

**Judgment of the Civil Service Tribunal (First Chamber) of
28 September 2011 — De Nicola v EIB**

(Case F-13/10) ⁽¹⁾

*(Staff cases — Staff of the European Investment Bank —
Assessment — Promotion — Action for damages — Admissi-
bility)*

(2011/C 340/73)

Language of the case: Italian

Parties

Applicant: De Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

Defendant: European Investment Bank (represented by: T. Gilliams and F. Martin, Agents, assisted by A. Dal Ferro, lawyer)

Re:

First, application for annulment of the decision of the Appeals Committee rejecting the applicant's appeal against the assessment of his work during 2008 and annulment of the staff report for 2008. Second, an application for an order that the EIB 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 Mr De Nicola to bear his own costs and to pay half the costs of the European Investment Bank;
3. Orders the European Investment Bank to bear half its own costs.

⁽¹⁾ OJ C 134 of 22.05.10, p. 53.

**Judgment of the Civil Service Tribunal (First Chamber) of
13 September 2011 — Behnke v Commission**

(Case F-68/10) ⁽¹⁾

*(Civil Service — Officials — 2009 appraisal and promotion
exercise — Statement of reasons of the opinion of the Joint
Appraisal and Promotion Committee — Manifest error of
assessment)*

(2011/C 340/74)

Language of the case: French

Parties

Applicant: Thorsten Behnke (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: European Commission (represented by: G. Bersheid and C. Berardis-Kayser, Agents)

Re:

Application for annulment of the decision to classify the applicant in performance group II and to award him 5 promotion points in his career development report for the period from 1 January to 31 December 2008.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders the European Commission to pay, in addition to its own costs, one quarter of the costs incurred by Mr Behnke;
3. Orders Mr Behnke to pay three quarters of his own costs.

⁽¹⁾ OJ C 288, 23.10.10, p. 74.

**Judgment of the Civil Service Tribunal (First Chamber) of
20 September 2011 — Van Soest v Commission**

(Case F-117/10) ⁽¹⁾

*(Civil Service — Recruitment — Competition — Conditions
for admission — Required qualification — Concept of a
diploma attesting to a level of secondary education and
giving access to post-secondary education — Decisions of
the selection board for a competition — Nature of the
review exercised by the appointing authority)*

(2011/C 340/75)

Language of the case: French

Parties

Applicant: Barry Van Soest (Etterbeek, Belgium) (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented by: J. Currall and B. Eggers, Agents)

Re:

Application for annulment of the Commission's decision which terminated the recruitment procedure for the applicant, who had passed a competition and been included on the reserve list, because he did not hold a diploma of secondary education giving access to post-secondary education.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders the European Commission to bear its own costs and to pay those incurred by Mr Van Soest.

⁽¹⁾ OJ C 30, 29.01.11, p. 66.