

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Second Chamber)
of 28 October 2010 — Sørensen v Commission**(Case F-85/05) ⁽¹⁾

(Staff cases — Officials — Appointment — Officials advancing to a higher function group by open competition — Candidates 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 346/117)

Language of the case: French

Parties

Applicant: Susanne Sørensen (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 classifying the applicant, who was placed on a reserve list B prior to the entry into force of the new Staff Regulations, pursuant to the less favourable provisions of those regulations (Article 12 of Annex XIII to Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials), and annulment of the decision to cancel the promotion points acquired by the applicant as a category C official

Operative part of the judgment

The Tribunal:

1. Dismisses Ms Sørensen's action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 296, 26.11.05, p. 26 (case initially registered before the Court of First Instance of the European Communities under the number T-335/05 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 28 October 2010 — Kay v Commission**(Case F-113/05) ⁽¹⁾

(Staff cases — Officials — Appointment — Officials advancing to a higher function group by open competition — Candidates 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 2, Article 5(2) and Article 12(3) of Annex XIII to the Staff Regulations)

(2010/C 346/118)

Language of the case: French

Parties

Applicant: Roderick Neil Kay (Brussels, Belgium) (represented: initially by T. Bontinck and J. Feld, lawyers, and subsequently by T. Bontinck and S. Woog, 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 I. Šulce, acting as Agents)

Re:

Annulment of the Commission's decision reclassifying the applicant, who was placed on the reserve list of an external competition prior to the entry into force of the new Staff Regulations, in grade pursuant to the less favourable provisions of those regulations

Operative part of the judgment

The Tribunal:

1. Dismisses Mr Kay's action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 48, 25.2.2006, p. 36 (case initially registered before the Court of First Instance of the European Communities under the Number T-421/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).