

Action brought on 31 August 2007 — Marcuccio v Commission**(Case F-87/07)**

(2007/C 247/73)

*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 note of 18 December 2006, prot. ADMIN.B.2 MB/hm (2006) 29517;
- annul the decision, in whatever form, by which the Commission rejected the applicant's claim of 2 August 2006, seeking: (1) compensation for damage suffered by the applicant through unlawful actions and conduct concerning three medical certificates produced by the applicant in the summer of 2001 (the damage in question); and (2) authorisation under Article 19 of the Staff Regulations of Officials of the European Communities to give evidence in legal proceedings which the applicant intends to bring in relation to the above actions and conduct, and to produce before the competent courts a note dated 14 August 2001;

- annul, so far as necessary, the note dated 27 April 2007, ref. ADMINB.2/MB/ade D(07) 9132, rejecting the applicant's complaint of 12 January 2007 against the rejection of the claim of 2 August 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 2 August 2006, and declare them unlawful,
- order the Commission to pay the applicant the sum of EUR 100 000, 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 20, 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.