

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (1st Chamber) of 9 June 2010 — Marcuccio v Commission

(Case F-56/09) ⁽¹⁾

(Staff cases — Officials — Action for damages — Access of the administration to an official's lodgings — Respect for the home and private life)

(2010/C 221/95)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, then by G. Cipressa and L. Mansullo, lawyers)

Defendant: European Commission (represented by: J. Currall and C. Berardis-Kayser, Agents, assisted by A. Dal Ferro, lawyer)

Re:

Application for annulment of the Commission's decision to reject the applicant's application seeking, first, compensation for the harm allegedly suffered because agents of the Commission entered his lodgings in Luanda on 8 April 2002 and, secondly, the provision of copies of the photos taken at that time and the destruction of all documentation connected with that event.

Operative part of the judgment

The Tribunal:

1. *Orders the European Commission to pay Mr Marcuccio EUR 5 000;*
2. *Annuls the European Commission's decision of 11 September 2008, in so far as it rejected Mr Marcuccio's application of 24 April 2008 that he be sent photographs, that photographs be destroyed and that he be provided with information relating to the destruction of the photographs;*
3. *Dismisses the rest of the claims in the application;*
4. *Orders the European Commission, in addition to bearing its own costs, to pay one quarter of Mr Marcuccio's costs;*

5. *Orders Mr Marcuccio to pay three quarters of his own costs.*

(1) OJ C 205, 29.8.2009, p. 48.

Action brought on 11 June 2010 — Kaser/Commission

(Case F-45/10)

(2010/C 221/96)

Language of the case: English

Parties

Applicant: Ferdinand Kaser (Brussels, Belgium) (represented by: M. Schober, lawyer)

Defendant: European Commission

The subject matter and description of the proceedings

First, annulment of the Decision of the European Commission CMS 07/046 removing applicant from his post, without reduction of the pension rights, which took effect on 15 August 2009 and the annulment of all decisions taken against the applicant in the period between September 2003 until the removing from the post and, second, a claim for damages.

Form of order sought

The applicant claims that the Court should:

- Annul the Decision CMS 07/046 due to harassment, mismanagement and the abuse of the fundamental right to be heard;
- annul all decisions taken by the Appointing Authority against the applicant between the period September 2003 until the removing from the post due to harassment and mismanagement due to the abuse of the right of the applicant to be heard;
- enable a hearing of the applicant according to Article 7(1) and Article 24 of the Staff Regulations, and to refer to the submitted requests in February 2008 and March 2008;