

Action brought on 17 December 2008 — Petrilli v Commission

(Case F-100/08)

(2009/C 55/94)

*Language of the case: French***Parties***Applicant:* Alessandro Petrilli (Grottammare, Italy) (represented by: J.-L. Lodomez, J. Lodomez, lawyers)*Defendant:* Commission of the European Communities**Subject-matter and description of the proceedings**

Annulment of the Appointing Authority's decision on the fixing of the applicant's main residence.

Form of order sought

The applicant claims the Tribunal should:

- Annul the decision of 16 September 2008 by which the Appointing Authority rejected the fixing of the applicant's main residence in Italy;
- So far as is necessary, annul any decision which the Commission might make relating to the procedure following the complaint, brought by the applicant after the communication of new evidence;
- order the Commission to pay, on the sums due in respect of the retroactive application of the correction coefficient for Italy on the applicant's pension from 1 July 2007, interest on the basis of the rate set by the ECB for its principal refinancing operations, applicable during the relevant period, increased by two points;
- order the Commission of the European Communities to pay the costs.

Action brought on 15 December 2008 — Marcuccio v Commission

(Case F-102/08)

(2009/C 55/95)

*Language of the case: Italian***Parties***Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)*Defendant:* Commission of the European Communities**Subject-matter and description of the proceedings**

Application for annulment of the Commission's decision to reject the applicant's request for, first, compensation for the damage suffered when the personal effects were dispatched from his official lodgings in Luanda and, second, the destruction of all the documents relating to the dispatched property in the defendant's possession and the restitution of that property to the applicant.

Form of order sought

- declare that there is no legal basis for or, in the alternative, annul the decision rejecting the request of 1 September 2007 and, in so far as is necessary, the decision rejecting the complaint of 20 March 2008;
- in so far as is necessary, declare that there is no legal basis for or, in the alternative, annul the note of 18 July 2008;
- confirm that, on 30 April 2003 and 2 May 2003, members of the defendant's staff or its representatives entered the applicant's lodgings against his will, took photographs, drew up a list of the applicant's presumed personal effects, carried out an evaluation of each item on the list of personal effects, entered the applicant's motor vehicle, took possession of the applicant's personal effects and motor vehicle and evicted him from the lodgings and their appurtenances;
- confirm and declare that such acts are unlawful;
- order the defendant to draw up a list accurately identifying each individual item of the documentation that is relevant to the abovementioned facts and to notify the applicant in writing of that list;
- order the defendant to arrange for the physical destruction of each individual item of the documentation and to notify the applicant of that destruction;
- order the defendant to arrange for the applicant's personal effects to be restored to him;
- order the defendant to pay to the applicant the sum of EUR 722 000, or such greater or lesser sum as the Tribunal may consider fair and just, by way of compensation for the damage arising from facts referred to above;
- order the defendant to pay to the applicant, with effect from the date of the request of 1 September 2007 until the date of actual payment of the sum of EUR 722 000, interest on that sum;
- order the defendant to pay to the applicant, by way of compensation for the damage arising from the failure to draw up the list of documentation and to notify the applicant of that list, with effect from tomorrow until the day on which the list is notified to the applicant, the sum of EUR 100 per day, or such greater or lesser sum as the Tribunal may consider fair and just;