

Annex – list of pleas and reasons for rejection.

- **Plea number 2.** Alleged lack of competence on the part of the author of the contested decision. Rejected as the contested decision is not vitiated by any illegality in that it was adopted by the Deputy Director in place of the Executive Director. [Para. 71]. According to the Court, the concept of 'impediment' under the Staff Regulations in no way excludes cases in which the Executive Director is prevented from performing his duties due to a conflict of interest.
- **Plea number 3.** Alleged lack of a decision on the request for assistance in investigating inappropriate conduct. Rejected as the claim is on the one hand unfounded (the plea refers in part to matters dealt with in case T-52/19) and on the other lacking in fact since Eurofound *did* adopt a decision regarding the 'inappropriate behaviours'. [Paras 88, 89].
- **Plea number 4.** Alleged failure to state reasons for the contested decision. Rejected as it is possible to deduce from the email, in clear and precise terms, on the one hand, the identity of the authority which adopted the decision, namely the Deputy Director, and, on the other, the reasons which led her to close the administrative investigation without further action, including the investigation report. [Para.78].
- **Plea number 5.** Alleged conflict of interest and lack of independence, neutrality and objectivity. The applicant claimed that a member of staff who was covered by the applicant's request for assistance for psychological harassment, was nevertheless continuing to investigate his case concerning his request to investigate the disclosure of his personal data. Rejected as the alleged conflict of interest is inadmissible (new plea) and the claim of impartiality is unproven based on the evidence provided.
- **Plea number 6.** Alleged breach of the duty to have regard for the welfare of officials and to provide assistance. Rejected as the alleged breach of the duties to assist and have regard for the welfare of others refers to the breach of personal data and thus does not fall under the competence of the present case (but of T-52/19), and therefore the complaint is inoperative. The complaint, alleging an error of law concerning the concept of "harassment", is also inoperative inasmuch as it refers to a ground on which, by the applicant's own admission, Eurofound did not rely either in the contested decision or in rejecting the complaint. [Paras 108, 113].
- **Plea number 7.** Alleged infringement of the right to be heard. Rejected as inadmissible based on the rule of concordance. The Court noted that the applicant had not specifically request to be heard in the process.
- **Plea number 8.** Alleged error of assessment. Rejected due to the vague and imprecise nature of the information provided by the applicant. The Court also noted that the administrative investigation concerned three persons and that the investigation report, which has more than 1,000 pages, analysed in detail several events, documents as well as the behaviour of each of these persons towards the applicant.
- **Plea number 1.** Alleged breach of the principle of good administration. The applicant claimed that conduct complained of in all the pleas above demonstrates the breach of principle. Rejected on the basis that all other pleas did not reveal the existence of any acts of maladministration committed by Eurofound in relation to the applicant.