



## Reports of Cases

ORDER OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL  
(Single Judge)  
18 June 2013

Case F-114/11

**João Manuel Rodrigues Regalo Corrêa**  
v  
**European Parliament**

(Civil service — Remuneration — Family allowances — Education allowance — Conditions for granting — Deduction of an allowance of like nature paid from other sources — Action manifestly unfounded)

**Application:** by Mr Rodrigues Regalo Corrêa pursuant to Article 270 TFEU, applicable to the EAEC Treaty by virtue of Article 106a thereof, seeking, firstly, annulment of the European Parliament's decision to deduct the amount of financial support provided to his son by the centre for documentation and information on higher education of the Grand Duchy of Luxembourg, and secondly, annulment of the Parliament's decision to invoke the procedure for recovery of undue payments.

**Held:** Mr Rodrigues Regalo Corrêa's application is dismissed as manifestly devoid of any basis in law Mr Rodrigues Regalo Corrêa is to bear his own costs and is ordered to pay those incurred by the European Parliament.

### Summary

*1. Officials — Remuneration — Family allowances — Education allowance — Applicability of the rule against overlapping allowances laid down in Article 67(2) of the Regulations in relation to allowances of like nature paid from other sources — Rule having been applied to financial support provided by Luxembourg to students — Lawfulness (Staff Regulations, Arts 67(1)(c) and (2))*

*2. Officials — Remuneration — Family allowances — National allowances — Rule against overlapping allowances (Staff Regulations, Art. 67(2); Annex VII, Arts 1 to 3)*

1. Only allowances which are comparable and have the same purpose are of like nature for the purposes of the rule against overlapping allowances laid down in Article 67(2) of the Staff Regulations concerning family allowances. The decisive criterion in classifying allowances as of like nature is the aim pursued by the allowances in question.

The education allowance provided for in Article 67(1)(c) of the Staff Regulations has aims similar to those of the Luxembourg benefit, which takes the form of grants and loans, and is intended to provide students with financial assistance so as to enable them to meet the costs of their studies, and the costs of their maintenance during their studies, in that both are intended to contribute to the educational costs of the child who is in the official's care.

This conclusion is not affected by the fact that the beneficiaries of the two allowances are not the same. The allowance provided for by the Staff Regulations is payable to the official, whereas the State benefit is payable to the child, or formally ascribed to the child, but this is not decisive in assessing whether they are of the same nature within the meaning of Article 67(2) of the Staff Regulations. Similarly, the fact that, in contrast to the education allowance payable under the Staff Regulations, the State allowance is granted on the basis of residence within the State, and is not attached to an employment relationship, is not decisive.

(see paras 38-40)

See:

13 October 1977, 106/76 *Gelders-Deboeck v Commission*, para. 16; 13 October 1977, 14/77 *Emer-van den Branden v Commission*, para. 15; 18 December 2007, C-135/06 P *Weißenfels v Parliament*, para. 89

10 May 1990, T-117/89 *Sens v Commission*, para. 14; 11 June 1996, T-147/95 *Pavan v Parliament*, para. 41

13 February 2007, F-62/06 *Guarneri v Commission*, paras 39, 40 and 42; 5 June 2012, F-83/10 *Giannakouris v Commission*, para. 37; 5 June 2012, F-84/10 *Chatzidoukakis v Commission*, para. 37

2. Under Article 67(2) of the Staff Regulations, officials receiving family allowances are required to declare allowances of like nature received from other sources. That provision must be interpreted as meaning that it is for the institutions to determine whether or not the allowances declared by officials or other servants in pursuance of the obligation which it lays down and the family allowances paid under Articles 1, 2 and 3 of Annex VII to the Staff Regulations are of like nature.

(see paras 55-56)

See:

6 March 1996, T-141/95 *Schelbeck v Parliament*, paras 38 and 39