

Case T-15/93

Philippe Vienne v European Parliament

(Officials and other servants — Daily subsistence allowance —
Payment of three consecutive allowances to the same person as a member
of the auxiliary staff, a member of the temporary staff and a probationary official)

Judgment of the Court of First Instance (Fourth Chamber), 30 November
1993 II - 1328

Summary of the Judgment

1. *Officials — Reimbursement of expenses — Daily subsistence allowance — Purpose — Probationary official who has previously been a member of the auxiliary staff and of the temporary staff — Limitation of period of payment — Not permissible*
(Staff Regulations, Annex VII, Art. 10; Conditions of Employment of Other Servants)
 2. *Officials — Actions — Unlimited jurisdiction — Claim for payment — Admissible*
(Staff Regulations, Art. 91)
 3. *Officials — Actions — Prior administrative complaint — Claim for default interest made for the first time before the Court of First Instance in the event of annulment of the contested decision — Admissible*
(Staff Regulations, Arts 90 and 91)
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1. The daily subsistence allowance provided for in Article 10(1) of Annex VII to the Staff Regulations, to which a newly recruited official is entitled before moving to reside at his place of employment, is intended to compensate for the expenses

and inconvenience occasioned by the need for an official to move and to establish a provisional residence at his place of employment while maintaining, also on a provisional basis, his previous residence.

No provision of the Staff Regulations or of the Conditions of Employment of Other Servants lays down restrictive rules applicable to an official who is appointed a probationary official after having been a member of the auxiliary staff and then of the temporary staff, and no such restriction is necessary. In such circumstances, where the employment relationship has been precarious at all times, the daily subsistence allowance is granted for a specific purpose, namely to encourage the person concerned to refrain from transferring his residence, a move which, in the event of his not being established, would be premature and would, in the event of termination of his service, give rise to a double reimbursement of removal expenses. The person concerned must therefore be enti-

led, in return, to the grant of the daily subsistence allowance until the end of the period of precarious employment, plus one month, regardless of whether he has already received that allowance in earlier periods when his employment relationship was also precarious.

2. In an action of a financial character brought under Article 91 of the Staff Regulations, the Community judicature has unlimited jurisdiction, so that a claim for an order requiring payment of compensation is admissible.
3. In proceedings by officials, a claim for default interest in the event of annulment of the contested decision need not, in order to be admissible before the Court of First Instance, have been expressly mentioned in the prior administrative complaint.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
30 November 1993 *

In Case T-15/93,

Philippe Vienne, an official of the European Parliament, residing in Brussels, represented by Carlo Revoldini, of the Luxembourg Bar, with an address for service in Luxembourg at the latter's Chambers, 21 Rue Aldringen,

applicant,

* Language of the case: French.