

**Re:**

Appeal brought against the judgment of the Court of First Instance (single judge) in Case T-157/04 *De Bry v Commission*, setting aside the decision of 26 May 2003 drawing up the appellant's career development report for the period from 1 July 2001 to 31 December 2002.

**Operative part of the judgment**

The Court:

1. Annuls in part the judgment of the Court of First Instance in Case T-157/04 *De Bry v Commission*, in so far as it set aside the Commission decision of 26 May 2003 making definitive the career development report of Mr De Bry in respect of the period from 1 July 2001 to 31 December 2002 on the ground of a breach of the rights of the defence guaranteed by Article 26 of the Staff Regulations of Officials of the European Communities, on the ground of inconsistency between some descriptive comments and the corresponding numerical mark, as regards the criticism of failure to comply with working hours;
2. Dismisses the action;
3. Orders each party to bear its own costs in connection with the present proceedings and those incurred in the proceedings at first instance.

(<sup>1</sup>) OJ C 281, 12.11.2005.

**Judgment of the Court (Second Chamber) of 26 October 2006 — Commission of the European Communities v Portuguese Republic**

(Case C-345/05) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Tax legislation — Conditions for exemption of capital gains arising on the transfer for valuable consideration of real property — Articles 18 EC, 39 EC and 43 EC — Articles 28 and 31 of the Agreement establishing the European Economic Area — Cohesion of the tax system — Housing policy)*

(2006/C 326/35)

Language of the case: Portuguese

**Parties**

*Applicant:* Commission of the European Communities (represented by: R. Lyal and M. Afonso, Agents)

*Defendant:* Portuguese Republic (represented by: L. Fernandes and J. Menezes Leitão, Agents)

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Articles 18 EC, 39 EC, 43 EC and 56(1) EC and of Articles 28, 31 and 40 of the EEA Agreement — National provisions making exemption from capital gains tax arising on the transfer for valuable consideration of real property used as the permanent residence of a taxable person or of his family subject to the condition that such gains are reinvested in the purchase of real property in national territory

**Operative part of the judgment**

The Court:

1. Declares that, by maintaining in force fiscal provisions, such as Article 10(5) of the Personal Income Tax Code, making entitlement to exemption from tax on capital gains arising from the transfer for valuable consideration of real property intended for the taxable person's own and permanent residence or for that of a member of his family subject to the condition that the gains realised should be reinvested in the purchase of real property situated in Portuguese territory, the Portuguese Republic has failed to fulfil its obligations under Articles 18 EC, 39 EC and 43 EC, and under Articles 28 and 31 of the European Economic Area Agreement of 2 May 1992;
2. Orders the Portuguese Republic to pay the costs.

(<sup>1</sup>) OJ C 281, 12.11.2005.

**Judgment of the Court (Fifth Chamber) of 9 November 2006 (reference for a preliminary ruling from the Cour de travail de Liège — Belgium) — Monique Chateignier v Office national de l'emploi (ONEM)**

(Case C-346/05) (<sup>1</sup>)

*(Reference for a preliminary ruling — Article 39 EC and Articles 3 and 67 of Regulation (EEC) No 1408/71 — Grant of unemployment benefit subject to the completion of a period of employment in the competent Member State)*

(2006/C 326/36)

Language of the case: French

**Referring court**

Cour de travail de Liège

**Parties to the main proceedings**

*Applicant:* Monique Chateignier

*Defendant:* Office national de l'emploi (ONEM)