

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (First Chamber) of  
13 February 2007 — Guarneri v Commission**

(Case F-62/06) <sup>(1)</sup>

**(Officials — Remuneration — Family allowances — Dependent child allowance — Rule against overlapping allowances applicable to national allowances)**

(2007/C 69/60)

*Language of the case: French*

### Parties

*Applicant:* Daniela Guarneri (Woluwe-Saint-Étienne, Belgium) (represented by: E. Boigelot, lawyer)

*Defendant:* Commission of the European Communities (represented by: J. Curall and D. Martin, Agents)

### Re:

Annulment of the Commission's decision of 5 August 2005 applying the rule against overlapping allowances laid down in Article 67(2) of the Staff Regulations to the deduction of the Belgian orphans' pension from the family allowance received by the applicant and also annulment of the Appointing Authority's decision of 14 February 2006 rejecting the applicant's complaint against the contested decision.

### Operative part of the judgment

*The Tribunal:*

1. *Annuls the decision of the Commission of the European Communities of 5 August 2005 in so far as it deducts the amount of the Belgian orphans' pension received by Mme Guarneri from the family allowance paid to her;*
2. *Dismisses the remainder of the application;*
3. *Orders the Commission of the European Communities to pay the costs;*
4. *Orders the Council of the European Union to bear its own costs.*

<sup>(1)</sup> OJ C 165, 15.7.2006, p. 35.

**Action brought on 29 January 2007 — Angioi v Commission**

(Case F-7/07)

(2007/C 69/61)

*Language of the case: French*

### Parties

*Applicant:* Marie-Thérèse Angioi (Valenciennes, France) (represented by: M.-A. Lucas, lawyer)

*Defendant:* Commission of the European Communities

### Form of order sought

- annul the decision of 14 February 2006 of the European Personnel Selection Office (EPSO) laying down the applicant's results in the pre-selection tests for contract agents EU 25;
- annul the decision of EPSO and/or of the Selection Committee not to register the applicant in the data base of candidates who had passed the pre-selection tests;
- order the defendant to pay the costs.

### Pleas in law and main arguments

The applicant puts forward three pleas in law in support of her action.

By her first plea, the applicant claims that the Call for expression of interest published by EPSO on 20 June 2005 is contrary to Article 12(1) EC and Article 82(1) and (3)(e) of the Conditions of Employment of Other Servants. It criticises in particular the fact that the Call for expression of interest defined the candidates' main language as that of their nationality (or, in the case of countries with more than one official language, the language of their compulsory education) and provided for pre-selection tests to be held, for each candidate, in a language other than their main language and for a choice to be made between English, French and German. Those provisions meant that candidates, first, were prevented from declaring as their principal language another Community language of which they had thorough knowledge without however having the corresponding nationality and, second, were obliged to take the tests in one of the three aforementioned languages. The system gives rise to differential treatment based on nationality which cannot be objectively justified by the requirements of the functions to be performed.