



European Ombudsman

1356-2013-AN-S2014-186631

Emily O'Reilly
European Ombudsman

Ms [REDACTED]
[REDACTED]

Strasbourg, 21/01/2014

Complaint 1356/2013/AN

Dear Ms [REDACTED]

On 14 July 2013, you submitted a complaint to the European Ombudsman against EULEX Kosovo's decision not to renew your employment contract. You subsequently sent the European Ombudsman further information concerning your complaint.

On 21 August 2013, my predecessor opened an inquiry into your complaint, the first step of which was an inspection of documents related to it.

The inspection took place on 25 November 2013. Please find attached for your information the relevant inspection report.

In the course of the inspection, the EEAS informed my services that, on 6 August 2013, you and other colleagues in a similar situation lodged an action for annulment before the General Court of the European Union against the decision not to renew your employment contracts.

The Treaty on the Functioning of the European Union and the Statute of the European Ombudsman set certain conditions as to the opening of an inquiry by the Ombudsman. Article 228 of the Treaty on the Functioning of the European Union empowers the European Ombudsman to receive complaints

"... concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies... except where the alleged facts are or have been the subject of legal proceedings."

Article 2(7) of the Ombudsman's Statute also provides that

"When the Ombudsman, because of legal proceedings in progress or concluded concerning the facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any enquiries he has carried out up to that point shall be filed definitively."



Given the existence of parallel judicial proceedings concerning the same subject matter, I have discontinued my inquiry into your complaint.

I would like to highlight that every complainant has the right to turn to the EU courts in search for redress although he or she has already submitted a complaint to the European Ombudsman. It is, however, important to inform the Ombudsman than a judicial claim has been lodged, in order to avoid a waste of human and economic resources in carrying out inquiries which, pursuant to the Treaty, cannot take place.

I note that, following the opening of the inquiry into your complaint, you have also informed my services that your personal belongings have been taken out of your office at EULEX Kosovo's premises while you were on maternity leave. You appeared to wish that the Ombudsman should inquire into this matter.

However, please note that there are insufficient grounds for my Office to open such an inquiry. Indeed, a possible inquiry would not lead to any meaningful outcome, to the extent that the Head of Mission motivated the removal by the interest of the service to dispose of an office while you are away on maternity leave, which constitutes a reasonable and lawful purpose. In addition to that, it is common ground that, in the current state of affairs, your contract with EULEX Kosovo will come to an end after your maternity leave, which means that you will no longer require an office on its premises.

Yours sincerely,

Emily O'Reilly

Annex:

- Inspection report and copy of non-confidential documents

WALRAVENS Christophe

From: Euro-Ombudsman
Sent: 21 January 2014 15:23
To: [REDACTED]
Subject: Complaint 1356-2013-AN
Attachments: 1356-2013-AN-S2014-186631.pdf; 1356-2013-AN-E2014-186552.pdf; 1356-2013-AN-E2014-186565.pdf

Dear Ms [REDACTED]

Please find attached the reply from the European Ombudsman to your complaint.

The Registry