

**Operative part of the order**

1. *The action is dismissed as manifestly inadmissible.*
2. *Mr Marcuccio is ordered to bear his own costs and to pay the costs incurred by the European Commission.*

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<sup>(1)</sup> OJ C 25, 28.1.2012, p. 69.

**Action brought on 22 January 2013 — ZZ v Commission**  
(Case F-7/13)

(2013/C 114/71)

*Language of the case: French*

**Parties**

*Applicant:* ZZ (represented by: E. Boigelot, lawyer)

*Defendant:* European Commission

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

Annulment of the decision rejecting the claim against the decision taken in response to the applicant's request, when he was posted to the Commission Delegation in Antananarivo, Madagascar, for compensation for the difficulties encountered when taking up residence in that city.

**Form of order sought**

- Annul the decision taken by the Head of Unit within the Directorate-General for Human Resources and Security, concerning the 'claim under Article 90(1) of the Staff Regulations — 0/867/11 — seeking compensation for the difficulties encountered when taking up residence in Antananarivo', under which that claim is rejected on the ground that 'the conditions required for such compensation for the non-pecuniary and psychological damage' were not met since it is apparent from the facts that 'the Delegation did all it could to resolve the problems encountered, by having additional work done in the initial accommodation and by suggesting to you, during that work, possible alternative accommodation';
- Annul the response to the applicant's claim by which the Appointing Authority rejected his claim on the grounds that (i) 'there has been no administrative error, and even less

unlawful conduct, by the administration in this case', that (ii) the applicant 'has not shown even the slightest evidence of the alleged non-pecuniary and psychological damage' and that (iii) 'the contested decision dealt at length with the evidence of the administration's goodwill towards the applicant' and 'in accordance with settled case-law, a failure to state reasons can be remedied by an adequate statement of reasons supplied at the stage of the response to the claim', which is the case here;

— Order the Commission to pay, in respect of compensation for the applicant's non-pecuniary and psychological damage, provisionally assessed, reserving the right to increase or decrease it during the proceedings, at EUR 30 000;

— Order the Commission to pay the costs.

**Action brought on 19 February 2013 — ZZ v Commission**  
(Case F-18/13)

(2013/C 114/72)

*Language of the case: French*

**Parties**

*Applicant:* ZZ (represented by: D. Abreu Caldas, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* European Commission

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

Application for annulment of the decision to calculate the accrual of pension rights acquired before entry into service on the basis of the new GIP.

**Form of order sought**

- annulment of the decision of 17 January 2012 on the calculation of the accrual of his pension rights acquired before his entry into service at the Commission;
- where necessary, annulment of the decision to reject his complaint of 13 November 2012 seeking the application of the GIP and actuarial rates applicable at the time of his application for transfer of his pension rights;
- order the Commission to pay the costs.