



Decision on the time taken by the European Parliament to deal with a request to recognise that a staff member's medical condition is an 'occupational disease' (case 286/2022/VS)

Decision

Case 286/2022/VS - Opened on 04/03/2022 - Decision on 19/07/2022 - Institution concerned European Parliament (Settled by the institution) |

The case concerned the time taken by the European Parliament to deal with a staff member's request to recognise her condition as an 'occupational disease'.

The Ombudsman wrote to the Parliament reminding it that principles of good administration require EU institutions to take decisions within a reasonable time frame and that this is particularly important when the decision is related to the health of the person concerned.

Following updates from the Parliament and the complainant showing that the Parliament had taken a decision on the request in June 2022, the Ombudsman closed the inquiry with the conclusion that the matter has been settled.

Background to the complaint

- 1.** The complainant is a staff member of the European Parliament. In March 2021, she submitted a request that her medical condition be recognised as an 'occupational disease' [1].
- 2.** On the same day, the Parliament acknowledged receipt, and informed the complainant that following an administrative enquiry, she would be offered an appointment with a designated doctor as part of the procedure [2].
- 3.** In June 2021, the complainant was informed that her file was complete.
- 4.** In September 2021, the Parliament requested additional information from the complainant. In October 2021, the complainant replied providing clarifications and, in December 2021, she provided the Parliament with a report from her doctor.
- 5.** The complainant wrote to the Parliament on various occasions to ask about the status of the administrative enquiry.



6. In February 2022, she turned to the Ombudsman.

The inquiry

7. The Ombudsman opened an inquiry into the time taken by the Parliament to deal with the complainant's request that her medical condition be recognised as an occupational disease.

8. The Ombudsman wrote to the Parliament, reminding it that principles of good administration require EU institutions to take decisions within a reasonable time frame, and that this is particularly important when the decision is related to the health of the person concerned.

9. The Ombudsman also asked the Parliament to provide a detailed timeline of the next steps of the enquiry, with a clear commitment to finalise the procedure within a reasonable time frame.

10. In the course of the inquiry, the Ombudsman received updated information from the Parliament and the complainant.

Arguments presented to the Ombudsman

11. The Parliament explained that the procedure for determining an 'occupational disease' does not include concrete deadlines for concluding each step. This can depend on the number of entities involved and the complexity of the evaluation. The COVID-19 pandemic hindered most administrative procedures involving medical consultations, such as the recognition of 'occupational diseases'. However, physical medical consultations have resumed.

12. The Parliament also provided an update of the timeline for dealing with the complainant's request and indicated that it expected to adopt a draft decision by the summer of 2022.

13. The complainant subsequently informed the Ombudsman that the Parliament had adopted a decision on 28 June 2022, accepting the complainant's request that her medical condition be recognised as an 'occupational disease'.

The Ombudsman's assessment

14. The Ombudsman reiterates that principles of good administration require EU institutions to take decisions within a reasonable time frame, and that this is particularly important when the decision is related to the health of the person concerned.

15. In this case, the Ombudsman understands that, following the opening of this inquiry, the Parliament made progress in the procedure and issued a decision accepting the complainant's request.



16. In these circumstances, the Ombudsman considers the matter settled.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion [3] :

The matter has been settled.

The complainant and the European Parliament will be informed of this decision.

Tina Nilsson

Head of the Case-handling Unit

Strasbourg, 19/07/2022

[1] EU staff are insured against the risk of occupational disease pursuant to Article 73 of the Staff Regulations:

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A01962R0031-20160101>

[2] According to the applicable rules,: 1) the institution carries out an enquiry into the nature of the disease, whether it has resulted from the insured party's occupation and also the circumstances in which it has arisen, 2) based on the report drawn up following the enquiry, the doctor(s) appointed by the institution states its findings, and 3) draws up a draft decision; 4) the draft decision can be appealed to a Medical Committee of three doctors, before 5) a final decision is taken:

https://www.europarl.europa.eu/tenders/2014/20140103/EN_Ref%203_Common%20rules_accident_EN.p

[3] This complaint has been dealt with under delegated case handling, in accordance with the Decision of the European Ombudsman adopting Implementing Provisions