

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

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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.