

JUDGMENT OF THE CIVIL SERVICE TRIBUNAL
(First Chamber)
8 April 2008

Case F-134/06

Giovanni Bordini
v
Commission of the European Communities

(Civil service — Officials — Pensions — Weighting — Member State of residence — Concept of residence — Concept of principal residence — Documents in support)

Full text in the language of the case (French) II-A-1 - 435

Application: brought under Articles 236 EC and 152 EA, in which Mr Bordini seeks, first, annulment of the decision of 25 January 2006 by which the Commission appointing authority refused to apply the weighting for the United Kingdom to his pension, and annulment, in so far as is necessary, of the decision of 18 August 2006 rejecting his complaint lodged on 19 April 2006, and, secondly, an order for the Commission to pay interest – on the basis of a rate two points higher than the rate fixed by the European Central Bank, and applicable during the period concerned, for major refinancing operations – on the amounts payable by virtue of retroactive application of the United Kingdom weighting to the applicant's pension with effect from 1 April 2004.

Held: The action is dismissed. The Commission is to bear its own costs and to pay half of the costs which the applicant incurred in respect of the informal meeting of 5 June 2007. The applicant is to bear his own costs, save in respect of half of the costs which he incurred in respect of the informal meeting of 5 June 2007.

Summary

*Officials — Pensions — Weighting
(Staff Regulations, Art. 82)*

The concept of residence within the meaning of Article 82 of the previous version of the Staff Regulations, which provides for the application to pensions of the weighting fixed for the country in which the recipient proves he has established his residence, refers to the place where the former official has actually established his centre of interests, in other words the place in which the person concerned has established, with the intention that it should be of a lasting character, the permanent or habitual centre of his interests and where he is deemed to incur his expenditure. Furthermore, irrespective of the purely quantitative element of the time spent by the person in a particular country, residence implies not only the actual fact of living in a given place, but also the intention of thereby achieving the continuity which stems from a stable way of life and from the course of normal social relations. This concept of residence is peculiar to the Community civil service and does not necessarily coincide with national meanings of the term.

(see paras 69, 86)

See:

T-124/01 and T-320/01 *Del Vaglio v Commission* [2003] ECR-SC I-A-157 and II-767, paras 70 and the case-law cited therein, 71 and the case-law cited therein, and 72; judgment of 12 September 2005 in T-320/04 *Dionyssopoulou v Council*, not published in the ECR, para. 39; T-416/04 *Kontouli v Council* [2006] ECR-SC I-A-2-181 and II-A-2-897, para. 71