

Please, read the enclosed decision. After you have read the decision, or even if you do not seem to be able to find the time to read the entire decision please focus on the following sentences and read them: Then ask questions in such a way that the bold part of the text represents an answer to your question

Example:

The intention of the Community legislature was **to grant entitlement to the household allowance** under Article 1(2)(a) of Annex VII to the Staff Regulations **only to married couples.**

Your question should be:

What was the intention of the Community legislature under Article 1(2)(a) of Annex VII to the Staff Regulations.

1) **The fact that in a limited number of Member States, a registered partnership is assimilated to marriage** cannot have the consequence that, by mere interpretation, persons whose legal status is distinct from that of marriage can be covered by the term married official as used in the Staff Regulations.

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2) According to the definition generally accepted by the Member States, the term marriage means a **union between two persons of the opposite sex.**

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3) In such circumstances the Community judicature cannot interpret the Staff Regulations **in such a way that legal situations distinct from marriage are treated in the same way as marriage.**

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4) Article 1(2)(a) of Annex VII to the Staff Regulations, **which restricts the household allowance to married officials,** cannot therefore be regarded as being discriminatory on grounds of the sex of the person concerned, or, therefore, as being in breach of Article 119 of the Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 to 143 EC).

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5) It is irrelevant for the purposes of granting the household allowance **whether the official is a man or a woman.**

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6) The refusal by the Community administration to grant a household allowance to one of its officials does not affect the situation of the official in question as regards his civil status and, **since it only concerns the relationship between the official and his employer**, does not of itself give rise to the transmission of any personal information to persons outside the Community administration.

Such a decision is not therefore capable of constituting interference in private and family life within the meaning of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

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7) Two APPEALS against **the judgment of the Court of First Instance of the European Communities (Second Chamber)** in Case T-264/97 D v Council [1999] ECR-SC I-A-1 and II-1, seeking to **have that judgment set aside**, the other party to the proceedings being: Council of the European Union, represented by M. Bauer and E. Karlsson, acting as Agents, with an address for service in Luxembourg

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8) D, an official of the European Communities of Swedish nationality working at the Council, registered a partnership with another Swedish national of the same sex in Sweden on 23 June 1995. By notes of 16 and 24 September 1996 he applied to the Council for his status as a registered partner to be treated as being equivalent to marriage for the purpose of obtaining the household allowance provided for in the Staff Regulations.

The Council rejected the application, by note of 29 November 1996, on the ground that **the provisions of the Staff Regulations could not be construed as allowing a registered partnership to be treated as being equivalent to marriage.**

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9) D asserts that the Court of First Instance **erred in law** in considering that the dispute before it related only to award of the household allowance when, in fact, by his action D was seeking entitlement, by reason of his registered partnership, to all the benefits to which a married official would be entitled under the Staff Regulations.

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10) The Council supports the **more restrictive interpretation adopted by the Court of First Instance**, mainly on the grounds that there is no ambiguity in the wording of the Staff Regulations.

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11) **The situation of an official who has registered a partnership in Sweden cannot be held to be comparable, for the purposes of applying the Staff Regulations, to that of a married official.**

It follows that the plea relating to infringement of the principle of equal treatment and discrimination on grounds of sex must be rejected.

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12) **D and the Kingdom of Sweden** must be ordered **jointly and severally** to pay the costs.

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13) The Kingdom of Denmark and the Kingdom of the Netherlands, **which intervened in the appeals**, must be ordered to bear their own costs.

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Please read the enclosed part of the judicial decision in question

48 The principle of equal treatment can apply only to persons in comparable situations, and so it is necessary to consider whether the situation of an official who has registered a partnership between persons of the same sex, such as the partnership entered into by D under Swedish law, is comparable to that of a married official.

49 In making such an assessment the Community judicature cannot disregard the views prevailing within the Community as a whole.

50 The existing situation in the Member States of the Community as regards recognition of partnerships between persons of the same sex or of the opposite sex reflects a great diversity of laws and the absence of any general assimilation of marriage and other forms of statutory union (see paragraphs 35 and 36 above).

51 In those circumstances, the situation of an official who has registered a partnership in Sweden cannot be held to be comparable, for the purposes of applying the Staff Regulations, to that of a married official.

52 It follows that the plea relating to infringement of the principle of equal treatment and discrimination on grounds of sex must be rejected.

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