

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

(Case F-82/07) ⁽¹⁾

(Staff Cases — Officials — Promotion — 2006 promotion year — New career structures — Extension of careers by the introduction of new grades having no equivalent in the old Staff Regulations — Application of Article 45 and Annex XIII of the Staff Regulations, as well as the general implementing provisions applicable from 2005 — Principle of equal treatment — Retroactive effect of promotion decisions to a date prior to 1 May 2004 — Transitional measures — Action which must manifestly be dismissed)

(2011/C 340/81)

Language of the case: French

Parties

Applicant: Daniel Dittert (Luxembourg, Luxembourg) (represented by: B. Cortese and C. Cortese, lawyers)

Defendant: European Commission (represented by: G. Berscheid and K. Herrmann, Agents)

Intervener in support of the defendant: Council of the European Union (represented initially by M. Arpio Santacruz and I. Śulce, later by: M. Bauer, J. Monteiro and K. Zieleśkiewicz, Agents)

Re:

Annulment of the Commission's decision of 23 April 2007 to promote the applicant to grade AD 9 and not AD 10.

Operative part of the order

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

⁽¹⁾ OJ C 235 of 6.10.07, p. 32.

Order of the Civil Service Tribunal (First Chamber) of 28 September 2011 — M v EMA

(Case F-6/11) ⁽¹⁾

(Civil service — Action for damages — Action manifestly inadmissible)

(2011/C 340/82)

Language of the case: English

Parties

Applicant: M (Broxbourne, United Kingdom) (represented by: C. Thomann, Barrister, and I. Khawaja, Solicitor)

Defendant: European Medicines Agency (represented by: V. Salvatore and N. Rampal Olmedo, Agents)

Re:

An action for damages seeking to obtain compensation for the loss allegedly sustained by the applicant following an accident in the workplace which was the result of the breach by the EMA of its obligations concerning the health and safety of workers arising from the European and UK rules.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *M shall bear all the costs.*

⁽¹⁾ OJ C 148, 5.6.2010, p. 37.

Action brought on 1 August 2011 — ZZ v Council

(Case F-77/11)

(2011/C 340/83)

Language of the case: French

Parties

Applicant: ZZ (represented by: M. Velardo, lawyer)

Defendant: Council of the European Union

Subject-matter and description of the proceedings

Annulment of the decision, adopted in implementation of the judgment in Case F-53/08, rejecting the applicant's candidature for promotion to grade AST7 under the 2007 promotion exercise, as well as the application for damages which the applicant allegedly suffered.

Form of order sought

— Annul the decision of 1 October 2010, adopted by the Director General of DG A Personnel and Administration of the Council of the European Union in implementation of the judgment of 5 May 2010 in Case F-53/08, rejecting the applicant's candidature for promotion to grade AST7 under the 2007 promotion exercise;

— Order the Council to compensate the applicant for the material and non-material damage suffered;

— Order the Council to pay damages, with default and compensatory interest at 6,75 % for the material and non-material damage suffered;

— Order the Council to pay the costs.