Pleas in law and main arguments

In 1995 the Federal Republic of Germany gave notice of aid for the privatisation of eight subsidiaries of the holding company EFBE Verwaltungs GmbH, now Lintra Beteiligungsholding GmbH. By decision of 13 March 1996, communicated by letter of 23 April 1996 [1], the Commission informed Germany of its approval of aid for restructuring measures in connection with the privatisation of Lintra Beteiligungsholding GmbH.

By the contested decision of 28 March 2001, the defendant has required Germany to reclaim aid totalling DEM 34 978 000 from Lintra Beteiligungsholding GmbH and the Lintra subsidiaries. Aid amounting to DEM 3 195 559 is to be reclaimed from the applicant. The defendant asserts that that aid has been used improperly and in breach of the statements in the approved restructuring plan. According to the defendant, the aid granted has reportedly been used to pay for services provided by Lintra Beteiligungsholding GmbH.

The applicant submits that the contested decision is unlawful and void in relation to it if only because it was not granted any aid whatsoever in breach of the decision of 13 March 1996.

According to the applicant, it is significant that the defendant has not asserted that the applicant misused the restructuring aid. The defendant has relied solely on presumptions in its request for recovery. The applicant states that all the aid which was received by it was used exclusively for restructuring measures. Moreover, the amount to be reclaimed from it was set totally arbitrarily.

Furthermore, all aid from the defendant or from Germany went to Lintra Beteiligungsholding GmbH and was passed on to its subsidiaries only indirectly. For that reason a notice for recovery can be issued solely to the parent company.

The applicant is also of the view that no basis is apparent for claiming that there is joint and several liability between Lintra Beteiligungsholding GmbH and the subsidiaries. Such liability is presumably asserted by the defendant solely because the parent company itself is insolvent.

[1] A summary was published at OJ No C 168, 12.6.1996, p. 10.

Action brought on 22 May 2001 by Verónica Sabbag against the Commission of the European Communities

(Case T-113/01)

(2001/C 227/52)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 22 May 2001 by Verónica Sabbag, residing in Brussels, represented by Jean-Noël Louis and Véronique Peere, avocats, with an address for service in Luxembourg.

The applicant claims that the Court should:

— annul the decision of the Selection Committee in competition COM/R/A/01/1999 to award the applicant a mark insufficient for her to be included on the reserve list;

— order the defendant to pay the costs.

Pleas in law and main arguments

The applicant took part in competition COM/R/A/01/1999. She is contesting her non-inclusion in the reserve list for the selection of temporary agents responsible for the management of technological research and development programmes.

In support of her claim, the applicant alleges:

— infringement of the selection notice, of essential procedural requirements and of the rules governing the functioning of selection boards, as well as a manifest error of assessment;

— breach of the obligation to provide a statement of reasons;

— infringement of the principle of equal treatment;

— non-compliance with the obligation to have regard to the interests and welfare of officials and violation of the principle of sound administration.

Action brought on 23 May 2001 by Stefano Cocchi and Evi Hainz against the Commission of the European Communities

(Case T-114/01)

(2001/C 227/53)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the