



Reports of Cases

Judgment of the General Court (Eighth Chamber) of 15 June 2022 – Dumitrescu and Schwarz v Commission

(Case T-531/16)

(Civil service – Officials – 2014 reform of the Staff Regulations – Reimbursement of annual travel expenses – Place of origin located in a third country – Flat-rate payment calculated on the basis of the distance separating the place of employment from the capital of the Member State of which the official is a national)

1. *Actions brought by officials – Action against a decision rejecting a complaint – Effect – Disputed measure referred to the Court – Exception – Decision not confirmatory in character – Account taken of the reasoning therein*

(Staff Regulations of Officials, Arts 90 and 91)

(see para. 26)

2. *Actions brought by officials – Jurisdiction of the EU judicature – Annulment of a hypothetical act which has not yet been adopted – Not included*

(Art. 270 TFEU)

(see para. 27)

3. *Officials – Reimbursement of expenses – Annual travel expenses – Reform of the Staff Regulations – Discretion of the EU legislature – Application of different methods of calculation to officials with their place of origin within the European Union and those with a place of origin outside the European Union – Whether permissible – No breach of the right to respect for private and family life or of the principle of equal treatment*

(Charter of Fundamental Rights of the European Union, Arts 7 and 20; Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex VII, Arts 2, 4 and 8)

(see paras 37-46, 51-63)

4. *Freedom of movement for persons – Workers – Provisions of the Treaty – Scope – Freedom of movement for workers between a place of origin outside of the European Union and a place of employment within the European Union – Not included*

(Art. 45 TFEU)

(see paras 66-70)

5. *Officials – Reimbursement of expenses – Annual travel expenses – Conditions and procedures – EU officials whose place of origin is outside of the European Union – Calculation of annual travel expenses on the basis of the distance between their place of employment and the capital of the Member State of which the official is a national – No discrimination on grounds of nationality – No breach of the principle of proportionality*

(Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex VII, Art. 8(2), second subpara.)

(see paras 72-79)

6. *Actions brought by officials – Interest in bringing proceedings – Requirement of individual interest*

(Staff Regulations of Officials, Art. 91)

(see para. 81)

7. *Officials – Reimbursement of expenses – Annual travel expenses – Conditions and procedures – Amendment of the Staff Regulations entailing a reduction in annual travel expenses – No infringement of the principles of the protection of legitimate expectations and legal certainty*

(Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex VII, Art. 8)

(see paras 86-93)

8. *Acts of the institutions – Temporal application – Immediate application of the new rule to the future effects of a situation which arose under the old rule – Adoption of Regulation No 1023/2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union – No infringement of acquired rights*

(Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annexes V, Art. 7, and VII, Art. 8)

(see paras 94-96)

9. *Actions brought by officials – Application for damages linked to an application for annulment – Dismissal of the application for annulment leading to dismissal of the application for damages*

(Staff Regulations of Officials, Arts 90 and 91)

(see para. 100)

Operative part

The Court:

1. Dismisses the action;
2. Orders Vasile Dumitrescu and Guido Schwarz to bear their own costs and to pay those incurred by the European Commission;
3. Orders the European Parliament and the Council of the European Union each to bear their own costs.