

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)  
18 September 2003

Case T-221/02

**Giorgio Lebedef and Others**  
v  
**Commission of the European Communities**

(Officials – Pay – Travelling expenses –  
Method of calculation)

Full text in French . . . . . II - 1037

**Application for:** annulment of the Commission's decision changing, with effect from 1996 or 1997, the procedure for calculating the annual expense of travelling to Greece in respect of the journey via Brindisi and annulment of the applicants' salary statements implementing that decision.

**Held:** The action is dismissed. The parties are ordered to bear their own costs.

## Summary

*1. Officials – Actions – Act adversely affecting an official – Definition – Change in the calculation of annual travel expenses as a result of changes in the routes and fares offered by the railway companies – No decision – Inadmissible – Salary slip showing the amended calculation of annual travel expenses on the basis of a given route – Admissibility*

*(Staff Regulations, Arts 90 and 91; Annex VII, Arts 7(2) and 8(2), first subpara.)*

*2. Officials – Reimbursement of expenses – Annual travel expenses – Basis of calculation – Shortest and most economical standard route by rail – Definition*  
*(Staff Regulations, Annex VII, Arts 7(2) and 8(2))*

*3. Officials – Reimbursement of expenses – Annual travel expenses – Change in the route used as the basis of calculation – Obligation to hear the officials concerned – None*

*(Staff Regulations, Annex VII, Arts 7(2) and 8(2))*

*4. Officials – Decision adversely affecting an official – Obligation to state reasons – Salary slip showing a change in the calculation of travel expenses resulting from a change in the routes and/or fares offered – None – Obligation to state reasons at the stage when the complaint is rejected*

*(Staff Regulations, Art. 25; Annex VII, Arts 7(2) and 8(2))*

1. As annual travel expenses are calculated, pursuant to the first indent of Article 7(2) and the first subparagraph of Article 8(2) of Annex VII to the Staff Regulations, on the basis of a ticket for the shortest and most economical standard route by rail between the place of employment and the place of origin, a change in the calculation of annual travel expenses on the basis of changes to the routes and fares offered by the railway companies is the result not of a decision of the Community institution to change the method or procedure for calculating travel

expenses, but of the direct application of the relevant provisions of the Staff Regulations. An action against such a change is therefore inadmissible.

However, a salary slip showing the travel expenses calculated under Article 8(1) of Annex VII to the Staff Regulations on the basis of a specified route constitutes an act adversely affecting an official within the meaning of Article 90(2) of the Staff Regulations and may be the subject of a complaint and an action.

(see paras 21-22, 24, 27)

See: 262/80 *Andersen and Others v Parliament* [1984] ECR 195, para. 4; 264/83 *Delhez and Others v Commission* [1985] ECR 2179, para. 20; T-64/92 *Chavance de Dalmassy and Others v Commission* [1994] ECR-SC I-A-227 and II-723, para. 20; T-7/94 *Adriaenssens and Others v Commission* [1997] ECR-SC I-A-1 and II-1, para. 29

2. Annual travel expenses are to be calculated, as provided for in Article 8(2) of Annex VII to the Staff Regulations, by reference to the rules set out in the first indent of Article 7(2) of Annex VII, in other words on the basis of the shortest and most economical standard route by rail. In that context, a route which is included in the official fare table of the railway company at the place of employment of the officials concerned must be regarded as a standard route. Payment corresponding to the fare set for that route is a payment 'based on the cost of a ... ticket by rail' within the meaning of the first subparagraph of Article 8(2) of Annex VII to the Staff Regulations, even if the route includes a sea crossing.

(see paras 39, 41-43)

3. Since the administration is required, when determining the amount to which officials are entitled by way of annual travel expenses, to calculate flat-rate travel expenses on the basis of a ticket for the shortest and most economical standard route by rail between the place of employment and the place of origin, a change in the routes and/or fares offered by the railway company at the place where the officials concerned are employed will directly result in a change in the travel expenses calculated. In view of the automatic way in which travel expenses are calculated, there is no obligation to hear the officials concerned before determining, on their salary slips, the amount of their travel expenses on the basis of the new route.

(see paras 55-56)

4. The administration is not required to state reasons for the salary slips of its officials in so far as it is applying measures of general application, such as the method for calculating flat-rate annual travel expenses provided for in Article 8(2) of Annex VII to the Staff Regulations, without having any discretion in that regard. However, if officials consider that those salary slips adversely affect them and decide to lodge a complaint, the decision rejecting the complaint must contain a statement of reasons, the statement of reasons for the decision being deemed to be the same as the statement of reasons for the salary slips against which the complaint was directed.

(see para. 62)

See: T-158/98 *Bareyt and Others v Commission* [2000] ECR-SC I-A-235 and II-1085, para. 78