intervener, to bear its own costs.*

⁽¹⁾ OJ C 285 of 8.11.2008, p. 57.

Judgment of the Civil Service Tribunal (First Chamber) of 28 October 2010 — Cerafogli v European Central Bank

(Case F-84/08) ⁽¹⁾

(Staff case — ECB Staff — Action for damages seeking compensation for harm resulting directly from alleged illegality of conditions of employment and staff rules — Civil Service Tribunal's lack of jurisdiction — Inadmissible — Release from service for staff representation — No adjustment of workload — Wrongful act)

(2011/C 13/69)

Language of the case: French

Parties

Applicant: Maria Concetta Cerafogli (Frankfurt-am-Main, Germany) (represented by: L. Levi and M. Vandebussche, lawyers)

Defendant: European Central Bank (represented by: F. Malfrère and N. Urban, agents, and by B. Wägenbaur, lawyer)

Re:

Application for an order requiring the ECB to pay compensation in respect of the damage allegedly suffered by the applicant on account of discrimination connected with her trade union activities.

Operative part of the judgment

The Tribunal:

1. *Orders the European Central Bank to pay Ms Cerafogli the sum of EUR 5 000;*
2. *Dismisses the remainder of the application;*
3. *Orders the European Central Bank to bear its own costs and to pay one third of Ms Cerafogli's costs;*
4. *Orders Ms Cerafogli to bear two thirds of her costs.*

⁽¹⁾ OJ C 327 of 20.12.2008, p. 43.