

Action brought on 17 August 2010 — De Britto Patricio-Dias v Commission

(Case F-66/10)

(2010/C 288/139)

*Language of the case: French***Parties***Applicant:* Jorge De Britto Patricio-Dias (Brussels, Belgium) (represented by: L. Massaux, lawyer)*Defendant:* European Commission**Subject-matter and description of the proceedings**

Annulment of the applicant's career development report for the period from 1 January to 31 December 2008 in so far as it placed him in performance level III and awarded him two promotion points.

Form of order sought

- annul the appointing authority decision No R-98/10 of 12 May 2010, and in so far as necessary, the career development report for the period from 1 January to 31 December 2008;
- order the defendant to pay the sum estimated ex aequo et bono at EUR 25 000;
- order the European Commission to pay the costs.

Action brought on 18 August 2010 — Marcuccio v Commission

(Case F-67/10)

(2010/C 288/140)

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

Annulment of the Commission's decision not to reimburse two-thirds of the costs incurred by the applicant in Case F-41/06.

Form of order sought

The applicant claims that the Civil Service Tribunal should:

- annul the decision, whatever its form, which brought about the rejection by the Commission of the request of 22 September 2009 sent by the applicant to the appointing authority and amended by the note of 8 October 2009;
- annul, in so far as is necessary, the decision — whatever its form — by which the complaint of 5 April 2010 against the contested decision, sent by the applicant to the appointing authority, was rejected;
- annul, in so far as is necessary, the note of 27 April 2010 (HR.D.2/MB/1s Ares (2010) 220139);
- order the Commission to pay to the applicant the sum of EUR 21 608,75, together with interest calculated at the rate of 10 % per annum, with annual capitalisation, and running from the date of the request of 22 September 2009 until actual payment of the sum immediately due by way of reparation for the damage which has been, or is being, suffered by the applicant on account of the contested decision;
- order the Commission to pay the costs.

Action brought on 20 August 2010 — Behnke v Commission

(Case F-68/10)

(2010/C 288/141)

*Language of the case: French***Parties***Applicant:* Thorsten Behnke (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis, E. Marchal, lawyers)*Defendant:* European Commission**Subject-matter and description of the proceedings**

Annulment of the decision to place the applicant in Performance Group II and to award him 5 promotion points for his career development report for the period from 1 January to 31 December 2008.

Form of order sought

- Annul the decision to place the applicant in Performance Group II and to award him 5 promotion points for his career development report for the period from 1 January to 31 December 2008;
- In the alternative, declare Article 8(4) of the general implementing provisions relating to Article 43 of the Staff Regulations unlawful, in so far as it allows the Joint Committee on Evaluation and Promotions to adopt an opinion by consensus;
- Order the European Commission to pay the costs.