

Girardot, residing at L'Haye les Roses (France), represented by Eric Boigelot, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decisions of the selection board of 5 and 30 July 2001 to exclude from consideration the application of the applicant in internal competition COM/R/502211/2001, as advertised in the combined notice of vacancies and of internal competitions of 28 May 2001;
- annul the decision expressly rejecting the applicant's complaint, the said complaint having been lodged on 29 January 2002 and rejected by an express decision receipt of which was acknowledged by the applicant on 15 July 2002;
- order the defendant to pay the costs in any event.

Pleas in law and main arguments

The applicant entered the service of the Commission on 1 February 1996. She initially worked there as a national expert on secondment and subsequently as a member of the temporary staff. She applied to take part in internal competition COM/R/502211/2001 for the recruitment of officials. According to information received by her, the selection board for that competition found that, as at 1 January 2001, she had not completed five years' service as a member of the temporary staff, so that her name could not be included in the list of candidates admitted to the tests.

The applicant contests that rejection. She argues that account should also have been taken of the period during which she was in the Commission's service as a national expert on secondment. There is nothing to suggest, *prima facie*, that a candidate in an internal competition who has been a national expert on secondment prior to being a member of the

temporary staff should not possess skills and abilities at least equal to, if not superior to, those of candidates who are in the service of the institution only by virtue of their status as members of the temporary staff. Thus, the Commission was not in a position to show that the exclusion of a candidate who has been a national expert on secondment prior to becoming a member of the temporary staff can be justified in the interests of the service.

In support of her action, the applicant also pleads:

- infringement of the first paragraph of Article 27 of the Staff Regulations;
- infringement of the general principle of equality of treatment;
- infringement of the general principle that all administrative decisions must be based on legally valid reasons;
- infringement of the first paragraph of Article 4 and the first paragraph of Article 29 of the Staff Regulations.

Removal from the register of Case T-116/02 ⁽¹⁾

(2002/C 305/64)

(Language of the case: French)

By order of 10 September 2002 the President of the Fifth Chamber of the Court of First Instance of the European Communities ordered the removal from the register of Case T-116/02: Antonio Aresu v Commission of the European Communities.

⁽¹⁾ OJ C 144 of 15.6.2002.