

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

*Registry's translation,  
the French text alone  
being authoritative.*

**A.**

**v.**

**Eurocontrol**

**141st Session**

**Judgment No. 5162**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms F. A. against the European Organisation for the Safety of Air Navigation (Eurocontrol) on 28 February 2023, Eurocontrol's reply of 2 June 2023, the complainant's rejoinder of 13 July 2023 and Eurocontrol's surrejoinder of 15 September 2023;

Considering the applications to intervene filed by Mr B. B. H., Ms S. G-P. and Mr E. H. on 7 June 2023 and Eurocontrol's comments thereon of 15 September 2023;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the Administration's refusal to recognise the overtime she worked in June and July 2020 during the Covid-19 sanitary crisis and seeks to have her entitlements restored for the five years preceding the filing of her complaint pursuant to French law.

In the course of 2020, the length of the working week for staff working full time, as set by the Director General, was 40 hours, spread over five days, from Monday to Friday, and the working day was eight hours long. Hours worked were recorded by staff members of the Eurocontrol Agency, the Organisation's secretariat, individually clocking into and out of the ChronoTime IT system. Office Notice No. 03/20 of 5 February 2020 on the application of the flexitime system within the Agency, which was applicable from 1 July 2019, nevertheless allowed for flexibility in times of arrival at and departure from work, and strengthened the conditions for compensatory leave to be granted if the weekly working time was exceeded according to a monthly calculation. Hours actually worked, time credit or debit at the end of the month, and days of compensatory leave or their monetary compensation were calculated using the recently introduced flexitime system, in parallel with the ChronoTime system for clocking in and out.

Owing to the Covid-19 sanitary crisis, on 13 March 2020 the Head of Human Resources and Services informed staff that the Director General had decided that those performing essential functions should work on site from 16 March 2020, while those who performed non-essential functions should telework for a fortnight from the same date, unless their director justifiably decided otherwise in the interests of the service. In another email of the same day, she stated that “[n]o action [was] required from any staff regarding the ChronoTime system [since the Administration would] update [it] to reflect the decision to implement teleworking for the people concerned”. The flexitime system was deactivated from 18 March 2020. There followed other weekly communications informing staff of the measures taken by the Director General at meetings held to manage the pandemic, including various decisions to extend compulsory teleworking as implemented from 16 March 2020. Non-essential staff continued to telework full-time until the middle of May 2020.

On 30 April 2020 the Head of Human Resources and Services notified staff members of the Director General's decision to introduce a policy of a phased return to on-site work from 18 May 2020, on the basis of eight hours per day between 7 am and 8 pm as suited them best,

and advised them that, due to the partial suspension of Office Notice No. 03/20, the flexitime system had been deactivated until the majority of staff had returned to working on site. Staff who performed essential functions and worked on site every day were informed that directors could decide to grant them a rest day based on their performance.

Despite the deactivation of the flexitime system, confirmed by an information email of 16 July 2020, the ChronoTime IT tool continued to be fully operational, contrary to what had been stated in previous emails of 24 May and 13 July 2020, and the complainant – a Eurocontrol staff member at grade AD11 at the Brétigny-sur-Orge site (in the Paris region) who was required to work on site during the sanitary crisis – could record her arrival and departure times, as well as the hours she worked. Eurocontrol states in this regard that ChronoTime remained operational “due to a discrepancy between the dates on which the measures [taken, namely the deactivation of the flexitime system] took effect and their implementation in the [IT] tool”\*. In August 2020 ChronoTime was updated, which resulted in the complainant losing hours of overtime that could entitle her to compensatory leave or financial compensation.

On 26 August 2020 the complainant sent a request via her line management to the Director General for a decision pursuant to Article 92(1) of the Staff Regulations governing officials of the Eurocontrol Agency, seeking a calculation of hours worked since 22 June 2020 in accordance with the provisions of Office Notice No. 03/20. She alleged to have discovered, “to her surprise”\*, on her return from leave on 24 August 2020 that her counter in the ChronoTime tool had been adjusted by the Human Resources, resulting in the deletion of the overtime she had worked in June and July 2020, namely “approximately 20 hours, i.e. more than two working days, in relation to [her] balance as at 10 July 2020”\*. On 10 November 2020 the Head of Human Resources and Services, acting by delegation of authority from the Director General, informed the complainant that her account on ChronoTime could not be updated due to the deactivation

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\* Registry’s translation.

during the lockdown of the flexitime system provided for in Office Notice No. 03/20. She was also astonished by the complainant's "surprise"\* in that respect, given that "all communications and information sent by the line manager and officially on the Coronavirus site through numerous communications [to staff] mentioned that the flexitime system remained deactivated"\*.

On 27 January 2021 the complainant lodged an internal complaint against the decision of 10 November 2020 "rejecting [her] official request of 26 August 2020 for all [her] working hours entitling [her] to compensatory leave to be taken into account"\*. She asked the Director General to cancel that decision, to "reinstate [the] flexitime [system] and [her] entitlement to credit for hours [of overtime] worked", to set her weekly working time at 35 hours in accordance with French law, to compensate her for the material and moral injury she alleged she had suffered and to award her costs.

The Head of Human Resources and Services acknowledged receipt of the internal complaint on 4 February 2021 and forwarded it to the Joint Committee for Disputes but advised the complainant that there could be a "moderate delay"\* in dealing with her internal appeal and that she should await the Director General's final decision before filing a complaint with the Tribunal. On 14 June 2022, alleging a "standstill" in the internal appeal proceedings, the complainant requested the Director General to take a final decision. No response was given to her.

The complainant's internal complaint was examined at the meeting of the Joint Committee for Disputes of 27 April 2022. In a single opinion issued on 21 June 2022 on a number of internal complaints – including those of the complainant and the three interveners in the present case, two of whom also worked at the Brétigny-sur-Orge site and the third at Haren (Belgium) – the Committee unanimously concluded that their claims were well-founded since the Administration had no legal basis to reduce retrospectively the overtime worked. It recommended cancelling the decision of 10 November 2020 and restoring the complainants' entitlement to credit for the overtime that

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\* Registry's translation.

had been unfairly deducted. With regard to the claim advanced by the complainant and one of the interveners that the statutory 35-hour working week provided for under French law should apply to them, the Committee considered that the 40-hour weekly quota laid down in Office Notice No. 03/20 was lawful.

By an internal memorandum of 12 December 2022 – to which the opinion of the Joint Committee for Disputes was appended – the complainant was informed of the decision of the Head of Human Resources and Services, taken by delegation of authority from the Director General, to reject her internal complaint as unfounded. That is the impugned decision. The interveners received similar decisions, also dated 12 December 2022 for two of them and 9 March 2022 (*recte* 2023) for the third.

The complainant asks the Tribunal to set aside the impugned decision, to order Eurocontrol to comply with the statutory working time in force in France, namely 35 hours per week, and to order the Organisation to restore her entitlement to compensation for the overtime worked, “including hours worked in excess of the statutory weekly working time in France for five years (1,220 hours)”\* by means of a payment or time credit. She also seeks compensation of 50,000 euros for the moral injury she considers she has suffered, payment of 10,000 euros in “exemplary and punitive”\* damages and an award of costs of 3,000 euros for the internal appeal procedure and 6,000 euros for the proceedings before the Tribunal. In her rejoinder, she claims interest for late payment, which, she submits, is due to her pursuant to Judgment 2782.

Eurocontrol contends that the complainant’s claims that national law should be applied are irreceivable and must be dismissed as such. For the remainder, it asks the Tribunal to dismiss the complaint as unfounded and notes that Judgment 2782, referred to in the rejoinder, is not applicable in this case.

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\* Registry’s translation.

## CONSIDERATIONS

1. In her complaint, the complainant seeks the setting aside of the decision of 12 December 2022 rejecting her internal complaint of 27 January 2021, which was directed against the decision of 10 November 2020 by which the Head of Human Resources and Services, acting by delegation of authority from the Director General, informed her of the “reject[ion] [of her] official request of 26 August 2020 for all [the] working hours [of overtime worked in June and July 2020] entitling [her] to compensatory leave to be taken into account”\*. She also seeks compensation for the moral injury allegedly suffered, payment of “exemplary and punitive”\* damages, and an award of costs for the internal appeal procedure and the present proceedings. Lastly, she asks the Tribunal to order Eurocontrol to comply with the statutory working time in force in France and to restore her entitlement to compensation for overtime, in the form of time credit or a payment, including for hours worked in excess of the statutory weekly working time in France for five years.

2. In her first plea, the complainant submits that the decision to suspend the recording and compensation of overtime was taken by the Head of Human Resources and Services, whereas only the Director General had the authority to take such a measure. In addition, she alleges a failure to consult the social partners, in breach of the provisions of the Memorandum of Understanding governing relations between Eurocontrol and three representative trade unions of 16 July 2003. Lastly, she takes issue with the retroactive effect of the decision, which she considers unacceptable.

The Organisation disputes the merits of this plea, pointing out that the failure to record the overtime worked by the complainant in June and July 2020 is justified by the various measures that the Agency was required to take to deal with the Covid-19 pandemic, including the introduction of full-time teleworking and the temporary abolition of on-site overtime for non-operational staff during a specific period.

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\* Registry’s translation.

It emphasises that all these emergency measures were taken by the Director General himself, even though this was done in accordance with a special procedure that temporarily departed from the rules in force in view of the exceptional situation caused by the pandemic. It adds that, in any event, the abolition of payment or compensatory leave for overtime during a very limited period was offset by the introduction, during the same period, of the option for directors to grant their staff one or two rest days depending on their performance.

3. Article 55(1) to (3) of the Staff Regulations provides as follows:

- “1. Officials in active employment shall at all times be at the disposal of the Agency.
2. However, the normal working week shall not exceed forty-two hours per week, the hours of the working day to be determined by the Director General. Within the same limits, the Director General may, after consulting the Staff Committee, determine the hours to be worked by certain groups of officials engaged on particular duties.
3. The Director General shall introduce flexible working-time arrangements in an Office Notice.”

Pursuant to these provisions and to Article 56 of the General Conditions of Employment governing servants at the Eurocontrol Maastricht Centre, the Director General adopted Office Notice No. 03/20 of 5 February 2020, entitled “Application of the flexitime system within the Eurocontrol Agency”, which replaced Office Notice No. 21/19 of 6 November 2019 and entered into force with retroactive effect from 1 July 2019. The main purpose of the Office Notice was to introduce flexibility in times of arrival at and departure from work and to strengthen the conditions for granting compensatory time off when the working week was exceeded on the basis of a monthly calculation. Thus:

- Paragraph 3.1 of the Notice stated that “[t]he length of the working week for staff working full time, as set by the Director General, is 40 hours, spread over five days, from Monday to Friday”, while paragraph 3.3 stated that “[t]he required monthly working time is 8 hours multiplied by the number of working days in the month”

and paragraph 3.5 stated that “[t]he maximum duration of the working day must not, in principle, exceed ten (10) hours”.

- With regard to recording hours worked on site, point 4.1 of the Notice stated that “[p]resence time must be recorded personally by each staff member by means of an individual access card”, while paragraph 4.2 stated that “[e]very member of staff must clock in/out at the beginning and at the end of the working day; in the event of leaving the premises for whatever reason”.
- With regard to the rules on flexitime and compensatory time off, paragraph 11.1 of the Notice stated that “[a]ny credit accumulated at the end of each month may entitle the staff member to either compensatory leave or to remuneration, subject to the conditions of Rule of Application No. 5”, while according to paragraph 11.2, “[i]n order to benefit from compensatory leave or remuneration in accordance with Rule of Application No. 5, a written request must be made to the competent service within the Directorate in charge of [h]uman [r]esources by the staff member’s line manager through his director, with the precise number of hours that are to be considered as overtime, and not simply as time credit [under the rules on flexitime]”.
- Under Article 1 of Rule of Application No. 5 concerning compensatory leave and remuneration for overtime:

“Within the limits laid down by Article 56 of the Staff Regulations, overtime worked by an official in grades AST/SC1 to AST/SC6 and in grades AST1 to AST4 shall entitle him to compensatory leave or to remuneration as follows:

  - a) For each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 10 p.m. and 7 a.m. or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the official concerned.
  - b) Where the requirements of the service do not permit compensatory leave to be taken during the two months following that during which the overtime was worked, remuneration for uncompensated hours of overtime is authorised at the rate of 0.56% of the monthly basic salary for each hour of overtime on the basis set out in subparagraph (a).

c) To qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than thirty minutes."

– It should also be noted that Article 56(1) and (2) of the Staff Regulations specifies that:

"An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays, may be authorised only in accordance with the procedure laid down by the Director General. The total overtime, which an official may be asked to work, shall not exceed 150 hours in any six months.

Overtime worked by officials in function group AD and in function group AST, grade 5 to 11, shall carry no right to compensation or remuneration."

Lastly, under Article 100 of the Staff Regulations, the Director General is responsible for determining general provisions giving effect to the Staff Regulations in Rules of Application, implementing rules and office notices. Individual provisions giving effect to the Staff Regulations are decided either by the Director General or by the official(s) responsible for staff management by delegation of powers.

4. In view of the foregoing provisions, it is clear to the Tribunal that only the Director General could decide, in order to deal with the Covid-19 pandemic, to temporarily depart from the Rules of Application and/or Office Notices that he had previously adopted.

The Organisation submits that it was the Director General who took these decisions in the present case, as shown by the various "Covid-19 updates" and emails sent to staff by the Head of Human Resources and Services.

In the light of the various documents produced by the Organisation, the Tribunal accepts that this may be considered to have been the case in respect of most of the derogations that were decided in the matter, as the documents frequently refer to decisions taken beforehand by the Director General, usually after meetings with various working parties.

In the circumstances of the present case, the decision not to compensate anymore for overtime worked in June and July 2020 was indisputably likely to adversely affect the complainant, who had worked overtime on site and was faced with a temporary suspension of

the application of the provisions of Office Notice No. 03/20, in particular those relating to the recognition of overtime.

While the Tribunal may, in that respect, agree with the Organisation that the decision to suspend the normal arrangements for teleworking and, accordingly, the flexitime system was taken by the Director General, it cannot consider, in the light of the documents produced before it, that the executive head took the decision also to suspend the provisions of abovementioned Office Notice No. 03/20 and Rule of Application No. 5 relating to the recognition of overtime worked on site and recorded in the ChronoTime tool. Although it appears that staff were informed in Agency update #18 of 30 April 2020 that the flexitime system had been deactivated, it did not mention the ChronoTime system for recording overtime or the possible suspension of the provisions of Office Notice No. 03/20 allowing overtime to be taken into account at the end of the month. On the contrary, Agency update #19 of 13 May 2020 stated that access badges would continue to work for staff members who were required to work on site. A new bulletin (“INFO to all staff – COVID-19 – EEC – update 9”) dated 24 May 2020 stated that the ChronoTime tool was only being used to record arrival and departure times on site but was deactivated for recording credit and debit hours, which was partly confirmed by successive updates of 18 June 2020 (“Agency update #22”) and 13 July 2020 (“Agency update #23”), and by an email from the Head of Human Resources and Services of 16 July 2020. It was only in this email that staff members were informed that those of them who had a positive balance as at mid-March 2020 could still request compensatory time off, which would reduce their balance as at that date. But this does not mean that staff members were duly informed in good time that the Director General had decided not to take account of overtime worked on site, even temporarily. Yet only such a clear and express decision would have enabled the complainant to decide whether she wished to work overtime, particularly in June and July 2020, without it being recorded.

In the absence of such a decision by the Director General, the Head of Human Resources and Services, to whom the Organisation does not allege that authority had been delegated, could not lawfully decide, of her own initiative, to suspend recognition of overtime actually worked on site.

5. The Organisation also submits that the Director General's decision to implement a rest day mechanism of up to two days per month made it clear that the recognition of overtime had been suspended. This was announced in the aforementioned email of 16 July 2020.

However, it is clear from the documents produced by the parties that these rest days had nothing to do with the concept of overtime, since they were intended to reward deserving staff members on the basis of work they had performed since mid-March 2020.

6. Given that no such decision appears to have been taken by the Director General, both the decision of the Head of Human Resources and Services of 10 November 2020, refusing to take into account the overtime worked by the complainant in June and July 2020, and the impugned decision of 12 December 2022, rejecting the complainant's internal complaint, must be set aside for lack of a legal basis.

The first plea must therefore be upheld, without there being any need to rule on its other parts.

7. In her second plea, the complainant submits that the adversarial principle was breached in the internal appeal procedure in that the "file" forwarded by the Organisation to the Joint Committee for Disputes was not provided to her before she received the Committee's opinion.

The Organisation contends that the adversarial principle was sufficiently respected before the Joint Committee for Disputes, since the "file" provided was "simply an internal preparatory document for the [Committee] [intended to] help [its] members [...] to understand the facts, the context and the rules relevant to the case submitted to it for an

opinion”<sup>\*</sup> and that the complainant was finally informed of the content of the “file” when she read the Committee’s opinion. It adds that there was no breach of the complainant’s rights in this case as the Committee’s opinion was unanimous and in her favour.

8. In that respect, the Tribunal has repeatedly held that organisations do not comply with the adversarial principle by not disclosing to staff members documents produced before the internal appeal body, as staff members must have access to relevant evidence on the basis of which decisions concerning them are made, even if only in redacted form for reasons of confidentiality (see, to that effect, Judgments 5034, consideration 18, 4961, consideration 14, 3380, consideration 12, 3264, consideration 15, 2899, consideration 23, and 2700, consideration 6). It is irrelevant that the opinion given by the Committee members was unanimously favourable to the complainant, since the elements on which the members relied – which the Organisation disputes – could have proved even more decisive if the complainant had been given the opportunity to reply to the Organisation before the Committee members delivered their opinion (see, to that effect, Judgment 4820, consideration 12).

The second plea is also well-founded.

9. In her third plea, the complainant submits that French law is applicable to the Organisation with regard to working time, and therefore claims that Eurocontrol should implement a 35-hour working week with retroactive effect for a period of five years, which would entitle her to either time credit or reimbursement for the equivalent of 1,220 hours of overtime.

However, under the Tribunal’s settled case law, as a rule, the conditions of employment of staff of an international organisation are, in principle, subject exclusively to that organisation’s own Staff Rules and Regulations and to the general principles of the international civil service, and national laws – such as those of the organisation’s host

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<sup>\*</sup> Registry’s translation.

State or of another State – apply only where there is express reference thereto (see, in particular, Judgments 5051, consideration 8, 4882, consideration 2, 4401, consideration 6, 3915, consideration 4, 3484, consideration 12, and 1311, consideration 15).

In the present case, it is true that, as the complainant submits, Article 1c(2) of the Staff Regulations provides that “[o]fficials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in the relevant Member States”. However, this provision must be correlated with Article 55(2) of the Staff Regulations, under which “the normal working week shall not exceed forty-two hours per week, the hours of the working day to be determined by the Director General”, which, as explained above, was the case in Office Notice No. 03/20 of 5 February 2020.

It is clear from these provisions that, since the concept of “the normal working week” is covered in specific provisions expressly adopted by the Organisation, it cannot be regarded as falling within the concept of “appropriate health and safety standards”, and it follows that the provisions applicable within the Agency on the subject of weekly working hours do not expressly refer to French law.

The third plea must therefore be dismissed.

Consequently, there are no grounds to grant the complainant’s request that the Tribunal order Eurocontrol to comply with the statutory working time in force in France or, by extension, to recognise the complainant’s entitlement to compensation for hours of overtime worked “[in respect of] the hours worked in excess of the statutory weekly working time in France for five years (1,220 hours)”\*.

10. Since the first and second pleas, examined in considerations 2 to 8 above, must be recognised to be well-founded and are sufficient to result in the setting aside of the contested decisions of 10 November

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\* Registry’s translation.

2020 and 12 December 2022, there is no need to rule on the complainant's other pleas.

11. In view of the findings set out in considerations 2 to 8 above, the Tribunal takes the view that the material injury suffered by the complainant will be fairly compensated by payment for the overtime she worked in June and July 2020, i.e. the equivalent of 20 hours, as she states in her complaint without being contradicted by the Organisation.

The complainant will also be paid interest for late payment as she requests. This interest, starting from the date on which the complainant claimed compensation for the overtime, will be set at a rate of 5 per cent per annum.

12. The complainant seeks compensation for the moral injury she alleges to have suffered.

With regard to the unlawful failure to record overtime worked by the complainant, the Tribunal considers that, in view of the nature of the decision in question, the award of material damages is sufficient to compensate for all injury caused by that failure.

However, it is appropriate to award the complainant moral damages of 2,000 euros on account of the flaw in the internal appeal procedure identified in consideration 8, above.

13. The complainant also asks the Tribunal to order the Organisation to pay 10,000 euros in "exemplary and punitive"\* damages.

The Tribunal considers, firstly, that the reasons given by the complainant are not such as to justify an award of exemplary damages over and above the moral damages already awarded.

The Tribunal recalls, secondly, that punitive damages may only be awarded in exceptional circumstances (see, in particular, Judgments 5055, consideration 14, 4659, consideration 14, 4658, consideration 10, 4506, consideration 10, and 4391, consideration 14), namely if a complainant has provided persuasive evidence and analysis to demonstrate that there

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\* Registry's translation.

was bias, malice, animosity, ill will, bad faith or other improper purpose attending the impugned decision (see Judgments 5055, consideration 14, 4820, consideration 22, 4690, consideration 16, and 4633, consideration 16). The Tribunal considers, in the light of this case law, that no such exceptional circumstances are evident in the present case.

The complainant's request will therefore be dismissed.

14. In respect of the costs she had to incur in the internal appeal procedure, the complainant seeks an award of 3,000 euros.

However, the Tribunal recalls that, under its settled case law, costs relating to the internal appeal proceedings within international organisations may be awarded only under exceptional circumstances (see, for example, Judgments 5034, consideration 21, 5030, consideration 10, 4963, consideration 24, 4962, consideration 26, 4961, consideration 26, 4819, consideration 23, and 4217, consideration 12). Such circumstances are not evident in this case.

Therefore, this request will not be granted.

15. As she succeeds, the complainant is nevertheless entitled to the sum of 6,000 euros which she claims in costs for the proceedings before the Tribunal.

16. The three interveners are, as the Organisation acknowledges, in a legal and factual situation similar to that of the complainant in that they are challenging decisions taken by the Head of Human Resources and Services on 12 December 2022 in the case of two of them and on 9 March 2022 (*recte* 2023) in the case of the third, refusing to take into consideration overtime worked on site during the Covid-19 pandemic. In addition, they had also submitted internal complaints which the Joint Committee for Disputes examined together with that of the complainant. Their applications to intervene are allowed. They will therefore be entitled to compensation for the material and moral injury they have suffered, as determined in this judgment, it being understood that the amount of the material injury will be calculated on the basis of their

own situations. The Organisation will also pay them interest at a rate of 5 per cent per annum for late payment on the terms set out in consideration 11, above. However, in accordance with the Tribunal's case law, they are not entitled to costs, as they are not parties to the proceedings (see for example, on this point, Judgments 4959, consideration 23, and 3571, consideration 10).

### DECISION

For the above reasons,

1. The decision of 12 December 2022 rejecting the complainant's internal complaint is set aside, as is the earlier decision of 10 November 2020 refusing to take into account the overtime she worked in June and July 2020.
2. Eurocontrol shall pay the complainant material damages, with interest, as indicated in consideration 11, above.
3. The Organisation shall pay the complainant moral damages of 2,000 euros.
4. It shall pay her 6,000 euros in costs for the proceedings before the Tribunal.
5. All the complainant's other claims are dismissed.
6. Eurocontrol shall also pay the interveners material damages, as indicated in consideration 16, above.
7. It shall also pay the interveners moral damages of 2,000 euros each.
8. All the interveners' other claims are dismissed.

In witness of this judgment, adopted on 11 November 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

*(Signed)*

PATRICK FRYDMAN    JACQUES JAUMOTTE    CLEMENT GASCON

RENÉ M. VARGAS M.