

☒ PUBLIC

☐ CONFIDENTIAL

Type of action

**\*I confirm that the title of the Ombudsman in the correspondence respects [these rules](#)\*:** ☐

- ☐ 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 :

Details of correspondence

- ☒ Letter to the complainant
- ☒ Enclosures : please specify  
[Copy of inspection report](#)  
[Copy of 2 non-confidential documents](#)
- ☐ CC : please specify name & address

- ☒ Letter to the Institution
- ☒ Enclosures : please specify  
[Copy of inspection report \(Head of Mission and EEAS\)](#)  
[No enclosure for the Council](#)
- ☒ CC : please specify name & address  
[Mr Hubert Legal \(lettre pour le Conseil\)](#)
- ☐ 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 :

**1309/2013/(RT)AN**

**1351/2013/AN**

**1356/2013/AN**

**1399/2013/AN**

**2006/2013/(JF)AN**

**ADMISSIBLE-  
JOINT INQUIRY**

**NOT CONFIDENTIAL**

Date of complaints : 08/07/2013, 2 years rule : ☒ tick if within 2 years

12/07/2013,  
14/07/2013,  
19/07/2013,  
22/10/2013

Date registered : 08/07/2013, Prior approaches : ☒ tick if made

15/07/2013,  
15/07/2013,  
19/07/2013,  
22/10/2013

Date of summary : 29/07/2013 Petition ☒ tick if no petition

11/11/2013

:  
Legal proceedings : ☒ tick if no proceedings  
Grounds : ☐ tick if grounds

Name of complainants : Ms [REDACTED] (1309/2013/(RT)AN)  
Ms [REDACTED] (1351/2013/AN)  
Ms [REDACTED] (1356/2013/AN)  
Mr [REDACTED] (1399/2013/AN)  
Ms [REDACTED] (2006/2013/AN)

represented by (as  
relevant) :

Language : EN

Country of address :

Nationality : ES, BG, PL, UK, ES

**SUMMARY**

*Complaint against:*  
EULEX KOSOVO

*Concerning:*  
Non-renewal of employment contracts

*Facts and relevant points according to complainant:*

***Brief outline***

The five complainants worked for EULEX KOSOVO. In spring 2013, Member States agreed to restructure EULEX and, among others, downsize its staff. The complainant's fixed term contracts were subsequently not renewed.

## ***Eulex Kosovo***

EULEX is the European Union Rule of Law Mission in Kosovo. It was established by the European Council Joint Action 2008/124/CFSP in 2008<sup>1</sup>, shortly before the declaration of independence of Kosovo. In April 2009, it reached so-called "*full operational responsibility*" as the international presence in Kosovo for the justice, police and custom's sector, with more than 2300 employees among international and local staff.

Article 2 of the Joint Action provides that EULEX "*shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices*"<sup>2</sup>.

EULEX is led by a Head of Mission (HoM, currently Mr Bernd Borchardt). In accordance with Article 8 of the Joint Action, the HoM "*shall exercise command and control over personnel, teams and units from contributing States*", "*issue instructions to all EULEX KOSOVO staff... assuming its coordination and day-to-day management*", "*be responsible for the implementation of the EULEX KOSOVO's budget*" (for which purpose the HoM signs a contract with the Commission) and "*be responsible for disciplinary control over the staff*", with the exception of seconded staff. Article 11 provides that "[t]he Head of Mission shall exercise command and control of EULEX KOSOVO at theatre level and shall be directly responsible to the Civilian Operation Commander."

As regards staff, Article 9 provides that it will be consistent with EULEX mission statement and its structure. EULEX "*shall consist primarily of staff seconded by Member States or EU institutions*", each of them bearing the costs related to their secondment. It may also "*recruit, as required, international staff and local staff on a contractual basis, if the functions required are not provided by personnel seconded by Member States*". Article 10(3) provides that "[t]he conditions of employment and the rights and obligations of international and local civilian staff shall be laid down in the contracts between the Head of Mission and the members of staff". Moreover, pursuant to Article 16(4), "[t]he Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract".

## ***Facts of the case***

The complainants have been working as international staff for EULEX Kosovo for periods ranging from 9 months to almost five years. Their employment relationship with the Head of Mission (HoM) was based on consecutive short-term contracts (between a few weeks and a year long). Their last contracts were concluded until 14 July 2013.

On 27 May 2013, the complainants were informed that, following a revision of EULEX' operational needs, a restructuring of the posts taken place and, pursuant to the new

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<sup>1</sup> Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, OJ 2008 L 42.

<sup>2</sup> According to Article 3, EULEX should "*ensure that cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes, as well as property related issues, are properly investigated, prosecuted, adjudicated and enforced according to the applicable law*", "*contribute to strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organized crime*" and "*contribute to the fight against corruption, fraud and financial crime*".

operational plan (OPLAN), the complainants' posts were no longer foreseen after 14 July 2013. Therefore, with the exception of Ms [REDACTED] (complaint 1356/2013/AN), their contracts would not be renewed beyond 14 July 2013. The HoM thanked the complainants for their services and encouraged them to take part in the EULEX recruitment procedures that would be launched shortly.

As regards Ms [REDACTED] given that she was pregnant at the time, the letter stated that her contract would be extended until 14 November 2013 (*i.e.*, for the duration of her maternity leave).

The complainants contacted the HoM as regards this decision (the 'contested decision')<sup>3</sup>.

Ms [REDACTED] Transport Assistant, challenged the contested decision on the ground that she had not been consulted prior to its adoption, that seconded staff whose posts were cancelled had been redeployed, whereas this was not the case for contractual staff, and that this amounted to discrimination between the two staff categories. Moreover, Ms [REDACTED] considered that, pursuant to Article 41 of the Charter, the HoM was not in a position to deal with the appeal against the contested decision, since he had been involved in its preparation and adoption.

Ms [REDACTED] Executive Officer to the Chief of Staff, also challenged the contested decision and requested the HoM to halt of the ongoing recruitment procedures for which the complainant applied, pending the clarification of her situation.

Ms [REDACTED] Head of Protocol, requested explanations why her post had been suppressed. She stated that she had received the notification of non-renewal on the same date she gave birth to her son, thus while she was officially on maternity leave. This, she argued, was forbidden pursuant to her national law (Polish). The complainant requested to be relocated to another post with similar characteristics, as had occurred with seconded colleagues and two contract staff.

Mr [REDACTED] Press and public information officer, requested explanations about the non-renewal of his contract. He further asked to be informed why, although his post had been cut off the organisational chart, another post with very similar characteristics was being advertised at the time. He finally requested to know with whom he could lodge an appeal against the decision not to renew his post.

Ms [REDACTED] document management officer, followed a similar procedure, with the same result as the other complainants<sup>4</sup>.

The HoM replied to each of the complainants individually<sup>5</sup> but the content of these replies was essentially the same. He adduced the following.

First, the new OPLAN approved by the Member States provided for a new structure in which the complainant's posts were suppressed or reduced.

Second, the HoM was bound to implement the political decision of the Member States and lacked the authority to act otherwise.

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<sup>3</sup> On 2, 9, 14 and 27 June 2013 (Ms [REDACTED] 5 June (Ms [REDACTED] 8 June 2013 (Ms [REDACTED] 28 June 2013 (Mr [REDACTED] and 9 July 2013 (Ms [REDACTED]

<sup>4</sup> Ms [REDACTED] complaint, lodged at the same time as that of the other four complainants, was not received until October 2013, when she re-submitted it. The complaint was initially assigned to JF and, subsequently, to AN. Given that it concerns the same issues as the remaining four, it was added to the existing joint inquiry.

<sup>5</sup> On 2 and 10 July 2013 to Ms [REDACTED] 2 July 2013 to Ms [REDACTED] and Ms [REDACTED] 12 July 2013 to Ms [REDACTED] and Mr [REDACTED]

Third, the decision not to renew the complainants' contract was taken after due consultation with their line managers and considering the seconded staff as priority.

Fourth, there was no discrimination between seconded and contract staff. The reconfiguration of EULEX aimed at restructuring it taking into account "*the changing requirements and the resources at [its] disposal*". Seconded staff remained in the employment of their respective seconding authorities and the HoM had no direct control over their employment.

Fifth, the HoM could not halt the ongoing selection procedures, since that would amount to deviating from the transparency of the selection process and result in the violation of the principle of equal treatment.

Sixth, appeals against the contested decision were to be lodged with him pursuant to the applicable rules and Article 19(1) of the complainants' employment contract

Seventh, as regards Ms [REDACTED] in particular, although her contract could not be further extended, the HoM had instructed his services to ensure that the complainant's rights (presumably, maternity-derived) were safeguarded. As regards her request to be redeployed, the HoM stated that, under the OPLAN and the Special Operation Provisions, redeployments were only possible under specific circumstances, which were not met in the complainant's case.

Eighth, as regards Mr [REDACTED] in particular, the description of the newly advertised post was different from the one he occupied. The differences amounted to substantial changes, which required re-advertising the post.

In their complaints to the EO, all the complainants adduced that:

(i) staff were not consulted prior to the contested decision being adopted and were not given the opportunity to be redeployed onto other posts within EULEX. This contrasted with the situation of seconded staff, since, on the one hand, Member States were informed which of their seconded staff were potentially affected by the downsizing and thus allowed to defend their interests; and, on the other, seconded staff whose posts were suppressed were redeployed within EULEX, allegedly following pressure from Member States. This amounted to discrimination against the contract staff.

(ii) the HoM acted in breach of Article 41 of the Charter, because he handled himself the complainants' appeals/grievances against the contested decision. This should not have been the case, because he had previously been involved in the preparation of that decision, through (a) internal contacts with EULEX management in order to decide which posts should be suppressed and (b) external defence of the proposal to cut posts before the Political and Security Committee ('PSC'). This implied that the HoM could not objectively and impartially handle the complainants' requests. He should have, instead, appointed someone else to do so, as they asked him to.

(iii) the ongoing recruitment procedures within EULEX, which concerned, among others, posts like the ones the complainants used to occupy, were unlawful.

(iv) there was also discrimination on the ground of nationality and gender.

The complainants requested the EO to halt the ongoing recruitment procedures pending his assessment of the admissibility of the complaints. They all stated that they intended "*to seek and act on appropriate advice on [their] avenues (including applications for interim measures) to challenge the decision before the dispute resolution mechanism that [they were] advised is appropriate.*"

In addition to the above, Ms [REDACTED] argued that her dismissal was unlawful, since it occurred during her pregnancy/maternity leave. Since this was contrary to her national law, she expressed her intention to call on the competent courts to have her reinstated to her initial post. Moreover, no proper explanations were given to the need to restructure EULEX, which made the post suppression unjustified and unnecessary. Finally, the whole procedure negatively affected the complainant's pregnancy, to the point that she gave birth prematurely and her son had health problems. It would appear, finally, that the complainant's post is not being advertised in the framework of the ongoing selection procedures.

On 7 August 2013, Ms [REDACTED] informed the EO that she had not been shortlisted for the post she applied for with EULEX following the termination of her contract.

*Allegation:*

EULEX KOSOVO wrongly refused to renew the complainants' work contracts.

*Claim:*

EULEX KOSOVO should re-instate the complainants as employees.

## ANALYSIS

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*☑ Please identify which rights of the Charter of Fundamental Rights, if any, could be at issue*

### **Admissibility**

The complaints are admissible. Pursuant to Article 19 of their employment contract, appeals against acts negatively affecting the complainants were to be submitted to their employer, that is, the HoM. All four complainants have turned to the HoM. Although it is unclear whether the complainants' letters to the HoM may be considered formal appeals pursuant to that provision, the complainants did raise, in those letters, their grievances and arguments concerning the contested decision not to renew their contracts beyond 14 July 2013, and the HoM replied to them in the substance.

Hence, whatever the consideration of their correspondence to the HoM, the purpose of Article 19 of the complainants' contracts, as well as the purpose of Article 2(4) and 2(8) of the EO statute are fulfilled.

### **Merits**

Pursuant to Article 12(1) of the Joint Action, the "[t]he PSC<sup>1</sup> shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of EULEX KOSOVO". Paragraph 2 states that the Council "authorises the PSC to take the relevant decisions for this purpose... This authorisation shall include the powers to amend the OPLAN".

The reform of EULEX and the subsequent downsizing in staff amounts to a political decision involving complex assessment of the opportunity, needs and perspectives of EULEX. It is, above all, a strategic decision concerning the future of a mission which, in

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<sup>1</sup> The Political and Security Committee (PSC) meets at the ambassadorial level as a preparatory body for the Council of the EU. Its main functions are keeping track of the international situation, and helping to define policies within the Common Foreign and Security Policy (CFSP) including the CSDP. It prepares a coherent EU response to a crisis and exercises its political control and strategic direction.

accordance with its own Preamble, is "*conducted in a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy*".

It is hard to envisage that the EO may be in a position to review the decision itself and the assessment behind it.

What may be envisaged, however, should the necessary grounds be there, is a review of the individual administrative decisions affecting the complainants taken by the HoM as a consequence of this strategic reorientation.

The complainants' employment contracts were concluded for a fixed term and, pursuant to their Article 16, they could be terminated by either party with one month prior notice, giving the reasons for termination<sup>1</sup>. The complainants were informed, on 27 May 2013, that their existing contracts would either be stopped or not be renewed as of 15 July 2013. Therefore, the deadline was respected. Moreover, the HoM explained to the complainants why this was so, namely, because the Member States (*i.e.*, the PSC) had decided to amend the OPLAN and their posts were either suppressed or their numbers reduced. This appears to be an objective factor which can hardly be challenged.

What remains to be clarified is whether, as the complainants contend, EULEX had an obligation, under such circumstances, to redeploy them within the mission, in other similar or equivalent existing posts. From the HoM's letter dated 2 July 2013 to Ms [REDACTED] it would appear that, under certain circumstances, international staff could also be redeployed. The HoM's letters to the complainants do not contain any indication why they were not redeployed; even in Ms Gorska's case, it does not say which conditions should be met and which of those the complainant did not fulfil. It may thus prove useful to clarify this aspect.

On the other hand, the complainants also report that EULEX is currently organising several recruitment procedures for posts which, in some cases (Ms [REDACTED] Mr [REDACTED]) correspond to a large extent to those they complainants were occupying and which have allegedly been suppressed. The HoM confirmed this situation in his letter to Mr [REDACTED] dated 12 July 2013. The fact that new, similar posts are to be filled at a time when the complainants are not being renewed because of a downsizing exercise raises legitimate questions in their minds, and requires clarification.

On 23 July 2013, AN requested Ms [REDACTED] and Ms [REDACTED] by email to provide a series of documents which would enable the EO to make a preliminary assessment of the grounds to open an inquiry. The required documents were:

- (i) the OPLAN
- (II) the EULEX organisational chart
- (iii) the Commission Communication on Specific Rules for Special Advisers C(2009)9502 of 30 November 2009, including its annexes;
- (ii) the Standard Operating Procedures;
- (iii) the Code of Conduct of EULEX.

These documents are either annexes to the complainants' employment contracts which govern their work relationship in the absence of specific contractual provisions, or documents mentioned as relevant in the correspondence between the complainants and the HoM.

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<sup>1</sup> The contract did not mention any example of such reasons.

On 24 July 2013, both complainants replied that the requested documents are "EU restricted" and they were not allowed to provide them to the EO. On her own motion, Ms [REDACTED] forwarded AN's request to the HoM and requested permission to release the requested documents to the EO's office.

On 30 July 2013, the HoM replied to Ms [REDACTED] and to AN and stated that the EU restricted is a level of security imposed by the Council and, therefore, it is for the Council to authorise the release of such documents. The HoM, however, took note of the request and expressed his willingness "*to provide any and all support to the Office of the Ombudsman to gain access to the requested documents*".

To the date of the opening summary, it was impossible to access the documents which could clarify whether there are grounds to request an opinion on the allegation and claim mentioned above. It was also not possible to open a clarification inquiry towards the complainants because the necessary documents were confidential and they could not provide them.

It therefore appeared more appropriate to open an inquiry towards the EULEX and, as a first step, request EULEX and the Council for an inspection of the relevant documents. Given the HoM's rapid and cooperative feedback, it may be expected that such an inspection will develop smoothly.

With a view to collect all the necessary elements in order to decide whether to request an opinion and, if so, adequately define the scope of the inquiry, it was also deemed useful to also inspect EULEX documents prepared in view of the administrative decision not to renew the complainants. This could include, for instance, the HoM's consultations with the complainants' line managers<sup>1</sup>, the legal (or other type of) advice he or his services may have obtained prior to taking the contested decision, the consultations surrounding the ongoing selection procedures, etc.

### ***Institution to turn to***

Following his own-initiative inquiry OI/12/2010/(BEH)MMN, the EO concluded that all other inquiries concerning missions in the context of the Common Security and Defence Policy will be addressed to the EEAS/High Representative (HR), with the exception of issues relating to budget implementation in civilian missions. The present inquiry was, thus, addressed to the HR and the Council and the HoM were informed of it.

However, in its initial reply to the EO, the EEAS informed the EO that inquiries concerning CDSP should be sent to the relevant HoM.

### **Further developments**

The inquiry into cases 1309/2013/AN, 1351/2013/AN, 1356/2013/AN and 1399/2013/AN was opened on 21 August 2013, when the EEAS was informed that, as a first step of the inquiry, the EO wished to inspect the relevant files. The inquiry into complaint 2006/2013/(JF)AN was opened on 15 November 2013.

In the meantime, some of the complainants submitted additional elements meant to persuade the EO that the political decision concerning the reorganisation of EULEX was not, in fact, of a political nature and should be inquired into. Ms [REDACTED] also sent reiterated correspondence arguing that her case was significantly different from that of the other complainants' because she was pregnant at the time of the facts. She further

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<sup>1</sup> In his replies to the complainants, the HoM stated that he did hold such consultations.



submitted new allegations about the alleged unlawful removal of her personal belongings from her EULEX office while she was on maternity leave.

AN informed the complainants by email that the EO would look into their new arguments once she had reviewed the necessary documents subject to the inspection, and have a broader and clearer image of the context of the administrative file concerning them.

The *Union Syndicale Fédérale* also sent a letter in support of the complainants' cases.

### **The inspection**

The inspection of the files took place on 25 November 2013. During the inspection, the EEAS services informed AN and RT that some of the members of staff affected by the downsizing of Eulex Kosovo had lodged an action for annulment of the decision not to renew their contracts with the General Court<sup>1</sup>. The EEAS provided AN and RT with a copy of the application, which indeed seeks the annulment of that decision on similar grounds as those adduced before the EO. The applicants identified Eulex Kosovo, the Commission and the EEAS as defendants.

Therefore, pursuant to Article 228 TFEU<sup>2</sup> and Article 1(3) of the Statute of the European Ombudsman<sup>3</sup>, the five complaints should be closed inasmuch as they seek an identical purpose as the allegation and claim submitted in the present inquiry, namely, the annulment of the decision not to renew the complainants' contracts.

Ms [REDACTED] also raised allegations concerning the fact that she was not successful in the competition for a similar post organised by EULEX Kosovo. However, she has not clarified whether she wished this to be a separate complaint or whether she would be interested in maintaining her complaint were this to be the only aspect under inquiry. In the closure letter, she should be informed that she may submit a new complaint in that regard should she wish so.

Ms [REDACTED] also raised allegations of eviction from her office while she was on maternity leave. It is unlikely that an inquiry into such facts could be opened or even lead to any meaningful outcome, to the extent that (i) the HoM motivated the removal by the interest of the service to dispose of an office while the complainant was away on maternity leave and (ii) the complainant's contract will end immediately after her maternity leave, therefore she will not need her office anymore. In the best case scenario, all the inquiry could obtain for her, if opened, is an apology from the HoM for having removed her personal items from her former office in her absence. It is proposed to inform the complainant of the above in the closure letter, rather than to encourage her to lodge a new complaint to the EO.

In general, it must be pointed out that none of the complainants informed the EO of the existence of the court case. The closure letters could stress that such information needs to be brought to the EO's attention as soon as possible, in order to avoid a waste of human and economic resources of the EO in carrying out inquiries which, pursuant to the Treaty, cannot take place.

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<sup>1</sup> Application for annulment in case T-410/13, *Burim Bitiqi e.a. v. European Commission, EEAS and Eulex Kosovo*, dated 6 August 2013.

<sup>2</sup> "... the Ombudsman shall conduct inquiries for which he finds grounds... except where the alleged facts are or have been the subject of legal proceedings."

<sup>3</sup> "The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling."

## **PROPOSAL**

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Close the five complaints on the basis of Article 1(3) EO Statute. Inform the complainants, the EEAS, the HoM and the Council accordingly. Provide Ms [REDACTED] and Ms [REDACTED] with the above specific information. Provide the complainants, the EEAS and the HoM with a copy of the inspection report.

<b>Visa HLU: MHZ</b>	<b>Visa Director:</b>
<b>Date: 3.12.13</b>	<b>Date:</b>

<b>Approved by the Secretary General:</b>
<b>Date:</b>

## WALRAVENS Christophe

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**From:** EOdraftsSG  
**Sent:** 16 January 2014 09:50  
**To:** NEDEA Alina  
**Subject:** RE: Closing Decision due to parallel judicial proceedings- complaints 1309/2013/AN, 1351/2013/AN, 1356/2013/AN, 1399/2013/AN and 2006/2013/AN  
**Attachments:** 1351-2013-AN AN Inspection Report (joint inquiry).doc

Dear Alina,

Please find a couple of changes to the report.

As discussed just now on the phone, the term "stay" does not express your intended meaning.

I also suggest referring to Art 2(7) of the Statute rather than 1 (3).

Please change the letters as well. I don't need to see them again.

Best wishes,

Ian

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From: NEDEA Alina  
Sent: 15 January 2014 18:02  
To: EOdraftsSG  
Subject: RE: Closing Decision due to parallel judicial proceedings- complaints 1309/2013/AN, 1351/2013/AN, 1356/2013/AN, 1399/2013/AN and 2006/2013/AN

Dear Ian,

We have just received the EEAS's OK to the inspection report concerning the above cases. You already approved the report before we sent it to the EEAS, but just in case you want to see it again, here it is.

The next step would now be to close the cases (you also approved that in December) and send the report with the closure letters.

Have a nice evening,  
Alina

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From: EOdraftsSG  
Sent: 06 December 2013 14:49  
To: NEDEA Alina  
Subject: RE: Closing Decision due to parallel judicial proceedings- complaints 1309/2013/AN, 1351/2013/AN, 1356/2013/AN, 1399/2013/AN and 2006/2013/AN

Dear Alina,

Thank you for the drafts, which are OK.

Best wishes,

Ian

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From: NEDEA Alina  
Sent: 04 December 2013 12:26  
To: EOdraftsSG  
Subject: Closing Decision due to parallel judicial proceedings- complaints 1309/2013/AN, 1351/2013/AN, 1356/2013/AN, 1399/2013/AN and 2006/2013/AN

Dear Ian,

Please find attached a draft proposal to close the above joint inquiry due to the existence of parallel legal proceedings before the General Court.

The letters to the HoM and the EEAS are identical. Of the letters to the complainants, those concerning cases 1309/2013/AN, 1399/2013/AN and 2006/2013/AN are identical, whereas the remaining two are "unique", as mentioned in the summary.

I sent you the draft inspection report concerning these cases last week. Please find it attached once again for ease of reference.

Thanks a lot in advance.

Best wishes,  
Alina

## Statistical information sheet 2

### Inquiries closed with a decision

Please complete this information sheet by ticking the appropriate answer(s), or by filling in the blanks.

1. Please fill in this information sheet by selecting the appropriate answer when several possibilities are given, or by filling in the blanks.
2. Attach the COMPLAINT SUMMARY on a separate sheet. Please also copy the COMPLAINT SUMMARY under S:\Legal\Complaint summaries\ADMISS or INADMIS or NO GROUNDS\year\ (please use "Read only" option)

**Case reference:** **1309/2013/(RT)AN, 1351/2013/AN, 1356/2013/AN, 1399/2013/AN, 2006/2013/AN**

**Confidential:** ☐ Yes ☒ No

Please check 'Statistical information sheet 1', which was completed when the inquiry was opened. If any changes have occurred (e.g.: modifications to the key words), please update the sheet accordingly

### Reason(s) for closing the inquiry (**EXHAUSTIVE LIST**):

*Please indicate the main reason(s) applied in the decision*

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

### Other information?

- ☐ Further Remark/s - **How many** ?