

Wolfdieter Graf Yorck von Wartenburg

v

European Parliament

(Officials — Installation allowance)

Judgment of the Court of First Instance (Third Chamber), 30 January 1990 32

Summary of the Judgment

1. *Officials — Refund of expenses — Installation allowance — Voluntary termination of service before the expiry of a period of two years — Refund by the official — Point in time at which the period begins to run — Date of entry into the service of the Communities (Staff Regulations, Annex VII, Art. 5(5))*
2. *Officials — Refund of expenses — Installation allowance — Voluntary termination of service before the expiry of a period of two years — Refund by the official — Object (Staff Regulations, Annex VII, Art. 5(5))*
3. *Officials — Refund of expenses — Installation allowance — Conditions for grant — Official settling with his family (Staff Regulations, Annex VII, Art. 5(3))*

1. The period of two years referred to in Article 5(5) of Annex VII to the Staff Regulations must be calculated from the official's entering the service of the Communities and not from his taking up the duties which give rise to the grant of the installation allowance.

2. Reimbursement by the official of part of the installation allowance calculated proportionately to the part of the period

of two years which remains to run is not intended to take account of the duration of the installation, since the cost of an installation for a short period is the same as that of installation for a longer period.

Its object is to make the Communities responsible for paying the whole of the installation allowance paid on the posting of the official to a place of employment only when the service relationship

between the Communities and the official has been sufficiently consolidated by two years spent by the official in the service of the Communities. On the other hand the Communities' responsibility for paying the installation allowance in part is provided for where the official leaves the service of the Communities less than two years after entering it. It would be contrary to the proper management of public funds for the Communities to assume full responsibility for paying the installation allowance of an official with

whom, as a result of an act on his part, the service relationship has not been consolidated.

3. When the settlement of the official and his family is established the official does not have to show either the existence of actual expenses or how long he settles with his family in order to receive the installation allowance equal to two months' basic salary.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
30 January 1990 *

In Case T-42/89

Wolfdieter Graf Yorck von Wartenburg, a temporary official with the Group of the European People's Party in the European Parliament, residing in Brussels and represented by Victor Elvinger, of the Luxembourg Bar, with an address for service in Luxembourg at the latter's Chambers, 11 A boulevard Joseph-II, Monterey Palace,

applicant,

v

European Parliament,

defendant,

* Language of the case: French.