

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 11 May 2009 — Schopphoven v Commission

(Case F-48/09)

(2009/C 205/88)

Language of the case: French

Parties

Applicant: Nikolaus Schopphoven (Zemmer, Germany) (represented by: S. Rodrigues, C. Bernard-Glanz, lawyers)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

Annulment of EPSO's decision not to include the applicant on the reserve list for open competition EPSO/AD/117/08.

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of the European Personnel Selection Office (EPSO) not to include the applicant's name on the reserve list for competition EPSO/AD/117/08 and, so far as necessary, EPSO's decisions rejecting the requests for reexamination made by the applicant;
- annul the reserve list for competition EPSO/AD/117/08;
- order the Commission of the European Communities to pay the costs.

Action brought on 19 May 2009 — Petrilli v Commission

(Case F-51/09)

(2009/C 205/89)

Language of the case: French

Parties

Applicant: Alessandro Petrilli (Grottammare, Italy) (represented by: J.-L. Lodomez, J. Lodomez, lawyers)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

Annulment of the appointing authority's decision concerning the fixing of the applicant's main place of residence.

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of 19 February 2009 by which the appointing authority refused to fix the applicant's main residence in Italy;
- order the Commission to pay, on the sums due by virtue of the retroactive application of the correction coefficient for Italy on his pension, the resettlement allowance and the doubling of the family allowance, from 1 July 2007, interest on the basis of the rate fixed by the European Central Bank for its principal refinancing operations applicable for the period in question, increased by two points;
- order the Commission of the European Communities to pay the costs.

Action brought on 4 June 2009 — Marcuccio v Commission

(Case F-56/09)

(2009/C 205/90)

Language of the case: Italian

Parties

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

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

Annulment of the Commission's decision to reject the applicant's request seeking, first, compensation for the damage suffered as a result of the fact that Commission staff entered his official lodgings in Luanda on 8 April 2002 and, second, an order that copies of the photographs taken on that occasion be provided and that all documentation relating to that event be destroyed.

Form of order sought

- declare that there is no legal basis for or, in the alternative, annul the decision rejecting the request of 24 April 2008;

- in so far as necessary, declare that there is no legal basis for or, in the alternative, annul the note of 11 September 2008;
- in so far as necessary, declare that there is no legal basis for or, in the alternative, annul the act rejecting the complaint of 3 November 2008;
- confirm that, on 8 April 2002, Commission staff entered the applicant's lodgings, took photographs and made a record of certain items, and confirm and declare that such acts are unlawful;
- order the Commission to provide the applicant in writing with a list of each individual item of documentation that is relevant to the above acts;
- order the Commission to arrange for the documentation, including the photographs, to be notified to the applicant in writing;
- order the Commission to arrange for the physical destruction of the documentation and to notify the applicant of that destruction;
- order the Commission to pay to the applicant by way of compensation for the damage thereby arising the sum of EUR 225 000 or such greater or lesser sum as the Tribunal may consider fair and just, being: (a) EUR 100 000 for the damage arising as a result of the unlawful entering of his lodgings; (b) EUR 100 000 for the damage arising as a result of photographs being taken unlawfully; (c) EUR 25 000 for the damage arising as a result of the unlawful act of taking a record of certain items forming part of the applicant's personal effects;
- order the Commission to pay to the applicant, with effect from the date following that on which the request of 24 April 2008 was received by the Commission until actual payment of the sum of EUR 225 000, interest on that sum at the rate of 10 % per annum, with annual capitalisation;
- order the Commission to pay to the applicant by way of compensation for the damage suffered by the applicant resulting from the failure to provide the list of documentation, with effect from tomorrow until the day on which the list of documentation is provided to the applicant, the sum of EUR 100 per day, or such greater or lesser sum as the Tribunal may consider fair and just, to be paid on the first day of the month following delivery of judgment in this case as regards the sums already accrued in respect of the period between tomorrow and the last day of the month in which judgment is delivered in this case and on the first day of each month following that in which the judgment is delivered in respect of rights accrued during the previous month;
- order the Commission to pay to the applicant, by way of compensation for the damage suffered by the applicant resulting from the failure physically to destroy the documentation, with effect from tomorrow until the day on which the documentation is physically destroyed, the sum of EUR 100 per day, or such greater or lesser sum as the

Tribunal may consider fair and just, to be paid on the first day of the month following delivery of judgment in this case as regards the sums already accrued in respect of the period between tomorrow and the last day of the month in which judgment is delivered in this case and on the first day of each month following that in which the judgment is delivered in respect of rights accrued during the previous month;

- order the Commission to repay to the applicant all costs, fees and other expenses incurred in the proceedings, including those relating to the preparation of an expert's report;
- order the Commission to bear the costs relating to the preparation of the report of any expert it may instruct.

Action brought on 13 June 2009 — De Nicola v EIB

(Case F-59/09)

(2009/C 205/91)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

Defendant: European Investment Bank

Subject-matter and description of the proceedings

First, annulment of the measure adopted by the Appeals Committee on 14 November 2008 or the amendment of that measure in so far as it attributes to the applicant, instead of to his lawyer, the objection made to the three members of the committee. Second, annulment of the promotions decided upon on 29 April 2008, in so far as the applicant was not considered for promotion, and all related measures. Lastly, a declaration that the applicant was the victim of mobbing and an order that the defendant desist from such activity.

Form of order sought

- Annul the measure of the Appeals Committee and, in any event, amend it in so far as it attributes to Mr De Nicola (instead of to his lawyer) the objection made to the three members of the committee and in so far as it states that the grounds of the objection were 'nothing more than a simple challenge to the decision of 14 December 2007', rather than the result of the admissions and abandonment of his claims which those three members wrongly attributed to Mr De Nicola;