

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (First Chamber) of 18 June 2015 — CX v Commission**

**(Case F-27/13) <sup>(1)</sup>**

**(Civil Service — Disciplinary procedure — Respective roles and powers of the Disciplinary Board and the Appointing Authority — Disciplinary penalty — Reduction in grade followed by a decision on promotion — Proportionality of the penalty)**

**(2015/C 245/57)**

*Language of the case: French*

### **Parties**

*Applicant:* CX (represented by: É. Boigelot, lawyer)

*Defendant:* European Commission (represented by: J. Currall and C. Ehrbar, acting as Agents)

### **Re:**

Application for annulment of the decisions to reduce the applicant to grade AD 8 under Article 9(1)(f) of Annex IX to the Staff Regulations and a claim for damages for the material and non-material harm allegedly suffered.

### **Operative part of the judgment**

*The Tribunal:*

1. Dismisses the action;
2. Orders CX to bear his own costs and to pay the costs incurred by the European Commission.

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<sup>(1)</sup> OJ C 207, 20.7.2013, p. 56.

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**Judgment of the Civil Service Tribunal (First Chamber) of 18 June 2015 — CX v Commission**

**(Case F-5/14) <sup>(1)</sup>**

**(Civil Service — Officials — Disciplinary penalty — Removal from post — Failure by the Appointing Authority to hear the official concerned — Failure to uphold the right to be heard)**

**(2015/C 245/58)**

*Language of the case: French*

### **Parties**

*Applicant:* CX (represented by: É. Boigelot, lawyer)

*Defendant:* European Commission (represented by: J. Currall and C. Ehrbar, acting as Agents)

**Re:**

Application to annul the Commission's decision to remove the applicant from his post under Article 9(1)(h) of Annex IX to the Staff Regulations without reducing his pension entitlement following an internal investigation begun following an investigation by OLAF opened against an undertaking, and a claim for damages and interest for the non-material and material harm allegedly suffered.

**Operative part of the judgment**

*The Tribunal:*

1. *Annuls the decision of 16 October 2013 by which the European Commission imposed the penalty of removal from his post on CX without reducing his pension entitlement;*
2. *Dismisses the remainder of the action;*
3. *Orders the European Commission to bear its own costs and to pay the costs incurred by CX, including those of the interim proceedings in Case F-5/14 R.*

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<sup>(1)</sup> OJ C 85, 22.3.2014, p. 27.

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**Judgment of the Civil Service Tribunal (1st Chamber) of 9 June 2015 — EF v EEAS**

**(Case F-65/14) <sup>(1)</sup>**

***(Civil service — Member of staff of the EEAS — Officials — 2013 promotion procedure — Decision not to promote the applicant to grade AD 13 — Applicant's objection to the list of officials proposed for promotion — Article 45 of the Staff Regulations — Completion of a minimum of 2 years in the grade — Calculation of the two-year period — Date of the promotion decision)***

(2015/C 245/59)

*Language of the case: French*

**Parties**

*Applicant:* EF (represented by: L. Levi and N. Flandin, lawyers)

*Defendant:* European External Action Service (represented by: S. Marquardt and M. Silva, Agents)

**Re:**

Application for annulment of the decisions refusing to promote the applicant to grade AD 13 under the 2013 promotion procedure even though he was included on the list of official eligible for promotion.

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action;*
2. *Declares that EF is to bear his own costs and orders him to pay the costs incurred by the European External Action Service.*

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<sup>(1)</sup> OJ C 380, 27/10/2014, p. 26.