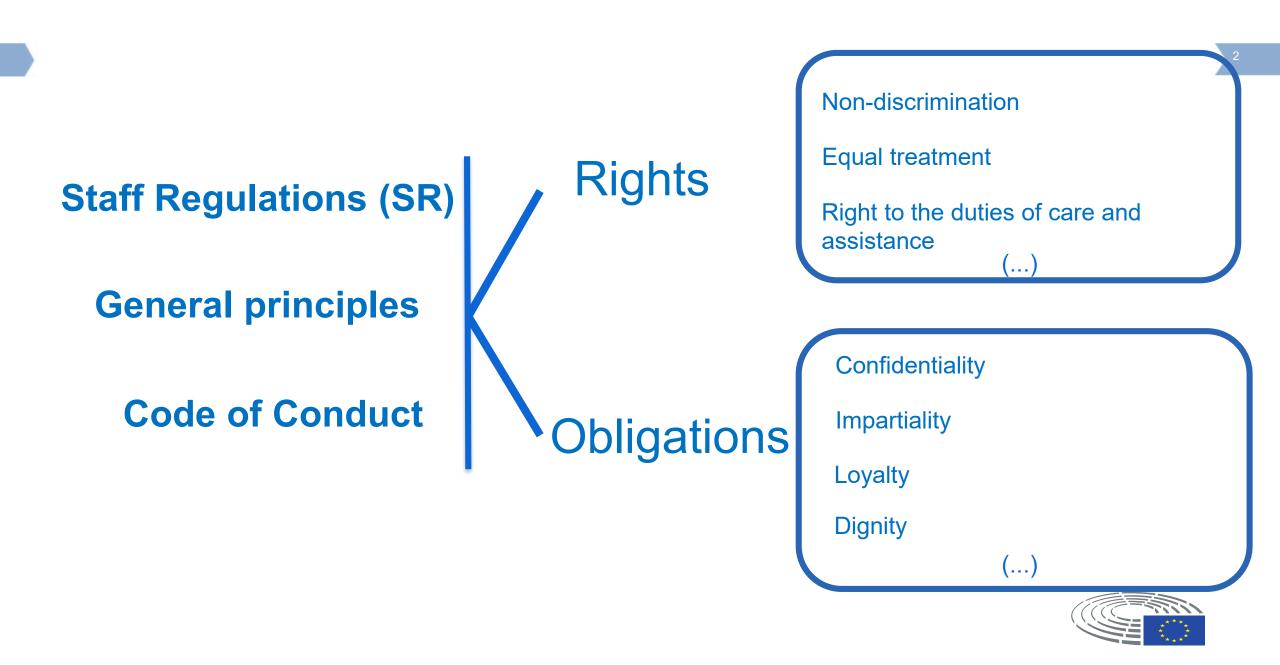
INTERNAL JUSTICE SYSTEMS DISPUTE SETTLEMENT

LA JUSTICE INTERNE – RÈGLEMENT DES DIFFÉRENDS

EU STAFF REGULATIONS / STATUT DES FONCTIONNAIRES UE





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
- o conciliation and mediation, training and information



ASSISTANCE REQUEST – ART. 24 SR

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 \rightarrow 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