

COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 10 June 2008 —
Ceuninck v Commission**

(Case T-282/03) ⁽¹⁾

(Staff cases — Officials — Appointment — Post of adviser to OLAF — Rejection of candidature — Powers of the Director-General of OLAF — Validity of vacancy notice — Breach of the rules for appointing officials in Grades A4 and A5 — Misuse of powers — Manifest error of assessment)

(2008/C 183/36)

Language of the case: French

Parties

Applicant: Paul Ceuninck (Hertsberge, Belgium) (represented by: initially G. Vandersanden and A. Finchelstein, then G. Vandersanden and L. Levi, lawyers)

Defendant: Commission of the European Communities (represented by: V. Joris and C. Berardis-Kayser, Agents)

Re:

First, an application for annulment of Vacancy Notice COM/051/02 and of the entire procedure pursuant to that notice and, second, an application for annulment of the decision appointing Ms S taken by the Appointing Authority on 13 September 2002 and of the implied decision rejecting the applicant's candidature.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr. Paul Ceuninck and the Commission to bear their own costs.

⁽¹⁾ OJ C 251 of 18.3.2004.

**Judgment of the Court of First Instance of 10 June 2008 —
Marcuccio v Commission**

(Case T-18/04) ⁽¹⁾

(Social Security — Application for assumption of responsibility for medical expenses — Implied rejection of the application)

(2008/C 183/37)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: initially A. Distante, then G. Cipressa, lawyers)

Defendant: Commission of the European Communities (represented by: C. Berardis-Kayser and J. Curral, Agents, assisted by A. Dal Ferro, lawyer)

Re:

First, an application for annulment of the Appointing Authority's implied decision rejecting the applicant's application of 25 November 2002 for reimbursement of 100 % of medical expenses under Article 72 of the Staff Regulations of Officials of the European Communities, secondly, an application for annulment of the implied decision rejecting the applicant's complaint against the rejection of the application of 25 November 2002, thirdly, an application for a declaration of the applicant's entitlement, under Article 72 of the Staff Regulations, to reimbursement of 100 % of the medical expenses incurred in the treatment for the diseases from which he suffered and, fourthly, an application for an order that the Commission pay 100 % of those medical expenses.

Operative part of the judgment

The Court:

1. Annuls the implied rejection of the application of 25 November 2002;
2. Dismisses the remainder of the action;
3. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 71 of 20.3.2004.