

**Judgment of the Civil Service Tribunal (Second Chamber)  
of 12 June 2013 — Bogusz v Frontex**

(Case F-5/12) <sup>(1)</sup>

*(Civil service — Members of the temporary staff — Frontex staff — Amendment to the conditions under which the probationary period progressed laid down in Article 14 of the CEOS — Dismissal at the end of the probationary period — Setting objectives — Ground raised for the first time at the hearing)*

(2013/C 252/76)

Language of the case: French

**Parties**

*Applicant:* Bogusz (Dobroszyce, Poland) (represented by: S. Pappas, lawyer)

*Defendant:* Frontex (represented by: S. Vuorensola and H. Caniard, acting as Agents, and A. Duron and D. Waelbroeck, lawyers)

**Re:**

Civil service — Application for the annulment of the decision of Frontex imposing a penalty on the applicant and the decision dismissing him.

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action;
2. Orders the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to bear its own costs and to pay one quarter of the costs incurred by Mr Bogusz;
3. Orders Mr Bogusz to bear three quarters of his own costs.

<sup>(1)</sup> OJ C 133, 5.5.2012, p.29.

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

(Case F-8/12) <sup>(1)</sup>

*(EASA staff — Member of the temporary staff — Dismissal for incompetence — Duty to have regard for the welfare of officials — External cause for professional difficulties — Psychological harassment — Illness — Damages)*

(2013/C 252/77)

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, Agent and D. Waelbroeck and A. Duron, lawyers)

**Re:**

Application to annul the decision to dismiss the applicant and the application for compensation for damage claimed to be suffered because of that dismissal and alleged harassment.

**Operative part of the judgment**

The Tribunal:

1. Orders the European Aviation Safety Agency to pay to BY the sum corresponding to nine months of net remuneration which he received prior to his dismissal;
2. Dismisses the action as to the remainder;
3. Orders the European Aviation Safety Agency to bear its own costs and to pay the costs incurred by BY.

<sup>(1)</sup> OJ C 65, 3.3.2012, p.28.

**Judgment of the Civil Service Tribunal (Third Chamber) of  
26 June 2013 — Di Prospero v Commission**

(Case F-12/12) <sup>(1)</sup>

*(Civil Service — Appointment — Success in a competition following a request to the applicant to sit the competition with a view to complying with a judgment — Appointment in the grade with retroactive effect)*

(2013/C 252/78)

Language of the case: French

**Parties**

*Applicant:* Rita Di Prospero (Brussels, Belgium) (represented by: S. Rodrigues, A. Blot and C. Bernard-Glanz, lawyers)

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

**Re:**

Civil Service — Action for annulment of the Commission's implied decision rejecting the applicant's request for classification at grade AD 11 with retroactive effect as at 1 January 2010 and for compensation for damage allegedly suffered.

**Operative part of the judgment**

The Tribunal:

1. The decision of the European Commission of 18 October 2011 refusing to grade Ms Di Prospero in grade AD 11 with retroactive effect from 1 January 2010 is annulled;