

According to the applicant, the Appointing Authority did not provide any information to explain the refusal to promote her and thus infringed the obligation to state reasons. Furthermore, the contested decision is based on the decision, which is the subject-matter of Case F-44/07 <sup>(1)</sup>, to allocate the applicant only one merit point. Lastly, the applicant alleges infringement of Article 1d of the Staff Regulations of Officials of the European Communities.

<sup>(1)</sup> OJ C 155 of 7.7.2007, p. 45.

**Action brought on 25 August 2007 — Marcuccio v Commission**

(Case F-86/07)

(2007/C 247/72)

*Language of the case: Italian*

**Parties**

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

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision ('the contested decision'), in whatever form, by which the Commission rejected the applicant's claim of 10 July 2006 for compensation for damage caused to him by the unlawful actions and conduct, particularly psychological harassments, perpetrated by the Commission's servants during the applicant's assignment to the Commission delegation in Angola;
- annul, so far as necessary, the note dated 9 October 2006, prot. PMO.3/MLP/mc D(2006) 9277;

- annul, so far as necessary, the note dated 23 April 2007, ref. ADMINB.2/MB/ade D(2007) 8725, rejecting the applicant's complaint of 27 December 2006 against the contested decision and the note of 9 October 2006;
- annul, so far as necessary, the note of 27 September 2005, ref. ADMIN/IDOC/GC/eh D(2005) 22005;
- ascertain the reality of the actions and conduct complained of in the applicant's claim of 10 July 2006, declaring them to be unlawful, or, in the alternative, order the Commission to carry out an investigation without delay;
- order the Commission to communicate the results of such investigation without delay and in writing, giving them suitable publicity and making them available to the public;
- order the Commission forthwith to destroy the original and all copies of the archive note dated 14 August 2001, headed 'Conduite professionnelle de M. Luigi Marcuccio, conseiller économique à la délégation en Angola', and to notify the applicant in writing of that destruction;
- order the Commission to pay the applicant the sum of EUR 1 520 000, or such other sum as the Tribunal may consider just, in compensation for damage suffered by the applicant to date;
- order the Commission to pay the applicant, from tomorrow until final implementation of judgment in favour of the applicant, the daily sum of EUR 1 000, or such other sum as the Tribunal may consider just, to be paid on the first day of each month in arrear, in respect of damage suffered by the applicant during the period between tomorrow and the date of implementation.
- order the Commission to pay the costs.

**Pleas in law and main arguments**

Absolute failure to state reasons, and illogicality, inconsistency, irrationality, confusion and pretexts in the reasons put forward by the Commission; (2) serious and manifest breach of the law; (3) infringement of the duty to pay due regard to the welfare of officials and of the duty of sound administration.