

DO

v

European Central Bank

Judgment of the General Court (Ninth Chamber) of 23 July 2025

(Civil service – ECB staff – Remuneration – Parental leave – Tax for the benefit of the European Union – First paragraph of Article 7 of Regulation (EEC, Euratom, ECSC) No 260/68 – Literal, contextual and teleological interpretation – Tax rate – Assessment of tax)

1. Officials – Decision adversely affecting a person – Obligation to state reasons – Scope – Salary statement implementing acts of general application concerning pay – No obligation – Obligation to state reasons when rejecting the request for a grievance procedure – Scope

(Art. 296 TFEU; Charter of Fundamental Rights of the European Union, Art. 41(2)(c))

(see paragraphs 16-21)

2. Officials – Tax on salaries – Tax rate – Receipt of remuneration corresponding to a period of less than one month – Calculation on the basis of the rate applicable to a full month of work pro rata to the days actually worked

(Council Regulation No 260/68, Arts 3 to 7 and 13)

(see paragraphs 31-50)

3. Officials – Staff of the European Central Bank – Leave – Parental leave – Tax on salary – Identical treatment of staff taking parental leave and staff taking another form of unpaid leave – No breach of the principle of equal treatment

(Charter of Fundamental Rights of the European Union, Art. 20; Conditions of Employment for Staff of the European Central Bank, Arts 29 and 30; European Central Bank Staff Rules, Arts 5.11 and 5.12; Council Regulation No 260/68, Art. 7, first para.)

(see paragraphs 53-57)

Résumé

In dismissing the action brought by DO against a decision of the European Central Bank (ECB) in relation to the tax rate applied to remuneration received in respect of a period of work of less than one month and the assessment of the income tax payable ('the contested decision'), the General Court interprets for the first time the first paragraph of Article 7 of Regulation No 260/68. ([1](#))

The applicant, DO, is a member of staff of the ECB. In July 2023, a month in which there were 21 working days, he took 11 days of parental leave and worked for 10 days. According to the Conditions of Employment for Staff of the ECB and the ECB Staff Rules, parental leave for ECB staff is unpaid.

In the same month, the ECB sent the applicant his salary statement for July 2023, according to which the rate of tax applied to his remuneration in respect of that month is the same as that applied when he does not take parental leave.

In August 2023, the applicant submitted a request for an administrative review of the contested decision. He argued in support of his request that, under the applicable law, the tax payable was to be calculated on the basis of the amount of remuneration actually received, that is to say, the remuneration earned for

the 10 days on which he worked in that month, and not by applying the tax rate applied to his monthly salary for a full month of work.

In October 2023, the ECB rejected that request on the ground that, in accordance with the first paragraph of Article 7 of Regulation No 260/68, the tax rate used to determine the amount of tax payable for salary corresponding to a period of less than one month must be the same as that which would apply to the ‘corresponding monthly payment’, that is to say, to the notional salary equivalent to a full month of work.

Findings of the Court

With regard to the determination of the tax rate applicable to sums paid by the European Union to one of its officials or other servants when those sums relate to a period of work of less than one month, the Court states that the first paragraph of Article 7 of Regulation No 260/68 must be interpreted as meaning that the tax rate to be applied to the sum in question should be that applied to the income received by the official or other servant concerned where he or she has worked a full month. Thus, where an official or other servant receives remuneration covering a period of work of less than one month, the tax is to be calculated, first, by applying the same tax rate as that which would be applied if the official or other servant concerned had worked a full month and, second, pro rata to the days actually worked.

That interpretation of the first paragraph of Article 7 of Regulation No 260/68, which follows from its wording, is confirmed by both its contextual and its teleological interpretation.

In the first place, Article 7 of Regulation No 260/68 refers to a period of one month in particular in order to distinguish periods of less or more than one month. The detailed rules for setting the tax rate that are provided for in Article 7 of that regulation thus derogate from those resulting from Articles 3 and 4 of that regulation, which apply when the payment covers a period of work of one month.

Furthermore, it follows from the second paragraph of Article 7 of Regulation No 260/68 that, in the event that the taxable payment covers a period of more than one month, the remuneration paid in respect of such a period must be taxed at the same rate as that applied to the remuneration received for a full month of work. The same must be true of the rate applied to remuneration paid in respect of a period of less than one month.

In the second place, while the objectives of that provision cannot be clearly identified on reading the provision or the regulation of which it forms part, to interpret that provision as meaning that the tax rate is to be calculated on the basis of only days worked would be to render that provision redundant. Such an interpretation would effectively mean that the same detailed rules for calculating tax would be applied to remuneration covering a period of less than one month – which falls within the scope of Article 7 of Regulation No 260/68 – as those laid down, for one month’s remuneration, in Articles 3 and 4 of that regulation.

(¹) Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ, English Special Edition, Series I 1968(I), p. 37), as amended by Council Regulation (EC, Euratom) No 1750/2002 of 30 September 2002 ([OJ 2002 L 264, p. 15](#)).