

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Third Chamber) of 26 June 2013 — BM v ECB

(Case F-78/11) ⁽¹⁾

*(Civil service — ECB Staff — Retroactive extension of the
probationary period — Decision to end the contract during
the probationary period — Disciplinary proceedings)*

(2013/C 252/71)

Language of the case: English

Parties

Applicant: BM (Frankfurt am Main, Germany) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Central Bank (ECB) (represented: initially by P. Embley, M. López Torres and E. Carlini, acting as Agents, and subsequently by M. López Torres and E. Carlini, acting as Agents, and by B. Wägenbaur, lawyer)

Re:

Application to annul the ECB's decision to terminate the applicant's contract during the probationary period because of a disciplinary fault punished by a reprimand.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the Executive Board of the European Central Bank of 20 May 2011, which terminates BM's contract as of 31 October 2011;
2. Dismisses the action as to the remainder;
3. Declares that the European Central Bank is to bear its own costs and orders it to pay the costs incurred by BM.

⁽¹⁾ OJ C 319, 29.10.11, p. 30.

Judgment of the Civil Service Tribunal (Third Chamber) of 19 June 2013 — BY v EASA

(Case F-81/11) ⁽¹⁾

*(EASA staff — Temporary staff — Admissibility — Period
for bringing proceedings — Unfavourable evaluation report
— Reassignment — Psychological harassment — Misuse of
power)*

(2013/C 252/72)

Language of the case: French

Parties

Applicant: BY (Lasne, Belgium) (represented by: B.-H. Vincent, lawyer)

Defendant: European Aviation Safety Agency (EASA) (represented by: F. Manuhutu, acting as Agent, and D. Waelbroeck and A. Duron, lawyers)

Re:

Application for annulment of the decision to re-assign the applicant to a non-managerial post in the interest of the service as a result of an unfavourable evaluation report and application to pay the applicant an amount by way of compensation for the damage allegedly suffered

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders BY to bear his own costs and to pay the costs incurred by the European Aviation Safety Agency.

⁽¹⁾ OJ C 340, 19.11.2011, p. 41.

Judgment of the Civil Service Tribunal (Second Chamber) of 19 June 2013 — Goetz v Committee of the Regions

(Case F-89/11) ⁽¹⁾

*(Civil Service — Officials — Non-contractual liability —
Action for damages — Admissibility — Point from which
period to institute proceedings starts to run — OLAF investigation —
Administrative investigation — Disciplinary proceedings before the
Disciplinary Board — Obligation for the administration to act
diligently — Length of disciplinary proceedings — Liability arising
from the opening of disciplinary proceedings terminated without a
sanction being imposed)*

(2013/C 252/73)

Language of the case: French

Parties

Applicant: Charles Dieter Goetz (Linkebeek, Belgium) (represented by: N. Lhoëst and A.-A. Minet, lawyers)

Defendant: Committee of the Regions (represented by: M.J.C. Cañoto Argüelles, Agent, and by B. Cambier, lawyer)

Re:

Application for annulment of the decision of the Committee of the Regions which rejected the applicant's request, under Article 90(1) of the Staff Regulations, seeking damages for the non-material and material damage allegedly suffered in connection with administrative and disciplinary proceedings.