

**Re:**

Annulment of the Commission's decision published in Administrative Notices No 85 2005 of 23 November 2005 in so far as it provided for promotion of the applicants to grade A\*9 and not grade A\*10 in the 2005 promotion exercise.

**Operative part of the order**

1. *The application is dismissed.*
2. *The applicants and the European Commission shall each bear their own costs.*
3. *The Council of the European Union, the intervener, shall bear its own costs.*

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<sup>(1)</sup> OJ C 281 of 18.11.06, p. 45.

**Order of the Civil Service Tribunal (First Chamber) of 28 September 2011 — Prieto v Parliament**

(Case F-42/07) <sup>(1)</sup>

*(Staff case — Officials — Appointment — Internal competition published before 1 May 2004 — Member of the temporary staff appearing on the list of suitable candidates before 1 May 2006 — Grading — Articles 5(4) and 13(1) of Annex XIII to the Staff Regulations — Secretarial allowance — Action in part clearly inadmissible and in part clearly unfounded)*

(2011/C 340/79)

*Language of the case: French*

**Parties**

*Applicant:* Antonio Prieto (Bousval, Belgium) (represented by É. Boigelot, lawyer)

*Defendant:* European Parliament (represented, initially, by C. Burgos and K. Zejdová, and subsequently by K. Zejdová and N.B. Rasmussen, acting as Agents)

**Re:**

Annulment of the decision of the 9 June 2006 appointing the applicant, at that time a member of the temporary staff in Grade AST 3 and a successful candidate in internal competition C/348 for career C5-4, a probationary official in Grade AST 2, step 3.

**Operative part of the order**

1. *The action of MrPrieto is dismissed.*

2. *Each party is ordered to bear its own costs.*

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<sup>(1)</sup> OJ C 140 of 23.06.07, p. 47.

**Order of the Civil Service Tribunal (First Chamber) of 27 September 2011 — Brown and Volpato v Commission**

(Case F-75/07) <sup>(1)</sup>

*(Staff Cases — Officials — Promotion — 2006 promotion year — New career structures — Extension of careers by the introduction of new grades having no equivalent in the old Staff Regulations — Application of Article 45 and Annex XIII of the Staff Regulations, as well as the general implementing provisions applicable from 2005 — Principle of equal treatment — Retroactive effect of promotion decisions to a date prior to 1 May 2004 — Transitional measures — Action which must manifestly be dismissed)*

(2011/C 340/80)

*Language of the case: French*

**Parties**

*Applicants:* Colin Brown (Brussels, Belgium) and Alberto Volpato (Moscow, Russia) (represented by: B. Cortese and C. Cortese, lawyers)

*Defendant:* European Commission (represented by: J. Currall and G. Berscheid, Agents)

*Intervener in support of the defendant:* Council of the European Union (represented initially by M. Arpio Santacruz and I. Šulce, later by: M. Bauer, J. Monteiro and K. Zieleškiewicz, Agents)

**Re:**

Annulment of the Commission decision published in Administrative Notices No 55 2006 of 17 November 2006 inasmuch as it provided for the promotion of the applicants to grade A\*9, and not to grade A\*10, in the 2006 promotion year.

**Operative part of the order**

1. *The action is dismissed.*
2. *Mr Brown and Mr Volpato, and the European Commission, are ordered to bear their own costs.*
3. *The Council of the European Union, which intervened, is ordered to bear its own costs.*

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<sup>(1)</sup> OJ C 235 of 6.10.07, p. 30.