



C/2024/3421

10.6.2024

**Judgment of the Court (Fourth Chamber) of 18 April 2024 - Vasile Dumitrescu, Guido Schwarz (C-567/22 P), YT, YU (C-568/22 P), YV (C-569/22 P), ZA (C-570/22 P) v European Commission, European Parliament, Council of the European Union**

**(Joined Cases C-567/22 P to C-570/22 P) <sup>(1)</sup>**

***(Appeal – Civil service – Second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union – Flat-rate payment of travel expenses from the place of employment to the place of origin – Regulation (EU, Euratom) No 1023/2013 – New calculation rules – Officials whose place of origin is outside the territories of the Member States as well as outside the countries and territories listed in Annex II to the FEU Treaty and the territories of the Member States of the European Free Trade Association (EFTA) – Principle of equal treatment)***

(C/2024/3421)

Language of the case: French

## Parties

*Appellants:* Vasile Dumitrescu, Guido Schwarz (C-567/22 P), YT, YU (C-568/22 P), YV (C-569/22 P), ZA (C-570/22 P) (represented by: L. Levi and J.-N. Louis, avocats)

*Other parties to the proceeding:* YW, YZ (C-569/22 P), YY (C-570/22 P), European Commission (C-567/22 P to C-569/22 P) (represented by: T.S. Bohr and G. Gattinara, acting as Agents), Court of Justice of the European Union (C-570/22 P) (represented by: J. Inghelram and A. Ysebaert, acting as Agents), European Parliament (represented by: E. Taneva and J. Van Pottelberge, acting as Agents), Council of the European Union (represented by: M. Bauer, X. Chamodraka and T. Verdi, acting as Agents)

## Operative part of the judgment

The Court:

1. Sets aside the judgments of the General Court of the European Union of 15 June 2022, *Dumitrescu and Schwarz v Commission* (T-531/16, EU:T:2022:362); of 15 June 2022, *YT and YU v Commission* (T-532/16, EU:T:2022:363); of 15 June 2022, *YV and Others v Commission* (T-533/16, EU:T:2022:364); and of 15 June 2022, *YY and ZA v Court of Justice of the European Union* (T-545/16, EU:T:2022:366), in so far as, by those judgments, the General Court dismissed the actions of Mr Vasile Dumitrescu and Mr Guido Schwarz (T-531/16), YT and YU (T-532/16), YV (T-533/16) and ZA (T-545/16) seeking the annulment of the decision by which the European Commission (T-531/16 to T-533/16) and the Court of Justice of the European Union (T-545/16) determined the flat-rate payment of travel expenses for the first time in respect of them pursuant to the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union, in the version resulting from Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, and in so far as, by those judgments, the General Court ruled on the costs;
2. Dismisses the appeals as to the remainder;
3. Annuls the Commission decisions determining Mr Vasile Dumitrescu's and Mr Guido Schwarz's entitlement to flat-rate payment of travel expenses pursuant to the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union, in the version resulting from Regulation No 1023/2013, as those decisions are reflected in their salary statements for the month of June 2014;
4. Annuls the Commission decisions determining YT's and YU's entitlement to flat-rate payment of travel expenses pursuant to the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union, in the version resulting from Regulation No 1023/2013, as those decisions are reflected in their salary statements for the month of June or the month of July 2014;

<sup>(1)</sup> OJ C 441, 21.11.2022.

5. Annuls the Commission decision determining YV's entitlement to flat-rate payment of travel expenses pursuant to the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union, in the version resulting from Regulation No 1023/2013, as that decision is reflected in his salary statement for the month of July 2014;
  6. Annuls the decision of the Court of Justice of the European Union determining ZA's entitlement to flat-rate payment of travel expenses pursuant to the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations of Officials of the European Union, in the version resulting from Regulation No 1023/2013, as that decision is reflected in his salary statement for the month of July 2014;
  7. Orders the Commission to pay Mr Vasile Dumitrescu and Mr Guido Schwarz each a sum corresponding to the difference between the amount of the travel expenses already received for 2014 and that resulting from the application of an allowance calculated per kilometre of geographical distance between their place of employment and their place of origin, together with default interest at the statutory rate;
  8. Orders the Commission, in addition to bearing its own costs, to pay those incurred by Mr Vasile Dumitrescu and Mr Guido Schwarz both in the procedure before the General Court in Case T-531/16 and in the appeal in Case C-567/22 P, those incurred by YT and YU both in the procedure before the General Court in Case T-532/16 and in the appeal in Case C-568/22 P, and those incurred by YV both in the procedure before the General Court in Case T-533/16 and in the appeal in Case C-569/22 P;
  9. Orders the Court of Justice of the European Union, in addition to bearing its own costs, to pay those incurred by ZA both in the procedure before the General Court in Case T-545/16 and in the appeal in Case C-570/22 P;
  10. Declares that the European Parliament and the Council of the European Union shall each bear their own costs.
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