

Re:

Application for the annulment of EPSO's decision of 14 December 2006 not to ask the applicant to fill out an application form with a view to his possible admission to a competition and for compensation for the damage he has suffered.

authority, infringement of several provisions of the Staff Regulations of Officials of the European Communities and infringement of Article 19 of the European Code of Good Administrative Behaviour, infringement of the principles applicable to the rights of the defence and to good administration and infringement of the Parliament's duty to have regard for the welfare of officials.

Operative part of the order

1. *The application is dismissed as manifestly inadmissible.*
2. *Each party shall bear its own costs.*

Action brought on 25 October 2007 — Marcuccio v Commission**(Case F-122/07)**

(2008/C 64/108)

*Language of the case: Italian***Action brought on 8 October 2007 — Tomas v Parliament****(Case F-116/07)**

(2008/C 64/107)

*Language of the case: Lithuanian***Parties**

Applicant: Stanislovas Tomas (Kerkrade, Netherlands) (represented by: M. Michalaukas, lawyer)

Defendant: European Parliament

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annul the decision of the appointing authority to dismiss the applicant to the extent that it has not been annulled by the decision to reject the complaint, or annul the decision to reject the complaint to the extent that it has not annulled the dismissal decision;
- Order the defendant to pay to the applicant the sum of EUR 125 000 as compensation for the non-material and material damage suffered by the applicant;
- Order the defendant to pay the costs.

Form of order sought

- set aside memorandum RELEX.K.4 D(2006) 522434 of 30 November 2006;
- set aside memorandum D(2007) 502458 of 15 February 2007;
- set aside the decision closing the investigation into the incident of 6 September 2001 when the applicant sought the assistance of the security service of the European Commission delegation in Angola for the purpose of replacing a tyre on his car;
- set aside the defendant's decision, howsoever drawn up, to reject the request of 1 September 2006 which the applicant had forwarded to the appointing authority;
- set aside, to the extent necessary, memorandum ADMIN.B.2/MB/nb D(07) 16072 of 16 July 2007;
- set aside, to the extent necessary, the decision, howsoever drawn up, to reject the complaint of 26 March 2007 which the applicant had forwarded to the appointing authority;

Pleas in law and main arguments

The applicant seeks annulment of the decision by which the appointing authority decided to dismiss him and compensation for the damage he suffered. In support of his action, he contends that there has been abuse of office by the appointing