

**Judgment of the Civil Service Tribunal (Second Chamber)
of 29 September 2011 — Mische v Parliament**

(Case F-93/05) ⁽¹⁾

(Civil service — Appointment — Recruitment and simultaneous transfer to another institution — Grading under new, less favourable rules — Admissibility of the action — Interest in bringing an action — Action out of time)

(2012/C 138/40)

Language of the case: English

Parties

Applicant: Harald Mische (Brussels, Belgium) (represented: initially by G. Vandersanden and L. Levi, lawyers, and subsequently by R. Holland, B. Maluch and J. Mische, lawyers)

Defendant: European Parliament (represented by: K. Zejdová and L.G. Knudsen, Agents)

Intervener in support of the defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Šulce, Agents)

Re:

Annulment of the Parliament's decision classifying the applicant at grade A*6 following a competition published before the entry into force of the new Staff Regulations, under the less favourable provisions of those regulations (Article 12 of Annex XIII to Regulation (EC, Euratom) No 723/2004 amending the Staff Regulations of Officials) and an application for damages

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders each party to bear its own costs;
3. Orders the Council of the European Union, the intervener, to bear its own costs.

⁽¹⁾ OJ C 315, 10.12.2005, p. 15 (case initially registered before the Court of First Instance of the European Communities under the Number T-365/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).

**Judgment of the Civil Service Tribunal (Second Chamber)
of 10 November 2011 — Mohamed Merhzaoui v Council
of the European Union**

(Case F-18/09) ⁽¹⁾

(Civil service — Officials — Promotion — Classification in grade — Local staff appointed as officials — Article 10 of Annex XIII to the Staff Regulations — Article 3 of the annex to the CEOS — Promotion exercise for 2008 — Consideration of comparative merits of officials attached to the career stream AST — Procedure based on staff reports 2005/2006 — Criterion of the level of responsibilities exercised)

(2012/C 138/41)

Language of the case: French

Parties

Applicant: Mohamed Merhzaoui (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and G. Kimberley, agents)

Re:

First, annulment of the decision to assign the applicant to the career stream AST 1-7. Secondly, annulment of the decision not to promote him to grade AST 2 in the 2008 promotion procedure and of the decisions to promote less deserving officials to that grade.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders Mohamed Merhzaoui to bear his own costs and those incurred by the Council of the European Union.

⁽¹⁾ OJ C 113, 16.5.2009, p. 46.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 10 November 2011 — Juvyns v Council**

(Case F-20/09) ⁽¹⁾

(Civil service — Officials — Promotion — 2008 promotion procedure — Comparative examination of merit — Procedure based on 2005/2006 annual staff reports — Criterion of the level of responsibilities exercised)

(2012/C 138/42)

Language of the case: French

Parties

Applicant: Marc Juvyns (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)