

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

(Case F-41/05) ⁽¹⁾

(Civil service — Officials — Appointment — Candidates placed on a reserve list prior to the entry into force of the new Staff Regulations — Classification in grade under the new, less favourable rules — Article 12(3) of Annex XIII to the Staff Regulations)

(2010/C 328/93)

Language of the case: French

Parties

Applicant: Kurt Jacobs (Bruges, Belgium) (represented by: L. Vogel, lawyer)

Defendant: European Commission (represented by: H. Krämer and K. Herrmann, acting as Agents)

Re:

First, annulment of the Commission's decision classifying the applicant, who was placed on a reserve list prior to 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, second, an application for damages

Operative part of the judgment

The Tribunal:

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

⁽¹⁾ OJ C 205, 20.8.2005, p. 26. (Case originally registered at the Court of First Instance of the European Communities as Case T-220/05 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 — Torijano Montero v Council**

(Case F-76/05) ⁽¹⁾

(Civil service — Officials — Appointment — Candidates placed on a reserve list of a competition published prior to the entry into force of the new Staff Regulations — Classification in grade under the new, less favourable rules — Article 5 of the Staff Regulations — Article 12 of Annex XIII to the Staff Regulations — Principle of equality — Principle of protection of legitimate expectations — Duty to have regard for the welfare of officials — Proportionality)

(2010/C 328/94)

Language of the case: French

Parties

Applicant: Javier Torijano Montero (Brussels, Belgium) (represented by: initially, S. Rodrigues and A. Jaume, lawyers, and subsequently, S. Rodrigues and C. Bernard-Glanz, lawyers)

Defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, acting as Agents)

Re:

Annulment of the Council's decision classifying the applicant, who was placed on a reserve list prior to 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)

Operative part of the judgment

The Tribunal:

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

⁽¹⁾ OJ C 281, 12.11.2005, p. 23. (Case originally registered at the Court of First Instance of the European Communities as Case T-302/05 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 — Toth v Commission**

(Case F-107/05) ⁽¹⁾

(Civil service — Member of the temporary staff — Classification in grade — Grades laid down in the call for applications — Amendment of the rules governing classification of members of the temporary staff after publication of the call for applications — Classification in grade under the new, less favourable rules — Transitional provisions — Application by analogy — Article 12(3) of Annex XIII to the Staff Regulations — Proportionality — Principle of good administration)

(2010/C 328/95)

Language of the case: French

Parties

Applicant: Gergely Toth (Besozzo, Italie) (represented by: initially, S. Rodrigues and Y. Minatchy, lawyers, subsequently by S. Rodrigues, C. Bernard-Glanz and R. Albelice, lawyers, and finally by S. Rodrigues and C. Bernard-Glanz, lawyers)