

ORDER OF THE COURT OF FIRST INSTANCE (Third Chamber)
15 July 2003

Case T-371/02

Bernard Barbé
v
European Parliament

(Attachment of earnings procedure – Failure to pay
to the attachment creditor deductions from salary made prior
to termination of attachment of earnings – Manifest inadmissibility)

Full text in French II - 919

Application for: annulment of the decision of the Parliament not to pay to the applicant the sum corresponding to the deductions made from the salary of his ex-wife between March and November 1998.

Held: The application is dismissed as manifestly inadmissible. The parties are ordered to bear their own costs.

Summary

*Officials – Actions – Action against a decision not to pay an official who is an attachment creditor deductions made from the salary of another official by way of attachment of earnings – Inadmissibility
(Staff Regulations, Art. 91)*

An action based on Article 91 of the Staff Regulations seeking the annulment of a decision of an institution not to pay to the applicant official a sum corresponding to the deductions made from the salary of another official by way of attachment of earnings is founded on an incorrect legal basis and is therefore inadmissible.

The attachment proceedings arise out of a private legal relationship between the applicant and another private individual. In those proceedings, which are not governed by the Staff Regulations, the institution is involved only as a third party, in its capacity as employer of the attachment debtor.

The fact that the applicant, who is the attachment creditor, is an official of the Community institution which is the attached third party is not sufficient to change the capacity in which the institution is involved.

(see paras 36, 38)

See: T-497/93 *Hogan v Court of Justice* [1995] ECR II-703, paras 38, 39 and 60