



Reports of Cases

Order of the General Court (Eighth Chamber) of 29 November 2021 – Bergallou v Council

(Case T-521/16)

(Civil service – Contract staff – 2014 Reform of the Staff Regulations – Reimbursement of annual travel expenses and grant of travelling time – Action manifestly lacking any foundation in law)

1. *Officials – Staff Regulations – Regulation amending the Staff Regulations – Procedure for adoption – Possibility of individual participation of officials – None*

(Staff Regulations of Officials, Arts 10 and 10b)

(see paras 43, 44)

2. *Officials – Staff Regulations – Regulation amending the Staff Regulations – Procedure for adoption – Application of the concertation procedure – Refusal of the Parliament to participate in the said procedure – Infringement of the right to information and worker consultation – None*

(Charter of Fundamental Rights of the European Union, Art. 27; Staff Regulations of Officials, Art. 10b)

(see paras 45-50)

3. *Officials – Reimbursement of expenses – Annual travel expenses and travelling time – Conditions and procedures – Amendment of the Staff Regulations to link the right to travelling time and reimbursement of travel expenses to expatriate status – Breach of the principles of scope, legal certainty, respect for acquired rights and protection of legitimate expectations – None*

(Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex V, Art. 7, and Annex VII, Arts 4 and 8)

(see paras 56-68, 71-76)

4. *Officials – Reimbursement of expenses – Annual travel expenses and travelling time – Conditions and procedures – Requirement for there to be a link between the grant of those entitlements and the expatriate status – Discrimination against staff with the nationality of*

their country of employment, but a different place of origin from their place of employment – None

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

(see paras 79-92)

5. *Officials – Reimbursement of expenses – Annual travel expenses and travelling time – Conditions and procedures – Requirement for there to be a link between the grant of those entitlements and the expatriate status – Breach of principle of proportionality – None*

(Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex V, Art. 7, and Annex VII, Arts 4 and 8)

(see paras 95-101)

6. *Officials – Reimbursement of expenses – Annual travel expenses and travelling time – Conditions and procedures – Requirement for there to be a link between the grant of those entitlements and the expatriate status – Breach of the right to respect for private and family life – None*

(Charter of Fundamental Rights of the European Union, Art. 7; Staff Regulations of Officials, as amended by Regulation No 1023/2013, Annex V, Art. 7, and Annex VII, Arts 4 and 8 (1))

(see paras 102-110)

Re:

Application pursuant to Article 270 TFEU seeking, in substance, first, annulment of the decisions no longer to grant the applicant, as of 1 January 2014, travelling time and reimbursement of annual travel costs so that she may maintain a connection with her place of origin and, second, an order that the defendant pay damages in respect of the material and non-material harm that the applicant allegedly suffered.

Operative part

1. The action is dismissed.
2. Ms Amal Bergallou shall bear her own costs and pay those incurred by the Council of the European Union.

3. The European Parliament shall bear its own costs.