

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders AM to pay all the costs.

(¹) OJ C 55, 19.2.2011, p.37.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 15 February 2012 — AT v EACEA**

(Case F-113/10) (¹)

(Civil service — Member of the temporary staff — Evaluation report — Definitive nature — Time-limit for bringing an action — Out of time — Early termination of fixed-term employment contract on ground of incompetence — Review by the courts — Manifest error of assessment)

(2012/C 138/52)

Language of the case: French

Parties

Applicant: AT (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

Defendant: EACEA (represented by: F. Couplan and D. Homann, acting as Agents, B. Wägenbaur, lawyer)

Re:

Application, first, for annulment of the applicant's career development report for the period from 1 June to 31 December 2008; second, for annulment of the contracting authority's decision to terminate the applicant's fixed-term employment contract before its due date; and, third, for compensation for damage suffered.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders AT to pay all the costs.

(¹) OJ 2011 C 72, p. 35.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 29 September 2011 — Bowles, Larue and Whitehead v
ECB**

(Case F-114/10) (¹)

(Staff case — Staff of the ECB — General adjustment to salaries — Method of calculation — Provisional data — Economic and financial crisis — Special circumstances — Act adversely affecting an official — Pay slip — Provisional act)

(2012/C 138/53)

Language of the case: French

Parties

Applicants: Carlos Bowles, Emmanuel Larue and Sarah Whitehead (Frankfurt am Main, Germany) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Central Bank (represented by: E. Carlini and M. López Torres, Agents, and by B. Wägenbaur, lawyer)

Re:

Application for annulment of the applicants' salary slips for January 2010 and the following months in so far as they apply a salary increase of 2 % as a result of the 2010 salary adjustment procedure and compensation for the material loss suffered by the applicants

Operative part of the judgment

The Tribunal:

1. Annuls the decisions of the European Central Bank to increase by 2 % the remuneration of C. Bowles, E. Larue and S. Whitehead from 1 January 2010, as stated on their salary slips for January 2010 and the following months;
2. Dismisses the action as to the remainder;
3. Orders the European Central Bank to pay the costs.

(¹) OJ C 55, 19.2.2011, p. 37.

**Judgment of the Civil Service Tribunal (Third Chamber) of
29 November 2011 — Di Tullio v Commission**

(Case F-119/10) (¹)

(Civil service — Temporary staff — Leave for national service — Article 18 of the Conditions of Employment of Other Servants — Professional soldier — Completion of a period of territorial command — Refusal)

(2012/C 138/54)

Language of the case: French

Parties

Applicant: Di Tullio (Rovigo, Italy) (represented by: É. Boigelot and S. Woog, lawyers)

Defendant: European Commission (represented by: J. Currall and V. Joris, Agents)

Re:

Application for annulment of the decision of OLAF's services refusing to grant the applicant leave for national service pursuant to Article 18 CEOS.

Operative part of the judgment

The Tribunal:

1. Dismisses Mr Di Tullio's action;
2. Orders Mr Di Tullio to pay all the costs.

(¹) OJ C 30, 29.1.2011, p. 66.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 29 September 2011 — Michael Heath v ECB**

(Case F-121/10) (¹)

(Civil Service — ECB Staff — Pension scheme — Pension plan — Annual pension increase — Harmonised index of consumer prices — Opinion of pension plan actuary — Consultation of staff committee — Consultation of oversight committee — Right to negotiate by collective agreement)

(2012/C 138/55)

Language of the case: French

Parties

Applicant: Michael Heath (Southampton, United Kingdom) (represented by: L. Levi and M. Vandebussche, lawyers)

Defendant: European Central Bank (represented by: P. Embley and E. Carlini, agents, and B. Wägenbaur, lawyer)

Re:

Application to annul the applicant's pension slips for January 2010 and the following months, in so far as they apply a pension increase of 0.6% following the 2010 pension adjustment exercise, and compensation for the damage suffered by the applicant.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Heath to bear his own costs and to pay the costs of the European Central Bank.

(¹) OJ C 30, 29.1.2011, p. 67.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 1 February 2012 — Bancale and Buccheri v Commission**

(Case F-123/10) (¹)

(Civil Service — Temporary staff — Internal competitions — Conditions for admission — Professional experience acquired after obtaining the diploma — Diploma — Qualifications obtained before obtaining the diploma — Equivalence)

(2012/C 138/56)

Language of the case: French

Parties

Applicants: Giovanni Bancale (Waterloo, Belgium) and Roberto Buccheri (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: European Commission (represented: initially by B. Eggers and P. Pecho, Agents, and subsequently by B. Eggers, Agent)

Re:

Application for annulment of the decisions of the Selection Boards in Competitions COM/INT/OLAF/09/AD8 and COM/INT/OLAF/09/AD10 not to admit the applicants to the competitions.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders Mr Bancale and Mr Buccheri to bear all the costs.

(¹) OJ C 30, 29.1.2011, p. 67.

**Judgment of the Civil Service Tribunal (Third Chamber) of
28 March 2012 — BD v Commission**

(Case F-36/11) (¹)

(Civil service — Contract staff — Non-extension of employment contract — Article 11a of the Staff Regulations — Conflict of interest — Relationship of trust — Article 12b of the Staff Regulations — Outside activity — Presumption of innocence)

(2012/C 138/57)

Language of the case: French

Parties

Applicant: BD (Etterbeek, Belgium) (represented by: T. Bontinck and S. Woog, lawyers)

Defendant: European Commission (represented by: G. Berscheid and J. Baquero Cruz, Agents)

Re:

Action for annulment of the decision not to extend the applicant's contract beyond its end date and, hence, for reinstating the applicant in his previous functions with effect from 1 November 2010.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders BD to bear his own costs and the Commission's costs.

(¹) OJ C 179, 18.6.2011, p. 22.