

that they reside for most of the year at the official's place of employment or in an area defined, as the case may be, on the basis of its urban situation and the means of transport available.

This interpretation, which is in accordance with the wording of Article 8(1) of Annex VII to the Staff Regulations, is corroborated by the purpose of that provision, which is to enable the official and his dependants to return at least once a year to the official's place of origin in order to preserve family, social and cultural ties with that place. It is a general principle of the law governing the European public service that it must be possible for an official to retain his personal links with the place where his principal interests are situated.

The objective of the Staff Regulations is thus to facilitate the travel of all members of the family, understood in the wider

sense, who were obliged to leave their place of origin by virtue of the official's entry into service. Accordingly, reimbursement of travel expenses does not constitute a family allowance, the purpose of which would be to compensate the official concerned for expenses incurred in respect of persons treated as dependent children, but rather a payment designed to cover the expenses which he has incurred while performing his duties, as is made clear by the position of Article 8, cited above, in Section 3 of Annex VII, which deals with the conditions for the application of the fundamental principle set out in Article 71 of the Staff Regulations that such expenses should be reimbursed.

(The grounds of the judgment are the same as those of the judgment delivered on the same day, 26 September 1990, in Case T-48/89 *Beltrante and Others v Council* [1990] ECR II-493.)

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
26 September 1990*

In Case T-49/89,

Christos Mavrakos, an official of the Council of the European Communities, residing in Brussels, represented by Stavros Afendras and Charalambos Synodinos, of the Athens Bar, with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand-Rue,

applicant,

* Language of the case: Greek.

supported by

Fédération de la fonction publique européenne (European Civil Service Federation), having its registered office in Brussels, represented by Georges Vandersanden, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Alex Schmitt, 62 avenue Guillaume,

intervener,

v

Council of the European Communities, represented by Arthur Alan Dashwood, Director in the Council's Legal Department, acting as Agent, assisted by Constantinos Adamandopoulos, of the Athens Bar, with an address for service in Luxembourg at the office of Jörg Käser, Manager of the Legal Department of the European Investment Bank, 100 boulevard Konrad-Adenauer,

defendant,

APPLICATION for the annulment of the Council's decision, communicated by memorandum of 6 May 1988, refusing the applicant the flat-rate payment of travel expenses for persons treated as dependent children who do not reside at the official's place of employment,

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES
(Third Chamber)

composed of: A. Saggio, President, C. Yeraris and B. Vesterdorf, Judges,

(the grounds of the judgment are not reproduced)

hereby:

- (1) **Dismisses the application;**
- (2) **Orders the parties to bear their own costs.**