

Form of order sought

— Annul the applicants' RG 2009 pay slips, their pay slips of January 2010 and their subsequent pay slips, since those pay slips apply an adjustment rate of 1,85 %, while preserving the effect of those pay slips until the adoption of fresh pay slips;

— Order the Commission to pay the costs.

Action brought on 4 October 2010 — Carpenito v Council**(Case F-94/10)**

(2011/C 13/81)

*Language of the case: French***Parties**

Applicant: Renzo Carpenito (Overijse, Belgium) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: Council of the European Union

Subject-matter and description of the proceedings

Application for the retention of the effects of the contested salary statements until the adoption of a regulation replacing, with retroactive effect, Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009, and for compensation in respect of the applicant's financial loss and his pain and suffering

Form of order sought

— Retain the effects of the contested salary statements until the adoption of a regulation replacing, with retroactive effect, Regulation No 1296/2009;

— order the Council to compensate the applicant for his financial loss in an amount equivalent to the loss of remuneration resulting from the manifestly unlawful application of Regulation No 1296/2009, to which must be added reimbursement of the special monthly charge deducted since January 2010 pursuant to Article 66a of the Statute, the rate of which was wrongly fixed in the light of that regulation. That amount is estimated, subject to the Civil Service Tribunal's interpretation, at EUR 30 000;

— order the Council to pay the applicant the symbolic amount of EUR 1 as compensation for his pain and suffering;

— order the Council to pay the costs.

Action brought on 4 October 2010 — Kerstens v Commission**(Case F-97/10)**

(2011/C 13/82)

*Language of the case: French***Parties**

Applicant: Petrus Kerstens (Overijse, Belgium) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Application to maintain the effects of contested salary slips pending the adoption of a regulation replacing, with retroactive effect, Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009 and for payment of damages for the material and non-material damage suffered by the applicant.

Form of order sought

— the maintenance of the effects of contested salary slips pending the adoption of a regulation replacing, with retroactive effect, Regulation No 1296/2009;

— order the Commission to compensate the applicant for the financial loss he suffered by the payment of a sum to the amount equivalent to the loss of earnings resulting from the application of the manifestly illegal Regulation No 1296/2009, plus the repayment of the part of the special levy applied monthly since January 2010 in accordance with Article 66 of the Staff Regulations, the rate of which was erroneously fixed taking account of that regulation: that amount is estimated, without prejudice to the interpretation of the Tribunal, at between EUR 40 000 and EUR 50 000, excluding default interest which was also applied for by the applicant;

— order the Commission to pay symbolic damages of one euro to the applicant for the non-material damage he suffered;

— order the European Commission to pay the costs.