

*Defendant:* European Commission (represented by: J. Currall and H. Krämer, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Arpio Santacruz and I. Šulce, acting as Agents, and subsequently by K. Zieleškiewicz and M. Bauer, acting as Agents)

**Re:**

First, annulment of the Commission's decision classifying the applicant at grade A\*6 on his appointment as a member of the temporary staff and, secondly, an application for damages

**Operative part of the judgment**

*The Tribunal:*

1. Annuls the European Commission's decision classifying Mr Toth at grade A\*6, step 2, contained in Article 3 of the temporary staff contract signed on 17 January 2005;
2. Dismisses the remainder of the application;
3. Orders the European Commission to bear its own costs and to pay the costs of the applicant.
4. Orders the Council of the European Union, intervener, to bear its own costs.

<sup>(1)</sup> OJ C 22, 28.1.2006, p. 15. (Case originally registered at the Court of First Instance of the European Communities as Case T-401/05 and transferred to the European Union Civil Service Tribunal by order of 15.12.2005.)

**Judgment of the Civil Service Tribunal (Second Chamber) of 30 September 2010 — de Luca v Commission**

(Case F-20/06) <sup>(1)</sup>

***(Civil service — Officials — Appointment — Officials advancing to a higher function group by open competition — Candidate placed on a reserve list prior to the entry into force of the new Staff Regulations — Transitional rules governing classification in grade at the time of recruitment — Classification in grade pursuant to the new, less favourable rules — Article 5(2) and Article 12(3) of Annex XIII to the Staff Regulations)***

(2010/C 328/96)

*Language of the case: French*

**Parties**

*Applicant:* Patricia de Luca (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

*Defendant:* European Commission (represented by: J. Currall and H. Krämer, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Arpio Santacruz and M. Simm, acting as Agents)

**Re:**

Annulment of the Commission's decision of 23 February 2005 appointing the applicant, an official already graded at A\*10 and a successful candidate in a competition for grades A5/A4, to a post as an administrator in the Directorate-General for Justice, Freedom and Security in so far as it alters her classification in grade from A\*10 to A\*9

**Operative part of the judgment**

*The Tribunal:*

1. Dismisses the application;
2. Orders each party to bear its own costs.

<sup>(1)</sup> OJ C 108, 6.5.2006, p. 31.

**Judgment of the Civil Service Tribunal (Third Chamber) of 30 September 2010 — Lebedef and Jones v Commission**

(Case F-29/09) <sup>(1)</sup>

***(Civil Service — Officials — Remuneration — Article 64 of the Staff Regulations — First subparagraph of Article 3(5) and Article 9 of Annex XI to the Staff Regulations — Weighting — Equal treatment)***

(2010/C 328/97)

*Language of the case: French*

**Parties**

*Applicant:* Georgio Lebedef (Senningerberg, Luxembourg) and Trevor Jones (Ernzen, Luxembourg) (represented by: F. Frabetti and J.-Y. Vergnaud, lawyers)

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

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

**Re:**

Application for annulment of the decision refusing to bring the purchasing power of remunerations in Luxembourg to a level equivalent to that of the purchasing power of remunerations in Brussels and, in the alternative, application for annulment of the applicants' remuneration statements issued with effect from 15 June 2008.