

**Judgment of the Civil Service Tribunal (3rd Chamber) of 28 October 2010 — Cerafogli v European Central Bank (ECB)**

(Case F-23/09) <sup>(1)</sup>

*(Civil service — ECB staff — Appointment of a member of staff on an acting basis — Notice of vacancy — Act adversely affecting an official — Placed on leave on account of disability — Legal interest in bringing proceedings)*

(2011/C 30/113)

Language of the case: French

**Parties**

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

*Defendant:* European Central Bank (ECB) (represented by: F. Feyerbacher and N. Urban, Agents, assisted by B. Wägenbaur, lawyer)

**Re:**

Application for annulment of the ECB's Board of Directors' decision appointing an acting adviser to the Oversight Division and of vacancy notice ECB/074/08, as well as all decisions adopted on the basis of that vacancy notice. In addition, an application to order the defendant to pay compensation for the material and non-material damage suffered by the applicant.

**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 129, 06.06.2009, p. 21.

**Judgment of the Civil Service Tribunal (First Chamber) of 23 November 2010 — Marcuccio v Commission**

(Case F-65/09) <sup>(1)</sup>

*(Civil service — Officials — Social security — Sickness insurance — Serious illness — Objection of illegality concerning the criteria adopted by the medical council — Rejection of claims for reimbursement of medical expenses)*

(2011/C 30/114)

Language of the case: Italian

**Parties**

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission (represented by: J. Currall and C. Berardis-Kayser, agents, and A. Dal Ferro, lawyer)

**Re:**

Application for annulment of the decision refusing 100 % reimbursement of the applicant's medical expenses.

**Operative part of the judgment**

*The Tribunal:*

1. Dismisses the action.
2. Orders Mr Marcuccio to pay the costs in their entirety.

---

<sup>(1)</sup> OJ C 220, 12.9.2009, p. 43.

**Judgment of the Civil Service Tribunal (First Chamber) of 14 December 2010 — Gowitzke v Europol**

(Case F-74/09) <sup>(1)</sup>

*(Civil service — Europol staff — Article 27 of the Staff Regulations applicable to Europol employees — Article 4 of the policy for determining grades and steps of Europol staff — Reassessment of a post to the next grade — Classification by step)*

(2011/C 30/115)

Language of the case: Dutch

**Parties**

*Applicant:* Werner Siegfried Gowitzke (The Hague, the Netherlands) (represented by: D.C. Coppens, lawyer)

*Defendant:* European Police Office (Europol) (represented by: D. Neumann and D. El Khoury, agents, and B. Wägenbaur, lawyer)

**Re:**

Application for annulment of Europol's decision of 5 June 2009 rejecting the applicant's claim to have his classification changed to grade 5, step 1.

**Operative part of the judgment**

*The Tribunal:*

1. Dismisses the action.
2. Orders the applicant to pay the costs.

---

<sup>(1)</sup> OJ C 267, 7.11.2009, p. 85.