

INTERNAL JUSTICE SYSTEMS DISPUTE SETTLEMENT

LA JUSTICE INTERNE – RÈGLEMENT DES DIFFÉRENDS

***EU STAFF REGULATIONS /
STATUT DES FONCTIONNAIRES UE***



Staff Regulations (SR)

General principles

Code of Conduct

Rights

- Non-discrimination
- Equal treatment
- Right to the duties of care and assistance
- (...)

Obligations

- 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



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 → 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

