

Action brought on 24 August 2010 — Marcuccio v Commission**(Case F-69/10)**

(2010/C 288/142)

*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 decision rejecting the applicant's request for compensation for the damage suffered as a result of the fact that the defendant had sent a letter to a lawyer who was not yet the applicant's representative.

Form of order sought

The applicant claims that the Civil Service Tribunal (CST) should:

- annul the decision, whatever its form, which brought about the rejection by the European Commission of the request of 30 October 2009 sent by the applicant to the appointing authority;
- annul the note of 11 November 2009 (ADMIN.B.2/MB/1sD(09)29814);
- in so far as is necessary, annul the Commission's rejection of the applicant's complaint to the appointing authority, dated 25 January 2010, against the decision rejecting the request of 30 October 2009; annul that decision; and uphold the request of 30 October 2009;
- in so far as is necessary, annul Note HR.D.2/MB/1s Ares (2010) 251054, dated 10 May 2010, written in French and received by the applicant on 17 May 2010 enclosed with the attached translation of the note in Italian;
- order the Commission to make reparation for the damage unjustly suffered by the applicant as a result of the fact that the note of 10 August 2009 (ADMIN.B.2/MB/ksD(09)20658) was sent by the Commission to Giuseppe Cipressa, avvocato, by paying to the applicant the sum of EUR 10 000, or such other sum — whether greater or smaller — as the CST may consider just and equitable;
- order the Commission to pay to the applicant, with effect from the date following that on which the request of 30 October 2009 was received by the Commission until actual payment of the sum of EUR 10 000, interest on that sum at the rate of 10 % per annum, with annual capitalisation;
- order the Commission to pay the costs.

Action brought on 27 August 2010 — Hidalgo v European Parliament**(Case F-70/10)**

(2010/C 288/143)

*Language of the case: French***Parties***Applicant:* José Manuel Hidalgo (Brussels, Belgium) (represented by: A. Coolen, J.N. Louis and E. Marchal, lawyers)*Defendant:* European Parliament**Subject-matter and description of the proceedings**

Application for the annulment of the applicant's salary adjustment slip for the period from July to December 2009 and the salary slips issued since 1 January 2010 within the framework of the annual adjustment of the remuneration and pensions of officials and other servants of the European Communities pursuant to Council Regulation (EC, Euratom) No 1296/2009 of 23 December 2009 and a claim for compensation.

Forms of order sought

- Declare that Council Regulation (EC, Euratom) No 1296/2009 of 23 December 2009 is not applicable;
- Annul the decision of the Secretary General of the European Parliament of 4 June 2010 rejecting the applicant's complaint regarding his salary adjustment slip for the period from July to December 2009 and his salary slips issued since 1 January 2010 pursuant to Council Regulation (EC, Euratom) No 1296/2009 of 23 December 2009;
- Annul, where necessary, the decisions of the European Parliament on the establishment of his salary adjustment slip for the period from July to December 2009 and his salary slips issued since 1 January 2010 pursuant to Council Regulation (EC, Euratom) No 1296/2009 of 23 December 2009;
- Order the Parliament to pay the applicant the arrears of remuneration to which he is entitled, plus default interest calculated, from the date those arrears were due, at the rate laid down by the ECB for its main refinancing operations, increased by two percentage points;
- Order the Parliament to pay the applicant a symbolic sum of EUR 1 to compensate for breaches of administrative duty and to pay the costs.