

Judgment of the Civil Service Tribunal (First Chamber) of 28 September 2011 — Pereira Sequeira v Commission

(Case F-65/06) ⁽¹⁾

(Staff case — Officials — Appointment — Internal competition published before 1 May 2004 — Member of the temporary staff appearing on the list of suitable candidates before 1 May 2006 — Grading — Articles 5(4) and 12(3) of Annex XIII to the Staff Regulations — Secretarial allowance — Action in part clearly inadmissible and in part clearly unfounded)

(2011/C 340/76)

Language of the case: French

Parties

Applicant: Rosa Maria Pereira Sequeira (Brussels, Belgium) (represented, initially, by T. Bontinck and J. Feld, lawyers, and subsequently by T. Bontinck and S. Woog, lawyers)

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

Re:

Annulment of the decision of the Appointing Authority, notified to the applicant on 19 September 2005, whereby the latter, a member of the temporary staff and a successful candidate in internal competition COM/PC//04, was appointed an official in Grade C*1, pursuant to the provisions of Annex XIII to the Staff Regulations.

Operative part of the judgment

1. *The action is dismissed.*
2. *Each party is ordered to bear its own costs.*

⁽¹⁾ OJ C 165 of 15.07.06, p. 36.

Order of the Civil Service Tribunal (First Chamber) of 28 September 2011 — Kyriazi v Commission

(Case F-66/06) ⁽¹⁾

(Staff case — Officials — Appointment — Internal competition published before 1 May 2004 — Member of the temporary staff appearing on the list of suitable candidates before 1 May 2006 — Grading — Articles 5(4) and 12(3) of Annex XIII to the Staff Regulations — Secretarial allowance — Action in part clearly inadmissible and in part clearly unfounded)

(2011/C 340/77)

Language of the case: French

Parties

Applicant: Kalliopi Kyriazi (Clabecq, Belgium) (represented by É. Boigelot, lawyer)

Defendant: European Commission (represented, initially, by C. Berardis-Kayser and K. Herrmann, and subsequently by K. Herrmann and H. Krämer, acting as Agents)

Intervener in support of the Defendant: Council of the European Union (represented, initially, by M. Arpio Santacruz and I. Šulce, acting as Agents, and subsequently by M. Bauer, J. Monteiro and K. Zieleskiewicz, acting as Agents)

Re:

Annulment of the decision of the 12 September 2005 appointing the applicant a probationary official in Grade C*1, step 2, and of all measures consecutive and/or relating thereto, such as the decision to withdraw and not re-establish her secretarial allowance after her establishment.

Operative part of the order

1. *The action is dismissed.*
2. *Mrs Kyriazi and the European Commission are each ordered to bear their own costs.*
3. *The Council of the European Union, which has intervened, is ordered to bear its own costs.*

⁽¹⁾ OJ C 178 of 29.07.06, p. 43.

Order of the Civil Service Tribunal (First Chamber) of 27 September 2011 — Lübking and Others v Commission

(Case F-105/06) ⁽¹⁾

(Civil Service — Officials — Promotion — 2005 promotion exercise — New career structure — Extension of career by the introduction of new grades with no equivalents in the old Staff Regulations — Application of Article 45 of the Staff Regulations, Annex XIII to the Staff Regulations and the GIP applicable with effect from 2005 — Principle of equal treatment — Retroactive effect of promotion decisions to a date prior to 1 May 2004 — Transitional measures — Action manifestly bound to fail)

(2011/C 340/78)

Language of the case: French

Parties

Applicants: Johannes Lübking and Others (Brussels, Belgium) (represented by: B. Cortese and C. Cortese, lawyers)

Defendant: European Commission (represented by: J. Currall and G. Berscheid, Agents)

Intervener in support of the defendant: Council of the European Union (represented: initially by M. Simm and B. Driessen, and subsequently by M. Bauer, J. Monteiro and K. Zieleskiewicz, Agents)