

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (First Chamber) of 24 March 2011 — Canga Fano v Council

(Case F-104/09) ⁽¹⁾

(Civil service — Officials — Promotion — Promotion exercise 2009 — Decision not to promote — Comparative examination of the merits — Manifest error of assessment — Action for annulment — Action for damages)

(2011/C 160/42)

Language of the case: French

Parties

Applicant: Diego Canga Fano (Brussels, Belgium) (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and K. Zieleškievicz, agents)

Re:

Application for annulment of the defendant's decision not to include the applicant on the list of officials promoted to Grade AD 13 under the 2009 promotion procedure.

Operative part of the judgment

1. *The application is dismissed.*
2. *Mr Canga Fano shall pay all the costs.*

⁽¹⁾ OJ C 37, 13.2.2010, p. 51.

Judgment of the Civil Service Tribunal (First Chamber) of 13 April 2011 — Vakalis v Commission

(Case F-38/10) ⁽¹⁾

(Civil Service — Officials — Pension — Transfer of pension rights acquired in Greece to the pension scheme of officials of the European Union — Calculation of the pensionable years — Objection of illegality concerning the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations — Principle of equal treatment — Principle of the neutrality of the Euro)

(2011/C 160/43)

Language of the case: French

Parties

Applicant: Ioannis Vakalis (Luvinate, Italy) (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented by: D. Martin and J. Baquero Cruz, agents)

Re:

Annulment of the decision of the Office for Administration and Payment of Individual Entitlements determining the pension rights of the applicant on his transfer to the European Union scheme

Operative part of the judgment

1. *The application is dismissed partly as inadmissible and partly as unfounded.*
2. *The European Commission is ordered to bear its own costs and half of the applicant's costs.*
3. *Mr Vakalis is to bear half of his own costs.*

⁽¹⁾ OJ C 209, 31.7.2010, p. 54.

Order of the Civil Service Tribunal (First Chamber) of 4 April 2011 — AO v Commission

(Case F-45/10) ⁽¹⁾

(Civil service — Officials — Disciplinary measure — Removal from post — Article 35(1)(d) and (2)(a) of the Rules of Procedure — Action, in part, clearly inadmissible and, in part, clearly unfounded)

(2011/C 160/44)

Language of the case: English

Parties

Applicant: AO (Brussels, Belgium) (represented by: M. Schober, lawyer)

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

Re:

Application, first, for annulment of decision CMS 07/046 of the Commission ordering the removal of the applicant from his post without reduction to his entitlement to a retirement pension with effect from 15 August 2009 and to annul all the decisions taken against the applicant between the period from September 2003 until his removal from his post and, second, for damages.