

Joined Cases T-10/90 and T-31/90

Michael Boessen

v

Economic and Social Committee of the European Communities

(Officials — Education allowance — Compulsory school attendance —
Expenses relating to psychological tests)

Judgment of the Court of First Instance (Third Chamber), 3 December 1991 .. II - 1366

Summary of the Judgment

1. *Officials — Remuneration — Family allowances — Education allowance — Conditions for grant — Actual and regular attendance of a primary educational establishment (Staff Regulations, Annex VII, Art. 3)*
2. *Officials — Remuneration — Family allowances — Education allowance — Education costs — Expenses relating to psychological tests for educational guidance — Covered (Staff Regulations, Annex VII, Art. 3)*

1. Article 3 of Annex VII to the Staff Regulations must be interpreted as meaning that the right to education allowance arises on the first day of the month in which a child starts actually and regularly to attend a primary educational establishment.

The wording of that provision does not require that attendance of that establishment by the child should be compulsory under the national legislation applicable at the place where the person having legal custody of the child is resident. Since the sole criterion for the

grant of education allowance is whether the education received by the child is indeed primary education, the grant of that allowance cannot be excluded where the child starts to attend a primary educational establishment before the age of compulsory school attendance.

2. Expenses relating to psychological tests taken by an official's dependent

child in order to determine the type of teaching corresponding to the child's abilities and needs are, by virtue of their purpose, education costs and are reimbursable under the education allowance provided for in Article 3 of Annex VII to the Staff Regulations up to the maximum monthly amount referred to in the first paragraph of that provision.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
3 December 1991 *

In Joined Cases T-10/90 and T-31/90,

Michael Boessen, a former official of the Economic and Social Committee, residing at Maastricht, the Netherlands, represented by Ch. M. E. M. Paulussen, of the Maastricht Bar, with an address for service in Luxembourg at the Chambers of M. Loesch, 8 Rue Zithe,

applicant,

v

Economic and Social Committee of the European Communities, represented initially by D. Brüggemann, Legal Adviser, and subsequently by M. Bermejo Garde, Legal Adviser, acting as Agents, assisted by D. Lagasse and G. Tassin, of the Brussels Bar, with an address for service at Luxembourg at the office of Roberto Hayder, a national official on secondment to the Legal Service of the Commission, Wagner Centre, Kirchberg,

defendant,

* Language of the case: Dutch.