

CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF

ADMINISTRATIVE TRIBUNAL

CHAIR'S ORDER of 30 June 2016

in the case of Natalia KRAVCHENKO (II) v. Secretary General

I, Chair of the Administrative Tribunal,

Having regard to appeal No. 569/2016 lodged by Ms Natalia KRAVCHENKO on 11 March 2016;

Having regard to the letter sent by the applicant's representative on 13 June 2016, in which he gave notice that the appellant did not wish to pursue her appeal;

Having regard to the letter sent by the representative of the Secretary General of the Council of Europe on 13 June 2016 in which he states that he has no objection to the appellant's appeal being struck off the list;

Having regard to Rule 20 of the Tribunal's Rules of Procedure;

Having regard to Article 5, paragraph 2, of the Statute of the Administrative Tribunal;

Considering that it is appropriate to apply the procedure provided for in the said articles;

Having submitted a reasoned report to the Tribunal judges on 21 June 2016;

Noting that the judges raised no objection but, on the contrary, gave their consent to this order;

DECLARE

- appeal No. 569/2016 struck off the list on the grounds set out in the report appended hereto.

Done and ordered in Strasbourg, on 30 June 2016, this order being notified to the parties.

The Registrar of the
Administrative Tribunal

S. SANSOTTA

The Chair of the
Administrative Tribunal

C. ROZAKIS

REPORT DRAWN UP FOR THE PURPOSES OF THE PROCEDURE PROVIDED FOR IN RULE 20 OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL AND ARTICLE 5 § 2 OF THE STATUTE OF THE TRIBUNAL

Appeal No. 569/2016

Natalia KRAVCHENKO (II) v. Secretary General

The present report concerns appeal No. 569/2016 lodged by Ms Natalia Kravchenko. It has been drawn up for the purposes of the procedure provided for in Rule 20, paragraph 2, of the Rules of Procedure of the Administrative Tribunal and Article 5, paragraph 2, of the Tribunal's Statute.

THE PROCEEDINGS

1. Ms Natalia Kravchenko lodged her appeal on 11 March 2016. On the same date, the appeal was registered under No. 569/2016.
2. The Secretary General filed submissions on 20 May 2016.
3. On being invited to submit observations in reply, on 13 June 2016 the appellant informed the Chair that she did not wish to pursue her appeal.
4. On the same date, the Secretary General informed the Tribunal that he had no objection to the appeal being struck off the list.
5. On 21 June 2016, the Chair of the Tribunal submitted the present report to the members of the Tribunal.

THE FACTS

6. The appellant is a former temporary staff member of the Organisation. She was employed there until 30 June 2010 on monthly contracts.
7. On 7 November 2015, the appellant submitted an administrative complaint to the Secretary General under Article 59, paragraph 2, of the Staff Regulations. She requested "protection and assistance in [her] action to secure an invalidity pension".
8. On 21 December 2015, the Secretary General rejected the administrative complaint on the ground that it was partly inadmissible, partly unfounded and lastly, for the remainder, devoid of purpose.
9. On 11 March 2016, the appellant lodged the present appeal.

THE LAW

1. In her appeal, the appellant asked the Tribunal to annul the Secretary General's decision of 21 December 2015 and, consequently, to rule that the Organisation would cover, by way of protection for the staff member in her official capacity, all the costs incurred in her proceedings to obtain an invalidity pension.

10. In his observations dated 17 May 2016, the Secretary General asked the Tribunal to declare the appeal inadmissible and to dismiss it.

11. In a letter dated 13 June 2016, the appellant gave notice that she did not wish to pursue her appeal.

12. On the same date, the Secretary General informed the Tribunal that he had no objection to the appeal being struck off the list.

13. The Chair points out that under the terms of Rule 20, paragraph 1 a of the Tribunal's Rules of Procedure, an appeal may be struck out if an appellant states that he or she wishes to withdraw it and according to paragraph 2 of the same provision, the Tribunal shall rule in accordance with the procedure set out in Article 5, paragraph 2 of the Tribunal Statute which applies in cases where the appeal is manifestly inadmissible.

14. The Chair, for his part, notes that there is no reason why the appeal should not be struck from the list. Admittedly, in her letter informing the Tribunal of her decision not to pursue her appeal, the appellant gave no indication of the reasons which prompted this decision. The Chair, therefore, can review neither the rationale nor the ins and outs of the decision, but this omission is no reason not to order that the appeal be struck off the Tribunal's list of cases. Indeed, under Rule 20, paragraph 3, of the Rules of Procedure, "The Tribunal may decide to restore an appeal to its list of appeals if it considers that the circumstances justify such a course."

15. The Chair further notes that the appeal is to be struck out according to the procedure provided for in Rule 20, paragraph 2, of the said Rules.

CONCLUSION

16. This report is being submitted to the Tribunal judges so that they may exercise the supervision provided for in Article 5, paragraph 2, of the Statute of the Tribunal, to which Rule 20, paragraph 2, of the Rules of Procedure refers.

The Chair

Christos ROZAKIS