

CONSEIL DE L'EUROPE—— ——COUNCIL OF EUROPE

COMMISSION DE RECOURS APPEALS BOARD

Appeal No. 77/1981 (Frans VANGREENBERGHE (I) v. Secretary General)

The Appeals Board, composed of:

Mr Gunnar LAGERGREN, Substitute Chairman,
Mr Raul VENTURA and
Sir Donald TEBBIT, Members,

meeting in private in Strasbourg on 17 and 18 February 1982, assisted by:

Mr Michel DE SALVIA, Secretary, and
Miss Margaret KILLERBY, Deputy Secretary,

having deliberated, has given the following judgment

PROCEDURE

1. The appellant lodged his appeal on 19 August 1981. The appeal was registered the same day, as case No. 77/1981.
2. In a letter of 25 August 1981, the Secretary General of the Council of Europe was invited to submit his observations on the appeal no later than 1 November 1981. These observations, dated 29 October 1981, were communicated to the appellant for comment.
3. Having seen the appeal and the Secretary General's written observations, the Chairman of the Board, Mr W.J. Ganshof van der Meersch, decided on 24 November 1981 that he should decline to participate personally in the present case. Under Article 2 (final sentence) of the Board's Statute, Mr G. Lagergren, Substitute Chairman of the Board, replaced him for the purposes of this case. The parties were duly informed of the position by the Secretary of the Board.
4. In a letter of 14 December 1981, the appellant submitted his comments.
5. On 22 December 1981, the parties were informed that the hearing would take place on 17 February 1982. They were also informed that they were allowed to submit short written observations and to suggest the names of witnesses to give oral evidence specifying their status and the subject of their testimony. It was explained that if they wished to avail

themselves of this facility, both the observations and the list of witnesses should reach the Secretariat of the Board by 18 January 1982 at the latest.

6. In a letter of 18 January 1982, the Secretary General submitted his supplementary observations and a list of ten proposed witnesses detailing the matters on which they would testify.

On 19 January 1982, the appellant submitted his supplementary observations. With regard to witnesses, he thought that in view of the arguments set out in the memorials of the parties, there was no point in calling witnesses at the hearing. However, he suggested that if witnesses were called, consideration should also be given to calling witnesses from outside the staff of the Council of Europe. He reserved the right to produce written evidence at the hearing, or to suggest calling other witnesses.

7. On 3 February 1982, the appellant submitted five documents concerning the nature and quality of his work in the Directorate of Human Rights.

8. On 15 February 1982, the Board considered procedural matters concerning the hearing. After deliberation, it decided to hear the Secretary General's two proposed witnesses as to the "interest of the service", namely Mr F. Albanese, Deputy Director of Legal Affairs, and Mr K.-H. Marquardt, Head of Establishment Division, and also to hear four witnesses, to be chosen by the Secretary General from the eight he had proposed, as to "working relations" (cf. Rule 10 paragraph 4 of the Board's Rules of Procedure).

In response the Secretary General submitted the same day, a list of four proposed witnesses as to "working relations", namely:

- Mr P. Leuprecht, Director of Human Rights;
- Mr G. Guarneri, Principal Administrative Officer in the Directorate of Human Rights
- Mrs J. Dinsdale, Administrative Officer in the Directorate of Human Rights
- Mrs M. Schurman, temporary official

The Board decided that the appellant was no longer entitled to propose witnesses, as he had neither submitted the names of possible witnesses after being invited to do so by the Secretary of the Board on 22 December 1981 nor complied with the time-limit prescribed in Rules 13 paragraph 2 of the Board's Rules of Procedure.

Lastly, it decided to accept the five documents submitted by the appellant on 3 February 1982.

9. The public hearing took place on 17 February 1982 at the Council of Europe, in the presence of the appellant, represented by Me X. Magnée and Me E. Vogel-Polsky, and of Mr E. Harremoes, Director of Legal Affairs, representing the Secretary General, assisted by Mr Scheuer, Principal Administrative Officer in the Directorate of Administration, Establishment Division, and Mr P. Leal, Administrative Officer in the Directorate of Legal Affairs, Central Section. The above-mentioned witnesses were heard.

THE FACTS

The facts set out by the parties and which are not in dispute can be summarised as follows:

10. Mr Frans VANGREENBERGHE, a Belgian national born on 24 June 1926 in Courtrai (Belgium) entered the service of the Council of Europe on 1 February 1969. At the time of the contested decision, he was a permanent grade A4 official assigned to the Directorate of Human Rights.

11. On 26 May 1981, the Head of Establishment Division informed the appellant that the Secretary General intended transferring him, in the overriding interests of the service, to a vacant post of the same grade in Division I of the Directorate of Legal Affairs. The appellant objected to the transfer and requested an interview with the Secretary General

12. On 1 June 1981, the appellant had an interview with the Secretary General, who informed him that another reason for his transfer was his disagreements with some of his colleagues in the Directorate of Human Rights. Disputing this allegation, the appellant asked the Secretary General to carry out an inquiry into the nature of his working relations with the persons concerned. No action was taken on this request.

13. On 5 June 1981, the appellant received an undated notification, signed by the Deputy Secretary General, of decision No. 1114 that he would be “transferred with effect from 1 July 1981 to a post of the same grade in the Directorate of Legal Affairs – Division I”.

14. On 30 June 1981, the appellant sent the Secretary General an application for the annulment of the transfer decision. The application was refused in a memorandum of 23 July 1981 signed by the Deputy Secretary General. This memorandum stated that the appellant’s transfer had been decided for two reasons: (*translation*)

- “It was in the interests of the proper functioning of the Directorate of Legal Affairs that an experienced lawyer be appointed to the post without delay;

- (the Secretary General’s choice) fell upon you, firstly because the Director of Legal Affairs is willing to accept you, and secondly because certain difficulties of which we spoke during our talk had arisen in your relations with some of your colleagues in the Directorate of Human Rights, indicating that your transfer to another legal department was not only in the service’s interest, but in yours also”.

15. The present appeal is against decision No. 1114 transferring the appellant.

ARGUMENTS ADVANCED BY THE PARTIES

16. The appellant requested the annulment of decision no. 1114, in which the Secretary General had decided to transfer him from the Directorate of Human Rights to a vacant post of the same grade in the Directorate of Legal Affairs, Division I.

He submitted that the decision violated the rights of the defence, was vitiated by factual error, constituted a misuse of powers and impaired his professional status.

I. The appellant's arguments may be summarised as follows:

A. Regarding the violation of the rights of the defence

17. The appellant claimed that the real reason for his transfer was alleged, but unproved, friction between him and some of his colleagues in the Directorate of Human Rights and that the Secretary General's refusal of his request for an inquiry into the truth of the allegation therefore constituted a violation of the rights of the defence.

This general principle of law was, he considered, one that an administrative authority must observe, particularly when taking a decision based, as in this case, on an accusation of a disciplinary nature liable to damage the interests of the official against whom it was levelled.

He considered that, had the allegations been substantiated, disciplinary proceedings might have resulted.

B. Regarding the existence of a factual error

18. The appellant considered that the decision at issue was vitiated by a factual error because it had been mainly prompted by unproven allegations of friction between him and some of his colleagues in the Directorate of Human Rights.

Since the Secretary General had not acceded to the appellant's request for an inquiry, the appellant maintained that it had not been possible to verify the accusation against him and the decision at issue thus rested on conjecture.

The argument that the appellant's transfer had been mainly prompted by the interests of the Directorate of Legal Affairs was, in the view of the appellant, elaborated post factum and had been invoked a posteriori in the Deputy Secretary General's memorandum of 23 July 1981.

Further, he claimed that as the current work in Division I of the Directorate of Legal Affairs had been apportioned to the existing officials of this Division, there was no urgent need to transfer him. Moreover he had no particular experience to offer the committees of experts assigned to him in his new post.

C. Regarding the misuse of powers

19. The appellant maintained that his transfer constituted an abuse of powers, because it had been essentially prompted by alleged friction between him and some of his colleagues which should have given rise to disciplinary proceedings.

It followed (cf. paragraph 18) in the view of the appellant that the decision in dispute had not been dictated by the needs of the service. It therefore had breached Article 6, paragraph 3 of the Staff Regulations, which provided that "the Secretary General shall, acting in the interests of the service and having regard to the provisions of the Regulations on Appointments, assign each official to a post in his category which corresponds to his grade".

The appellant considered that the decision in question had therefore to be seen as a disguised disciplinary measure. In this connection, the appellant referred to a judgment of the Court of Justice of the European Communities (judgment of 5 May 1966, joined cases 18 and 35/65, *Max Gutmann v. Euratom Commission* (1966) *E.C.R.*, p. 103 et seq.), which stated: “[the transfer decision] ... falls within the discretionary powers of the administration, which may arrange its departments and move its staff as required for the performance of the tasks assigned to it. On the other hand, such a decision may amount to a misuse of powers if it appears, on the basis of objective, relevant and consistent facts, to have been taken for purposes other than those stated ...”.

D. Regarding the impairment of the appellant’s professional status

20. The appellant considered that even if his transfer to the Directorate of Legal Affairs met some objective requirement, it impaired his professional status, thus damaging his reasonable interests and infringing the principles established by international precedents.

Whereas in the Directorate of Human Rights he had been in charge of committees of experts of the highest importance, he claimed that he now performed only a secondary role in the secretariat of the committees for which he was responsible in the Directorate of Legal Affairs.

E. Other arguments

21. The appellant maintained that the decision at issue had been insufficiently justified.

He stated that neither decision no. 1114, which merely announced the appellant’s transfer but gave no reasons for it, nor the supporting memoranda, adequately reflected the real reasons for the decision. In any event, conclusions drawn by the Secretary General from allegations unsubstantiated by specific proof, by a hearing of the opposing parties, or by corroborative evidence, obviously could not be regarded as sufficiently justified.

Lastly, the appellant considered the fact that decision no. 1114 concerning his transfer was undated to be in itself sufficient grounds for its annulment.

II. The Secretary General’s arguments may be summed up as follows:

A. Regarding the scope of the Appeals Board’s supervisory powers

22. The Secretary General observed that the contested decision had been taken under powers conferred on him by Article 6, paragraph 3 of the Staff Regulations and Article 5, paragraph 2 of the Regulations on Appointments.

He claimed that it had therefore been taken in accordance with his discretionary powers and the Board was consequently required to effect only a “minimum” verification as to its legality.

B. Regarding the alleged violation of the rights of the defence

23. The Secretary General observed that an inquiry of the kind requested by the appellant was in no way a mandatory prerequisite for his administrative decisions.

He stated that the decision to institute such an inquiry would only be justified if the steps taken in consequence of the hierarchical superior's appraisal of the official had been such as seriously to infringe the latter's rights, which did not apply in this case.

Further, the Secretary General claimed that such an inquiry would have been pointless, since the friction between the appellant and some of his colleagues had not been the root cause of the transfer decision. Moreover, international courts had recognised that the hierarchical authority was empowered to assess the conduct of officials under it and to ensure the existence of a good working atmosphere.

Finally, the Secretary General noted that the appellant had been heard prior to the decision in question, having been informed of it, in accordance with Article 5, paragraph 2 of the Regulations on Appointments, on 26 May 1981 by the Head of Establishment Division, to whom he had been able to put his views on the measure envisaged.

The argument based on a violation of the rights of the defence ought therefore, in the opinion of the Secretary General, to be rejected.

C. Regarding the alleged existence of a factual error

24. The Secretary General further observed that it was incorrect to maintain that the main reason for the transfer decision had been the friction between the appellant and some of his colleagues at the Directorate of Human Rights.

The Secretary General claimed that the fundamental reason for the decision to transfer the appellant, a reason of which the appellant had been duly informed, was the need to reinforce the staff of Division I of the Directorate of Legal Affairs and to fill the vacancy there without delay. Article 5, paragraph 2 of the Regulations on Appointments required that before filling a vacant post, the Secretary General first consider whether this should be done by way of transfer. In this particular case, the Secretary General held the view that it was in the interests of the proper functioning of the Directorate of Legal Affairs to appoint an experienced lawyer without delay to the post which had fallen vacant in Division I. His choice fell on the appellant principally because he filled that requirement and only secondarily because difficulties existed in the appellant's relations with some of his colleagues in the Directorate of Human Rights, indicating that his transfer to another legal department would be in the interest not only of the service but of the appellant also.

However, even if the decision had been motivated-which it was not-by the mere fact that relations between the appellant and some of his colleagues were difficult, the Secretary General considered it was one he was entitled to take. As the appointing authority with responsibility for staff management, it fell to the Secretary General to bring about favourable working conditions and thus ensure the creation or maintenance of a good atmosphere in the various departments.

The decision to transfer the appellant was not, therefore, in the opinion of the Secretary General vitiated by any factual error.

D. Regarding the alleged misuse of power s

25. In view of the foregoing, the Secretary General affirmed that the transfer decision had been motivated solely by organisational requirements. Moreover, the appellant had provided no conclusive element in support of his allegations such as to suggest that the Secretary General had made use of his powers for any purpose other than the interests of the service.

The Secretary General submitted that the contested transfer decision could not be likened to a disciplinary measure, since it had not been motivated by the considerations to which the appellant referred, which could not in any case have given rise to such a measure. Furthermore, at no point in the procedure had any question of disciplining him arisen, since no offence had even been held against him.

The grievance concerning a misuse of powers could not, the Secretary General claimed, therefore be upheld.

E. Regarding the alleged impairment of the appellant's professional status

26. The Secretary General pointed out that there was no entitlement to a given post. Article 6, paragraph 3 of the Staff Regulations solely required him, when assigning officials to posts, to take the interests of the service into account, without reference to the particular interests of the officials concerned. As regards a transfer decision, this provision, combined with Article 2, paragraph 1 and Article 5, paragraph 1 of the Regulations on Appointments, laid down as sole criterion that the appointment be to a post in the same grade, a requirement which had been fully observed in this particular case.

Furthermore, the Secretary General stated that there was no evidence to support the allegation that the appellant's professional standing or status had been damaged by the transfer decision.

The Secretary General claimed that this complaint ought therefore to be set aside.

F. Other argument s

27. The Secretary General pointed out (cf. paragraphs 23 and 25) that, as the decision at issue had been entirely justified by the interests of the service, and the appellant had been duly informed both orally and in writing, the decision could not be held to lack sufficient justification.

Lastly, the Secretary General argued that the absence of a date on decision no. 1114 could not provide grounds for its annulment, since the formality of dating the documents did not affect the substance of the decision and since the decision itself had been duly notified to the appellant on 5 June 1981.

THE LAW

28. The appellant appealed against, and requested the annulment of, decision no. 1114, whereby the Secretary General had decided to transfer him with effect from 1 July 1981 from

the Directorate of Human Rights to a post of the same grade in the Directorate of Legal Affairs, Division I.

29. He argued that the decision was taken in violation of the rights of the defence, since the Secretary General had not acceded to the appellant's request for an inquiry to be carried out to verify the substance of the accusation made against him.

He argued that it had been vitiated in that it had been based on facts that had not been established.

He argued that there was a misuse of powers in that this decision had been taken not in the interests of the service, as the Secretary General maintained, but as a disguised disciplinary sanction based on alleged but unproved bad personal relationships between him and certain of his colleagues in the Directorate of Human Rights; and therefore in order to achieve purposes other than the stated ones.

Further, he argued that it had had the result of diminishing the professional standing of the appellant in the light of his new duties.

Lastly, he argued that the decision to transfer him had been based on insufficient reasons and that the copy of decision no. 1114 served on him had not been dated.

30. The Secretary General maintained on the other hand that the contested decision lay within the powers conferred on him by Article 6, paragraph 3 of the Staff Regulations as in force at the time of the facts at issue (Article 11 of the new Staff Regulations), which stated: "The Secretary General shall, acting in the interests of the service and having regard to the provisions of the regulations on Appointments, assign each official to a post in his category which corresponds to his grade". Similarly, the said measure had been taken in accordance with Article 5, paragraph 2 of the Regulations on Appointments, which stated: "Before filling a vacant post, the Secretary General shall first consider whether this should be done by way of transfer. If so, he shall approach the official considered for transfer in order to allow him to express his views".

In this connection, he argued that the Board was required only to make *a minimum* verification as to legality.

With regard to the substance of the appellant's allegations, the Secretary General pointed out that the transfer decision had indeed been taken in the interests of the service, viz. principally in order to meet the need for the vacant post in Division I of the Directorate of Legal Affairs to be filled without delay by an experienced lawyer, and only secondarily because difficulties had existed in the appellant's relations with certain of his colleagues in the Directorate of Human Rights. He maintained that the appellant's right to be heard had been respected, and that he never had any intention of taking disciplinary measures against him. Finally, there was nothing to bear out the allegation that the appellant's professional standing had been adversely affected as a result of his being transferred.

He consequently concluded that the contested measure fell within the discretionary powers conferred by the Staff Regulations on the Secretary General, had not been taken in violation of the rights of the defence, was not vitiated by factual error, did not constitute a

misuse of powers and did not cause the appellant's professional standing to be adversely affected.

He contested the further allegations made by the appellant concerning the absence of a date on the transfer decision and the absence of sufficient reasons.

Regarding the extent of the Board's supervisory authority

31. Previous decisions have confirmed that it is for the administration in each organisation to assign the officials under its authority in the interests of the service and that the powers vested in the administration are wide discretionary powers, the exercise of which may be supervised by international courts only in a limited way (see in particular I.L.O.A.T., decisions Nos. 132, Tarrab v. I.L.O. and 151, Silow v. F.A.O.). Thus "The higher authority alone is responsible for the organisation of the departments which it must be able to determine and modify according to the exigencies of the service" (E.C.C.J., case 61 /70, G. Vistosi v. Commission of the European Communities, 16 June 1971, (1971) *E.C.R.*, p. 535 s.).

But this applies only "without prejudice to the rights which servants enjoy under their Staff Regulations and which they can ask the Court to enforce" (Ibid).

While it is true that, in the event of a dispute, an international court cannot substitute its own judgment for that of the administration, it nevertheless has the duty to ascertain whether the disputed decision was taken in accordance with the regulations and with general principles of law, such as must be observed in the legal systems of international organisations (Appeals Board, Council of Europe, 8/1972, G. Artzet v. the Secretary General, *Decisions*, p. 79 s.).

As has been noted by the I. L.O. Administrative Tribunal: "Discretionary authority must not, however, be confused with arbitrary power ; it must, among other things, always be exercised lawfully, and the Tribunal, which has before it an appeal against a decision taken by virtue of that discretionary authority, must determine whether that decision was taken with authority, is in regular form, whether the correct procedure has been followed and, as regards its legality under the Organisation's own rules, whether the Administration's decision was based on an error of law or fact, or whether essential facts have not been taken into consideration, or again, whether conclusions which are clearly false have been drawn from the documents in the dossier, or finally, whether there has been a misuse of authority" (I.L.O.A.T. decision No. 191, Ballo v. U.N.E.S.C.O.).

As already observed by the Board in its decision No. 76/1981 (Pagani v. the Secretary General, paras. 23 to 26), these are the conditions in which the Board exercises its supervisory control.

Regarding the merits of the appeal

32. In considering the appellant's request for the annulment of the decision of the Secretary General to transfer him, the Board has taken into account the fact that the Secretary General enjoys a wide latitude of discretion when taking such a decision providing due regard is paid to the safeguards secured to the staff by the Staff Regulations and administrative rules and regulations.

33. The Board observes that under Article 5 paragraph 2 of the Regulations on Appointments, the Secretary General, before effecting a transfer, shall approach the official considered for transfer in order to allow him to express his views.

By virtue of this provision the official concerned has the opportunity, especially in the case of a transfer envisaged against his wishes, to express his views so that the administration can take them into account.

34. However the right to be heard which is secured by the above-mentioned provision cannot be interpreted as having necessarily to take the form of an inquiry for the purpose of verifying the substance of what the appellant regards as an accusation of a disciplinary character.

35. In the present case the appellant's right to express his views was respected. It is apparent both from the documents in the file and from information supplied to the Board during the hearing that an opportunity to present comments was given to the appellant during the conversation he had, first with the Head of Establishment Division on 26 May 1981 and, secondly, with the Secretary General on 1 June 1981.

In addition evidence was given by the Director of Human Rights that the appellant "had spent long hours in [the Director's] office, not only on the 2nd or 3rd of June, but during all this period".

36. In these circumstances the Board considers that the Secretary General's rejection of the appellant's request for an inquiry to be carried out into his working relations with his colleagues in the Directorate of Human Rights does not constitute a violation of Article 5 paragraph 2 of the Regulations on Appointments.

37. The appellant also claimed that he had not been sufficiently informed of all the reasons for his transfer.

38. Evidence given to the Board advanced two reasons for the transfer.

The first reason, relating to the need to reinforce the staff of Division I of the Directorate of Legal Affairs, was brought to the appellant's notice during the conversation on 26 May 1981 with the Head of Establishment Division. The latter stated in his note of 27 May 1981 to the Secretary General that he had informed the appellant that his transfer was envisaged "in the overriding interests of the service". According to the evidence given by the Head of the Establishment Division at the hearing, he informed the appellant that according to the information he had received from the Director of Legal Affairs it was necessary to fill the post in question by a qualified lawyer who would be given responsibility for one of the three legal sectors in Division I.

The second reason, the existence of tension between the appellant and certain of his colleagues in the Directorate of Human Rights, was put to him on the occasion of the interview accorded to him by the Secretary General on 1 June 1981.

It therefore appears to the Board that the appellant was adequately informed of the reasons for his transfer as required by Article 5 paragraph 2 of the Regulations on Appointments.

39. In order to avoid any misunderstandings in future cases of this kind, and in keeping with the spirit of Article 5 paragraph 2 of the present Regulations on Appointments, the Board is of the opinion that it would be helpful if the administration, before taking a transfer decision, especially when it is contrary to the official's wishes, informed him in writing of the reasons for the envisaged transfer.

40. The appellant also argued that the contested decision suffered from the defect that it had been motivated principally by his alleged but unproven bad personal relationships with certain colleagues in the Directorate of Human Rights, and was therefore based on facts that had not been established.

41. The information supplied to the Board at the hearing has made it possible to establish that one reason for the transfer of the appellant was the need for the vacant post in Division I of the Directorate of Legal Affairs to be filled without delay by a lawyer with his qualifications and experience.

42. The second reason adduced in justification for the transfer of the appellant was the discord between him and certain of his colleagues in the Directorate of Human Rights.

43. The Board accepts the evidence of witnesses to the effect that difficulties existed in the appellant's working relations with certain of his colleagues.

44. The Board considers, as it stated in its decision No. 76/7981 (*Pagani v. Secretary General*), that it is for the administration to ensure that good working relations obtain within its services and to take all necessary measures to that end (cf. *E.C.C.J. case 124/78, H. List v. Commission of the European Communities*, 12 June 1979, (1979) *E.C.R.*, p. 2499 s.). The importance of ensuring full understanding between officials is a motive which, because of the difficulty of assessing causes and effects, has no disciplinary character, and constitutes one of the reasons which may require and justify assignment to another post (cf. *I.L.O.A.T. decision No. 132, Tarrab v. I.L.O.*).

45. The Board therefore considers that relations in the Directorate of Human Rights were in need of improvement and that insofar as this was part of the Secretary General's motivation in making the transfer, his action was justified.

46. The appellant argued that the contested measure was tantamount to a misuse of authority in that, insofar as his transfer had been based on grounds of discord between him and certain of his colleagues in the Directorate of Human Rights, this ought to have led to the institution of disciplinary proceedings.

47. The Board observes that at no point did the Secretary General claim that the appellant had been guilty of any lapse from duty which might have made him liable to a disciplinary sanction. There was therefore no requirement to institute disciplinary proceedings.

48. It is clear from these considerations that the transfer was not a disguised disciplinary sanction and that no misuse of powers has been established.

49. The appellant also argued that, even assuming that his transfer served an objective interest of the service, the result would be that his professional standing would be inferior in the new post to which he had been assigned.

50. The Board considers that an official is not entitled either to a given post or to work in a given sector. Thus, "Although the Staff Regulations are intended to guarantee to an official the grade he has obtained and a post corresponding to that grade they give him no right to any particular post; on the contrary, they leave to the appointing authority the power to assign officials in the interests of the service to the various posts corresponding to their grade." (E.C.C.J., case 21- 68, *A. Huybrechts v. Commission of the European Communities*, 6 May 1969, (1969) *E.C.R.*, p. 85 s).

51. Further, the Board observes that the appellant was transferred to a post of the same grade as that which he occupied in the Directorate of Human Rights. The work entrusted to the appellant in his new post is such that it can be performed only by a lawyer possessing qualifications and experience similar to those of the appellant. The Board believes that he will have scope to make full use of his undoubted talents in his new appointment.

52. Consequently, the Board considers that there is nothing to suggest that the appellant's professional standing has been adversely affected.

53. The Board also concludes from the evidence before it that the Secretary General's decision to transfer the appellant was taken solely in the interests of the service.

54. The appellant and his counsel laid some emphasis on the omission of a date on the copy of the decision of his transfer. The Board has not been convinced that the lack of the date was due to anything more than a clerical error and considers it of no material significance.

For these reasons,

the Appeals Board

Declares the appeal unfounded;

It is therefore dismissed;

Each party shall bear the costs incurred by it.

Done at Strasbourg, the English text being authentic.

The Secretary to the
Appeals Board

M. de SALVIA

The Substitute Chairman of the
Appeals Board

G. LAGERGRE N

Read at a public hearing on 11 June 1982 by Sir Donald TEBBIT.

D. TEBBIT