



ADMINISTRATIVE TRIBUNAL  
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## THE ADMINISTRATIVE TRIBUNAL OF THE COUNCIL OF EUROPE

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### I. INTRODUCTION

1. The Administrative Tribunal of the Council of Europe (ATCE) is the body which deals with labour disputes between Council of Europe staff and their employer. It is located at Strasbourg (France), where the Council of Europe has its headquarters, and from its inception in 1965 until 5 April 1994 was known as the Appeals Board. It is a fully fledged international administrative court. It is in no way answerable to the Council of Europe Committee of Ministers or Administration, nor does it receive any instructions from the Secretary General. This independence guarantees its impartiality. As an entity distinct from the Council of Europe, the Tribunal has a statute of its own and rules of procedure which it itself draws up.

This paper will endeavour to give a full, if general, picture of the Tribunal.

### II. BACKGROUND

2. From 1949 to 1965 there was a board with the function of arbitrating in disputes between the Council of Europe and its staff but no dispute was ever referred to it. In composition it was more of an administrative than a judicial body.

After 1965 we need to distinguish two periods in the Tribunal's work. In 1981 the Council of Europe substantially reorganised the Tribunal while making changes to the Staff Regulations: on 23 January 1981 a Committee of Ministers resolution amended the Staff Regulations and the Statute of the Appeals Board (Appendix XI to the Staff Regulations) and improved the system, in particular by changing the arrangements for appointment of members, widening the remedies and giving Appeals Board decisions compulsory force. The Staff Committee was now also allowed to bring matters before the Appeals Board.

During the second period two important changes took place: first, the institution was renamed the Administrative Tribunal (under Council of Europe Committee of Ministers Resolution (94)11 of 5 April 1994) and the second major change was the method of appointment of the Tribunal's Chair and deputy Chair (see paragraph 4 below).

And now a look at the institution, its procedure and, lastly, its case-law.

### III. THE INSTITUTION

3. The Tribunal's work is governed by three instruments. Two of them – Part VII (Disputes) of the Staff Regulations and Appendix XI (Statute of the Tribunal) to the Staff Regulations – were adopted by the Council of Europe Committee of Ministers, while the third – the Rules of Procedure of the Tribunal – was adopted by the Tribunal itself. These documents are appended to this paper.

#### A. Organisation

4. The Tribunal is composed of six members: a Chair and two judges and a deputy Chair and two deputy judges. The deputy members of course sit when the full members are unavailable.

The Chair and the deputy Chair are appointed by the European Court of Human Rights. Until 31 December 1999 they were chosen from the judges of the European Court itself. Since 1 January 2000 the rule has been that the Chair and deputy Chair are appointed “from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court”.

The reason for this change is that, since 1 November 1998, the European Court of Human Rights has been a permanent court and so various decisions by the Council of Europe's governing bodies on staff matters potentially also affect judges of the European Court. In certain cases, therefore, both the Chair and deputy Chair might have to stand down. In making the change, which in fact had the European Court's approval, the Council of Europe sought to ensure that the Administrative Tribunal had – and was seen to have – the same degree of independence and impartiality as before.

5. The other members – the two judges and two deputy judges – are appointed by the Council of Europe Committee of Ministers. Under Article 1(2) of the Statute of the Tribunal, the judges are appointed “among jurists or other persons of high standing, with great experience in the field of administration”

The six persons chosen must be of different nationalities. They serve a three-year term of office and can be reappointed. They remain in office until the replacement takes over, subject to a maximum period of one year. The purpose of this provision was to ensure that the Tribunal would never be unable to sit for lack of members. A further point is that members who have sat in a case continue dealing with the case if a hearing has taken place. The established practice is that judges also continue to sit if the Tribunal has decided not to hold a hearing and deliberations have started.

6. The Tribunal has a three-member bench : a Chair (who may be the deputy Chair) and two judges (one or both of whom may be deputy judges). Members who have begun sitting in a case can be replaced during the proceedings if prevented from continuing to sit. If, however, two members are replaced after the hearing, another hearing must be held.

7. The Tribunal is assisted by a registrar and a deputy registrar. These are appointed by the Secretary General but are answerable only to the Chair of the Tribunal. Since 1 January 2006 the post of registrar has been a permanent, full-time one held by a Council of Europe staff member, whereas previously the duties of the position were performed over and above the holder's ordinary work in another Council department.

The Secretary General is required to provide the Tribunal with the resources it needs to operate.

#### B. Functioning

8. The Tribunal is competent to consider appeals by Council of Europe staff, whether permanent or temporary. Its jurisdiction also encompasses appeals by:

- a. former staff members;
- b. persons claiming through staff members or former staff members within two years from the date of the act complained of; in the event of individual notification, the normal time-limit of thirty days applies;
- c. the Staff Committee, where the complaint relates to an act of which it is subject or to an act directly affecting its powers under the Staff Regulations ;
- d. candidates outside the Council of Europe who have been allowed to sit a competitive recruitment examination, provided the complaint relates to an irregularity in the examination procedure.

From a theoretical standpoint a possible question is whether the Secretary General, the Deputy Secretary General and the Secretary General of the Council of Europe Parliamentary Assembly can apply to the Tribunal and if so, within what limits (if any). That question might arise in that they are specially appointed officials. For an example, see Appendix V (Regulations instituting a Pension Scheme for specially appointed officials of the Council of Europe and a temporary retiring allowance) to Staff Regulations. The same question might arise with regard to judges of the European Court of Human Rights, which is now a permanent institution within the Council of Europe. In the absence of any written rule, it would seem that the Tribunal alone is competent to decide whether it has jurisdiction to consider an appeal of that kind.

9. Under Article 15 of the Statute of the Tribunal, the jurisdiction of the Tribunal "may be extended to cover disputes between organisations attached to the Council of Europe and their officials, should the appropriate authorities of such organisations so request. In such cases, an agreement governing administrative procedure and arrangements shall be concluded between the Secretary General and the organisation concerned. The agreement shall expressly provide that the latter organisation shall itself bear the cost of compensation awarded by the Tribunal to any of its officials and the cost of sessions occasioned by such disputes".

So far, such jurisdiction has been recognised by the Council of Europe Development Bank ([www.coebank.org](http://www.coebank.org)), which is a financing institution set up under a partial agreement within the Council of Europe.

Of course, there is nothing to stop the Council agreeing some day to the Tribunal's likewise operating as the employment tribunal for entities not attached to it. That would require an official request to the Council, and that the Council agrees to extend the Tribunal's jurisdiction.

The rules applying to the Council of Europe also apply to the Council of Europe Development Bank. For simplicity's sake we shall refer below to the "Council of Europe" and the "Secretary General" but it should be borne in mind that those terms cover the Bank and its Governor.

#### **IV. PROCEDURE**

10. Before the Tribunal, staff members challenge decisions of the Secretary General which they consider invalid or unlawful in order to have them annulled or obtain compensation.

Application can be made to the Tribunal only after dismissal of an administrative complaint to the Secretary General of the Council of Europe or (in cases involving the Bank) the Governor of the Council of Europe Development Bank.

Before we consider Tribunal procedure, it is worth giving a brief account of how administrative complaints are handled.

11. The administrative complaint is a preliminary proceeding – which other administrative tribunals also have – allowing the Council to settle certain cases by putting right before the Tribunal stage a mistake brought to its notice. The administrative-complaint stage is compulsory even when the decision challenged has been taken by the head of the Organisation (the Secretary General of the Council of Europe or the Governor of the Council of Europe Development Bank) in person.

The complainant must show that the complaint meets the admissibility requirements – that there has been an administrative act amounting to a "decision" of the Administration (that is, an act adopting a definitive position on some matter), that the act adversely affects them and that they have a direct and existing interest in taking action. The complainant must also meet the specified time-limit for lodging the complaint. In this latter connection, it should be noted that, in exceptional cases and "for duly justified reasons", the Secretary General may declare admissible a complaint which is over the time limit.

In one interesting case (Staff Committee of the Council of Europe (VI)) the appeal was found to be inadmissible for lack of any infringement of the applicant's particular rights. In the case concerned the ruling was given in the form of a decision of the Tribunal.

At the administrative-complaint stage – which is not a judicial one – the complainant is able to bring his or her case before the Advisory Committee on Disputes (composed of two staff members appointed by the Secretary General and two staff members elected by the staff), which submits an opinion to the Secretary General as to whether the complaint is founded. The Secretary General is free to follow the decision or depart from it. If

the Secretary General does not take a decision within thirty days – either from the complaint’s being lodged or from the Advisory Committee’s delivering its opinion – he or she is deemed to have given a tacit decision rejecting the complaint. The administrative-complaint stage is confidential. Under the Tribunal’s case law, at this stage the staff member does not require to put forward all the legal arguments which he or she intends raising. The only requirement is that the complainant specifies the act complained of and the reasons for the complaint. At this stage the Secretary General need not put forward any inadmissibility objections to the complaint.

12. Once the Secretary General has taken a decision on the complaint the complainant has sixty days to submit an appeal to the Tribunal if dissatisfied with the decision. This requires that the complaint have been rejected in its entirety or in part. Any failure to meet the time limit renders the appeal inadmissible. In exceptional cases, however, and “for duly justified reasons”, the Tribunal may declare admissible an appeal that is late.

13. The appeal must be lodged, in English or French, on the form appended to the Tribunal’s rules of procedure. It is immediately entered in the Tribunal’s register and brought to the Secretary General’s notice. No fees are charged and nor – in this respect practice is different from that at other international organisations – is any security payable. Appellants may present their own cases or be represented by a lawyer. The lawyer can be a fellow staff member.

The appellant must show the appeal to be admissible – that is, that the complaint was either explicitly rejected in its entirety or in part or tacitly rejected – and must submit the appeal within the time limit (with the proviso explained in paragraph 12).

Under Rule 19 (2) of the rules of procedure, the Chair may, in a reasoned report to the Tribunal judges, express the view that an appeal is manifestly inadmissible. If the judges raise no objection within two months, the Chair then issues an order ruling the appeal to be inadmissible. That has happened twice, in Appeals 252 and 253/1999 (Taner and Claire Beygo), which were part of a number of proceedings between a staff member and his wife and the Council of Europe. The appellant is informed immediately and sent a copy of the report.

14. The lodging of an appeal has no suspensory effect. However, under Article 60 (5) of the Staff Regulations, while an appeal is pending “the Secretary General shall avoid taking any further measure in respect of the appellant which, in the event of the appeal being upheld, would render unfeasible the redress sought”. Also, the appellant may request a stay of execution of the act complained of if its execution is likely to cause him or her grave prejudice difficult to redress. The Chair rules on the request within fifteen days and may attach certain conditions to the ruling. The Secretary General must, “save for duly justified reasons”, stay the execution of the act until the Chair has ruled on the request.

At the complaint stage the complainant has the possibility of making an urgent application. If the complainant does so and a stay of execution is granted, it remains in force during the following appeal stage. If a stay is not granted there is nothing to prevent the appellant making a further request for one when lodging the appeal.

15. After registration of the appeal and its notification to the Secretary General the initial stages of the proceedings begin. First there is a written stage, which is followed by an oral one.

The written stage consists in an exchange of memorials. First the appellant – if he or she has not already done so when lodging the appeal – submits a supplementary memorial setting out in detail the facts, the grounds of appeal and the legal arguments which he or she is deploying. Appellants can either present their cases in an exhaustive document submitted when the appeal is lodged or give a brief indication of the legal arguments when the appeal is lodged and afterwards submit the supplementary memorial containing detailed arguments.

The Secretary General then in turn submits a memorial. Lastly the appellant submits observations in reply. There is no provision for a rejoinder from the Secretary General but the Secretary General can ask to submit one if he or she wishes to reply in writing.

16. After this written stage a date is set for a hearing, oral proceedings being the standard practice before the Tribunal. The Tribunal does without a hearing only if the parties agree to waive it and the Tribunal considers a hearing unnecessary.

The hearing takes place in public and even people unconnected with the Council of Europe can attend it. The Tribunal is allowed to order that the hearing be held in camera. The Tribunal's official languages are French and English. As an economy measure, interpreting is provided only if necessary.

17. In the initial stages the Tribunal exercises typical judicial powers: it can hear the parties, require the submission of documents, summon witnesses (this has been done in only a few cases) or experts (a step it has taken in even fewer cases, mainly when it has had to determine complex matters arising from measures introduced by the Co-ordinated Organisations).

All such steps are taken on an adversarial basis, with one exception: the Tribunal does not disclose to appellants the minutes of or views expressed at meetings of recruitment and promotions panels, which at the Council of Europe are confidential. This is established case-law of the Tribunal even though Article 7 (6) of the Statute of the Tribunal provides: "Every document included in the case file shall be transmitted to the parties or made available to them for consultation in the offices of the Tribunal's registry".

18. Any natural person to whom the Tribunal is open for the purposes of lodging an appeal and who establishes a "sufficient interest in the result of a case submitted to the Tribunal" may ask to intervene in a case that is pending. The sole permitted purpose of such intervention is to support the submissions of one of the parties. Interveners are thus not allowed to enter any claims of their own. The Staff Committee can likewise ask to intervene. The Council of Europe Staff Committee has in fact made several such requests in appeals by individuals. Recently it also made such a request in an appeal by its counterpart, the Staff Committee of the Council of Europe Development Bank.

19. Once the initial stages are complete, either because the hearing is concluded or it has been decided not to hold one, the Tribunal's deliberations begin. Moving on to this next stage does not prevent it asking for any further information or documentary evidence it deems

necessary. After the deliberations the Tribunal delivers its decision, which is read out in public unless the Tribunal decides to communicate it in writing.

At present this second practice is the one adopted for a decision that strikes a case from the list, a type of decision for which in recent years the Tribunal has used a special, simplified procedure deriving from Rule 20 of the rules of procedure read with Article 5 (2) of the Statute of the Tribunal. The decision takes the form of an order by the Chair. The Tribunal strikes a case from its list when the appellant decides to withdraw the appeal – whether because a settlement has been arrived at or for private reasons – or where the procedural circumstances suggest that the appellant does not intend pursuing the appeal.

20. The decision contains a summary of the facts and the proceedings, a statement of the legal reasoning, and the formal decision. It also rules on costs under Article 11 of the Statute of the Tribunal. It is worth noting that if an appeal is rejected it is the Tribunal's practice to order that each party bear its own costs.

The decision is adopted by a majority vote and it is not specified whether the decision is a unanimous or majority one.

There is of course the question of what law the Tribunal applies. The answer is straightforward: the positive law of the Council of Europe interpreted in the light of general legal principles, concordant principles of systems of national law, international administrative practice and case-law relating to the international civil service. The Tribunal also has regard to the Statute of the Council of Europe and to Council of Europe practice.

In its decision the Tribunal considers whether, regard being had to the standards of various origins that govern the Administration's activities, the decision of the Secretary General which is being challenged is illegal or at fault and whether the staff member allegedly harmed is entitled to compensation. In the event of an illegality it can annul the impugned measure. In case of error it can order the Council to pay the appellant compensation for the injury caused. In disputes of a pecuniary nature the Tribunal is empowered to deal with all aspects of the case. It accordingly orders the Secretary General to pay the appellant the sums at issue if the appeal is founded. The Tribunal has held that, given the nature of its jurisdiction, it is not open to it to confine itself to finding a particular fact (No. 179/1994, Fuchs). In the case in question the appellant had sought a finding that the duties of the post to which he had been appointed were not those he was performing. He was not additionally seeking any compensation. His appeal was found inadmissible.

In some cases the Tribunal has, however, delivered decisions in which it invited the Secretary General to consider the opportunity to make changes. It did so, for example, in the reasoning of its decisions concerning procedural confidentiality before the promotions panel and the procedure for upgrading of posts

21. The Statute of the Tribunal states that no appeal lies from its decisions. There is no mention of any special remedy allowing review of points of law. Nor is there any mention of possible requests for interpretations of decisions. So far the Tribunal has received no applications for reviews of cases, and only one partial request for an interpretation (No. 212/1995, Bouillon) and one request for an interpretation (No. 225, Staff Committee). In the matter of requests for interpretations its case-law has had to make good the silence of the



regulations. The Statute does say, however, what procedure to adopt for rectifying clerical errors.

22. Once the decision has been delivered, there arises the question of executing it when the appeal is upheld.

The rules say very little about this. Article 60 (6) of the Staff Regulations merely states: "Decisions of the Administrative Tribunal shall be binding on the parties as soon as they are delivered. The Secretary General shall inform the Tribunal of the execution of its decisions within thirty days from the date on which they were delivered". The Secretary General systematically does so. That said, it can happen that an appellant is dissatisfied with the way in which the Secretary General gives effect to a decision, and the Tribunal has been confronted with two eventualities.

Firstly the appellant may complain to the Tribunal of non-execution or delay in executing a decision. The Tribunal forwards the letter to the Secretary General, who responds, and the matter generally goes no further. That at least has been the case so far.

Secondly the appellant may lodge a new administrative complaint to challenge the administrative phase of executing the decision and, if he or she fails to obtain satisfaction, lodge a further appeal. There have been cases of appellants describing these further proceedings as "objections to execution". There have been several examples (No. 244, X v. Secretary General; Appeals 216, 218 and 222/1996, Palmieri III, IV and V, decision of 27 January 1997).

23. If the Secretary General believes that executing an annulment decision might cause the Council of Europe serious internal difficulties he notifies the Tribunal to that effect in a reasoned opinion. If the Tribunal finds the Secretary General's arguments to be well-founded it sets the amount of compensation to be paid to the appellant. That has occurred once (Nos. 254 and 257, Hornecker).

## **V. CASE-LAW**

24. The appeals with which the Tribunal deals are concerned with matters typical of international civil service. The Tribunal has been called upon to determine disputes about employment matters (recruitment, the end of the probation period, dismissal, temporary contracts and so on), career questions (transfers, promotions and early retirement), disciplinary and financial matters (pay and, more particularly, entitlement to the various allowances), and the extent of welfare cover.

We shall give a brief overview, firstly indicating subjects of appeals and pointing out a few case-law principles. We are not trying to give an exhaustive presentation.

25. Recently the Tribunal has had new issues to consider, in the form of appeals concerned with psychological harassment (No. 281/2001, Parienti) and payment of household allowance to same-sex couples in an officially recognised civil partnership (No. 321/2003, Nyctelius).

Among longer-standing questions, we might single out a 1973 decision on gender equality with regard to breadwinner entitlements, dependent-child allowance and housing allowance (No. 8/1972, Artzet, decision of 10 April 1973). Among other matters in the social sphere, mention might be made of the actual child-maintenance burden in the event of divorce (No. 224, X), the concept of spouse as applied to cohabiting couples (No. 114/1985, Sorinas Balfego), a death (No. 154/1988, Canales, and No. 155/1989, Andrei) and separation pending divorce (*Nicolas and Anthony Siegel v. Governor of the Council of Europe Development Bank*).

26. The Tribunal has also considered legal issues to do with delayed conclusion of a headquarters agreement (No. 241, Tonna), grant of the host country's special residence permit to Council of Europe staff members (No. 344/2004, Emezie) and a former staff member's tax dealings with the host country (No. 246, Vangenberghe) or the country of origin (No 209/1995, Smyth).

27. In the staff-management field, the Tribunal has dealt with several aspects of temporary staff-member status, relating to the grade awarded, entitlement to continued temporary contracts, permanentisation procedure and welfare rights on cessation of temporary contracts. Case-law in this area is extensive because the number of temporary staff has increased considerably over the years – to the extent that the Council has had to overhaul the system – and so each decision has had an indirect impact on the status of a large number of staff.

Questions affecting permanent staff have included the right to an interview in a promotion procedure (No.173/1993, Lervik), a deadlock which arose when an appointment by the Secretary General needed the agreement of the President of the European Court of Human Rights (No.255/1999, Loria-Albanese), retirement of the registrar of the ECHR (191/1994, Eissen), and rights claimed by permanent staff asked to take early retirement.

28. As regards principles, it is worth noting those concerned with the Tribunal's jurisdiction.

Firstly the Tribunal has held that it has jurisdiction to determine appeals against individual measures taken by the Secretary General to implement Committee of Ministers decisions on pay matters under pay policy of the Co-ordinated Organisations (Appeals 101-113/1984, Stevens and Others, 118-128/1985, Jeannin and Others, 133-145/1986, Ausems and Others, and 231-238/1984, Fuchs and Others). The basic argument advanced against challenges to such measures was that they were administrative measures which had to be taken to execute decisions of the Organisation's governing body. The Tribunal decided that it had jurisdiction even though the decisions consisted in application of decisions taken within the system of Co-ordinated Organisations.

Other notable principles relate to the Tribunal's competence to review the manner in which the Secretary General has exercised discretionary powers. The Secretary General relies on his or her discretionary powers in several areas. In promotion matters the Tribunal considers itself competent to annul a decision of the Secretary General only if that decision is manifestly in error.

29. As regards the Tribunal's jurisdiction concerning execution of its decisions, interpretative decisions are of great importance because the rules offer so little guidance. Several of the Tribunal's decisions have had to do with execution of earlier decisions. The case-law laid down by the earliest decisions (No. 10/1973, Artzet, decision of 23 April 1974) in matters of execution of decisions on pecuniary disputes was overtaken by the change that took place in 1981, which recognised the Tribunal as being empowered to deal with all aspects of such matters.

On execution of decisions in other matters it is worth noting the decisions concerned with a promotion procedure that was annulled (Appeals 216, 218 and 222/1996, Palmieri (III), (IV) and (V), decision of 27 January 1997).

30. It is also of interest that in its case-law the Tribunal has referred not only to the interpretation rules in the Vienna Convention on the Law of Treaties but also to the rights established by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (the texts of these two treaties can be consulted on the Council of Europe website [www.coe.int](http://www.coe.int)). Both were instigated by the Council of Europe, which is also responsible for the supervisory machinery relating to them.

The first of the two (the human rights convention) deals with civil and political rights, the second with social and economic rights (regard being had to the latter mainly in cases to do with termination of service of temporary staff lacking the relevant entitlements such as unemployment benefit and welfare cover). Appellants have invoked rights of that type on the ground that it was not permissible for the Council to ignore established principles in those fields.

## **VI. CONCLUSION**

31. We here conclude this general introduction to the Tribunal and its work. As already pointed out, it has no pretensions to exhaustiveness.

## DOCUMENT N° 1

### Staff Regulations

#### Part VII: Disputes

#### ***Article 59 - Complaints procedure***<sup>(1)</sup>

1. Staff members who have a direct and existing interest in so doing may submit to the Secretary General a complaint against an administrative act adversely affecting them. The expression "administrative act" shall mean any individual or general decision or measure taken by the Secretary General.

If the Secretary General has not replied within sixty days to a request from a staff member inviting him or her to take a decision or measure which he or she is required to take, such silence shall be deemed an implicit decision rejecting the request. The sixty-day period shall run from the date of receipt of the request by the Secretariat, which shall acknowledge receipt thereof.

2. The complaint must be made in writing and lodged via the Head of the Human Resources Division:

- a. within thirty days from the date of publication or notification of the act concerned; or
- b. if the act has not been published or notified, within thirty days from the date on which the person concerned learned thereof; or
- c. within thirty days from the date of the implicit decision rejecting the request as mentioned in paragraph 1.

The Head of the Human Resources Division shall acknowledge receipt of the complaint.

In exceptional cases and for duly justified reasons, the Secretary General may declare admissible a complaint lodged after the expiry of the periods laid down in this paragraph.

3. The Secretary General shall give a reasoned decision on the complaint as soon as possible and not later than thirty days from the date of its receipt and shall notify it to the complainant. If, despite this obligation, the Secretary General fails to reply to the complainant within that period, he or she shall be deemed to have given an implicit decision rejecting the complaint.

4. Either on the initiative of the Secretary General or if the staff member so requests in his or her complaint, the complaint shall be referred to the Advisory Committee on Disputes. In that event, the Secretary General shall have thirty days from the date of receipt of the opinion of the Advisory Committee on Disputes to give a decision on the complaint.

5. The Advisory Committee on Disputes shall comprise four staff members, two of whom shall be appointed by the Secretary General and two elected by the staff under the same conditions as those for the election of the Staff Committee. The committee shall be completely independent in the discharge of its duties. It shall formulate an opinion based on considerations of law and any other relevant matters after consulting the persons concerned

where necessary. The Secretary General shall, by means of a rule, lay down the rules of procedure of the committee.

6. The complaints procedure set up by this article shall be open on the same conditions *mutatis mutandis*:

a. to former staff members;

b. to persons claiming through staff members or former staff members, within two years from the date of the act complained of; in the event of individual notification, the normal time-limit of thirty days shall apply;

c. to the Staff Committee, where the complaint relates to an act of which it is subject or to an act directly affecting its powers under the Staff Regulations;

d. to candidates outside the Council who have been allowed to sit a competitive recruitment examination, provided the complaint relates to an irregularity in the examination procedure.

7. A complaint shall not have a suspensive effect. However, the complainant may apply to the Chair of the Administrative Tribunal, with copy to the Secretary General, for a stay of execution of the act complained of if its execution is likely to cause him or her grave prejudice difficult to redress. The Secretary General shall, save for duly justified reasons, stay the execution of the act until the Chair of the Administrative Tribunal has ruled on the application in accordance with the Tribunal's Statute.

#### **Article 60 - Appeals procedure<sup>(2)</sup>**

1. In the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59, the complainant may appeal to the Administrative Tribunal set up by the Committee of Ministers.

2. The Administrative Tribunal, after establishing the facts, shall decide as to the law. In disputes of a pecuniary nature, it shall have unlimited jurisdiction. In other disputes, it may annul the act complained of. It may also order the Council to pay to the appellant compensation for damage resulting from the act complained of.

3. An appeal shall be lodged in writing within sixty days from the date of notification of the Secretary General's decision on the complaint or from the expiry of the time-limit referred to in Article 59, paragraph 3. Nevertheless, in exceptional cases and for duly justified reasons, the Administrative Tribunal may declare admissible an appeal lodged after the expiry of these periods.

4. An appeal shall have no suspensive effect. However, if a stay of execution of the act complained of has been granted by the Chair of the Administrative Tribunal following an application under Article 59, paragraph 7, that stay of execution shall be maintained throughout the appeal proceedings unless the Tribunal decides otherwise on a reasoned request from the Secretary General.

5. While an appeal is pending, the Secretary General shall avoid taking any further measure in respect of the appellant which, in the event of the appeal being upheld, would render unfeasible the redress sought.

6. Decisions of the Administrative Tribunal shall be binding on the parties as soon as they are delivered. The Secretary General shall inform the Tribunal of the execution of its decisions within thirty days from the date on which they were delivered.

7. If the Secretary General considers that the execution of an annulment decision is likely to create serious internal difficulties for the Council, he or she shall inform the Tribunal to that effect in a reasoned opinion. If the Tribunal considers the reasons given by the Secretary General to be valid, it shall then fix the sum to be paid to the appellant by way of compensation.

#### ***Article 61 - Calculation of time-limits***

The time-limits in Articles 59 and 60 shall run from midnight of the first day of each time-limit as defined in the provision concerned. Saturdays, Sundays and official holidays shall count when calculating a time-limit. However, where the last day of a time-limit is a Saturday, Sunday or an official holiday, the time-limit shall be extended to include the first working day thereafter.

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1 As amended by Resolution (94) 11 of 5 April 1994

2 As amended by Resolution (94) 11 of 5 April 1994

## **DOCUMENT N° 2**

### ***Appendix XI to Staff Regulations***

#### ***Statute of the Administrative Tribunal <sup>(1)</sup>***

##### **Article 1 - Membership of the Tribunal**

1. The Administrative Tribunal (hereinafter referred to as the Tribunal) shall be composed of three judges, who shall not be staff members of the Council of Europe.
2. One judge shall be appointed by the European Court of Human Rights (hereinafter referred to as the Court) from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court. The remaining judges shall be appointed by the Committee of Ministers among jurists or other persons of high standing, with great experience in the field of administration. The judges of the Tribunal shall be appointed for a term of three years; they may be reappointed.
3. Three deputies shall be appointed by the Court and the Committee of Ministers, on the same conditions.
4. The six judges and deputies who at any one time are serving, or completing pursuant to paragraph 5 of this Article, a three-year term of office must be nationals of different member states. This provision shall not apply to judges and deputies continuing to hold office pursuant to paragraph 6 of this Article.
5. In the event of the death or resignation of a judge or deputy during the three-year term for which he or she was appointed, the Court or the Committee of Ministers, as the case may be, shall appoint a replacement to serve for the remainder of the term of office of his or her predecessor.
6. Judges and deputies shall continue to hold office until replaced, but only for a maximum period of one year. The judge or deputy who is to continue to hold office pursuant to this paragraph shall, if need be, be selected by a drawing of lots.
7. A judge or deputy who continues or has continued to hold office pursuant to paragraph 6 of this Article shall continue to deal with any case in which oral proceedings have begun before him or her.

##### **Article 2 - Chair**

The judge of the Tribunal appointed by the Court shall be the Tribunal's Chair. If the Chair is unable to act, he or she shall be replaced by the deputy appointed by the Court.

##### **Article 3 - Independence of judges**

The judges of the Tribunal shall be completely independent in the discharge of their duties; they shall not receive any instructions. During their term of office they shall not hold any position which is incompatible with their independence and impartiality as judges of the Tribunal or the demands of this office.

#### ***Article 4 - Jurisdiction***

The jurisdiction of the Tribunal is provided for in Article 60 of the Staff Regulations. Any dispute concerning the scope of its jurisdiction shall be settled by the Tribunal itself.

#### ***Article 5 - Admissibility***

1. An appeal shall not be admissible unless it complies with the conditions laid down in Article 60, paragraphs 1 and 3, of the Staff Regulations.
2. If the Chair states, in a reasoned report to the judges of the Tribunal, that he or she considers the appeal to be manifestly inadmissible, and if the judges raise no objections within two months, the appellant shall be informed without delay that his or her appeal has been declared inadmissible for the reasons stated in the report, a copy of which shall be communicated to him or her.

#### ***Article 6 - Working languages***

The official languages of the Tribunal shall be English and French.

#### ***Article 7 - Preparation of case-files***

1. The notice of appeal must indicate its purpose, set out the facts and grounds of appeal and be accompanied by all supporting documents. Two copies thereof shall either be sent by registered post or handed to the registrar of the Tribunal, who shall acknowledge receipt and communicate them to the Chair and to the Secretary General.
2. The Chair shall set a time-limit for the submission by the Secretary General of his or her observations, to which all supporting documents not already submitted by the appellant shall be attached. The observations of the Secretary General shall be communicated to the appellant, for the submission of whose reply, if any, a time-limit shall also be set by the Chair.
3. The appeal, together with the memoranda and other supporting documents, the comments of the Secretary General and the appellant's reply, if any, shall be communicated to the judges of the Tribunal at least fifteen days before the date of the session at which it is to be considered.
4. If the Advisory Committee on Disputes has been asked for an opinion under Article 59, paragraph 4, of the Staff Regulations, the opinion shall be communicated to the Tribunal as part of the case-file. However, evidence given before the Advisory Committee shall not be binding on the parties, nor may it be raised against them in the proceedings before the Tribunal.
5. The Tribunal may request any other document it considers necessary for the consideration of the appeal.
6. Every document included in the case-file shall be transmitted to the parties or made available to them for consultation in the offices of the Tribunal's registry.
7. The registrar of the Tribunal shall be responsible for communicating documents to the parties.



### ***Article 8 - Stay of execution***

1. The Chair shall rule within fifteen days on applications made under Article 59, paragraph 7, of the Staff Regulations for a stay of execution of an administrative act.
2. The Chair may make his or her decision subject to certain conditions.

### ***Article 9 - Meetings of the Tribunal***

1. The Tribunal shall not be validly constituted unless a Chair and two judges or deputies are present.
2. The Tribunal shall be convened by the Chair.
3. The Tribunal's hearings shall be public unless the Tribunal itself decides otherwise.
4. The Secretary General and the appellant may attend the hearing and make any oral submissions in support of the arguments put forward in their written statements. They may be assisted and represented for that purpose by one or more persons of their choice.
5. The Tribunal shall hear any witnesses whose evidence it considers relevant to the hearing. The Tribunal may require any official of the Council to appear before it as a witness.
6. The judges of the Tribunal shall deliberate in private.

### ***Article 10 - Intervention***

1. Any natural person to whom the Tribunal is open for the purposes of lodging an appeal and who establishes a sufficient interest in the result of a case submitted to the Tribunal may be authorised by the Tribunal to intervene in that case. Such authorisation may also be granted to the Staff Committee under the same conditions.
2. Submissions made in an intervention shall be limited to supporting the submissions of one of the parties.

### ***Article 11 - Costs of the appeal***

1. The Tribunal may, if it considers that an appeal constituted an abuse of procedure, order the appellant to pay all or part of the costs incurred.
2. In cases where it has allowed an appeal, the Tribunal may decide that the Council shall reimburse at a reasonable rate properly vouched expenses incurred by the appellant, taking the nature and importance of the dispute into account.
3. In cases where it has rejected an appeal, the Tribunal may, if it considers there are exceptional circumstances justifying such an order, decide that the Council shall reimburse in whole or in part properly vouched expenses incurred by the appellant. The Tribunal shall indicate the exceptional circumstances on which the decision is based.
4. The Tribunal may decide that the Council shall reimburse justified travel and subsistence expenses incurred by witnesses who have been heard, within the limits of the rates applicable to staff on official journeys.

### **Article 12 - Decisions of the Tribunal**

1. The Tribunal shall reach its decisions by a majority vote. Reasons shall be given for decisions.
2. No appeal lies from decisions. In the event of a clerical error in a decision, it may be rectified by the Chair either *ex officio* or at the request of one of the parties.
3. A copy of the decision shall be delivered to each of the parties. The original shall be deposited in the archives of the registry of the Tribunal.
4. Decisions of the Tribunal shall be published *in extenso* by the Secretary General.

### **Article 13 - Internal Rules of Procedure**

The Tribunal shall adopt its own Rules of Procedure.

### **Article 14 - Registry and budgetary arrangements**

1. The Secretary General shall make the necessary administrative arrangements for the functioning of the Tribunal.
2. The Secretary General shall appoint a registrar and a deputy registrar of the Tribunal. In the discharge of their duties they shall be responsible only to the Tribunal.
3. Subject to the provisions of Article 15, any compensation awarded by the Tribunal shall be borne by the budget of the Council.
4. Travel and subsistence expenses incurred by judges of the Tribunal shall be refunded according to the rules in force in the Council and at the rates determined by the Committee of Ministers.

### **Article 15 - Organisations attached to the Council of Europe**

1. The jurisdiction of the Tribunal may be extended to cover disputes between organisations attached to the Council of Europe and their officials, should the appropriate authorities of such organisations so request.
2. In such cases, an agreement governing administrative procedure and arrangements shall be concluded between the Secretary General and the organisation concerned. The agreement shall expressly provide that the latter organisation shall itself bear the cost of compensation awarded by the Tribunal to any of its officials and the cost of sessions occasioned by such disputes.

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<sup>1</sup> As amended by Resolution (94) 11 of 5 April 1994 and by Resolution (99) 19 of 16 November 1999, with effect on 1 January 2000.

**DOCUMENT N° 3**

***RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL  
OF THE COUNCIL OF EUROPE***

(Entry into force 1 September 1982,  
Modified 27 October 1994 and 30 January 2002)

The Administrative Tribunal of the Council of Europe,

Having regard to Articles 59, 60, And 61 of the Staff Regulations;

Pursuant to Article 13 of the Statute of the Administrative Tribunal,  
hereinafter referred to as “The Statute”;

Adopts the present rules:

**Section I**

**ORGANISATION OF THE TRIBUNAL**

**Chapter I**

**The Chairmanship of the Tribunal**

**Rule 1**

The Chairman of the Tribunal shall be a member appointed by the European Court of Human Rights from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court, in accordance with Articles 1 and 2 of the Statute.

**Rule 2**

The Chairman shall carry out the duties assigned to him in the Staff Regulations, the Statute of the Administrative Tribunal and these Rules. He shall in particular:

- a. direct the work of the Tribunal and the Registry,
- b. preside at its hearings,
- c. represent the Tribunal in the administrative matters.

## Chapter II

### **Registry of the Tribunal**

#### Rule 3

1. The Registry of the Tribunal shall consist of the Registrar and Deputy Registrar appointed by the Secretary General, after having consulted the Chairman of the Tribunal. In the discharge of their duties they shall be responsible only to the Tribunal.

2. In accordance with Article 14, paragraph 1 of the Statute, the Secretary General shall provide the Tribunal with any other necessary staff for its operation, particularly the Council of Europe translation and interpretation services.

#### Rule 4

The Registrar of the Tribunal shall, under the Direction of the Chairman, be responsible for the work of the Registry. In particular:

- a. he shall assist the Tribunal and its members in the discharge of their duties,
- b. he shall be the channel for all communications made by or addressed to the Tribunal,
- c. he shall have the custody of the archives of the Tribunal.

#### Rules 5

A register shall be kept at the Registry in which shall be entered the date of registration of each appeal.

#### Rules 6

The Registrar of the Tribunal shall send the Tribunal's judgements to the Secretary General for publication, in accordance with Article 12, paragraph 4 of the Statute.

## Chapter III

### **The functioning of the Tribunal**

#### Rule 7

The seat of the Tribunal shall be at the seat of the Council of Europe in Strasbourg. The Tribunal may, however, if it considers it expedient, exercise its functions elsewhere in the territories of the member states of the Council of Europe.

#### Rule 8

The Tribunal shall be convened by the Chairman who shall fix its order of business.

#### Rule 9

1. The Tribunal shall normally consist of the Chairman and two other regular judges.
2. In the absence of the Chairman or one of the said regular judges, the Chairman shall be replaced by the Deputy Chairman and each other regular judge by one of the substitute judges appointed by the Chairman.

#### Rule 10

1. The Tribunal shall deliberate in private. Its deliberations shall be confidential.
2. Only the members of the Tribunal shall take part in the deliberations. The Registrar and Deputy Registrar shall be present. No other person may be admitted except by special decision of the Tribunal.

### Section II

## **PROCEDURE**

### Chapter I

## **General Rules**

#### Rule 11

The official languages of the Tribunal shall be English and French.

#### Rule 12

The appellant may bring his appeal in person and conduct his own case. He may also be represented and assisted by one or several advisers of his choice.

#### Rule 13

The Tribunal may designate one or more of its members to take, on its behalf, such action as the Tribunal considers expedient or necessary for the proper performance of its duties under its Statute, and in particular, hear witness or experts or examine documents. Such members shall duly report to the Tribunal.

#### Rule 14

The Tribunal, or when it is not in session, the Chairman, may, giving reasons, order the joinder of two or more cases.

#### Rule 15

The Tribunal's hearings shall be public but on its own initiative or at the request of one of the parties, the Tribunal may, giving reasons, decide that the hearing will be held wholly or partly in camera.

### Chapter II

#### **Institution of proceedings**

#### Rule 16

1. Appeals brought before the Tribunal under Article 60 of the Staff Regulations shall be addressed to the Registrar of the Tribunal.
2. Appeals shall be lodged in writing in one of the official languages of the Tribunal and signed by the appellant or its representative. Two copies thereof shall either be sent by registered post or handed to the Registrar who shall acknowledge receipt.
3. Appeals shall be presented in the form contained in the Appendix which forms an integral part of these Rules.

#### Rule 17

The Registrar shall without delay transmit one copy of the appeal to the Chairman and one copy to the Secretary General.

#### Rule 18

1. The Chairman shall set a time-limit for the submission by the Secretary General of his observations in writing, to which all supporting documents not already submitted by the appellant shall be attached. The observations of the Secretary General shall be communicated to the appellant; the Chairman shall set a time-limit for any written observations which the appellant may wish to submit in reply.
2. The chairman may call upon the parties to submit any additional information which he considers necessary to the procedure.

#### Rule 19

1. The appellant must substantiate the grounds of admissibility of his appeal, as mentioned in Article 60, paragraphs 1 and 3 of the Staff Regulations.

2. If, during the written procedure, the Chairman considers the appeal to be manifestly inadmissible, Article 5, paragraph 2 of the Statute shall apply. Any decision of rejection is given by on Order of the Chairman.

#### Rule 20

1. The Tribunal may strike an appeal out of its list of cases:

a Where the appellant states that he wishes to withdraw his appeal ; or

b Where the circumstances, in particular the appellant's failure to provide information requested or to observe time-limits set, lead to the the conclusion that he does not intend to pursue his appeal.

2. In this case, the Tribunal shall also rule in accordance with the procedure set out in Article 5, paragraph 2 of the Statute. It shall inform the appellant of its decision, of which a copy shall be sent to the Secretary General.

3. The Tribunal may decide to restore an appeal to its list of appeals if it considers that the circumstances justify such a course.

#### Rule 21

1. The complainant may apply to the Chairman for a stay of execution of the act complained of within the meaning of Article 59, paragraph 1 of the Staff Regulations, if its execution is likely to cause him grave prejudice difficult to redress. In that event Article 59, paragraph 7 of the Staff Regulations shall apply.

2. The Chairman shall rule within 15 days of the application, in accordance with Article 8 of the Statute. The decision shall be communicated in writing to the person concerned within 15 days.

#### Rule 22

1. If the complainant has been granted the stay of execution of the act complained of but does not bring an appeal before the Tribunal within the time-limit prescribed in Article 60, paragraph 3 of the Staff Regulations, the stay of execution shall expire automatically.

2. If the complainant brings an appeal before the Tribunal, the stay of execution shall be maintained throughout the appeal proceedings, in accordance with Article 60, paragraph 4 of the Staff Regulations, unless the Tribunal, on a reasoned request from the Secretary General, decides otherwise.

### Chapter III

#### **Oral proceedings**

## Rule 23

Oral proceedings shall normally be held. The parties may inform the Tribunal in writing that they are waiving such proceedings.

## Rule 24

1. When the case is ready for hearing, the Chairman shall fix the date thereof. The Registrar shall give at least 30 days notice of this date to the judges and substitutes on the Tribunal who are called to sit the documents relating to the hearing.

2. The Tribunal shall determine the order of oral proceedings.

## Rule 25

1. The Tribunal may, of its own initiative or at the request of a party, decide to hear any witness or expert as well as any person whose evidence or statements seem likely to assist the hearing. The Tribunal may require any member of the staff of the Council of Europe whom it decides to hear to appear before it.

2. A party desiring to have witnesses, experts or other persons heard at the hearing shall give notice thereof to the Registrar at least 21 days before the date fixed for the opening of the hearing at which the person is to be heard. Such notice shall contain the names and description of the persons whom the party desires to be heard and shall indicate the subject to be dealt with by their evidence or statements and the language which will be used.

3. The Tribunal may, on its own initiative or at the request of a person appearing before it, order the hearing to be held in camera.

## Rule 26

1. The persons whom the Tribunal decides to hear in accordance with Article 9, paragraph 5 of the Statute shall be summoned by the Registrar at least 7 days before the date fixed for the opening of the hearing. During the oral proceedings, the Tribunal may decide to hear a person who has not been summoned if it considers this will assist the hearing.

2. Any member of the staff of the Council of Europe whom the Tribunal decides to hear shall appear before the Tribunal or the members appointed for that purpose, in accordance with Rule 13 of these Rules, and may not refuse to provide the information requested. Any refusal to appear or to give evidence deemed to be unjustified by the Tribunal shall be brought to the notice of the Secretary General.

3. The Tribunal shall take a decision concerning any objection to a person whom it has decided to hear.

## Rule 27

1. Each witness shall make the following declaration before being heard:



“I swear” or “I solemnly declare upon my honour and conscience” - “that I will speak the truth, the whole truth and nothing but the truth”.

2. Each expert shall make the following declaration before being heard:

“I swear” or “I solemnly declare” – “that I will discharge my duty as an expert honourably and conscientiously”.

#### Rule 28

The Tribunal may put questions to the persons whom it has decided to hear. These persons may be questioned, with the permission of the Chairman by the parties or their advisers.

#### Rule 29

The Tribunal may refuse to admit evidence which it considers irrelevant or without probative value. It may also limit oral evidence if it considers sufficient evidence has been adduced.

#### Rule 30

Any witness, expert or other person whom the Tribunal decides to hear may, if he has not sufficient knowledge of the official languages, be authorised by the Chairman to speak another language. In such event the necessary interpretation shall be supplied by the Council of Europe in accordance with Rule 3, paragraph 2 of these Rules.

#### Rule 31

In accordance with Article 11, paragraph 4 of the Statute, the Tribunal may decide that the Council of Europe shall reimburse the travel and subsistence expenses of persons heard by the Tribunal.

#### Rule 32

1. The Tribunal may, at any stage of the proceedings, call for the production of documents or of such other evidence as it finds necessary.

2. The Tribunal may arrange for any other measures of inquiry which it finds necessary.

#### Rule 33

If, during the oral proceedings, a member is replaced by another member, the Tribunal shall determine whether that part of the proceedings preceding the replacement should be recommenced. If more than one member is replaced during the oral proceedings, such proceedings must be recommenced.

#### Rule 34

The Tribunal or, when it is not in session the Chairman, shall rule on any application for the adjournment of a hearing, which may also be adjourned on its own initiative.

### Chapter IV

#### **Judgements of the Tribunal**

#### Rule 35

1. Judgements of the Tribunal shall be delivered in public unless the Tribunal decides to deliver a written judgment.
2. Judgments of the Tribunal shall be signed by the Chairman and the Registrar. They shall include a summary of the facts and the proceedings, the reasons in point of law, and the operative provisions of the judgment. They shall not indicate if they have been taken by a unanimous or by a majority decision.
3. Judgments of the Tribunal shall also include an order for costs in accordance with Article 11 of the Statute.

#### Rule 36

The original of each judgment shall be filed in the archives of the Registry. The Registrar shall deliver a copy to each of the parties.

#### Rule 37

Applications for rectification of a clerical error in a judgment in accordance with Article 12, paragraph 2 of the Statute shall be made to the Chairman in writing.

### Section III

#### **FINAL PROVISIONS**

### Chapter I

#### **Intervention**

#### Rule 38

In accordance with Article 10 of the Statute any natural person to whom the Tribunal is open for the purpose of lodging an appeal may, before the commencement of the hearing, apply to intervene in an appeal by claiming that he has a sufficient interest in the result of a case submitted to the Tribunal. Such authorisation may also be granted to the

Staff Committee under the same conditions. Submissions made in an intervention shall be limited to supporting the submission of one of parties.

#### Rule 39

1. An application to intervene shall be lodged with the Registrar of the Tribunal who shall send a copy to the parties.
2. The Tribunal shall rule on the admissibility of any application to intervene. It shall determine in each case the form which such an intervention must take.
3. The Chairman shall decide what documents the Registrar shall send to the person intervening.

### Chapter II

#### **Miscellaneous provisions**

#### Rule 40

The Tribunal may, when a party claims that he is unable to comply with these Rules, waive the relevant rule if the waiver does not affect the essential principles of the procedure.

#### Rule 41

The Tribunal or, when it is not in session, the Chairman may extend the time-limits applicable to the parties in the proceedings provided for in these Rules.

#### Rule 42

All matters not provided for in the present Rules shall be dealt with by decision of the Tribunal or, when it is not in session, by decision of the Chairman, which shall be binding only in respect of the particular case.

#### Rule 43

These Rules shall apply to appeals included in the list of cases of the Tribunal from 1 September 1982.

**ADMINISTRATIVE TRIBUNAL  
OF THE COUNCIL OF EUROPE**

**TRIBUNAL ADMINISTRATIF  
DU CONSEIL DE L'EUROPE**

Endorsement to be made by the Registrar  
of the Administrative Tribunal /  
Visa du Greffier ou de la Greffière du  
Tribunal Administratif

**Appeal N° / Recours N°** .....

Registered on  
Enregistré le .....

Greffier ou Greffière/ Registrar .....

**FORM OF APPEAL / FORMULAIRE DE RECOURS <sup>(1)</sup>**

**I. INFORMATION CONCERNING THE APPELLANT**

**RENSEIGNEMENTS CONCERNANT LA PERSONNE DU REQUERANT**

**1. Description of appellant / Désignation du requérant <sup>(2)</sup>**

- a. Name and first name(s)  
Nom et prénom(s) .....
- b. Date and place of birth  
Date et lieu de naissance .....
- 

*(1) Before completing this form you are advised to consult Part VII and Appendix XI of the Staff Regulations and the Rules of Procedure of the Administrative Tribunal. These documents are appended to this form of appeal. Once the form is completed two copies should be sent by registered post or handed to the Registrar of the Administrative Tribunal who shall acknowledge receipt. Delay in sending this form may affect your rights (see the appended documents).*

*Avant de remplir ce formulaire, il vous est conseillé de prendre connaissance des dispositions figurant au Titre VII et à l'Annexe XI du Statut du Personnel ainsi que du Règlement intérieur du Tribunal Administratif. Ces documents sont annexés au présent formulaire. Une fois rempli, ce formulaire doit être expédié en deux exemplaires sous pli recommandé ou remis au Greffier du Tribunal Administratif qui en accuse réception. L'envoi tardif de ce formulaire peut porter atteinte à vos droits (voir les documents annexés).*

(2) If you are not a staff member of the Council of Europe please indicate in which capacity you are bringing this appeal (Article 59 paragraph 6 of the Staff Regulations).

*Si vous n'êtes pas un agent du Conseil de l'Europe, veuillez indiquer en quelle qualité vous formez le présent recours (Article 59 paragraphe 6 du Statut du Personnel).*

c. Marital status / Situation de famille .....

d. Nationality / Nationalité .....

e. If the appellant is claiming through a staff member or former staff member give the name of this staff member and the reason entitling the appellant to claim through him:

Si le requérant est l'ayant droit d'un agent ou d'un ancien agent, indiquer le nom de cet agent et à quel titre le requérant est l'ayant droit:

.....  
.....  
.....

f. Address for the purposes of the proceedings:

Adresse pour les besoins de la procédure :

.....  
.....

g. Name (s) and address (es) of the person or persons representing the appellant <sup>(1)</sup>:

Nom (s) et adresse (s) de la personne ou des personnes représentant le requérant <sup>(1)</sup> :

.....  
.....  
.....

2. In the case of a staff member or a former staff member give information concerning:

Pour les agents ou anciens agents, indiquer :

a. The date of commencement of employment with the Council of Europe:

La date d'entrée au service :

.....

b. Grade and department at the date of the contested act:

Le grade et le service d'affectation au moment de l'acte contesté :

.....

c. Nature of the contract:

La nature du contrat : .....

. / .

---

(1) *You may bring your appeal in person and conduct your own case. You may also be represented or assisted by one or several advisers of your choice.*

*Vous pouvez présenter personnellement votre recours et la défense de votre cause. Vous pouvez aussi vous faire représenter par un ou plusieurs conseils de votre choix.*

3. In the case of candidates outside the Council of Europe who have been allowed to sit a competitive recruitment examination give the relevant dates concerning the examination procedure:

Si le requérant est le candidat extérieur au Conseil de l'Europe admis à participer aux épreuves d'un concours de recrutement, indiquer les dates pertinentes concernant le déroulement des épreuves :

.....  
.....  
.....  
.....

## II. INFORMATION CONCERNING THE ADMINISTRATIVE ACT AGAINST WHICH THE APPEAL IS BROUGHT

### RENSEIGNEMENTS CONCERNANT L'ACTE ADMINISTRATIF CONTRE LEQUEL LE RECOURS EST FORME

4. a. Date of the administrative act against which the appeal is brought:  
Date de l'acte administratif contre lequel le recours est formé :  
.....  
or/ou
- b. If the disputed act has neither been published nor notified give the date when the appellant became aware of this act:  
Si l'acte contesté n'a été ni publié ni notifié, date à laquelle le requérant a eu connaissance de cet acte :  
.....

5. a. Date of the complaint against the administrative act:  
Date de la réclamation dirigée contre l'acte d'ordre administratif :  
.....
- b. Date of the rejection of this complaint by the Secretary General:  
Date du rejet de la réclamation par le Secrétaire Général:  
.....
6. a. Has the complainant been referred to the Advisory Committee on Disputes?  
La réclamation a-t-elle été soumise au Comité consultatif du Contentieux ?  
.....

- b. If so, give the date of the opinion of the Advisory Committee and append the opinion to this form of appeal:

Dans l'affirmative, indiquer la date de l'avis formulé par le Comité consultatif du Contentieux et joindre cet avis au présent formulaire :

..... / .

### III. OBJECT OF AND GROUNDS FOR THE APPEAL

#### OBJET ET MOTIFS DU RECOURS

7. Object of the appeal:

Objet du recours :

.....  
.....  
.....  
.....

8. Grounds for the appeal (a short but complete account of the case should be given on additional pages to be attached to this form of appeal).

Motifs du recours (veuillez en donner une indication brève mais suffisante sur des feuillets supplémentaires à joindre au présent formulaire).

9. List of documents produced by the appellant and appended to this form of appeal:

Liste des pièces produites par le requérant et annexées au présent formulaire de recours :

\* grounds for the appeal: motifs du recours

\* .....

\* .....

\* .....

Done at / Fait à ....., on / le .....

Signature (¹) .....

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*(1) When the form of appeal is signed by a person other than the appellant it should be accompanied by a power of attorney or other authority to this effect signed by the appellant.*

*Lorsque le formulaire de recours est signé par une personne autre que le requérant ou la requérante, il doit s'accompagner d'une procuration à cet effet signée par ce dernier ou cette dernière.*