



Complaints Board of European Schools

Ref.: 2004-D-174-en-6

Orig.: FR

Version: EN

STATUTE OF THE COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS

This Statute has been adopted pursuant to Article 27(4) of the Convention defining the Statute of the European Schools.

Approved by the Board of Governors by written procedure of 22nd April 2004.

Amendments to Articles 12 and 16 approved by the Board of Governors at the meeting of 17 and 18 April 2007.

Amendments to Articles 1, 11 and 12 approved by the Board of Governors at the meeting of 15, 16 and 17 April 2015.

Amendment to Articles 16.2 approved by the Board of Governors at the meeting of 06, 07 and 08 December 2022.

Entry into force of the modifications: Immediate.

TITLE I ORGANISATION AND OPERATION OF THE COMPLAINTS BOARD

Chapter I Membership of the Complaints Board

Article 1

Appointment procedure and term of office

1. The Complaints Board referred to in Article 27 of the Convention defining the Statute of the European Schools shall be composed of seven members, appointed for a period of five years.
2. The Board of Governors, acting by a two-thirds majority, shall appoint them from the list compiled for this purpose by the Court of Justice of the European Communities.
3. Their term of office shall be tacitly renewable for the same period, unless the Board of Governors, acting by a two-thirds majority, expressly decides otherwise.
4. Should a member die, suffer prolonged incapacity, or resign during his term of office, the Board of Governors shall find a replacement to serve for the remainder of his term of office, in accordance with the arrangements set out in 2. and 3. above.

Article 2

Oath or solemn declaration

1. Before taking up office, every member of the Complaints Board must, at the first sitting of the Board which he attends after his appointment or, if need be, before the Chairman of the Complaints Board, swear the following oath or make the following solemn declaration:
“I hereby swear” – or “I hereby solemnly declare” – “that I shall perform my duties honourably, independently and impartially, and that I shall preserve the secrecy of the deliberations.”
2. The above shall be recorded in the minutes.

Article 3

Incompatibilities

During their term of office, members of the Complaints Board may not engage in any political or administrative activity or any occupation incompatible with their duty to behave with independence and impartiality.

Article 4

Resignation

The resignation of a member of the Complaints Board shall be submitted to the Chairman of the Complaints Board, who shall send it to the Secretary-General of the Board of Governors. A vacancy shall be thereby created.

Article 5

Removal from office

A member of the Complaints Board may be relieved of his office only if the other members, meeting in plenary session, decide, by a two-thirds majority of the serving members, that he has ceased to fulfil the requisite conditions. He must first be heard by the Complaints Board in plenary session. Any member of the Complaints Board may initiate the removal procedure.

Chapter II

Chairmanship of the Complaints Board

Article 6

Election of the Chairman

1. The Complaints Board shall elect its Chairman for a period of three years; however, this period may not exceed the term of office of the member in question. The Board may re-elect its Chairman.
2. Should the Chairman cease to be a member of the Complaints Board, or should he resign from the chairmanship before the end of the normal term of office, the Complaints Board shall elect his successor subject to the same conditions.
3. The Complaints Board shall elect its Chairman in plenary session, with all its members present. Should one or more members be absent, the election shall take place at a subsequent session, the quorum required for the proceedings to be valid being two-thirds of the members of the Complaints Board. The Chairman shall be elected by secret ballot. Should no member secure an absolute majority of the votes cast, there shall be a run-off between the two members who have polled the most votes. In the event of a tie in this round, preference shall be given to the older member.

Article 7

Duties of the Chairman of the Complaints Board

1. The Chairman shall supervise the proceedings and the staff of the Complaints Board. He shall represent the Complaints Board and shall, in particular, be responsible for relations and liaison with the authorities of the Board of Governors.
2. He shall chair the plenary sessions of the Complaints Board and, where appropriate, one of its sections.
3. For each case submitted to the Complaints Board, the Chairman shall designate one of its members as rapporteur.

Chapter III

Registry

Article 8

Registrar's duties

1. The registrar shall assist the Complaints Board in the performance of its duties. He shall be responsible for the registry's organisation and activities, under the authority of the Chairman of the Complaints Board.
2. He shall have custody of the Complaints Board's archives and shall act as an intermediary for communications and notifications to or from the Board, about cases brought or to be brought before it.
3. The registrar shall, subject to the duty of discretion attaching to his office, reply to requests for information about the activities of the Complaints Board, and in particular to requests from the press.
4. General instructions to the registrar may be issued by the Complaints Board, on a proposal from its Chairman.

Article 9

Organisation of the registry

The registrar and his staff shall be appointed by the Secretary-General of the Board of Governors with the agreement of the Chairman of the Complaints Board, and shall be assigned to the Complaints Board.

Chapter IV

Operation of the Complaints Board

Article 10

Location of the Complaints Board

The Complaints Board shall have its seat in Brussels, where the Board of Governors sits.

Article 11

Plenary sessions of the Complaints Board

1. The Complaints Board in plenary session shall be composed of its seven members.
2. On being convened by its Chairman, the Complaints Board shall meet in plenary session whenever so required by the performance of its duties or by the application of the rules of procedure laid down by this Statute. The Chairman shall convene such a session if at least three of the members so request.
3. The quorum required for the proceedings in plenary session shall be five of the serving members of the Complaints Board.
4. If there is no quorum the Chairman shall adjourn the session.

Article 12

Other sessions of the Complaints Board

1. The Complaints Board may sit in sections composed of three members. They shall be formed on the initiative of the Chairman of the Complaints Board, who shall appoint a Chairman for each section.
2. On a proposal from its Chairman, the Complaints Board shall lay down the session periods each year.
3. Outside the said periods, sittings of the sections may be convened by the Chairman in emergencies.
4. The member of the Complaints Board designated as rapporteur by the Chairman pursuant to Article 7 shall give an interim ruling on applications for interim measures, subject to the conditions laid down in the Rules of Procedure.
5. In accordance with the conditions laid down in the Rules of Procedure, the Complaints Board may in certain cases sit with a single judge.
6. In accordance with the conditions laid down in the Rules of Procedure, the Complaints Board may sit in a section composed of three members to reconsider a case heard by a single judge.
7. In accordance with the conditions laid down in the Rules of Procedure, the Complaints Board may sit as a special panel composed of five members to reconsider a case heard by a section composed of three members.

Article 13

Deliberations

1. The Complaints Board shall deliberate in closed session. Its deliberations shall remain secret.
2. Only the members of the panel concerned shall take part in the deliberations. Interpreters whose assistance appears necessary shall be present at the closed session. No other person may be admitted save by a special decision of the Complaints Board.

Article 14

Voting

Decisions of the Complaints Board shall be taken by a majority of the votes cast by the members present. In the event of a tie, a further vote shall be taken and if there is still a tie, the Chairman shall have the casting vote.

Chapter V

Non-attendance, abstention and dispensation

Article 15

1. Any member who is prevented from attending sessions to which he has been formally invited shall inform the Chairman of the Complaints Board or of the section accordingly as soon as possible.
2. No member may take part in the investigation of a case in which he has a personal interest or in which he has been involved beforehand, either as the agent, counsel or adviser of a party or of a person with an interest in the case, or as a member of a court or of a commission of inquiry, or in any other capacity.
3. Where a member abstains for one of the above reasons or for a special reason, he shall inform the Chairman of the Complaints Board thereof, who shall, if necessary, arrange for his replacement by another member.
4. If the Chairman of the Complaints Board or of the section considers that there are, in the personal circumstances of a member, grounds for his abstention, he shall conduct an exchange of views with the person concerned; in the event of disagreement, the Board or section shall decide. After having heard the member concerned, the Board or section shall deliberate and take a vote in his absence. Should the panel concerned decide that the member must withdraw, the Chairman of the Complaints Board may arrange for his replacement.

TITLE II

EMOLUMENTS

Article 16

1. Members of the Complaints Board shall be reimbursed for their travel and subsistence expenses according to the provisions of the Regulations on reimbursement of travel and subsistence expenses for members of the Board of Governors.
2. Members of the Complaints Board shall be entitled to a flat-rate fee, to be fixed by the Board of Governors; it shall stand at €350.00 per case handled.
3. The rapporteur shall receive double the amount of the flat-rate fee.

TITLE III

ENTRY INTO FORCE

Article 17

This Statute shall enter into force on 22 April 2004.

Article 18

At its first sitting, the Complaints Board shall elect its Chairman in accordance with Article 6.
