

**Subject-matter and description of the proceedings**

Annulment of the decision not to admit the applicant to the assessment tests under EPSO competition EPSO/AD/207/11.

**Forms of order sought**

- annul the contested decision,
- order the Commission to pay the applicant EUR 10 000 by way of compensation for non-pecuniary damage as a result of the contested decision.
- order the Commission to pay the costs.

**Action brought on 8 November 2011 — ZZ v Commission.**

(Case F-117/11)

(2012/C 25/136)

*Language of the case: French*

**Parties**

*Applicant:* ZZ (represented by: L. Vogel, lawyer)

*Defendant:* European Commission

**Subject-matter and description of the proceedings**

Annulment of the decision of the Office for administration and payment of individual rights determining the applicant's retirement pension rights and of the calculation of the number of years of pensionable service to be taken into account to determine those rights.

**Form of order sought**

- Annul the decision adopted by the appointing authority on 28 July 2011 rejecting the complaint made by the applicant on 3 June 2011, seeking annulment of the general implementing provisions of Articles 11 and 12 of Annex VIII to the Staff Regulations, adopted on 3 March 2011, in particular Article 9 of those general provisions, and which the appointing authority considered to be directed against the individual decision notified to the applicant on 24 May 2011, proposing a new calculation of the years of pensionable service corresponding, in the Community pension scheme, to the actuarial equivalent of the retirement pension rights acquired by the applicant under the Belgian national scheme;
- in so far as it is necessary, annul also the abovementioned decision of 24 May 2011 and, if necessary, pursuant to Article 277 of the EEC Treaty, the general implementing provisions of 3 March 2011, in particular Article 9 of those provisions;
- order the Commission to pay the costs.

**Action brought on 11 November 2011 — ZZ v Commission**

(Case F-118/11)

(2012/C 25/137)

*Language of the case: Italian*

**Parties**

*Applicant:* ZZ (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission

**Subject-matter and description of the proceedings**

Application for annulment of the implied decision of the Commission refusing to adopt a decision on the occupational origins of the applicant's illness

**Form of order sought**

The applicant claims that the Civil Service Tribunal should:

- annul the decision issued by — or, in any event, attributable to — the Commission, rejecting — howsoever and whether in whole or in part — the claims set out in the application of 30 June 2011, sent to the Commission in the person of its legal representative *pro tempore* and to the appointing authority of the Commission;
- find that the Commission has abstained from adopting a finding, for the purposes of Article 78 of the Staff Regulations of Officials of the European Union, on the occupational origins of the condition on account of which the applicant's retirement, provided for under the decision of 30 May 2005, was decided, or at the least has abstained from undertaking a review of the related finding, which — a matter which is uncertain — was adopted by the Commission when the decision of 30 May 2005 was issued;
- order the Commission to transfer to the applicant the sum of EUR 4 250, which, if and in so far as it is not paid to the applicant, will produce interest in favour of the applicant at the rate of 10 % per annum and with annual capitalisation, with effect from tomorrow and until the day on which payment of that sum takes place;
- order the Commission to transfer to the applicant the sum of EUR 50 per day for each additional day which, with effect from tomorrow, passes while the abovementioned abstention persists, up until the 180<sup>th</sup> day after 1 July 2011, it being necessary for that sum of EUR 50 to be paid at the end of the same day, failing which, or in so far as it is not so paid, it will produce interest in favour of the applicant at the rate of 10 % per annum and with annual capitalisation, with effect from the day following that on which the above payment should have been made and until the day on which the payment takes place;

- order the Commission to transfer to the applicant the sum of EUR 60 per day for each additional day which, from the 181<sup>st</sup> day after 1 July 2011, passes while the abovementioned abstention persists, up until the 270<sup>th</sup> day after 1 July 2011, it being necessary for that sum of EUR 60 to be paid at the end of the same day, failing which, or in so far as it is not so paid, it will produce interest in favour of the applicant at the rate of 10 % per annum and with annual capitalisation, with effect from the day following that on which the above payment should have been made and until the day on which the payment takes place;
- order the Commission to transfer to the applicant the sum of EUR 75 per day for each additional day which, from the 271<sup>st</sup> day after 1 July 2011, passes while the abovementioned abstention persists, up until the 360<sup>th</sup> day after 1 July 2011, it being necessary for that sum of EUR 75 to be paid at the end of the same day, failing which, or in so far as it is not so paid, it will produce interest in favour of the applicant at the rate of 10 % per annum and with annual capitalisation, with effect from the day following that on which the above payment should have been made and until the day on which the payment takes place;
- order the Commission to transfer to the applicant the sum of EUR 100 per day for each additional day which, from the 361<sup>st</sup> day after 1 July 2011, passes while the abovementioned abstention persists, *ad infinitum*, it being necessary for that sum of EUR 100 to be paid at the end of the same day, failing which, or in so far as it is not so paid, it will produce interest in favour of the applicant at the rate of 10 % per annum and with annual capitalisation, with effect from the day following that on which the above payment should have been made and until the day on which the payment takes place;
- order the Commission to pay the costs.

**Action brought on 11 November 2011 — ZZ v Commission**

(Case F-119/11)

(2012/C 25/138)

*Language of the case: Italian*

**Parties**

*Applicant:* ZZ (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission

**Subject-matter and description of the proceedings**

Application for annulment of the implied decision of the Commission rejecting the applicant's claim for (i) compensation for the damage purportedly sustained on account of the fact that agents of the Commission entered his official lodgings in Luanda on 14, 16 and 19 March 2002 and (ii) communication to him of the copies of the photographs taken on that occasion and the destruction of all documentation relating to that event

**Form of order sought**

The applicant claims that the Civil Service Tribunal should:

- declare legally non-existent — or, in the alternative, annul — the decision, whatever the form in which it was adopted, by which the Commission rejected the claim of 6 September 2010 sent by the applicant to the appointing authority of the Commission;
- *quatenus oportet*, declare legally non-existent — or, in the alternative, annul — the measure, whatever the form in which it was adopted, by which the Commission rejected the complaint against the decision rejecting the claim of 6 September 2010 and the application of 20 March 2011 for annulment of that decision;
- confirm in each case as fact that agents or delegates of the Commission, or delegates of agents of the Commission, acted as follows on 14 March 2002, on 16 March 2002 and on 19 March 2002, against the wishes of the applicant that none of the following should take place at any time whatsoever, and without the applicant being informed, even briefly, and indeed without the applicant being aware that any of the following occurred: (i) they entered treacherously, on a number of occasions, the official lodgings assigned to the applicant earlier by the Commission and located in Luanda (Angola), in the Bairro Azul area, at 101-103 Rua Americo Julio de Carvalho, either by breaking and entering or by means of keys either retained unlawfully or in some way unlawfully used; and (ii) took photographs inside the aforementioned lodgings;
- confirm the unlawful nature of each of the facts giving rise to damage;
- declare that each of the facts giving rise to the damage in question is unlawful;
- order the Commission to carry out the physical destruction of the photographs;
- order the Commission to notify the applicant in writing that the physical destruction of the photographs has been carried out, at the same time providing the applicant with an abundance of substantive detail in that regard, including, in particular, the date on which the physical destruction was carried out, the place where this was done, and the person who performed the act of physical destruction;
- order the Commission to make available to the applicant, by way of compensation for the damage in question, the sum of EUR 20 000, or such greater or lesser sum as the Civil Service Tribunal may deem to be just and fair, that is to say: (i) EUR 10 000 for the damage caused by the unlawful entry of his lodgings on 14 March 2002, 16 March 2002 and 19 March 2002; and (ii) EUR 10 000 for the damage caused by the unlawful taking of photographs;