

- Pleas in law:
- Breach of the principles of the coexistence of Community marks and national marks and signs and of the applicant's rights of defence.
 - In the alternative, infringement of Article 8(1)(b) of Regulation (EC) No 40/94.
- annul the belated express rejection by the appointing authority on 11 June 2003 of the applicant's administrative appeal;
 - order the Commission to pay all the costs.

Pleas in law and main arguments

Action brought on 21 August 2003 by Carla Giuliatti against Commission of the European Communities

(Case T-293/03)

(2003/C 251/37)

(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 21 August 2003 by Carla Giuliatti, residing in Brussels, represented by P.-P. van Gehuchten and J. Sambon, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision taken by the Selection Board in competition COM/A/6/01 to exclude the applicant on the ground of lack of professional experience, that decision being contained in the letter from DG ADMIN to the applicant dated 16 October 2002;
- annul the confirmative decision of 21 November 2002;

The applicant was a candidate in General Competition COM/A/6/01 to constitute a reserve for the recruitment of administrators in the fields of external relations and management of aid to non-member countries. The notice of competition contained the requirement of professional experience at a level commensurate with that of the duties described, for a minimum period of three years. However, it was stated that officials and other servants of the European Communities were not required to have the abovementioned professional experience if they had served in category B for at least three years and had successfully completed a university course.

Upon submitting her candidature, the applicant submitted as evidence of her professional experience the fact that she had served for more than three years as President of the Management Board of the Foundation 'Eau pour le Sahel'. By the contested decision, the Selection Board excluded her on the ground that she did not have the professional experience required.

In support of her action, the applicant claims that the clause relating to professional experience infringed the principle of equality owing to the fact that such experience is required only for external candidates, while it is not a requirement for candidates who are already officials or other servants of the European Communities. She also alleges infringement of the principle of legality and a manifest error of assessment in the application by the Selection Board of the clause relating to professional experience.