

EUROPEAN UNION

HEADS OF ADMINISTRATION

Luxembourg, 7 October 2014

**CONCLUSION No 263/14 COR.**<sup>1</sup>**Subject : Change in conditions of access to marriage for same-sex couples**

Under the second paragraph of Article 1d(1) of the Staff Regulations, non-marital partnerships are treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.

Under Article 1(2)(c)(iv) of Annex VII to the Staff Regulations, the household allowance is granted to an official or other staff member registered as a stable, non-marital partner on condition that the couple has no access to legal marriage in a Member State. A couple is considered to have access to legal marriage for the purposes of the Staff Regulations only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple.

Only same-sex couples can be in a situation of not having access to legal marriage in a Member State. Access to marriage is assessed on the basis of the legislation applicable to the couple in accordance with their nationality or place of residence.

The condition of not having access to marriage may change if the national legislation applicable or the situation - such as the place of residence - of the couple or a member of the couple changes.

The Heads of Administration agree that if, owing to such a change, a couple no longer fulfils the condition of not having access to marriage in order to be granted the household allowance, the right to the allowance can be maintained without interruption if the couple marries within six months. This six-month period runs from the time at which the couple fulfils all the conditions set by the legislation of a Member State authorising marriage of the couple. By way of exception, this period can be extended at the request of the staff member if the administrative formalities for marriage cannot be fulfilled within six months.

If the couple does not get married, the entitlement to the household allowance will end on the last day of the month from which the couple fulfilled all the conditions set by the legislation authorising marriage of the couple. If the couple gets married at a later date, the household allowance can be granted again as from the first day of the month in which the couple gets married.

Where the national legislation applicable to registered partnerships does not allow marriage until a partnership has been dissolved, a couple that entered into such a partnership at a time when it did not have access to marriage or when, while it had access to marriage, was not subject to the Staff Regulations, is considered not to have access to marriage.

This Conclusion shall apply from 1 October 2014.

For the Secretariat,

S. Durand  
Secretary

For the Heads of Administration,

A. Calot Escobar  
Chair

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<sup>1</sup> This Conclusion was approved by the Heads of Administration at their 272nd meeting on 10 September 2014.