

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### Judgment of the Civil Service Tribunal (2nd Chamber) of 23 January 2013 — Katrakasas v Commission

(Case F-24/11) <sup>(1)</sup>

*(Civil service — Internal competitions COM/INT/OLAF/09/AD 8 and COM/INT/OLAF/09/AD 10 — Fraud prevention — Reconsideration of the decision to admit to take the oral test — Reconsideration of the decision not to include on the reserve list — Objection of illegality of the notice of competition — Conditions concerning diplomas and professional experience — Anonymity rule — Infringement of Article 31 of the Staff Regulations — Misuse of powers — Subject of the written test favouring one category of candidates — Behaviour of a member of the selection board during the oral test)*

(2013/C 71/46)

Language of the case: French

#### Parties

*Applicant:* Nicolas Katrakasas (Brussels, Belgium) (represented by: L. Levi, lawyer)

*Defendant:* European Commission (represented by: initially by B. Eggers and P. Pecho, Agents, and subsequently by B. Eggers, Agent)

#### Re:

Civil service — Application for annulment of the decision of the competition selection board not to include the applicant on the reserve list in competition COM/INT/OLAF/09/AD8

#### Operative part of the judgment

*The Tribunal:*

1. *Dismisses the application;*
2. *Orders Mr Katrakasas to bear his own costs and to pay the costs incurred by the European Commission.*

<sup>(1)</sup> OJ C 152, 21.5.2011, p.33.

### Order of the Civil Service Tribunal (Second Chamber) of 28 January 2013 — Marcuccio v Commission

(Case F-92/12)

*(Civil service — Article 34(1) of the Rules of Procedure — Application lodged by fax within the time-limit for bringing proceedings signed by means of a stamp reproducing a lawyer's signature or other means of reproduction — Action lodged out of time — Manifestly inadmissible)*

(2013/C 71/47)

Language of the case: Italian

#### Parties

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission

#### Re:

Application for annulment of the decision to withhold sums from the applicant's invalidity allowance for the purpose of recovering the sum which the applicant was ordered to pay by way of legal costs by the Civil Service Tribunal.

#### Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *Mr Marcuccio is ordered to bear his own costs.*

### Order of the Civil Service Tribunal (Second Chamber) of 28 January 2013 — Marcuccio v Commission

(Case F-95/12)

*(Civil service — Article 34(1) of the Rules of Procedure — Application lodged by fax within the time-limit for bringing proceedings signed by means of a stamp reproducing a lawyer's signature or other means of reproduction — Action lodged out of time — Manifestly inadmissible)*

(2013/C 71/48)

Language of the case: Italian

#### Parties

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission

#### Re:

Application for annulment of the decision to withhold amounts from the applicant's invalidity allowance for the purpose of recovering the sum of EUR 3 000 paid to the applicant in compliance with an judgment of the Civil Service Tribunal which was subsequently set aside by the General Court of the European Union.

#### Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*

2. Mr Marcuccio is ordered to bear his own costs.

**Order of the Civil Service Tribunal (Second Chamber) of  
28 January 2013 — Marcuccio v Commission**

(Case F-100/12)

*(Civil service — Article 34(1) of the Rules of Procedure —  
Application lodged by fax within the time limit for bringing  
proceedings signed by means of a stamp reproducing a  
lawyer's signature or other means of reproduction — Action  
lodged out of time — Manifestly inadmissible)*

(2013/C 71/49)

*Language of the case: Italian*

**Parties**

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* European Commission

**Re:**

Application for annulment of the Commission's decision refusing to pay compensation to the applicant for the harm he purportedly suffered on account of the delay in his retirement procedure under Article 53 of the Staff Rules and on account of the absence of any decision concerning a possible work-related origin of the illness which caused him to retire.

**Operative part of the order**

1. *The action is dismissed as manifestly inadmissible.*
2. *Mr Marcuccio is ordered to bear his own costs.*

**Action brought on 26 October 2012 — ZZ v Commission**

(Case F-126/12)

(2013/C 71/50)

*Language of the case: French*

**Parties**

*Applicant:* ZZ (represented by: M. Boury, lawyer)

*Defendant:* European Commission

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

Application to annul the response to the complaint by which the applicant sought, firstly, the acknowledgement by the

Commission that only certain documents in his personal administrative file may be transferred to the pre-trial judge at the Court of First Instance of Brussels, and, secondly, the finding of unlawfulness of the concealment from that Court of the decision of 2 February 2001.

**Form of order sought**

— Annul the Appointing Authority's response of 24 August 2012 to complaint No R/367/12;

— acknowledge the unlawfulness of the concealment from the Belgian courts of his genuine administrative personal file, and of the Appointing Authority's decision of 2 February 2001 and of all the documents relating to it, documents which were demanded from the Commission by the Belgian criminal courts;

— acknowledge the unlawfulness of the transfer to the Court of Brussels of confidential documents produced without any legal check, and outside the rules of the Staff Regulations, within the former Unit ADMIN B9 responsible for the administrative investigation opened on 2 February 2001 by the Appointing Authority, in infringement of the rules of the Staff Regulations;

— acknowledge the unlawfulness of the intervention in the investigation of his complaint to the Court of Brussels and with an objective which was detrimental to him by Commission officials who had neither the authority nor the competence to do so;

— acknowledge that throughout that case he, as well as his family, was a victim of serious infringements of his fundamental human rights and that he suffered serious professional, non-pecuniary and pecuniary damage which is repairable only with difficulty and that, therefore, he is entitled to obtain compensation for that damage.

**Action brought on 2 November 2012 — ZZ v Parliament**

(Case F-130/12)

(2013/C 71/51)

*Language of the case: French*

**Parties**

*Applicant:* ZZ (represented by: B. Cortese and A. Salerno, lawyers)

*Defendant:* European Parliament