

Form of order sought

- annul the decision ('the contested decision'), in whatever form, by which the defendant rejected the applicant's application of 22 June 2006 that the Commission pay to him that part of the costs incurred by him in Case T-176/04 *Marcuccio v Commission* ⁽¹⁾ already decided before the Court of First Instance of the European Communities, which the defendant was ordered to pay by order of 6 March 2006;
- annul, in so far as is necessary, the decision, in whatever form, rejecting the applicant's complaint against the contested decision;
- order the defendant to pay the applicant the sum of EUR 6 347,67, plus default interest thereon, appreciation, at the total rate of 10 % per annum to be compounded annually, from the date of the application of 22 June 2006 to the present, by way of compensation for the material damage caused to the applicant by the contested decision;
- order the defendant to pay the applicant the sum of EUR 1 000 by way of compensation for the loss of opportunity of which the applicant could have taken advantage if the sum due to him had been made available in due time;
- order the defendant to pay the applicant *pro bono et ex aequo* the sum of EUR 3 000, or such other sum as the Tribunal may consider just and equitable, by way of compensation for the non-material damage sustained by the applicant, including damage to his quality of life, by the contested decision;
- order the defendant to pay the applicant, in respect of each day from the present date until the date on which each decision granting fully and unconditionally the application dated 22 June 2006 is implemented by the defendant, the sum of EUR 2, or such other sum as the Tribunal may consider just and equitable, payable on the first day of each month in respect of rights accrued during the previous month, by way of compensation for the damage arising as a result of any delay in implementing the decision granting the application;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his arguments, the applicant relies on the following three pleas in law: (1) absolute failure to state reasons; (2) infringement of the law; (3) breach of the obligation to have due regard to the welfare of officials and of the principle of sound administration.

⁽¹⁾ OJ C 121, 20.05.2006, p. 12. As a result of a clerical error, the applicant refers to Case T-176/03 instead of Case T-176/04.

Action brought on 3 July 2007 — Stefan Meierhofer v Commission

(Case F-74/07)

(2007/C 223/37)

*Language of the case: German***Parties**

Applicant: Stefan Meierhofer (Munich, Germany) (represented by: H.-G. Schiessl, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annulment of the defendant's decision of 10 May 2007 concerning the applicant;
- Annulment of the defendant's appeal decision of 19 June 2007;
- Order the defendant to reassess in the light of the current assessment criteria the oral examination taken by the applicant on 29 March 2007;
- Order the defendant to take a new decision on the applicant's inclusion on the reserve list for recruitment competition AD/26/05 in the light of the new examination results;
- Order the defendant to give reasons for its new decisions;
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant participated in EU recruitment competition AD/26/05 (AD5 officials). On completion of the examination the applicant was notified by the examination board that he had not been placed on the reserve list as he had not obtained the mark required.

The applicant claims that insufficient reasons were given for the Commission's decision not to place him on the reserve list and claims that procedural errors occurred during the oral examination.