

Action brought on 15 June 2019 — UI v Commission**(Case T-362/19)**

(2019/C 305/66)

*Language of the case: English***Parties***Applicant:* UI (represented by: J. Diaz Cordova, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 27 August 2018 of the European Commission's Paymaster's Office by which the applicant was not given the benefit of the expatriation allowance;
- decide as statutory on the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging, in accordance with paragraph 48 of the judgment of 14 December 1995 in *Diamantaras v Commission* (Case T-72/94, EU:T:1995:212), and with paragraph 57 of the judgment of 9 March 2010 in *Tzvetanova v Commission* (Case F-33/09, EU:F:2010:18), that the applicant did not have his main occupation/habitual residence in Belgium for the totality of the reference period. Therefore, he is entitled to the full expatriation allowance.
 2. Second plea in law, alleging, in accordance with the order of 26 September 2007 in *Rocío Salvador Roldán v Commission* (Case F-129/06, EU:F:2007:166), that registering a company or buying real estate in a country is a clear indicator for proving lasting ties to that country (in the present case Romania). Given that this is his case, the applicant is entitled to the full expatriation allowance.
 3. Third plea in law, alleging, in accordance with the abovementioned judgment in Case F-33/09 *Tzvetanova v Commission*, that the information from the Belgian commune relied on by the defendant in its reply is only formal and cannot be used in establishing the habitual residence of a person. Therefore, the applicant is entitled to the full expatriation allowance.
 4. Fourth plea in law, alleging, in accordance with paragraphs 32 and 33 of the judgment of 24 April 2001 in *Miranda v Commission* (Case T-37/99, EU:T:2001:122), with the *Del Vaglio* case-law (case-law culminating in order of 12 October 2004 in *Del Vaglio v Commission*, Case C-352/03 P EU:C:2004:613) and with the judgment of 15 March 2011 in *Gaëtan Barthélémy Maxence Mioni v European Commission* (Case F-28/10, EU:F:2011:23), that the applicant's intention of conferring a lasting character on the centre of his interests, such as to fix his habitual residence, was not linked to Belgium, given that he, inter alia, gave a 'Limosa declaration' during his reference period. He is therefore entitled to the full expatriation allowance. He draws attention to the fact that the defendant in its reply wrongly focuses only on the applicant's physical presence in Belgium.
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