

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

(Case F-93/05) <sup>(1)</sup>

*(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.

<sup>(1)</sup> 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) <sup>(1)</sup>

*(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.

<sup>(1)</sup> 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) <sup>(1)</sup>

*(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)

*Defendant:* Council of the European Union (represented by: initially by: K. Zieleškiewicz and G. Kimberley, and subsequently by: K. Zieleškiewicz and M. Bauer, acting as Agents)

**Re:**

Annulment of the decision not to promote the applicant to grade AST 7 in the 2008 promotion procedure and, so far as necessary, of the decisions to promote less deserving officials to that grade

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action;*
2. *Orders Mr Juvyns to bear his own costs and pay those of the Council of the European Union.*

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<sup>(1)</sup> OJ C 113, 16.5.2009, p. 46.

**Judgment of the Civil Service Tribunal (Third Chamber) of 28 March 2012 — Marsili v Commission**

(Case F-19/10) <sup>(1)</sup>

*(Civil service — Open competition — Non-inclusion on the reserve list — Evaluation of the oral test — Composition of the selection board)*

(2012/C 138/43)

*Language of the case: French*

**Parties**

*Applicant:* Letizia Marsili (Brussels, Belgium) (represented by: K. Van Maldegem, C. Mereu and M. Velardo, lawyers)

*Defendant:* European Commission (represented by: B. Eggers and J. Baquero Cruz, Agents)

**Re:**

Application for annulment of the decision of the Commission not to include the applicant on the reserve list for competition EPSO/AST/51/08, and for damages.

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action;*
2. *Orders Ms Marsili to pay all the costs.*

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<sup>(1)</sup> OJ C 161, 19.6.2010, p. 57.

**Judgment of the Civil Service Tribunal (Second Chamber) of 10 March 2011 — Begue and Others v Commission**

(Case F-27/10) <sup>(1)</sup>

*(Civil service — Members of the contract staff — Staff entitled to an allowance for regular stand-by duty — Article 55 and Article 56b of the Staff Regulations — Regulation (EEC, Euratom, ECSC) No 495/77)*

(2012/C 138/44)

*Language of the case: French*

**Parties**

*Applicant(s):* Christian Begue and Others (Marcy, France) (represented by: A. Woimant, lawyer)

*Defendant:* European Commission (represented by: D. Martin and B. Eggers, Agents)

**Re:**

Application for annulment of the decision refusing the applicants payment with retroactive effect of the allowance for standby duty referred to in Article 56b of the Staff Regulations

**Operative part of the judgment**

*The Tribunal:*

1. *Dismisses the action.*
2. *Orders the applicants to bear their own costs and to pay those incurred by the Commission.*

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

**Judgment of the Civil Service Tribunal (Second Chamber) of 15 March 2011 — VE (\*) v Commission**

(Case F-28/10) <sup>(1)</sup>

*(Staff cases — Contractual agents — Remuneration — Expatriation allowance — Conditions laid down in Article 4 of Annex VII to the Staff Regulations — Habitual residence prior to taking up duties)*

(2012/C 138/45)

*Language of the case: French*

**Parties**

*Applicant:* VE (\*) (represented by: L. Vogel, lawyer)

*Defendant:* European Commission (represented by: D. Martin and B. Eggers, Agents)

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<sup>(\*)</sup> Information erased or replaced within the framework of protection of personal data and/or confidentiality.