

- annul Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria and the subsequent measures implementing it (Implementing Regulation (EU) No 504/2011 of 23 May 2011 and corrigendum to Implementing Regulation (EU) No 504/2011 published on 24 June 2011), in so far as those measures concern the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

### Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law, which are in essence identical or similar to those relied on in Case T-433/11, *Makhlouf v Council*.<sup>(1)</sup>

<sup>(1)</sup> OJ C 290, 1.10.2011, p. 14.

### Appeal brought on 19 September 2011 by Luigi Marcuccio against the order of the Civil Service Tribunal of 30 June 2011 in Case F-14/10, *Marcuccio v Commission*

(Case T-491/11 P)

(2011/C 331/52)

*Language of the case: Italian*

### Parties

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

*Other party to the proceedings:* European Commission

### Form of order sought by the appellant

- Annul in its entirety and without exception the order under appeal.
- Allow in its entirety and without any exception whatsoever the relief sought at first instance.
- Order the Commission to reimburse the appellant in respect of all costs, disbursements and fees incurred by him in relation both to the proceedings at first instance and the present appeal proceedings.
- In the alternative, refer the case back to the Civil Service Tribunal, sitting in a different formation, for a fresh decision.

### Pleas in law and main arguments

The present appeal is brought against the order of the Civil Service Tribunal of 30 June 2011 dismissing as manifestly lacking any foundation in law an action seeking an order that the Commission pay compensation to the appellant for the material and non-material damage suffered by the appellant as a result of the purportedly unreasonably lengthy duration of the procedure for recognising partial permanent invalidity.

The appellant relies on five grounds in support of the appeal.

1. First ground, alleging error of law, including on the grounds of failure to state reasons and breach of the duty to carry out proper investigations, by failing quite simply in all cases to have regard to the fact that a European Union institution incurs liability in tort where it infringes the obligation it is under to give reasons for each of its decisions and by declaring the plea relied on by the appellant in that regard irrelevant.
2. Second ground, alleging incorrect and unreasonable interpretation and application of the concept of the duty to state reasons.
3. Third ground, alleging absolute failure to state reasons, including on the grounds of failure to carry out investigations, and procedural errors in that the Tribunal failed to declare that the Commission's defence was clearly out of time and thus inadmissible.
4. Fourth ground, alleging breach of Article 44 of the Rules of Procedure of the Civil Service Tribunal and breach of the appellant's right to a fair hearing and the rights of the defence.
5. Fifth ground, alleging incorrect and unreasonable interpretation and application of Article 94 of the Rules of Procedure of the Civil Service Tribunal.

### Action brought on 16 September 2011 — *Missir Mamachi di Lusignano and Others v Commission*

(Case T-494/11)

(2011/C 331/53)

*Language of the case: Italian*

### Parties

*Applicants:* Livo Missir Mamachi di Lusignano (Kerkhove-Avelgem, Belgium), Anne Jeanne Cécile Magdalena Maria Sintobin (Brussels, Belgium), Stefano Missir Mamachi di Lusignano (Shanghai, China), Maria Letizia Missir Mamachi di Lusignano (Brussels, Belgium), Alessandro Missir Mamachi di Lusignano (heirs) (Rabat, Morocco) (represented by: F. Di Gianni, R. Antonimi and G. Coppo, lawyers)

*Defendant:* European Commission

### Form of order sought

- Order the Commission to pay compensation for the non-material damage suffered by the applicants as a result of the murder of Alessandro Missir Mamachi di Lusignano and his wife, Ariane Lagasse de Locht;
- Order the Commission to pay compensatory interest and late payment interest accrued,
- Order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

By the first plea in law, the Court is requested to order the Commission to pay compensation for the non-material damage unjustly suffered by the applicants as a result of the murder of Alessandro Missir Mamachi di Lusignano, former Commission official, and his wife, Ariane Lagasse de Loch. The applicants submit that the European Union has incurred non-contractual liability because the Commission negligently failed to ensure that the apartment made available to the murdered official and his family was equipped with appropriate and effective security devices suitable for the purposes of ensuring their safety. In support of their requests, the applicants rely on the conclusions reached in the judgment of the Civil Service Tribunal of 12 May 2011 in Case F-50/09.

In the alternative, on account of the totally exceptional nature of the case, the applicants submit that the Commission is liable for the damage caused on the grounds of unlawful conduct.

**Order of the General Court of 14 September 2011 —  
Condé v Council****(Case T-210/10)** <sup>(1)</sup>

(2011/C 331/54)

*Language of the case: French*

The President of the Sixth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 234, 28.8.2010.

**Order of the General Court of 14 September 2011 —  
Camara v Council****(Case T-295/10)** <sup>(1)</sup>

(2011/C 331/55)

*Language of the case: French*

The President of the Sixth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 234, 28.8.2010.