

Decision of the European Ombudsman on complaint 758/2000/JMA against the European Parliament

Decision

Case 758/2000/JMA - Opened on 21/06/2000 - Decision on 04/10/2000

Strasbourg, 4 October 2000 Dear Mr A., I am writing to you in relation to the complaint you lodged with the European Ombudsman on 13 June 2000 against the European Parliament. Your complaint involved the long over-due payments of your pension-fund contributions as a free-lance interpreter for that institution, and your claim of compensation for the capitalisation loss you suffered as a result of that delay. As I explained to you in my previous letters of 21 June and 12 September 2000, having asked the opinion of the European Parliament into this matter, its reply was sent to me on 11 September 2000, and forwarded to you on 12 September 2000. In view of the contents of the Parliament's opinion, you had been recruited as an auxiliary by the institution and therefore subject to the Conditions of Employment of Other Servants of the European Communities. Art. 73 of these Conditions establishes that the rules contained in the Staff Regulations regarding appeals (Arts. 90-91) apply by analogy to auxiliary staff. The Treaty establishing the European Community and the Statute of the European Ombudsman set precise conditions as to the admissibility of a complaint. The Ombudsman can only start an inquiry if these conditions are met. One of these conditions is: Art. 2.8 Statute of the European Ombudsman: *"No complaint may be made to the Ombudsman that concerns work relationships between the Community institutions and bodies and their officials and other servants unless all possibilities for submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90 (1) and (2) of the Staff Regulations, have been exhausted by the person concerned (...)"* In view of the information you forwarded to me on 19 September 2000, you had submitted an internal administrative request to the Parliament for the reconsideration of its initial position on 7 September 2000. As set out in Art. 90 § 2, in fine, of the Staff Regulations, once a complaint has been submitted, *"[T]he authority shall notify the person concerned of its reasoned decision within four months from the date on which the complaint was lodged"*. It appears therefore that since the delay given to the appointing authority to reply to your appeal has not yet concluded, the procedures referred to in Article 90 (1) and (2) of the Staff Regulations, have not been exhausted. I am sorry to have to inform you, therefore, that I am not entitled to deal with your complaint. If the administration has not replied to your request by the end of this delay, or its reply is, in your view, unsatisfactory you could consider renewing your complaint to the Ombudsman in the future. Yours sincerely Jacob SÖDERMAN