

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 26 January 2009 — Soerensen Ferraresi v Commission

(Case F-5/09)

(2009/C 113/93)

Language of the case: Italian

Parties

Applicant: Ayo Soerensen Ferraresi (Milan, Italy) (represented by: C. Di Vuolo, lawyer)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

An application for compensation for the damage suffered by the applicant as a result of mobbing experienced by the applicant and the decision of the Invalidity Committee to retire the applicant of its own motion on the ground of invalidity.

Form of order sought

- Order the defendant to pay compensation for the physical harm and the non-material and financial loss suffered by the applicant;
- order the defendant to pay the costs.

Action brought on 18 February 2009 — A v Commission

(Case F-12/09)

(2009/C 113/94)

Language of the case: French

Parties

Applicant: A (Port-Vendres, France) (represented by: B. Cambier, A. Paternostre, lawyers)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

First, the application seeks to obtain a declaration that the Commission is liable for certain wrongful acts allegedly committed against the applicant in the procedure pursuant to Article 73 of the Staff Regulations, and the annulment of several decisions refusing to give the applicant the benefit of the provisions of Article 73(2)(b) of the Staff Regulations,

refusing to communicate to him a set of documents within his medical file and refusing to reimburse him for certain medical expenses. Second, the application seeks compensation for damage allegedly sustained.

Form of order sought

- Declare that the European Commission is liable for wrongful acts committed against the applicant in the procedure pursuant to Article 73 of the Staff Regulations and the agreed rules 'on insurance against accidents and occupational disease' of officials of the European Communities;
- Annul the decisions of the European Commission of 8 April and 13 November 2008 refusing to give to the applicant the benefit of the provisions of Article 73(2)(b) of the Staff Regulations, refusing to communicate to him a set of documents within his medical file and refusing to reimburse him for certain medical expenses;
- Order the European Commission to pay immediately to the applicant the benefit provided for in Article 73(2)(b) of the Staff Regulations, namely EUR 1 422 024, to communicate to him the requested documents and to reimburse him in full for the medical expenses incurred and to be incurred because of the occupational disease suffered by him;
- Order the European Commission to pay to the applicant interest on late payment at the key rate of the European Central Bank increased by two points on the amount of the benefit to be paid under Article 73(2)(b) of the Staff Regulations, running from December 2004, when the occupational origin of the applicant's disease ought to have been recognised;
- Order the European Commission to pay to the applicant, in respect of his entitlement to full compensation for the damage suffered and in addition to the sums referred to above, the sum of EUR 1 949 689, that sum representing the difference between the total amount of the damage suffered and that of the lump sum benefit payable to the applicant under Article 73(2)(b) of the Staff Regulations;
- Order the European Commission to pay to the applicant the sum of EUR 25 000 or any other sum which appears sufficient to the Tribunal in respect of the non-material damage suffered because of the many wrongful acts and breaches of procedure committed by the departments of the European Commission in the conduct of medical procedures relating to him;
- Order the Commission of the European Communities to pay the costs.
