

*Defendant:* Council of the European Union (represented by: initially by: K. Zieleškievicz and G. Kimberley, and subsequently by: K. Zieleškievicz and M. Bauer, acting as Agents)

**Re:**

Annulment of the decision not to promote the applicant to grade AST 7 in the 2008 promotion procedure and, so far as necessary, of the decisions to promote less deserving officials to that grade

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action;*
2. *Orders Mr Juvyns to bear his own costs and pay those of the Council of the European Union.*

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<sup>(1)</sup> OJ C 113, 16.5.2009, p. 46.

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

(Case F-19/10) <sup>(1)</sup>

*(Civil service — Open competition — Non-inclusion on the reserve list — Evaluation of the oral test — Composition of the selection board)*

(2012/C 138/43)

*Language of the case: French*

**Parties**

*Applicant:* Letizia Marsili (Brussels, Belgium) (represented by: K. Van Maldegem, C. Mereu and M. Velardo, lawyers)

*Defendant:* European Commission (represented by: B. Eggers and J. Baquero Cruz, Agents)

**Re:**

Application for annulment of the decision of the Commission not to include the applicant on the reserve list for competition EPSO/AST/51/08, and for damages.

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action;*
2. *Orders Ms Marsili to pay all the costs.*

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<sup>(1)</sup> OJ C 161, 19.6.2010, p. 57.

**Judgment of the Civil Service Tribunal (Second Chamber) of 10 March 2011 — Begue and Others v Commission**

(Case F-27/10) <sup>(1)</sup>

*(Civil service — Members of the contract staff — Staff entitled to an allowance for regular stand-by duty — Article 55 and Article 56b of the Staff Regulations — Regulation (EEC, Euratom, ECSC) No 495/77)*

(2012/C 138/44)

*Language of the case: French*

**Parties**

*Applicant(s):* Christian Begue and Others (Marcy, France) (represented by: A. Woimant, lawyer)

*Defendant:* European Commission (represented by: D. Martin and B. Eggers, Agents)

**Re:**

Application for annulment of the decision refusing the applicants payment with retroactive effect of the allowance for standby duty referred to in Article 56b of the Staff Regulations

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action.*
2. *Orders the applicants to bear their own costs and to pay those incurred by the Commission.*

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<sup>(1)</sup> OJ C 179, 3.7.2010, p. 58.

**Judgment of the Civil Service Tribunal (Second Chamber) of 15 March 2011 — VE (\*) v Commission**

(Case F-28/10) <sup>(1)</sup>

*(Staff cases — Contractual agents — Remuneration — Expatriation allowance — Conditions laid down in Article 4 of Annex VII to the Staff Regulations — Habitual residence prior to taking up duties)*

(2012/C 138/45)

*Language of the case: French*

**Parties**

*Applicant:* VE (\*) (represented by: L. Vogel, lawyer)

*Defendant:* European Commission (represented by: D. Martin and B. Eggers, Agents)

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<sup>(\*)</sup> Information erased or replaced within the framework of protection of personal data and/or confidentiality.

**Re:**

Application for annulment of the decision putting an end to the payment of the expatriation allowance previously paid to the applicant

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action brought by VE(\*);
2. Orders VE(\*) to pay all the costs.

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(<sup>1</sup>) OJ C 179, 3.7.2010, p. 58.

**Judgment of the Civil Service Tribunal (Second Chamber)  
of 29 September 2011 — da Silva Tenreiro v Commission**

(Case F-72/10) (<sup>1</sup>)

*(Civil service — Officials — Recruitment — Article 7(1) of the Staff Regulations — Article 29(1)(a) and (b) of the Staff Regulations — Manifest error of assessment — Misuse of powers — Statement of reasons)*

(2012/C 138/46)

Language of the case: French

**Parties**

*Applicant:* da Silva Tenreiro (Kraaihem, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

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

**Re:**

(1) Application for annulment of the decision rejecting the applicant's candidature for the post of Director of Directorate E 'Justice' of the DG 'Justice, Freedom and Security' and the decision appointing the new Director; (2) Application for annulment of the decision to terminate the procedure for filling the post of Director of DG JLS.F 'Security' and the decision to appoint the new Director.

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action.
2. Orders the applicant to pay the costs.

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(<sup>1</sup>) OJ C 317, 20.11.2010, p. 49.

**Judgment of the Civil Service Tribunal (Second Chamber)  
of 29 September 2011 — Kimman v Commission**

(Case F-74/10) (<sup>1</sup>)

*(Staff cases — Civil servants — Article 43 of the Staff Regulations — Article 45 of the Staff Regulations — 2009 appraisal — Classification in a level of performance — Decision awarding promotion points — Appraisal report — Opinion of the ad hoc group — Infringement of the duty to give reasons — Plea raised of its own motion — Burden of proof)*

(2012/C 138/47)

Language of the case: French

**Parties**

*Applicant:* Eugène Émile Kimman (Overijse, Belgium) (represented by: L. Levi, lawyer)

*Defendant:* European Commission (represented by: G. Berscheid and P. Pecho, acting as Agents)

**Re:**

Application to annul the applicant's staff report for 2008

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action;
2. Orders the European Commission to bear a quarter of the applicant's costs, in addition to its own costs;
3. Orders the applicant to pay three quarters of his own costs.

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(<sup>1</sup>) OJ C 301, 6.11.2010, p. 63.

**Judgment of the Civil Service Tribunal (Second Chamber)  
of 29 September 2011 — AJ v Commission**

(Case F-80/10)

*(Civil service — Officials — Promotion — Articles 43 and 45 of the Staff Regulations — Appraisal report — Manifest error of assessment — Statement of reasons)*

(2012/C 138/48)

Language of the case: French

**Parties**

*Applicant:* AJ (Waterloo, Belgium) (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

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(\*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.