

Operative part of the order

1. *There is no further need to adjudicate in the action.*
2. *The applicant and the other party to the proceedings before the Board of Appeal shall bear their own costs and shall each pay half of the costs incurred by the defendant.*

(¹) OJ C 9, 12.1.2013.

Appeal brought on 21 March 2013 by BG against the judgment of the Civil Service Tribunal of 17 July 2012 in Case F-54/11, BG v Ombudsman

(Case T-406/12 P)

(2013/C 156/82)

Language of the case: French

Parties

Appellant: BG (Strasbourg, France) (represented by L. Levi and A. Blot, lawyers)

Other party to the proceedings: European Ombudsman

Form of order sought by the appellant

- Set aside the judgment of the European Union Civil Service Tribunal of 17 July 2012 in Case F-54/11;
- In consequence, grant the form of order sought by the applicant at first instance and, accordingly,
 - Principally, order that, with retroactive effect to the effective date of the dismissal decision, the applicant be restored to her post of administrator at grade A5, step 2 and order payment of the amounts due to her for that entire period, together with late-payment interest at the ECB rate increased by two points;
 - In the alternative, award the sum corresponding to the remuneration which she would have received since the effective date of her dismissal in August 2010 until the month in which she reaches retirement age, in July 2040, and put into order accordingly the applicant's pension rights;
 - In any event, award the sum of EUR 65 000 in respect of the non-pecuniary harm suffered;

— Order the defendant to pay all the costs;

— Order the defendant to pay all the costs at both instances.

Pleas in law and main arguments

In support of the appeal, the appellant relies on four pleas in law.

1. First plea in law, alleging a distortion of the file at the time of the checks made by the CST of compliance with the disciplinary procedure and in particular an infringement of Article 25 of Annex IX to the Staff Regulations of Officials of the European Union, since the CST made an incorrect interpretation of the notion of 'criminal proceedings' (concerns paragraph 68 et seq. of the judgment under appeal).
2. Second plea in law, alleging a failure to check compliance with the duty to state reasons and a distortion of the file, since the CST concluded that the Ombudsman did not breach the duty to state reasons, whereas he departed from the opinion of the Disciplinary Board (concerns paragraphs 102 and 103 of the judgment under appeal).
3. Third plea in law, alleging a failure to check any manifest error of assessment, infringement of the principle of proportionality and a distortion of the file, since the CST concluded that the Ombudsman did not infringe the principle of proportionality by imposing the most severe penalty provided for in the Staff Regulations on the applicant (concerns paragraphs 115 to 130 of the judgment under appeal).
4. Fourth plea in law, alleging a failure to check compliance with the principle of equal treatment as between men and women and a breach by the CST of the duty to state reasons, since the CST failed to examine whether the fact of the applicant's pregnancy, a factor with which her conduct was connected, involved or constituted indirect discrimination of the applicant (concerns paragraphs 139 et seq. of the judgment under appeal).

Action brought on 20 March 2013 — Talanton v Commission

(Case T-165/13)

(2013/C 156/83)

Language of the case: Greek

Parties

Applicant: Talanton AE — Simvouleftiki-Ekpaideftiki Etairia Dianomon, Parochis Ipiresion Marketigk kai Dioikisis Epicheiriseon (Talanton SA Business Consulting and Marketing Services) (Athens, Greece) (represented by M. Angelopoulos and K Damis, lawyers)

Defendant: European Commission