

**Operative part of the judgment**

The Tribunal:

1. Annuls Mrs Nastvogel's staff report for the period from 1 July 2006 to 31 December 2007;
2. Orders the Council of the European Union to pay the costs.

(<sup>1</sup>) OJ C 63, 13.3.2010, p. 54.

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**Judgment of the Civil Service Tribunal (Third Chamber) of 28 September 2011 — AC v Council**

(Case F-9/10) (<sup>1</sup>)

*(Civil service — Promotion — 2009 promotion exercise — Comparative examination of merit — Manifest error of assessment)*

(2011/C 362/37)

Language of the case: French

**Parties**

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

*Defendant:* Council (represented by: M. Bauer and K. Zieleškievicz, acting as Agents)

**Re:**

Application for annulment of the decision not to include the applicant in the list of persons promoted to grade AD 13 in the 2009 promotion exercise.

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action;
2. Orders AC to pay the entirety of the costs.

(<sup>1</sup>) OJ C 113, 1.5.2010, p. 79.

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**Judgment of the Civil Service Tribunal (Third Chamber) of 28 September 2011 — Allen v Commission**

(Case F-23/10) (<sup>1</sup>)

*(Civil service — Social security — Serious illness — Article 72 of the Staff Regulations — Extension of sickness cover under the JSIS — Criterion of absence of insurance under another scheme)*

(2011/C 362/38)

Language of the case: English

**Parties**

*Applicant:* Finola Allen (Armazão de Pera, Portugal) (represented by: L. Levi and A. Blot, lawyers)

*Defendant:* Commission (represented by: J. Currall and D. Martin, Agents)

**Re:**

Action for annulment of the decision to reject the application for recognition that the applicant has a serious illness.

**Operative part of the judgment**

The Tribunal:

1. Annuls the decisions of 30 June 2009, 17 July 2009 and 7 January 2010 by which the European Commission refused to recognise that Ms Allen was suffering from a serious illness and refused to extend her sickness cover;
2. Dismisses the action as to the remainder of the heads of claim;
3. Orders the European Commission to bear all the costs.

(<sup>1</sup>) OJ C 161, 19.6.2010, p. 58.

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**Judgment of the Civil Service Tribunal (Third Chamber) of 28 September 2011 — AZ v Commission**

(Case F-26/10) (<sup>1</sup>)

*(Civil service — Promotion — 2009 promotion exercise — Ability to work in a third language — Existence of a disciplinary procedure — Exclusion from the promotion exercise)*

(2011/C 362/39)

Language of the case: French

**Parties**

*Applicant:* AZ (Thionville, France) (represented by: L. Levi and M. Vandenbussche, lawyers)

*Defendant:* Commission (represented by: D. Martin and J. Baquero Cruz, acting as Agents)

**Re:**

Application for annulment of the decision to exclude the applicant from the 2009 promotion exercise and order that the Commission pay to him a sum of compensation for non-material damage.

**Operative part of the judgment**

The Tribunal:

1. Dismisses the action;
2. Orders AZ to pay the entirety of the costs.

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