

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

P.

v.

Interpol

141st Session

Judgment No. 5142

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms C. P. against the International Criminal Police Organization (Interpol) on 2 September 2022, Interpol's reply of 6 December 2023, the complainant's rejoinder of 24 April 2024, corrected on 25 April 2024, and Interpol's surrejoinder of 24 July 2024;

Considering the additional documents submitted by Interpol on 5 November 2025, in response to a request for further submissions from the President of the Tribunal, on which the complainant declined to submit any comments;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant seeks the restitution of amounts wrongly deducted from her salary in respect of sickness insurance contributions.

Facts relevant to the present case are set out in Judgments 4667, 4668, 4669, 4670 and 4671, delivered on 7 July 2023. Suffice it to recall that Interpol decided to affiliate its officials stationed in France to the French social security system pursuant to Staff Regulation 7.1(1), thus making French national law applicable to the employment relationship

between the Organization and the officials concerned as regards their social protection. From January 1999, French law provided that persons affiliated to the social security scheme who were exempt in France from all or part of direct income tax had to pay an “enhanced sickness insurance contribution” (ESC). The Organization therefore deducted the contribution, set at the rate of 5.5 per cent, from the salaries of the officials concerned on behalf of the *Union de recouvrement des cotisations de sécurité sociale et d’allocations familiales* (URSSAF) of the Rhône-Alpes region, which later became URSSAF of the Auvergne-Rhône-Alpes region (hereinafter “URSSAF”), a non-market, private body with a public service remit that forms part of the “collection” arm of the general social security scheme.

In a decision of 13 December 2012, the French Constitutional Council declared the provision providing for payment of the ESC to be contrary to the Constitution. However, as it was unaware of this decision, the Organization continued to levy the ESC on salaries paid after 13 December 2012.

In a letter of 14 September 2018, the Organization asked URSSAF for clarification of the various personnel codes to be used when declaring the social contributions due on its officials’ salaries. In a letter of 29 January 2019 responding to this request, URSSAF stated that officials exempt from French tax were no longer liable to the ESC pursuant to the aforementioned decision of the Constitutional Council. As a result, by a letter of 29 May 2019, Interpol asked URSSAF to repay the amounts wrongly levied on officials’ salaries in respect of the ESC since 14 December 2012. In an email of 6 June 2019, the Organization informed officials affiliated to the French social security scheme that the ESC had been abolished and that these contributions would be retroactively reimbursed as from 1 January 2019. It explained that, during a review of the specific contributions owing to URSSAF and their corresponding rates, URSSAF had brought it to Interpol’s attention that the ESC no longer needed to be levied. Moreover, Interpol also stated in the email that it was in close contact with URSSAF to determine whether the latter would reimburse contributions for the years prior to 2019.

In a letter of 3 October 2019, URSSAF accepted the Organization's request for reimbursement for the period from 1 May 2016 to 31 December 2018 but took the view that the request for the period before 1 May 2016 was time-barred under a provision of the French Social Security Code. Staff were informed of this situation in communications dated 18 and 28 November 2019. In 2020 the Organization refunded the amounts of the wrongly deducted contributions for the period from May 2016 to December 2018.

On 22 April 2020 the complainant – an Interpol official since 6 February 2006, employed at the Organization's Headquarters in Lyon (France) and, accordingly, affiliated to the French social security scheme – lodged a claim with the Secretary General in respect of the decision, entitled "Certificate of refund", which had been notified to her on 27 March 2020 and by which she had been informed that reimbursement of the amounts wrongly deducted in respect of the ESC was limited to the period after April 2016. During May 2020, she lodged an internal appeal.

On 16 December 2020 the Organization informed staff that France had decided to reimburse it for contributions wrongly collected during the period from 1 January 2013 to the end of April 2016. The relevant amounts of ESC were refunded during the following months.

In its joint consultative opinion of 10 February 2022, "concerning 182 URSSAF cases", including the complainant's, the Joint Appeals Committee unanimously recommended that officials should be paid "damages by way of compensation for the loss of opportunity to recover the unduly called-up contributions in the amounts due to the individual [a]ppellants who were employed for, some or all of, the period 1 January 2009 – December 2012", but that their claims for interest for late payment and for costs should be rejected.

By a letter of 10 June 2022, the complainant was notified of the Secretary General's decision to reject her internal appeal. That is the impugned decision.

The complainant asks the Tribunal to set aside the impugned decision and to order the Organization to pay her damages corresponding to the amounts of ESC that were wrongly levied on her salary by the

Administration between 1 January 2009 and 31 December 2012, together with interest at a rate of 10 per cent per annum from the date of each wrongful deduction until the date of repayment. She also seeks the award of 5,000 euros for “compensatory damages and punitive damages for moral injury” and the overall sum of 3,000 euros for the costs for her internal appeal and the proceedings before the Tribunal. In her rejoinder, she “clarifies” her claims by seeking “complete transparency on the restitution of amounts levied between 2009 and 2013 that the Organization has been able to recover from France [and, should it transpire] that France has reimbursed more than 50 [per cent] of [those] amounts [...], [she seeks] full reimbursement of the amounts of [ESC] deducted [...] since 2009”, together with interest for late payment at the rate of 5 per cent per annum. Lastly, she claims 1,000 euros for the costs related to the filing of her rejoinder.

Interpol notes that, on 7 July 2023, the Tribunal delivered Judgments 4667, 4668, 4669, 4670 and 4671, which related to the same facts, which had the same subject matter as the present complaint and which led the Secretary General to notify all officials that he had taken a policy decision to apply by analogy the decisions contained in those judgments, providing for the payment of compensation in an amount equivalent to half of the sums deducted from their salaries for the period from 1 January 2009 to 31 December 2012, together with interest on the sums deducted from 2013 to 2019. It therefore asks the Tribunal to dismiss the complaint on the grounds that it has become moot or, subsidiarily, to apply by analogy the reasoning set out in the aforementioned judgments.

CONSIDERATIONS

1. The complainant seeks the setting aside of the decision of the Secretary General, notified to her by a letter of 10 June 2022, rejecting her internal appeal against the decision of 27 March 2020, by which she had been informed that restitution of the amounts wrongly deducted from her salary in respect of the ESC was restricted to the period after April 2016. Consequently, she claims that the Organization should pay

her damages corresponding to the amounts of ESC wrongly levied on her salary by the Administration between 1 January 2009 and 31 December 2012, together with interest at a rate of 10 per cent per annum from the date of each wrongful deduction until the date of repayment.

2. Interpol requests that this complaint be joined with other complaints, relating to the same facts and with the same subject matter, which were filed after those which led to aforementioned Judgments 4667 to 4671. However, since the other complainants have all withdrawn their complaints, this request must in any event be rejected.

3. As Interpol observes – and as the complainant herself acknowledges – the facts of the present case and the main subject of the complaint are identical to those which gave rise to Judgments 4667 to 4671, and the pleas she raises are largely similar to those examined by the Tribunal in those judgments.

Interpol submits in this regard that, as a result of those judgments, it decided of its own accord that the decisions on compensation contained therein would be applied by analogy to all officials in the same legal and factual situation. Officials who had filed a complaint before the Tribunal prior to the delivery of Judgments 4667 to 4671 were contacted to that effect.

Annexed to Interpol's reply is a copy of the email of 20 October 2023 by which the Secretary General notified his policy decision, taken "for reasons of fairness and equal treatment", to apply the approach taken in Judgments 4667 to 4671 to "members and former members of staff in an identical or similar situation to that of the officials who took their cases to the Tribunal". The email stated that each person's situation would be considered on a case-by-case basis and that the Organization would issue individual decisions concerning payment of the amounts in question. The officials concerned would need to acknowledge receipt of the decision issued in their case and to accept it.

Interpol therefore considers the complaint to have become moot as a result of the policy decision of 20 October 2023. Subsidiarily, it asks the Tribunal to apply the decisions contained in Judgments 4667 to 4671 to the present case, by analogy.

In her rejoinder, although the complainant acknowledges that the Secretary General's policy decision has effectively been "implemented", she nonetheless believes that she still has a cause of action. In this regard, she notes that paragraphs 414, 415 and 418 of the minutes of Interpol's 91st General Assembly, held in November 2023, indicate that the Organization was still in discussions with the French authorities over a potential reimbursement of the contributions levied for the period prior to 1 January 2013. She concludes from this that, "in the event of agreement being reached for the restitution of sums relating to the period 2009-2012", it would no longer be a matter of being denied "a valuable opportunity to receive a refund of the amounts of ESC deducted from her salary for [that] period", as stated in Judgments 4667 to 4671, but rather, a matter of the restitution of amounts wrongly deducted, which should be repaid in full to the officials concerned, leading in turn to the question of interest due on those amounts.

In the circumstances, the complainant maintains that her complaint has not become entirely moot and, in her rejoinder, seeks to "clarify" her claims. Accordingly:

- she seeks from the Organization "complete transparency on the restitution of amounts levied between 2009 and 2013";
- should it transpire that France reimbursed more than 50 per cent of the amounts collected between 2009 and 2013, she seeks full reimbursement of the amounts deducted from her salary during that period for the purposes of the enhanced sickness insurance contribution, together with interest for late payment at the rate of 5 per cent per annum from the date of each wrongful deduction until the date of repayment; and
- she claims 1,000 euros in costs.

4. In the light of these arguments exchanged between the parties, the Tribunal considers that the complaint is indeed moot insofar as it concerns the reimbursement of ESC contributions for the period from 1 January 2009 to 31 December 2012.

However, as the complainant points out, the complaint can be regarded as containing other claims on which the Tribunal did not rule in Judgments 4667 to 4671.

These further claims will therefore be examined below.

5. As regards the first claim, seeking from the Organization “complete transparency on the restitution of amounts levied”, a claim worded in this way is, in any event, too vague to be regarded as receivable (see, for example, Judgments 4994, consideration 18, 4796, consideration 16, 4719, consideration 7, or 4602, consideration 8).

This claim will, therefore, be dismissed.

6. The second claim is based on pure conjecture that France made a reimbursement, in respect of the period from 1 January 2019 to 31 December 2012, of an amount greater than that awarded by the Tribunal in Judgments 4667 to 4671, for the loss of a “valuable opportunity to receive a refund of the amounts of ESC deducted from her salary for [that] period”. However, in its surrejoinder, the Organization undertook to repay to the complainant all the ESC contributions collected during the period in question, in the event that those amounts were in fact refunded by the French authorities.

In the light of these considerations, the Tribunal considers the claim to be irreceivable for two reasons: firstly because of its purely conjectural nature and secondly because it is premature in view of the undertaking given by the Organization.

It will therefore also be dismissed.

7. In a third claim, the complainant seeks the award of 5,000 euros for “compensatory damages and punitive damages for moral injury” and, in this regard, alleges that there was an unreasonable

delay in the internal appeal procedure and that she lost faith in the Administration's ability to treat its staff with respect and transparency.

To the extent that the complainant bases her claim on an excessive delay in the internal appeal procedure, the Tribunal notes that the circumstances of the current dispute, which also affected many other members or former members of staff and which not only involved the interpretation of French law but also required negotiations to be carried out in parallel with the French authorities, were relatively complex and such as to largely justify the time taken to rule on the complainant's internal appeal. In addition, it does not appear from the file that the Organization acted in bad faith when handling the complainant's internal appeal (see, to the same effect, Judgments 4671, consideration 14, and 4670, consideration 27).

Furthermore, the Tribunal considers, in view of the particular circumstances of the present case, that the amounts which the Organization repaid to the complainant of its own accord following Judgments 4667 to 4671 are, in themselves, sufficient to compensate her for the moral injury she alleges she has suffered.

The claims for moral damages will therefore be dismissed.

To the extent that the complainant seeks punitive damages, the Tribunal recalls that, according to its consistent case law, an award of this kind of damages is only warranted in exceptional circumstances (see, in particular, Judgments 5055, consideration 14, 4659, consideration 14, 4658, consideration 10, 4506, consideration 10, and 4391, consideration 14), namely when a complainant has provided convincing evidence and analysis showing that the impugned decision is tainted by bias, ill will, malice, bad faith or other improper purpose (see Judgments 5055, consideration 14, 4820, consideration 22, 4690, consideration 16, and 4633, consideration 16). In the light of this case law, the Tribunal finds that such circumstances are not evident in this case.

There are, therefore, no grounds for granting this request.

8. The complainant seeks the award of 1,500 euros in costs for her internal complaint.

However, the Tribunal recalls that it is well settled in the case law that costs for internal appeal proceedings within international organisations may only be awarded under exceptional circumstances, unless there is an express provision to the contrary (see, for example, Judgments 5034, consideration 21, 5030, consideration 10, 4963, consideration 24, 4962, consideration 26, 4961, consideration 26, 4819, consideration 23, and 4217, consideration 12). Such exceptional circumstances do not exist in the present case.

This claim will therefore be dismissed.

9. As costs for the present proceedings, the complainant, who claimed 1,500 euros in her complaint, seeks the award of a further 1,000 euros for the filing of her rejoinder.

Given that there was a cause of action when the complaint was filed, which was well founded in the light of Judgments 4667 to 4671 and that, following those judgments, the Organization, of its own accord, acceded to the principal request made by the complainant when she initiated proceedings, the complainant is entitled to claim costs. However, it is clear from the documents supplied by the Organization in response to a request for further submissions from the President of the Tribunal that the Organization has already paid the complainant 500 euros under this head, which the Tribunal considers sufficient in the circumstances of the case.

DECISION

For the above reasons,

1. There is no need to rule on the complaint insofar as it seeks repayment of ESC contributions for the period from 1 January 2009 to 31 December 2012 or the payment of interest on amounts levied after 1 January 2013.
2. All other claims are dismissed.

In witness of this judgment, adopted on 13 November 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.