

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 13 November 2014 — Hristov v Commission and EMA

(Case F-2/12) ⁽¹⁾

(Civil service — Procedure for selection and appointment of the Executive Director of a regulatory agency — European Medicines Agency (EMA) — Two-stage selection procedure — Pre-selection within the Commission — Appointment by the EMA's Management Board — Obligation for the EMA's Management Board to choose the Executive Director from among the candidates shortlisted by the Commission — Action for annulment — Composition of the pre-selection panel — Combination of functions of a member of the pre-selection panel and member of the EMA's Management Board — Candidates who are members of the EMA's Management Board included on the list of candidates shortlisted by the Commission — Appointment of the candidate who is a member of the EMA's Management Board — Duty of impartiality — Infringement — Annulment — Action for damages — Material damage severable from the illegality serving as the basis for the annulment — Proof — None)

(2015/C 007/52)

Language of the case: Bulgarian

Parties

Applicant: Emil Hristov (Sofia, Bulgaria) (represented by: M. Ekimdjiev, K. Boncheva and G. Chernicherska, lawyers)

Defendant: European Commission (represented by: initially J. Currall and D. Stefanov, Agents, subsequently by J. Currall and N. Nikolova, Agents)

Defendant: European Medicines Agency (represented by: initially V. Salvatore and T. Jablonski, subsequently by J. Currall and N. Nikolova, Agents)

Re:

First, application for annulment of the Commission's decisions concerning the drawing up and approval of the shortlist submitted to the EMA's Management Board in the context of the procedure for the selection and appointment of the Executive Director of that agency; second, application for annulment of the appointment of another candidate to the post; and third, application for compensation for the non-material damage allegedly sustained.

Operative part of the judgment

The Tribunal:

1. Annuls the European Commission's decision of 20 April 2011, by which it proposed to the Management Board of the European Medicines Agency a list of four candidates recommended by the pre-selection committee and approved by the Consultative Committee on Appointments.
2. Annuls the decision of the Management Board of the European Medicines Agency of 6 October 2011 appointing the Executive Director,
3. Dismisses the action as to the remainder.
4. Orders the European Commission and the European Medicines Agency to bear their own costs and to each pay half of the costs incurred by Mr Hristov.

⁽¹⁾ OJ C 184, 23.6.2012, p. 21.