

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 19 September 2013 — Gheysens v Council

(Case F-83/08) ⁽¹⁾

*(Civil service — Auxiliary member of the contract staff —
Conditions of engagement — Function group — Types of
duties and corresponding function groups — Duration of
employment)*

(2013/C 313/65)

Language of the case: French

Parties

Applicant: Johan Gheysens (Malines, Belgium) (represented initially by S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, and subsequently by S. Orlandi, A. Coolen, J.-N. Louis, É. Marchal and D. Abreu Caldas, lawyers)

Defendant: Council of the European Union (represented initially by M. Bauer and K. Zieleńkiewicz, and subsequently by M. Bauer and J. Herrmann, agents)

Re:

Annulment of the decision of the Council fixing the conditions of the applicant's engagement in so far as it limits the duration of the contract to two years and classifies him in function group III, grade 11, step 1 and a declaration that Article 88 of the Conditions of Employment of Other Servants is illegal in so far as it authorises successive contracts for a fixed period subject to an overall limit of three years.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the Council of the European Union to recruit Mr Gheysens in so far as it classifies him in function group III;
2. Dismisses the action as to the remainder;
3. Orders the Council of the European Union to bear its own costs and to pay three quarters of the costs incurred by Mr Gheysens;

4. Orders Mr Gheysens to bear one quarter of his own costs.

(1) OJ C 313, 06.12.2008, p. 59.

Order of the Civil Service Tribunal (Second Chamber) of 19 September 2013 — Marcuccio v Commission

(Case F-31/13)

*(Civil service — Article 34(1) and (6) of the Rules of
Procedure — Application lodged by fax within the period
for bringing proceedings, extended on account of distance by
a period of ten days — Application received by post within
the following ten days — Applications not the same —
Action out of time)*

(2013/C 313/66)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Defendant: European Commission

Re:

Action to annul the dismissal of the applicant's application requesting payment of compensation for the damage which he claims to have suffered following his reassignment from the Commission delegation in Luanda to the Commission headquarters in Brussels.

Operative part of the order

1. The action is dismissed as manifestly inadmissible.
2. Mr Marcuccio is ordered to bear his own costs.