INTERNAL JUSTICE SYSTEMS
DISPUTE SETTLEMENT

LA JUSTICE INTERNE –
RÈGLEMENT DES DIFFÉREND\S

EU STAFF REGULATIONS /
STATUT DES FONCTIONNAIRES UE
Staff Regulations (SR)

General principles

Code of Conduct

Rights

Obligations

Non-discrimination

Equal treatment

Right to the duties of care and assistance

Confidentiality

Impartiality

Loyalty

Dignity

(...)

(...
DEFENDING AND ENFORCING RIGHTS AND OBLIGATIONS

• **Mediation** - Harassment Complaint

• Request for **assistance**

• **Request** for a **decision** in case of inaction

• **Appeal** against an **act affecting adversely (acte faisant grief)**
  (Preliminary proceedings)

• **Judicial Proceedings**

• **Enforcing Officials’ obligations**
MEDIATION

If Prevention and management of conflicts and harassment fail:

- **Mediation** Services centralized or per DG or ad hoc mediation

- (Joint) **Committees on Harassment** and its prevention at the workplace
  - prevent and/or stop any harassment of staff
  - conciliation and mediation, training and information
Protection / assistance:

• against attacks, maltreatments, prejudice to the official's person or property
• against 3rd parties or other officials
• with necessary vigour, rapidity and solicitude
• necessary measures: e.g. administrative investigation, distancing
• If at least some evidence of the reality of attacks
• Subsidiary compensation of damage

Denial of assistance → Appeal
REQUESTING A DECISION, ART. 90 § 1 SR

Instrument

- to overcome a possible inaction of the administration
- to generate an explicit or an implicit decision
- In principle no deadline requirements

But:

- within a reasonable period of time
- not allowed to bypass the expiry of a deadline
- After 4 months: implicit decision to reject the request
COMPLAINT / APPEAL

Preliminary administrative Procedure Art. 90 § 2 SR

→ act affecting the official adversely / acte faisant grief

→ i.e. Measure capable of directly affecting the official’s legal situation

Deadline 3 months – strict application – order public

No information on appeals and time limits required by SR
JUDICIAL PROCEEDINGS ART. 270 TFEU/91 SR

ECJ jurisdiction: any dispute EU –EU staff under Staff Regulations or Conditions for employment

Rule of concordance: preliminary proceedings  court appeal!

1st instance - General Court

Court of Appeal - European Court of Justice

➢ Amicable settlement or

➢ Judgement invalidation compensation
ENFORCING OFFICIALS’ OBLIGATIONS

Disciplinary Measures and Proceedings:

→ **Appointing Authority**

«Shall make liable » for Any failure (intentional/negligence) of an Official to comply with SR obligations

→ **OLAF (European Anti-Fraud Office)**

«May launch » administrative investigations

Administrative investigations

→ **Disciplinary Board**