

COMPLAINT: OI/1/2014/PMC on whistleblowing

CONFIDENTIAL: ☐ YES; ☒ NO

TRANSMISSION SHEET:

- ☐ Request Clarifications
 - ☒ Opinion Request
 - ☐ Opinion + Inspection Request
 - ☐ Inspection Request
 - ☐ Observations Request
 - ☐ Report on inspection of files
 - ☐ Further Inquiry
 - ☐ Friendly solution
 - ☐ Draft recommendation
 - ☐ Deferment of deadline
 - ☐ Decision
 - ☐ Further Correspondence
- In case no FC summary, insert *Entrée* number(s) use "from ... to" if multiple references.**
- ☐ 14.3 Article ECGAB
 - ☐ Reply to request for access to documents
 - ☐ Reply to request for review
 - ☐ Reply to service complaint
 - ☐ EDPS Consultation
 - ☐ Other please specify :

☐ Letter to the complainant

☐ Enclosures : please specify

☐ CC : please specify name & address

☒ Letter to the Institution

☒ Enclosures : please specify

[Where applicable](#)

☒ CC : please specify name & address

Where applicable

☐ Direct transmission to Commissioner's cabinet

Please specify Cabinet Contact Person :

☐ Information letter to third parties

☐ Enclosures : please specify

☐ CC : please specify name & address

Other comments/information:

Own Initiative Inquiry OI/1/2014/PMC

☒ OII systemic

OII

PUBLIC

Date of summary : 3/7/14

Petition :

☒ tick if no petition

Legal proceedings :

☒ tick if no proceedings

SUMMARY

Own initiative inquiry concerning:

EU institutions and bodies, represented in the College of Heads of Administration

Concerning:

Whistleblowing

General background and legal context:

Only a handful of countries like the US and UK have implemented comprehensive protective legislation for employees who blow the whistle¹.

On 29 April 2010, the Council of Europe adopted Resolution 1729² recognising the importance of whistleblowing and urging Member States to adopt comprehensive legislation to protect whistleblowers.

On 21 July 2011, the European Court of Human Rights issued its judgment in the case of *Heinisch v Germany*³. The Court noted that whistleblowing is protected speech under Article 10 of the European Convention on Human Rights and considered the following elements as arguing in favour of the whistleblower concerned: (i) the information disclosed was of public interest, particularly because those suffering detriment were not in a position where they could speak up; (ii) the whistleblower's management had previously been approached but had never given any indication that a solution would be found; (iii) the information that had been reported was not knowingly or frivolously incorrect; and (iv) the whistleblower had acted in good faith.

¹ UK Public Interest Disclosure Act 1998, <http://www.legislation.gov.uk/ukpga/1998/23/data.pdf>

² <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1729.htm>

³ [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-105777#{"itemid":\["001-105777"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-105777#{)

Recently, the issue of whistleblowing has become dominant in the media and the public sphere in general following the disclosure, by a well-known whistleblower, of information related to the surveillance of the internet by Western intelligence services.

At the EU level, Articles 22a and 22b of the Staff Regulation deal with whistleblowing. They provide as follows:

"Article 22a

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Union, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Union, shall without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of or carrying out work for an institution.

2. Any official receiving the information referred to in paragraph 1 shall without delay transmit to OLAF any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. An official shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 22b

1. An official who further discloses information as defined in Article 22a to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament, or to the European Ombudsman, shall not suffer any prejudicial effects on the part of the institution to which he belongs provided that both of the following conditions are met:

(a) the official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and

(b) the official has previously disclosed the same information to OLAF or to his own institution and has allowed OLAF or that institution the period of time set by the Office or the institution, given the complexity of the case, to take appropriate action. The official shall be duly informed of that period of time within 60 days.

2. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.

3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed".

The new Staff Regulations, which entered into force on 1 January 2014, introduced Article 22c, which reads:

"In accordance with Articles 24 and 90, each institution shall put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 22a or 22b. The institution concerned shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiry of the deadlines set out in Article 90.

The appointing authority of each institution shall lay down internal rules on inter alia:

- the provision to officials referred to in Article 22a(1) or Article 22b of information on the handling of the matters reported by them,*
- the protection of the legitimate interests of those officials and of their privacy, and*
- the procedure for the handling of complaints referred to in the first paragraph of this Article".*

The Ombudsman has already conducted various inquiries concerning whistleblowing¹.

The Commission Guidelines on whistleblowing²

On 18 January 2013, the Commission forwarded to the Ombudsman its newly adopted Communication on Guidelines on whistleblowing (the 'Guidelines') for its staff members³. The Guidelines seek to raise the profile of the whistleblowing rules contained in Articles 22a and 22b of the Staff Regulations and to address the shortcomings previously identified, in particular by (i) clarifying the rules for staff, (ii) encouraging staff to come forward and (iii) highlighting the protection offered to bona fide whistleblowers that work for the Commission. The Commission also annexed a set of FAQs.

¹ These include complaint 1906/2007/VIK against the Commission concerning alleged deficiencies in an evaluation process; complaint 1697/2010/(BEH)JN against OLAF concerning the alleged inadequate response to the complainant's provision of information under Article 22a of the Staff Regulations; and complaints 1039/2011/RT, 1068/2011/RT and 1069/2011/RT against the European Parliament, the Council of the European Union and the Court of Auditors respectively, concerning disclosures made to the Presidents of the said institutions under Article 22b of the Staff Regulations. In complaints 1625/2002/IJH and 140/2004(BB)PB, the Ombudsman found that the complainant had a right to be informed about the outcome and the duration of OLAF's investigations. In complaint 1183/2012/MMN, the Ombudsman furthermore made a draft recommendation, after OLAF failed to explain or give reasons for its decision to close an investigation. OLAF responded positively to this draft recommendation.

² The Ombudsman's Annual Management Plan 2013 (see Priority 3.4) envisaged studying the Commission Guidelines on whistleblowing, with a view to assessing their adequacy and examining whether an own-initiative inquiry by the Ombudsman to encourage other institutions to adopt (similar) guidelines would be useful.

³ Communication from Vice-President Šefčovič to the Commission on Guidelines on Whistleblowing, Brussels, 6.12.2012, SEC(2012) 679 final.

The Commission emphasises the following general points in its Guidelines. Having procedures for raising concerns about fraud, corruption or other serious wrongdoing is relevant for all responsible organisations and for the people who work there. Moreover, the most effective way to encourage staff to report concerns is to provide assurance that their position will be protected. Clearly defined channels for internal reporting as well as safe and accepted routes through which staff may raise concerns outside the organisation as an option of last resort should be in place. Finally, having whistleblowing procedures and whistleblower protection in place is simply a question of good management and a means of putting into practice the principle of accountability.

Basic principles

The Commission identifies a series of basic principles concerning whistleblowing:

- There is a duty to report serious irregularities for members of staff.
- For this purpose, members of staff must have a choice between a number of reporting channels for whistleblowing.
- Members of staff who report serious irregularities in good faith must be protected and their identity must remain confidential if they so desire. They must not be subject under any circumstances to retaliation for whistleblowing.
- The reported facts must be verified in an appropriate manner and, if they are confirmed, the Commission will take all necessary steps to ensure the appropriate follow-up.
- The rights of defence of any person implicated by the reported incidents must be respected.
- Malicious or frivolous denunciations will not be tolerated.

Scope of the policy

The Commission's whistleblowing rules and guidelines apply to all members of staff, irrespective of their administrative position¹.

Definitions

A whistleblower is defined as "*a member of staff, acting in good faith, who reports facts discovered in the course of or in connection with his or her duties which point to the existence of serious irregularities.*" The reporting should be done in writing and without delay.

Serious irregularities are illegal activities, including fraud and corruption, and serious professional wrongdoings. As the whistleblowing arrangements are essentially a detection mechanism to bring cases to the attention of OLAF, the duty to report concerns only serious professional wrongdoings, and particularly those that may be detrimental to the financial interests of the European Union. Accordingly, not every disclosure of any type of information qualifies as whistleblowing.

¹ While the whistleblowing rules do not strictly speaking apply to seconded national experts, trainees, interim staff and local agents, these categories of staff are also encouraged to make use of the arrangements set out in the Guidelines and the Commission undertakes to protect these categories of staff against retaliation if they do so in good faith.

Good faith is presumed unless and until proven otherwise. Staff members who make a report in bad faith, particularly if it is based knowingly on false or misleading information, shall not be protected and shall normally be subject to disciplinary measures.

Reporting procedures

Staff members who, in the course of or in connection with their duties, discover that serious irregularities may have occurred or may be occurring, are obliged to report this discovery forthwith.

The Guidelines (following Article 22a of the Staff Regulations) identify three options (two internal and one external) to report serious irregularities:

1. *First option* (internal whistleblowing): informing the immediate superiors, the Director-General or Head of Service.
2. *Second option* (internal whistleblowing): the staff member may also bypass this direct means of internal reporting and address his or her report to the Secretary-General or directly to OLAF (or through the Fraud Notification System).
3. *Third (and last resort) option* (external whistleblowing): OLAF or the Commission must give the whistleblower, within 60 days of receipt of the information, an indication of the period of time that it considers reasonable and necessary to take appropriate action. Otherwise, the whistleblower can turn to the institutions provided for in Article 22b of the Staff Regulations (the President of the Council, the Parliament or the Court of Auditors, or the Ombudsman).

Protection of whistleblowers

Any staff member who reports a serious irregularity, provided that this is done in good faith and in compliance with the provisions of the Guidelines, shall be protected against any acts of retaliation. Regarding the burden of proof, it shall be up to the person taking any adverse measure against a whistleblower to establish that the measure was motivated by reasons other than the reporting.

The following specific protective measures apply:

- *Confidentiality of identity.* The protection of a person reporting a serious irregularity in good faith shall be guaranteed first of all by the fact that his or her identity will be treated in confidence. This means that his or her name will not be revealed to the person(s) potentially implicated in the alleged wrongdoings or to any other person without a strict need to know.
- *Mobility.* If the member of staff concerned wishes to be moved to another Commission department in order to safeguard himself or herself against potential retaliation, then the Commission will take reasonable steps to facilitate such a move.
- *Appraisal and promotion.* Particular care will be taken during staff appraisal and promotion procedures to ensure that the whistleblower suffers no adverse consequences in this context.

- *Anonymity.* The protection which is offered reduces the need and justification for anonymity. Furthermore, anonymity deprives the investigative services of the possibility of asking the source for clarification or more information and enhances the risk of frivolous, malicious or unreliable information. Anonymous reporting is hence not encouraged.
- *Penalties for those taking retaliatory action.* Any form of retaliation undertaken by a staff member against any person for reporting a serious irregularity in good faith is prohibited. If such retaliation nevertheless occurs, disciplinary measures will normally be taken.
- *Limits.* The whistleblowing provisions are not intended to be used as substitutes for grievance procedures where staff have some personal interest in - or seek to dictate - the outcome.

Feedback to the whistleblower

The Guidelines note that the whistleblower is entitled to be informed within 60 days of the time needed to take appropriate action, but stresses that it is up to OLAF and/or the Commission to determine the appropriate course of action.

Guidance and support

The Commission offers confidential and impartial guidance and support to (potential) whistleblowers who are unsure whether to report possible irregularities. Guidance to potential whistleblowers at an early stage also helps to avoid ill-advised reporting.

The guidance and support function has been transferred to the Network of Ethics Correspondents of the Commission. Moreover, staff members are informed about

- the possibility to consult their line manager, or a specialised service, like OLAF, IDOC, DG HR.B.1 (ethics, rights and obligations) and SG.B.4 (public service ethics) and
- the fact that the web-based Fraud Notification System of OLAF gives potential whistleblowers who hesitate to come forward the opportunity to enter into a dialogue with OLAF investigators, which allows these staff members to verify whether the information in their possession falls within the remit of OLAF.

Role of management

The Guidelines clearly state that the duty incumbent on managers to notify OLAF of information received on the basis of the whistleblowing rules does not of itself discharge them from their own responsibilities to tackle the wrongdoing. Managers will therefore have to reflect on whether the evidence provided reveals shortcomings that could be redressed or requires other measures in addition to the transmission of the information to OLAF.

Internal awareness-raising as regards whistleblowing rules

In order to increase the awareness of the whistleblowing arrangements amongst staff, the Guidelines will be given adequate publicity through the internal communication channels in the Commission and will be included in the course material of the Commission's courses and trainings on ethics and integrity.

The FAQs further elaborate on the general principles identified in the Guidelines and provide useful examples on how to deal with cases of serious irregularities and information about whom to contact.

On 3 February 2014, the Commission further published its first ever 'anti-corruption report'¹, which also stresses, albeit briefly, the importance of whistleblower protection.

Finally, by way of background, in April 2014, Transparency International published a report entitled "The European Union Integrity System". In that report, TI singled out the Commission for having internal whistleblowing provisions in place.

ANALYSIS

¹ Report from the Commission to the Council and the European Parliament - EU anti-corruption, COM(2014) 38 final, Brussels, 3.2.2014,

The Commission's Guidelines identify certain important basic principles on whistleblowing, define its scope, put forward a helpful definition of the concept, set out procedures on reporting and whistleblower protection, acknowledge the need to give feedback to whistleblowers, explain how the Commission provides guidance and support to its staff, address the role of the management, and clarify how the Commission raises awareness of whistleblowing.

In general, it can be said that the Commission's adoption of the Guidelines is a positive development.

Nevertheless, the Guidelines also raise certain issues requiring further consideration. More importantly, the Guidelines do not constitute the "internal rules" now required under Article 22c of the Staff Regulations. The Ombudsman must also adopt such internal rules.

With a view to drawing up draft internal rules, the Commission's Guidelines were analysed in detail (see annex).

On the basis of this detailed analysis of the Commission's Guidelines, and taking into account all other relevant materials, draft internal rules were drawn up and circulated to all members of the Ombudsman's staff, via the Staff Committee. Given the obligation on staff to report serious irregularities, it was felt to be particularly important that staff feel ownership of the rules, that they understand them and feel confident in the protection they provide¹.

The draft rules were also submitted to the Ombudsman's Data Protection Officer, in line with the accountability principle espoused by the European Data Protection Supervisor in his 'Policy on Consultations in the field of Supervision and Enforcement'².

The Ombudsman's draft rules seek to (i) enhance the protection provided to whistleblowers by, inter alia, guaranteeing the highest degree of confidentiality possible and outlining the available remedies, (ii) offer guidance and support to potential whistleblowers, (iii) provide whistleblowers with certain information guarantees, (iv) clarify reporting procedures, (v) describe the role of management, (vi) raise awareness of the issue, (vii) further increase the positive perception of staff about the disclosure of information in the public interest, and (viii) encourage whistleblowing by third parties.

The draft rules will also be published on the Ombudsman's website for public comment before a final version is adopted.

¹ Given the data protection implications of this issue, the Ombudsman will also prepare a notification on whistleblowing, which will be submitted to the EDPS under Article 27 ('Prior checking') of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data; OJ 2001 L 8, p.1.

² See EDPS 'Policy on Consultations in the field of Supervision and Enforcement'; December 2012.

PROPOSAL

The EO should open an OII aimed at encouraging the other EU institutions to draw up the necessary internal rules on whistleblowing. The EO should state that she wants to ensure that the EU administration is doing all in its power to encourage individuals who uncover serious irregularities to speak up. She is therefore inviting the EU institutions and bodies, represented in the College of the Heads of Administration (with the exception of the EU agencies, which will be informed via the FRA in its role as Agency coordinator), to inform her of the steps they have taken to give effect to Article 22c of the Staff Regulations. In particular, the EO should ask for

- (i) information on whether they already have adopted, or when they intend to adopt, *internal rules* provided for under Article 22c of the Staff Regulations;
- (ii) information on the procedure for adopting the said internal rules, if applicable. In particular, it would be interesting to know if in the adoption process their staff and/or the general public was consulted and in what way;
- (iii) a copy of the said rules or a preliminary draft thereof, if applicable; and
- (iv) any other relevant information on this subject. In particular, given that the management of public funds concerns not only the staff of EU institutions, but also third parties such as contractors and subcontractors, they should be invited to reflect on how external informants, while falling outside the scope of an institution's internal rules on whistleblowing, could be encouraged to report serious irregularities.

In view of the above, it is proposed to open an own-initiative inquiry into this matter. The Ombudsman's opening letter should also refer to the Commission's first ever EU Anti-Corruption Report¹.

The Staff Regulations Committee should also be informed of the inquiry.

¹ Report from the Commission to the Council and the European Parliament - EU Anti-Corruption Report, Brussels, 3.2.2014, COM(2014) 38 final. More information can be found online: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm

ANNEX

Detailed analysis of the Commission's Guidelines on whistleblowing:

(a) As regards the scope

The Guidelines' scope is limited to members of the Commission's staff. The Guidelines implicitly acknowledge a certain shortcoming in this respect by encouraging seconded national experts, trainees, interim staff and local agents also to make use of the whistleblowing arrangements.

Because the public sector operates with public funds, public authorities have a responsibility as regards managing these funds. However, funds management does not only concern public employees, but includes every stakeholder dealing with the public sphere, such as contractors, subcontractors and any other individual who can participate in the implementation of the projects concerned and thus become aware of irregularities relating to these projects. In fact, four situations in which persons could potentially report irregularities can be identified:

- EU staff reporting on irregularities internal to the EU administration:
- EU staff reporting on external irregularities (for example, concerning a project carried out by a contractor and paid with public funds):
- External person (like a contractor or a tenderer) reporting on irregularities internal to the EU administration; and
- External person reporting on external irregularities (for example, an employee working in a company in charge of an EU funded project).

While Articles 22a and 22b of the Staff Regulations and the Guidelines, strictly speaking, only apply to EU staff, it is important to reflect on how to ensure the protection of external persons, namely 'informants', as well. The general introduction of the Guidelines states that *"while good internal control systems can reduce the probability of something going seriously wrong, this risk can never be reduced to zero. Where this risk materialises, the first people to realise or suspect the problem will often be those who work in or with the organisation (emphasis added)"*, thus recognising the role of external informants, as well.

In this context, it may be worth noting that the European Investment Bank's Whistleblowing Policy applies to all members of its staff and *"any other person providing the Bank with services, including consultants and other service providers under contract with the Bank"*. The Ombudsman has already found that appropriate protection needs to be given to such persons as well¹. Indeed, informants, like

¹ In this respect, see the Ombudsman's decision on complaint 1906/2007/VIK. Point 64 reads as follows: *"The complainant has submitted that contractors have an interest in obtaining future contracts and may, therefore, be disinclined to uncover wrongdoing on the part of the EU institution or body awarding these contracts. In the Ombudsman's view, this risk can indeed not be excluded. It is, therefore, reasonable to assume that persons working for these contractors need to be given the possibility to draw attention to any fraudulent or otherwise illegal behaviour they consider to have occurred on the part of a Community institution or body. He further considers it reasonable that appropriate protection needs to be given to such persons. It should, in this context, be*

whistleblowers, may provide valuable information which could be to the Union's financial benefit.

(b) As regards the protection of whistleblowers

In general, the Guidelines appear to provide for sufficient protection of whistleblowers. They include, among other things, arrangements for mobility, appraisal and promotion, as well as penalties for retaliation. Notwithstanding this, internal rules could allow for certain improvements to be made.

(c) As regards feedback to the whistleblower

The spirit of the Guidelines is such as to value the input provided by whistleblowers. However, as regards feedback, they say relatively little, namely that he or she is entitled to be informed within 60 days of the time needed to take appropriate action. Moreover, it is for OLAF and/or the Commission to determine the appropriate course of action.

This position reflects Article 22a of the Staff Regulations. However, Article 22a of the Staff Regulations does not appear to prevent the institutions from providing further information to whistleblowers. Thus, it could be appropriate also to provide certain information guarantees to whistleblowers in the framework of potential investigations stemming from information disclosure, taking proper account of the legitimate interests of the person(s) potentially implicated in the alleged wrongdoings. Examples of this could be, in case of non-anonymous disclosures, to acknowledge receipt, indicate the official responsible for dealing with the matter, and information about any further steps taken in the framework of a potential investigation, as well as information on the general grounds for closing or for not opening an investigation, similar to the procedural guarantees granted to complainants in the framework of infringement procedures¹. Moreover, the introduction of Article 22c of the Staff Regulation raises the question of the procedures to be used to deal with complaints about the handling of whistleblowing after disclosure².

(d) As regards the reporting procedures

noted that, in accordance with the Commission's evaluation standards, one of the aims of the evaluations is to enhance "transparency ... and accountability". Against this background, it appears that external evaluators taking part in the Commission's evaluation process should be given the necessary protection from adverse consequences that may arise, if they decide to report, in good faith, on irregularities they have, or believe to have, discovered in the course of the evaluations. The lack of any whistleblowing arrangements for evaluators could, therefore, potentially undermine the purpose of the evaluations as such." In point 67, the Ombudsman further stated that the need for whistleblowing protection for such experts thus needs to be examined more thoroughly, and kept open the possibility of opening an own-initiative inquiry in this respect.

¹ See, in this respect, Commission Communication updating the handling of relations with the complainant in respect of the application of Union law, COM(2012) 154 final, available online at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0154:FIN:EN:PDF>

² As the Commission's Intranet in that respect merely refers to Articles 24 and 90 of the Staff Regulations, it seems that no particular arrangements have been put in place to implement the new Article 22c.

The Guidelines identify two internal and one external option to report serious irregularities. In all cases whistleblowers are instructed to turn either to certain EU bodies, services or heads of specific EU institutions.

It is worth examining whether, after a whistleblower has unsuccessfully exhausted the aforesaid three options, other possibilities are available to him or her (in particular, turning to MEPs or the media).

(e) Regular reporting on cases and developments

An additional point of interest could be the reporting on outcomes, a matter on which the Guidelines remain silent. This could take the form, for example, of an annual report. Such an approach could provide the appropriate publicity to the practical implementation of the whistleblowing rules and further increase the positive perception of staff and public alike concerning the disclosure of information in the public interest.

Statistical information sheet 1

Complaint date: N/A
 Date registered:
 Summary date(s):
 Language:

Complainant's name:
 Represented by (if applicable):
 Country of address:
 Nationality:

KIND OF COMPLAINANT

Physical person: ☐ Man ☐ Woman
 If applicable, ☐ MEP
 If applicable, ☐ EU staff

Legal Person: ☐ Company; ☐ Lawyer's office; ☐ Association/ Non-profit/ NGO
☐ Other (specify):

TRANSMISSION

☐ Directly; ☐ by MEP; ☐ by PETI Committee; ☐ other (specify):

Institution, body, OFFICE, or AGENCY concerned:

- ☒ European Commission
- ☒ European Parliament
- ☒ Council of the European Union
- ☒ Court of Justice of the European Union
- ☒ Court of Auditors
- ☒ Committee of the Regions
- ☒ European Economic and Social Committee
- ☒ EDPS
- ☒ EEAS
- ☐ Other (please specify):

Keyword(s) 1- Eurovoc:

- | | | |
|---|---|---|
| <input type="checkbox"/> Object not identified - only use for inadmissible/outside mandate (not in the official EUROVOC list) | <input type="checkbox"/> European School | <input type="checkbox"/> Political parties |
| <input type="checkbox"/> Administrative competition [Institution/Agency/Body] | <input type="checkbox"/> European symbol | <input type="checkbox"/> Pollution |
| <input checked="" type="checkbox"/> Administrative transparency | <input type="checkbox"/> Europol | <input type="checkbox"/> Press |
| <input type="checkbox"/> Adoption law | <input type="checkbox"/> Extradition | <input type="checkbox"/> Prices |
| <input type="checkbox"/> Aid to agriculture | <input type="checkbox"/> Foreign policy | <input type="checkbox"/> Prisons |
| | <input checked="" type="checkbox"/> Fraud | <input type="checkbox"/> Promotion |
| | <input type="checkbox"/> Free movement of capital | <input type="checkbox"/> Protection of animals |
| | <input type="checkbox"/> Free movement of goods | <input type="checkbox"/> Psychological harassment |
| | <input type="checkbox"/> Free movement of persons | <input checked="" type="checkbox"/> Public services |

<input type="checkbox"/> Air transport <input type="checkbox"/> Banking system <input type="checkbox"/> Border control <input type="checkbox"/> Child protection <input type="checkbox"/> Climate <input type="checkbox"/> Competition law <input type="checkbox"/> Construction policy <input type="checkbox"/> Consumer protection <input type="checkbox"/> Cooperation policies <input checked="" type="checkbox"/> Corruption <input type="checkbox"/> Courts and tribunals <input type="checkbox"/> Data protection <input type="checkbox"/> Disabled person <input checked="" type="checkbox"/> Disciplinary proceedings <input type="checkbox"/> Divorce <input type="checkbox"/> Driving licence <input checked="" type="checkbox"/> Duties and rights of civil servants <input type="checkbox"/> Employment <input type="checkbox"/> Environmental policy <input type="checkbox"/> Equal treatment <input type="checkbox"/> EU charter of fundamental rights <input type="checkbox"/> European citizenship <input type="checkbox"/> ECHR	<input type="checkbox"/> Freedom to provide services <input type="checkbox"/> Grant <input type="checkbox"/> Health care <input type="checkbox"/> Health policy <input type="checkbox"/> Humanitarian aid <input type="checkbox"/> Immigration <input type="checkbox"/> Insurance <input type="checkbox"/> Intellectual property <input type="checkbox"/> Leave <input type="checkbox"/> Libel and slander <input type="checkbox"/> Member of Parliament <input type="checkbox"/> Migrations <input type="checkbox"/> National implementing measure <input type="checkbox"/> National/Regional Ombudsmen and similar bodies (not in the official EUROVOC list) <input checked="" type="checkbox"/> OLAF <input type="checkbox"/> Organisation of elections <input type="checkbox"/> Pay <input type="checkbox"/> Payment <input type="checkbox"/> Pensions <input type="checkbox"/> Petitions <input type="checkbox"/> Police	<input type="checkbox"/> Racism and xenophobia <input type="checkbox"/> Rail transport <input type="checkbox"/> Real property <input type="checkbox"/> Recognition of diplomas <input type="checkbox"/> Refugee <input type="checkbox"/> Research <input type="checkbox"/> Road transport <input type="checkbox"/> Sea transport <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Social policy <input type="checkbox"/> Social security <input checked="" type="checkbox"/> Structural funds <input checked="" type="checkbox"/> Subsidy <input type="checkbox"/> Supervision of medicinal products <input type="checkbox"/> Taxation <input type="checkbox"/> Telecommunications <input type="checkbox"/> Terrorism <input type="checkbox"/> Trans-European networks <input type="checkbox"/> Unemployment <input type="checkbox"/> Use of languages <input type="checkbox"/> Visa policy <input type="checkbox"/> Waste <input type="checkbox"/> Working time
---	---	---

Keyword(s) 2 - Field of law:		
<input type="checkbox"/> Agriculture <input type="checkbox"/> Area of freedom, security and justice <input type="checkbox"/> Common Foreign and Security Policy <input type="checkbox"/> Competition policy <input type="checkbox"/> Customs Union and free movement of goods <input type="checkbox"/> Economic and monetary policy and free movement of capital	<input type="checkbox"/> Energy <input type="checkbox"/> Environment, consumers and health protection <input type="checkbox"/> External relations <input type="checkbox"/> Freedom of movement for workers and social policy <input type="checkbox"/> Fisheries <input checked="" type="checkbox"/> General, financial and institutional matters <input type="checkbox"/> Industrial policy and internal market	<input type="checkbox"/> Law relating to undertakings <input type="checkbox"/> People's Europe <input type="checkbox"/> Regional policy and coordination of structural instruments <input type="checkbox"/> Right of establishment and freedom to provide services <input type="checkbox"/> Science, information, education and culture <input type="checkbox"/> Taxation <input type="checkbox"/> Transport policy
If useful, legal act(s):		
Keyword(s) 3 - Type(s) of (mal)administration:		
<input type="checkbox"/> Lawfulness (incorrect application of substantive and/or procedural rules) [Article 4 ECGAB] <input type="checkbox"/> Absence of discrimination [Article 5 ECGAB] <input type="checkbox"/> Proportionality [Article 6 ECGAB] <input type="checkbox"/> Absence of abuse of power	<input type="checkbox"/> Reply to letters in the language of the citizen, indicating the competent official [Articles 13 and 14 ECGAB] <input type="checkbox"/> Obligation to transfer to the competent service of the Institution [Article 15 ECGAB]	<input type="checkbox"/> Data protection (includes failure to grant access to one's file) [Article 21 ECGAB] <input type="checkbox"/> Requests for information [Article 22 ECGAB] <input type="checkbox"/> Requests for public access to documents [Article 23 ECGAB] (OBLIGATORY and only used for complaints)

<input type="checkbox"/> [Article 7 ECGAB] <input type="checkbox"/> Impartiality, independence and objectivity [Articles 8 and 9 ECGAB] <input type="checkbox"/> Legitimate expectations, consistency and advice [Article 10 ECGAB] <input type="checkbox"/> Fairness [Article 11 ECGAB] <input type="checkbox"/> Courtesy [Article 12 ECGAB]	<input type="checkbox"/> Right to be heard and to make statements [Article 16 ECGAB] <input type="checkbox"/> Reasonable time-limit for taking decisions [Article 17 ECGAB] <input type="checkbox"/> Duty to state the grounds of decisions and the possibilities of appeal [Articles 18 and 19 ECGAB] <input type="checkbox"/> Notification of the decision [Article 20 ECGAB]	concerning the application of Regulation 1049/2001) <input checked="" type="checkbox"/> Duty of care <input checked="" type="checkbox"/> Other rights and duties resulting from the Staff Regulations and not covered by the above list <input type="checkbox"/> Other rights and duties resulting from the Charter of Fundamental Rights and not covered by the above list
Keyword(s) 4 - Subject matter of the case:		
<input type="checkbox"/> The Commission as Guardian of the treaties: Article 258 of the TFEU (ex Article 226 of the EC Treaty) <input type="checkbox"/> Dealing with requests for information and access to documents (Transparency) <input checked="" type="checkbox"/> Award of tenders or grants <input checked="" type="checkbox"/> Execution of contracts <input type="checkbox"/> Competition and selection procedures (including trainees) <input checked="" type="checkbox"/> Administration and Staff Regulations <input checked="" type="checkbox"/> Institutional and policy matters		

Statistical information sheet 2

<input type="checkbox"/> Settled by the institution <input type="checkbox"/> Settled by the institution (telephone procedure) <input type="checkbox"/> No further inquiries justified <input type="checkbox"/> No further inquiries justified (telephone procedure) <input type="checkbox"/> Dropped by the complainant before inquiry opened <input type="checkbox"/> Dropped by the complainant after inquiry opened <input type="checkbox"/> No maladministration <input type="checkbox"/> No maladministration (telephone procedure) <input type="checkbox"/> Friendly Solution accepted <input type="checkbox"/> DR agreed by the institution <input type="checkbox"/> DR partly agreed by the institution (This conclusion must be clearly stated in the closing letters) <input type="checkbox"/> Critical Remark/s - How many? <input type="checkbox"/> Further Remark/s - How many? <input type="checkbox"/> Dealt with by a Court (Art. 2.7) <input type="checkbox"/> Closed after Special Report to EP
