

Re:

Staff case — Annulment of the Commission decision of 15 May 2007 informing the applicant that she did not fulfil the physical fitness requirements necessary for her to perform her duties and a claim for damages for material and non-material loss.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders the Commission of the European Communities to bear its own costs and to pay half of V's costs;*
3. *Orders V to bear half of her own costs.*

⁽¹⁾ OJ C 158, 21.6.2008, p. 26.

Judgment of the Civil Service Tribunal (Third Chamber) of 21 October 2009 — Ramaekers-Jørgensen v Commission

(Case F-74/08) ⁽¹⁾

(Officials — Community tax — Calculation — Combining the amount of personal remuneration and the survivor's pension — Rules for collecting the tax — Date of levy)

(2009/C 297/55)

Language of the case: French

Parties

Applicant: Dominique Ramaekers-Jørgensen (Genval, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and D. Martin, Agents)

Intervener in support of the defendant: Council of the European Union (represented by K. Zieleśkiewicz and M. Bauer, Agents)

Re:

First, annulment of the decision of the appointing authority to calculate the applicant's Community tax by combining the amount of personal remuneration and the survivor's pension, and of the decision rejecting the application for the Community tax on her survivor's pension not to be deducted in advance, prior to the payment thereof, from her remuneration. Second, a finding that Articles 3 and 4 of Regulation No 260/68, are unlawful.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders Ms Ramaekers-Jørgensen to bear her own costs and to pay the cost of the Commission of the European Communities;*
3. *Orders the Council of the European Union to bear its own costs.*

⁽¹⁾ OJ C 272, 25.10.2008, p. 52.

Action brought on 14 September 2009 — Cusack-Gard'ner v Commission

(Case F-76/09)

(2009/C 297/56)

Language of the case: English

Parties

Applicant: Carolyn Cusack-Gard'ner (Wavre, Belgium) (represented by: J. Temple Lang, Solicitor)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

Action for annulment of the decision of 22 June 2009 rejecting the applicant's request to be able to benefit from a full reimbursement of the costs resulting from the treatment of her illness.

Form of order sought

- annul the decision of 22 June 2009 rejecting the applicant's request;
- declare that Chapter 3 of Title II of the Commission Decision of 2 July 2007 laying down General Implementing Provisions for the reimbursement of medical expenses is inapplicable in accordance with Article 241 of the EC Treaty:
 - insofar as it provides that the cost of providing 'board and lodging' for an essential living-in carer is not refundable, and,
 - in so far as it imposes a limit on the amount of the repayment that may be made for the cost of an essential living-in care;
- order the defendant to pay the costs.