



Procedure file

Basic information		
INI - Own-initiative procedure	2009/2016(INI)	Procedure completed
Report on the special report from the European Ombudsman to the European Parliament following his draft recommendation to the European Commission in Complaint 185/2005/ELB		
Subject		
1.20.03 Right of petition		
4.10.08 Equal treatment of persons, non-discrimination		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PETI Petitions		10/02/2009
		PSE MARTÍNEZ MARTÍNEZ Miguel Angel	
European Commission	Commission DG	Commissioner	
	Secretariat-General	WALLSTRÖM Margot	

Key events			
12/03/2009	Committee referral announced in Parliament		
31/03/2009	Vote in committee		Summary
02/04/2009	Committee report tabled for plenary	A6-0201/2009	
04/05/2009	Debate in Parliament		
05/05/2009	Results of vote in Parliament		
05/05/2009	Decision by Parliament	T6-0340/2009	Summary
05/05/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2009/2016(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 232-p1

Stage reached in procedure	Procedure completed
Committee dossier	PETI/6/72255

Documentation gateway

Committee draft report	PE421.292	10/03/2009	EP	
Committee report tabled for plenary, single reading	A6-0201/2009	02/04/2009	EP	
Text adopted by Parliament, single reading	T6-0340/2009	05/05/2009	EP	Summary
Commission response to text adopted in plenary	SP(2009)3564	11/11/2009	EC	

Report on the special report from the European Ombudsman to the European Parliament following his draft recommendation to the European Commission in Complaint 185/2005/ELB

The Committee on Petitions adopted the own-initiative report drawn up by Miguel Angel MARTINEZ MARTINEZ (PES, ES) on the Special Report by the European Ombudsman to the European Parliament following his Draft Recommendation to the European Commission in Complaint 185/2005/ELB.

The complainant worked for the European institutions for more than 35 years as a freelance auxiliary conference interpreter (ACI). In 2004, when he turned 65, he stopped receiving job offers from the two EU institutions. He turned to the Ombudsman, complaining that he was being discriminated against. The Ombudsman opened an inquiry.

According to the Court of Justice, the principle of non-discrimination on grounds of age as enshrined in Article 21 of the Charter of Fundamental Rights of the European Union constitutes a general principle of Community law. A difference in treatment on grounds of age constitutes discrimination on those grounds, unless that difference in treatment is objectively justified and the means to achieve it are appropriate and necessary.

According to the Ombudsman, the Commission has failed to justify adequately its treatment of freelance auxiliary conference interpreters (ACIs) over 65 years of age, and continues to adhere to its current policy on hiring ACIs.

The Ombudsman considers that this constitutes an instance of maladministration.

Against this background, the committee:

- endorses the critical remarks of the European Ombudsman and his recommendation concerning the Commission's policy on hiring ACIs over 65 years of age;
- calls on the Commission to change its current policy of imposing an effective ban on the recruitment of ACIs over 65 years of age. However, it does not consider that compensation is warranted in the circumstances of this case;
- notes that Parliament, after receiving a similar draft recommendation from the Ombudsman, acted immediately to change its practice as regards the hiring of ACIs over 65 years of age and interpreted the applicable rules in a manner that does not lead to discrimination;
- considers that changing the applicable rules and removing age discrimination from the hiring process does not place a European institution under any obligation to recruit ACIs over 65 years of age, but would, if such a change were implemented, bring the Commission's rules into line with a general principle of European Union law.

In addition, MEPs consider that, given the shortage of interpreters in specific official languages, it would enhance the institution's ability to secure the best possible service, as has been proven in the Parliament.

The Commission is called upon to work together with Parliament in reviewing the rules applicable to hiring ACIs and other staff, so as to ensure that discrimination of any kind is avoided.

Report on the special report from the European Ombudsman to the European Parliament following his draft recommendation to the European Commission in Complaint 185/2005/ELB

The European Parliament adopted by 598 votes in favour, none against and 14 abstentions, a resolution on the Special Report by the European Ombudsman to the European Parliament following his Draft Recommendation to the European Commission in Complaint 185/2005/ELB.

The complainant worked for the European institutions for more than 35 years as a freelance auxiliary conference interpreter (ACI), translating into French from Dutch, English, German, Italian and Spanish. In 2004, when he turned 65, he stopped receiving job offers from the two EU institutions. He turned to the Ombudsman, complaining that he was being discriminated against. Therefore, the Ombudsman opened an inquiry.

According to the Court of Justice, the principle of non-discrimination on grounds of age as enshrined in Article 21 of the Charter of Fundamental Rights of the European Union constitutes a general principle of Community law. A difference in treatment on grounds of age constitutes discrimination on those grounds, unless that difference in treatment is objectively justified and the means to achieve it are appropriate and necessary.

The Commission confirmed that it treated freelance conference interpreters over 65 differently because it needed to give opportunities to new,

young interpreters. The Ombudsman was not convinced.

The Parliament recalls, in this regard, that, according to the European Court of Justice, the principle of non-discrimination on grounds of age, embodied in Article 21 of the Charter of Fundamental Rights, constitutes a general principle of Community law. According to this principle, the Commission may not treat citizens differently on the basis of their age, unless it shows that such treatment is objectively justified and the means to achieve it are appropriate and necessary.

According to the Ombudsman, the Commission has failed to justify adequately its treatment of freelance auxiliary conference interpreters (ACIs) over 65 years of age, and it considers that this constitutes an instance of maladministration.

In this context, the Parliament notes in its resolution that:

- it endorses the critical remarks of the European Ombudsman and his recommendation concerning the Commission's policy on hiring ACIs over 65 years of age;
- it calls on the Commission to change its current policy of imposing an effective ban on the recruitment of ACIs over 65 years of age. However, it does not consider that compensation is warranted in the circumstances of this case;
- after receiving a similar draft recommendation from the Ombudsman, it acted immediately to change its practice as regards the hiring of ACIs over 65 years of age and interpreted the applicable rules in a manner that does not lead to discrimination;
- it considers that changing the applicable rules and removing age discrimination from the hiring process does not place a European institution under any obligation to recruit ACIs over 65 years of age, but would, if such a change were implemented, bring the Commission's rules into line with a general principle of European Union law, enhancing the institution's ability to secure the best possible service, given the shortage of interpreters.

Lastly, the Parliament calls on the Commission to work together with Parliament in reviewing the rules applicable to hiring ACIs and other staff, so as to ensure that discrimination of any kind is avoided.