

## Case T-167/89

Jan Robert de Rijk

v

Commission of the European Communities

(Official — Family allowances — National family allowances of like nature — Deduction — Application of the ‘transfer rate’)

Judgment of the Court of First Instance (Third Chamber), 7 February 1991 ..... 92

### Summary of the Judgment

*Officials — Remuneration — Family allowances — Deduction of allowances paid under a national system — Determination of the amount to be deducted — Account taken of the weighting for the country paying the national allowance — That weighting applied when it is less than the weighting for the place of employment — Breach of the principle of equal treatment (Staff Regulations, Art. 67(2); Annex VII, Art. 17(3))*

Article 67 of the Staff Regulations, relating to family allowances, provides that allowances of like nature paid from other sources, such as national study grants, are to be deducted from those paid by the institution.

When that deduction is made and in order to take account of the actual purchasing power of the national allowance, the superior principle of equal treatment does not allow the amount of the national allowance to be subject to a weighting derived from the ratio of the weighting for the official's place of employment to the weighting for the place where the national

allowance is paid and deemed to be spent, if that ratio is higher than one. If the said weighting came to be applied in that situation, the result would be that an official receiving a national allowance falling to be deducted from an allowance provided for in Article 67 would be treated unequally compared with an official not receiving a national allowance, since an unfavourable weighting would automatically be applied to the amount of the former official's national allowance falling to be deducted from the Community allowances, whereas the latter official could keep all his Community allowances, regardless of where they were spent and, therefore, of their actual purchasing power.