

**Action brought on 28 September 2009 — Marcuccio v Commission**

(Case F-81/09)

(2009/C 312/72)

*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 rejecting in part the applicant's request for annulment of the Commission's decision concerning the calculation of the default interest payable in respect of the invalidity allowance awarded to him between June 2005 and April 2008.

**Form of order sought**

— Annul the decision, in whatever form, by which the defendant rejected in part the request of 8 September 2008, that is to say, annul the decision, in whatever form, by which the Commission calculated and paid to the applicant default interest to which he was entitled in respect of each of the parts of the monthly amounts of the invalidity allowance awarded to him for the period from June 2005 to April 2008, which were paid to him in a single payment on 29 May 2009, with a value date of 28 May 2008, instead of at the end of each month of the period in question, being an amount less than would have been calculated and paid if the criteria set out in the request of 8 September 2008 had been applied, namely if: (a) 29 May 2008 had been regarded as the *dies ad quem*; (b) the first day of the month following that in which each of the parts of the monthly amounts in question should have been paid to the applicant had been regarded as the *dies a quo*; (c) the rate of interest applied had been 10 % per annum, with annual capitalisation;

— annul those parts of the memorandum of 16 December 2008 which are unfavourable to the applicant, that is to say, those parts in which the Commission rejected in part the request of 8 September 2008, namely those parts in which the EC calculated and paid less interest than would have been calculated and paid if the criteria set out in the request of 8 September 2008 had been applied;

— order the defendant to pay to the applicant the difference between the amount of interest calculated by applying the

criteria set out in the request of 8 September 2008 and the amount of interest actually paid, if necessary and appropriate by not applying to this dispute, pursuant to Article 241 EC (formerly Article 184), those parts of the Financial Regulation applicable to the general budget of the European Communities concerning the criteria for determining the amount and rate of interest to be paid on a debt of the EC to a person to whom the Staff Regulations apply and the capitalisation of interest;

— order the defendant to pay to the applicant interest at the rate of 10 % per annum, with annual capitalisation, with effect from 29 May 2008 until actual payment, on the difference in the interest, at a rate of greater than EUR 1, if necessary and appropriate by not applying to this dispute, pursuant to Article 241 EC (formerly Article 184), those parts of the Financial Regulation concerning the criteria for determining the amount and rate of interest to be paid on a debt of the EC to a person to whom the Staff Regulations apply and the capitalisation of interest;

— order the Commission to pay all the costs of the proceedings;

— in so far as necessary, annul the decision, in whatever form, by which the complaint of 18 February 2009 and the memorandum of 29 May 2009 were rejected.

**Action brought on 16 October 2009 — Larue and Seigneur v European Central Bank**

(Case F-84/09)

(2009/C 312/73)

*Language of the case: French*

**Parties**

*Applicants:* Emmanuel Larue and Olivier Seigneur (Frankfurt-am-Main, Germany) (represented by: L. Levi, lawyer)

*Defendant:* European Central Bank

**Subject-matter and description of the proceedings**

Application for annulment of the applicants' pay slips for January 2009.

**Form of order sought**

— annul the pay slip for January 2009;