

part, the claims set out in the request of 6 December 2010 sent to the appointing authority; (1.d) the decision rejecting, whether in whole or in part, the claims set out in the request of 3 January 2011 sent to the appointing authority; (1.e) the decision rejecting, whether in whole or in part, the claims set out in the request of 3 February 2011 sent to the appointing authority;

— Declare, in so far as necessary, that there is no legal basis for Note Ares(2011) 217354, as registered on 28 February 2011;

— Annul the following five decisions — each of which was issued by or is in any event attributable to the Commission — rejecting the following complaints made by the applicant, whether those decisions rejected the complaints in whole or in part: (3.a) the decision rejecting the complaint of 26 April 2011 against the decision rejecting the request of 5 October 2010; (3.b) the decision rejecting, whether in whole or in part, the complaint of 23 May 2011; (3.c) the decision rejecting, whether in whole or in part, the complaint of 20 June 2011; (3.d) the decision rejecting, whether in whole or in part, the complaint of 24 June 2011; (3.e) the decision rejecting, whether in whole or in part, the complaint of 23 July 2011;

— Annul Note HR.D.21MB/ac Ares(2011) 941139 of 8 August 2011;

— Order the Commission to pay the costs.

**Action brought on 27 December 2011 — ZZ v Council**

(Case F-142/11)

(2012/C 65/51)

*Language of the case: English*

**Parties**

*Applicant:* ZZ (represented by: M. Velardo, lawyer)

*Defendant:* Council of the European Union

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

Annulment of the decision not to promote the applicant to grade AD9 after succeeding in competition EPSO/AD/113/07 'Heads of unit (AD9) in the field of translation having Czech, Estonian, Hungarian, Lithuanian, Latvian, Maltese, Polish, Slovak and Slovene as their main language', and an application for damages

**Form of order sought**

The applicant claims that the Civil Service Tribunal should:

— annul the decision of 9 December 2010 and the subsequent decision of 7 October 2011;

— order the Council to pay the applicant damages;

— order the Council to pay the costs.

**Action brought on 27 December 2011 — ZZ v Commission**

(Case F-143/11)

(2012/C 65/52)

*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 Commission's implied decision not to reimburse a quarter of the costs incurred by the applicant in Case F-81/09 *Marcuccio v Commission*, which the defendant was ordered to pay by judgment of 15 February 2011.

**Form of order sought**

— Annul the decision issued by — or, in any event, attributable to — the Commission to reject the claims set out in the applicant's request of 16 August 2011 sent to the Commission in the person of its legal representative pro tempore and to the appointing authority of the Commission;

— Declare that the Commission has abstained from adopting the measures necessary for compliance with the judgment of the Tribunal of 15 February 2011 in Case F-81/09 *Marcuccio v Commission*, in particular the measures complying with that part of the judgment of 15 February 2011 relating to the costs of the proceedings in that case;

— Order the Commission to pay to the applicant the sum of EUR 3 316,31, 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 pay to the applicant the sum of EUR 5 per day for each additional day which, with effect from tomorrow, passes while the abovementioned abstention persists, up until the 180th day after 17 August 2011, it being necessary for that sum of EUR 5 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 to the applicant the sum of EUR 6 per day for each additional day which, from the 181st day after 17 August 2011, passes while the above-mentioned abstention persists, up until the 270th day after 17 August 2011, it being necessary for that sum of EUR 6 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 to the applicant the sum of EUR 7,50 per day for each additional day which, from the 271st day after 17 August 2011, passes while the above-mentioned abstention persists, up until the 360th day after 17 August 2011, it being necessary for that sum of EUR 7,50 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 pay to the applicant the sum of EUR 10 per day for each additional day which, from the 361st day after 17 August 2011, passes while the above-mentioned abstention persists, ad infinitum, it being necessary for that sum of EUR 10 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 29 December 2011 — ZZ v Commission**

**(Case F-144/11)**

(2012/C 65/53)

*Language of the case: Spanish*

**Parties**

*Applicant:* ZZ (represented by: I. Ruiz Garcia, lawyer)

*Defendant:* European Commission

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

Annulment of the decision not to admit the applicant to the selection tests following publication of a corrigendum to the

notice of competition annulling the eliminatory mark for situational judgment test (d).

**Form of order sought**

- Annul decision EPSO/R/17/11 and the decision rejecting the applicant's candidature in application of the corrigendum;
- Invite the applicant to the second stage of the competition EPSO/AST/111/10;
- Award the applicant the sum of EUR 10 400 in damages with interest;
- Order the European Commission to pay the costs.

---

**Action brought on 4 January 2012 — ZZ v Commission**

**(Case F-3/12)**

(2012/C 65/54)

*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 an order that the Commission pay compensation for the damage which the applicant claims to have sustained as a result of the excessive duration of the procedure for recognising the serious nature of the illness from which he suffered.

**Form of order sought**

- Annul the decision by which the Commission rejected the request of 23 November 2010 sent by the applicant to the appointing authority;
- Annul Note HR.D.2/MB/lS/Ares(2011) 74616 of 24 January 2011, received by the applicant in person on 3 March 2011 and by his legal representative on a date not before 25 February 2011;
- In so far as necessary, annul the measure, whatever the form in which it was adopted, by which the Commission rejected the complaint of 20 May 2011 against the decision rejecting the request of 23 November 2010, annul that decision, grant the request of 23 November 2010 and uphold the complaint of 20 May 2011 sent by the applicant to the appointing authority;