

Defendant: European Commission (represented by: J. Currall and G. Gattinara, acting as Agents, and A. Dal Ferro, lawyer)

Re:

Application for annulment of the Commission's implied decision refusing the applicant's request to implement the judgment of the Civil Service Tribunal of 4 November 2008 in Case F-41/06 *Marcuccio v Commission* and, on that basis, assignment of the applicant to duties relating to a post in the function group corresponding to the former's grade and an application for damages.

Operative part of the order

1. *The action is dismissed as being in part manifestly inadmissible and in part manifestly lacking any foundation in law.*
2. *Mr Marcuccio is ordered to bear his own costs and to pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 295, 29.09.2012, p. 33.

Order of the Civil Service Tribunal (Third Chamber) of 13 December 2013 — Van Oost, Ibarra de Diego, Theodoridis and Hotz v Commission

(Joined Cases F-137/12, F-138/12, F-139/12 and F-141/12) ⁽¹⁾

(Civil service — Officials — Promotion — Certification procedure 2010-2011 — Exclusion from the list of certified officials — Amicable settlement on the initiative of the Tribunal — Time-limit for lodging a complaint — Complaint out of time — Concept of excusable error — Diligence required of a normally well-informed official — Information obtained by telephone — Proof — Inadmissibility)

(2014/C 31/36)

Language of the cases: French

Parties

Applicants: Fabrice Van Oost (Ville Pommerœul, Belgium), Maria Belén Ibarra de Diego (Alicante, Spain), Nicolaos Theodoridis (Soignies, Belgium) and Margarita Hotz (Brussels, Belgium), (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented by: G. Berscheid and C. Berardis-Kayser, acting as Agents)

Re:

Applications for annulment of the decisions of EPSO not to include the applicants in the list of persons who have passed

the tests at the end of the training programme which is part of the certification procedure, and claims for damages.

Operative part of the order

1. *Cases F-137/12, F-138/12 and F-139/12 are removed from the Register of the Tribunal.*
2. *The parties in Cases F-137/12, F-138/12 and F-139/12 shall bear their own costs in accordance with their agreement.*
3. *The action in Case F-141/12 is dismissed as inadmissible.*
4. *Ms Hotz shall bear her own costs and pay those incurred by the European Commission in Case F-141/12.*

⁽¹⁾ OJ C 26, 26.1.2013, pp. 75 and 76.

Order of the Civil Service Tribunal (Third Chamber) of 13 December 2013 — Marcuccio v Commission

(Case F-2/13) ⁽¹⁾

(Civil service — Time-limit for bringing proceedings — Language in which the decision rejecting a complaint was written — Article 34(1) and (6) of the Rules of Procedure — Signed copy of the application sent by fax within the time-limit for bringing proceedings — That copy and the original signed application received subsequently not the same — Action lodged out of time — Manifestly inadmissible)

(2014/C 31/37)

Language of the case: Italian

Parties

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

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Gattinara, Agents)

Re:

Application for annulment of the implied decision rejecting the applicant's request to apply to the salary received by him from May 2001 until the end of his mission in Angola the correction coefficient referred to in Articles 12 and 13 of Annex X to the Staff Regulations.