

- order the defendant to pay to the applicant, as indemnification for that part of the damage arising hereafter from the failure to carry out the investigation, the sum of EUR 300, or such greater or lesser sum as the Court may consider just and fair, for every day passing between tomorrow and the day on which, when the investigation has been carried out and all measures taken preparatory or consequential thereto, communication is made to the applicant, together with suitable publicity, in the premises of the delegation and also in the Development and External Relations Directorates-General, of the conclusions of the investigation;
- assess the defendant's conduct before, during and after the event of 29 October 2001 in any way connected to that event, save only the failure to carry out an investigation;
- establish and declare that the conduct in question was unlawful;
- order the defendant to pay to the applicant, by way of indemnification of the damage caused by the conduct in question, the sum of EUR 5 000 000 or such greater or lesser sum as the Court may consider just and fair;
- order the EC to make reimbursement to the applicant of all the costs, disbursements and fees involved in the proceedings, including those relating to the preparation of the party's expert's report which may be drawn up in order to ascertain whether the conditions are met for the defendant to be ordered to pay the applicant each of the abovementioned sums and, more generally, to ascertain any fact whatsoever of relevance for the purpose of the judgment to be given in this case.

Action brought on 2 January 2008 — Nijs v Court of Auditors

(Case F-1/08)

(2008/C 64/111)

Language of the case: French

Parties

Applicant: Bart Nijs (Bérelange, Grand Duchy of Luxembourg) (represented by: F. Rollinger, lawyer)

Defendant: European Court of Auditors

The subject-matter and description of the proceedings

Firstly, annulment of the decision of the Appeals Committee not to promote the applicant to Grade A*11 in the 2005 promotion year and, secondly, a claim for damages.

Form of order sought

- annul the applicant's 2005/06 evaluation report, including Decision No 1/2007 of the Appeals Committee to confirm that report, received by the applicant on 2 March 2007;
- annul the connected and subsequent decisions, in particular the decision not to promote the applicant to Grade AD 11 in 2007;
- annul the decision of the restrictive meeting of the Court of Auditors of 8 March 2007 to renew the term of office of Mr Michel Hervé from 1 July 2007 for a period of six years;
- order the Court of Auditors to make good the non-material damage suffered of EUR 10 000 and to make good the material damage, consisting of the difference between the salary received by the applicant since the effective date of the last promotion decisions, announced on 3 April 2007, and that to which he would have been entitled had he been promoted on the effective date of those decisions;
- order the European Court of Auditors to pay the costs.

Action brought on 3 January 2008 — Marcuccio v Commission

(Case F-3/08)

(2008/C 64/112)

Language of the case: Italian

Parties

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

Defendant: Commission of the European Communities

The subject-matter and description of the proceedings

Action brought against the defendant's decision refusing the applicant's request to receive an Italian translation of a note addressed to him and drafted in English.