

- order payment of default interest at the rate of 5,75 % with effect from 26 January 1988, the date of the accident, on the capital amount payable under Article 73 of the Staff Regulations;
- make an order for damages in the amount of EUR 138 358,88 as compensation for the material and non-material damage which the contested decision caused to the applicant, such amount being provisional, subject to increasing it in respect of the material damage, and as equitable compensation for the non-material damage;
- order the defendant to pay all the costs.

Pleas in law and main arguments

Following the injuries suffered by the applicant in relation to giving birth in 1988, the defendant, first, took the view that the cause of the injuries was not accidental and, secondly, acknowledged that the applicant was suffering from total permanent invalidity, rendering it impossible for her to work.

The applicant claims that a new fact has arisen, enabling her to request afresh that she be accorded the benefit of Article 73 of the Staff Regulations by regarding those injuries as the result of an accident. According to the applicant, the findings of the Medical Committee in 1988 do not reflect her current medical circumstances, since the *sequelae* have continued to wreak an effect and worsened over the years. Furthermore, the committee did not examine the applicant's situation with regard to the medical accident. According to the applicant, since her injuries were linked to the medical accident, they ought to be regarded as accidental.

Accordingly, by deciding to reject the request, the defendant infringed Article 73 of the Staff Regulations and the Rules on Sickness Insurance for Officials of the European Communities and, in particular, Articles 12, 14 and 22 thereof. Furthermore, the applicant alleges breach of the duty to have regard to the welfare of officials.

Action brought on 12 June 2002 by Jan Pflugradt against the European Central Bank

(Case T-179/02)

(2002/C 202/51)

(Language of the case: German)

An action against the European Central Bank was brought before the Court of First Instance of the European Communities on 12 June 2002 by Jan Pflugradt, represented by N. Pflüger, lawyer.

The applicant claims that the Court should:

- annul the ECB performance appraisal of the applicant for the year 2001;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant, an employee of the defendant, seeks the annulment of his performance appraisal for 2001. He considers that appraisal to be an act adversely affecting him because the defendant did not confine itself to appraising his performance. Instead, the defendant based the appraisal on factual allegations which the applicant contests and which will impair his future career development.

The applicant claims that, under the provisions on data protection, the defendant is prohibited from relying on electronically collected data and that that is, in itself, a sufficient ground for annulment of the appraisal based on that data. Moreover, the appraisal must be annulled on the ground that it is based on incorrect factual information.

Action brought on 13 June 2002 by Neue Erba Lautex GmbH Weberei und Veredlung against the Commission of the European Communities

(Case T-181/02)

(2002/C 202/52)

(Language of the Case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance on 13 June 2002 by Neue Erba Lautex GmbH Weberei und Veredlung, Neugersdorf (Germany), represented by Professor U. Ehrlicke, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the Commission Decision (C(2002)944 fin) of 12 March 2002 concerning State aid by the Federal Republic in favour of Neue Erba Lautex GmbH and Erba Lautex GmbH in liquidation;
- Order the defendant to pay the costs.