

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (1st Chamber) of 18 November 2014 — De Nicola v EIB

(Case F-59/09 RENV) ⁽¹⁾

(Civil Service — Referral back to the Tribunal after setting aside — EIB staff — Annual appraisal — Internal rules — Appeals procedure — Right to be heard — Infringement by the Appeals Committee — Unlawful nature of the decision of the Appeals Committee — Psychological harassment — No need to adjudicate on the claim for damages)

(2015/C 016/71)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented by: L. Isola)

Defendant: European Investment Bank (EIB) (represented by: T. Gilliams and G. Nuvoli, acting as Agents, and A. Dal Ferro, lawyer)

Re:

First, application for annulment of the promotion decisions of 29 April 2008, which do not include the applicant's name, and of the applicants appraisal in respect of 2007. Secondly, annulment of the decision of the Appeals Committee to remain seized notwithstanding a request to exclude a member of that committee. Lastly, application to establish that the applicant is the victim of psychological harassment and for an order that the defendant cease the harassment and pay damages for the material and non-material harm sustained.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the Appeals Committee of the European Investment Bank of 14 November 2008;
2. Declares that there is no need to adjudicate on the claim for damages for the harm alleged as a result of psychological harassment;
3. Dismisses the action as to the remainder;
4. Declares that the European Investment Bank is to bear its own costs and orders it to pay those incurred by Mr De Nicola in Cases F-59/09, T-264/11 P and F-59/09 RENV.

⁽¹⁾ OJ C 205, 29/8/2009, p. 49.

Judgment of the Civil Service Tribunal (1st Chamber) of 18 November 2014 — McCoy v Committee of the Regions

(Case F-156/12) ⁽¹⁾

(Civil Service — Officials — Action for damages — Wrongful conduct — Harassment by line-managers — Occupational disease — Damages granted under Article 73 of the Staff Regulations not compensating in full for the harm suffered — Application for supplementary damages)

(2015/C 016/72)

Language of the case: French

Parties

Applicant: McCoy (Brussels, Belgium) (represented by: L. Levi, lawyer)