

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### Judgment of the Court of First Instance (First Chamber) of 17 February 2009 — Liotti v Commission

(Case F-38/08) <sup>(1)</sup>

*(Staff case — Officials — Appraisal — Career development  
report — 2006 appraisal procedure — Appraisal rules applied  
by the reporting officers)*

(2009/C 82/62)

Language of the case: French

#### Parties

*Applicant:* Amerigo Liotti (Senningerberg, Luxembourg) (represented by: F. Frabetti, lawyer)

*Defendant:* Commission of the European Communities (represented by: B. Eggers and K. Herrmann, Agents)

#### Re:

Annulment of the applicant's career development report in respect of 2006.

#### Operative part of the judgment

*The Court:*

1. Annuls Mr Liotti's career development report in respect of the period from 1 January to 31 December 2006;
2. Orders the Commission of the European Communities to pay the costs.

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<sup>(1)</sup> OJ C 158, 21.6.2008, p. 26.

### Judgment of the Civil Service Tribunal (First Chamber) of 17 February 2009 — Stols v Council

(Case F-51/08) <sup>(1)</sup>

*(Staff case — Officials — Promotion — 2007 promotion  
procedure — Consideration of comparative merits — Manifest  
error of assessment)*

(2009/C 82/63)

Language of the case: French

#### Parties

*Applicant:* Willem Stols (Halsteren, Netherlands) (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

*Defendant:* Council of the European Union (represented by: Mr Bauer and Ms Balta, Agents)

#### Re:

The annulment of the Appointing Authority's decision not to include the applicant on the list of those promoted to grade AST 11 under the 2007 promotion procedure.

#### Operative part of the judgment

*The Tribunal:*

1. Annuls the decisions of 16 July 2007 and of 5 February 2008 by which the Council of the European Union refused to promote Mr Stols to grade AST 11 under the 2007 promotion procedure;
2. Orders the Council of the European Union to pay the costs.

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<sup>(1)</sup> OJ C 183, 19.7.2008, p. 34.

### Order of the Civil Service Tribunal (First Chamber) of 3 February 2009 — Cavalhal Garcia v Council

(Case F-40/08) <sup>(1)</sup>

*(Staff case — Former officials — Remuneration — Education  
allowance — Refusal to grant — Action out of time — Mani-  
fest inadmissibility)*

(2009/C 82/64)

Language of the case: Portuguese

#### Parties

*Applicant:* Daniela Paula Cavalhal Garcia (Sines, Portugal) (represented by: Antas da Cunha, lawyer)

*Defendant:* Council of the European Union (represented by: M. Bauer and J. Monteiro, Agents)

#### Re:

Annulment of the Council's decision removing the right to the education allowance as regards the applicant's daughter.

#### Operative part of the order

1. The action is dismissed as manifestly inadmissible.
2. Ms Carvalhal Garcia is to pay all the costs.

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<sup>(1)</sup> OJ C 183, 19.7.2008, p. 33.