CONSEIL DE L'EUROPE
COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF
ADMINISTRATIVE TRIBUNAL

Appeal No. 543/2014 (Bilge KURT TORUN v. Secretary General)

The Administrative Tribunal, composed of:

Mr Giorgio MALINVERNI, Deputy Chair,
Mr Jean WALINE,
Mr Rocco Antonio CANGELOSI, Judges,

assisted by:

Mr Sergio SANSOTTA, Registrar,
Ms Eva HUBALKOVA, Deputy Registrar,

has delivered the following decision after due deliberation.

PROCEEDINGS

1. The appellant, Ms Bilge KURT TORUN, lodged her appeal on 11 February 2014. On the same date, the appeal was registered under No. 543/2014.

2. The appellant asked to be granted anonymity when lodging the appeal, but, on 28 February 2014, the Chair decided that there was no reason to grant anonymity in this case.

3. On 10 March 2014 the appellant filed supplementary pleadings.

4. On 23 May 2014 the Secretary General submitted his observations.

5. The appellant filed her observations in reply on 21 August 2014.

6. The public hearing took place in the hearing room of the Administrative Tribunal in Strasbourg on 2 October 2014. The appellant was represented by Ms Carine Cohen-Solal, a barrister practising in Strasbourg, while the Secretary General was represented by

Mr Benno Kilian, Head of the Central Division of the Directorate General of Administration, assisted by Mr Stefan Sirbu, from the same division, and Mr Ian Wilson, from the Directorate of Human Resources.

7. After the hearing, the Tribunal asked the Secretary General to provide it with a sample of the questions put during the tests. This was sent, along with an explanatory notice. However, only the notice was transmitted to the appellant despite an express request on her part to be able to consult the document containing the sample of tests as well. Under the procedures followed by the company which provided them, these tests are confidential.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

8. The appellant is a permanent staff member on a contract of indefinite duration with the Council of Europe. At the time of her appeal, she was working in the Directorate of Legal Advice and Public International Law at grade B4.

9. On 26 March 2013 the appellant applied to take part in a special assessment procedure reserved for certain categories of staff in the Organisation, called the "24e procedure" (paragraph 19 below).

10. On 30 April 2013 the Directorate of Human Resources informed the appellant that she was one of the 217 candidates invited to take part in the first examination of the selection procedure. It was specified that this examination would be eliminatory and would consist of three "adaptive" tests to be completed on a computer, with the tests being supplied by an outside company. The tests in the present case were as follows:

1. a verbal reasoning test designed to assess candidates' ability to interpret verbal information and draw the right conclusions from it;

2. a numerical reasoning test designed to gauge candidates' ability to analyse and make deductions from numerical information and data (candidates were required to bring a calculator);

3. a logical reasoning test designed to assess candidates' ability to analyse abstract information and apply it.

11. Neither in the communication of 30 April nor in the invitation to sit the tests sent to her on 28 May 2013 was anything said to the appellant about the minimum marks required to get through to the next stage.

12. On 3 July 2013 the appellant was informed that her results in the tests did not qualify her to take part in the next stage of the procedure. It was also stated that the

Appointments Board had decided that the minimum score to be obtained in each test was 50.

13. On 12 July 2013 the appellant lodged an administrative complaint against the Secretary General under Article 59, paragraph 2, of the Staff Regulations. She asked that the decision not to allow her to take part in the following stage of the procedure (written papers) and not to invite her to sit the written papers, which were to be held on 17 September 2013, should be set aside. The appellant also asked for her appeal to be referred to the Advisory Committee on Disputes (Article 59, paragraph 5, of the Staff Regulations).

14. On 28 August 2013 the appellant applied to the Chair of the Administrative Tribunal for a stay of execution of the disputed administrative decision in accordance with Article 59, paragraph 9, of the Staff Regulations. She also asked to be granted anonymity.

15. On 12 September 2013 the Chair held that he did not have to grant anonymity and dismissed the request for a stay of execution.

16. On 18 December 2013 the Advisory Committee on Disputes expressed the opinion that the administrative complaint was admissible and well-founded. It proposed therefore that the Secretary General should set aside his decision not to allow the appellant to take part in the written papers and take steps to ensure that she could participate in the next stage of the procedure in question.

17. On 16 January 2014 the Secretary General rejected the administrative complaint on the ground that it was inadmissible and unfounded.

18. On 11 February 2014 the appellant lodged this appeal.

II. THE RELEVANT LAW

19. Article 24 of the Regulations on Appointments (Appendix II to the Staff Regulations) governs beginning-of-career appointments and the passage between categories of posts or positions.

Section e. of this article relates to the latter aspect and is worded as follows:

> "…
>
> e. **Special procedure for L and B grade staff wishing to become eligible for appointment to category A posts and positions**
>
> 15. The Secretary General shall organise on a regular basis a formal assessment procedure, which shall include a competitive examination, for L and B grade staff members wishing to become eligible for appointment to category A posts or positions. The procedure shall be open to all L grade staff members who have, in the opinion of the Appointments Board, fully met the requirements of their post/position during the previous three years. It shall be open also to B grade

staff members who fulfil all of the following conditions: they have served for six years in the Organisation and they have, in the opinion of the Appointments Board, fully met the requirements of their post/position during the previous three years. A positive assessment will result in the staff member concerned being able to participate in internal competitions for vacant category A posts or positions.

…"

20. Before 1 January 2014 Article 15 of the Regulations on Appointments set out the rules on competitive examinations. Since that date it has related to the "recruitment procedure".

In the section of relevance to this appeal, the version of the regulations in force at the time of the facts was entitled "Competitive examination" and read as follows:

"1. Competitive examinations shall include written papers or tests, or both, and interviews conducted by the Board:

- the written papers shall be eliminatory, manuscripts must be anonymous, and must be marked by two examiners;

- examiners of written papers may not sit on the Board for the competition for which they marked the papers;

- tests may be eliminatory and shall be anonymous. In exceptional circumstances, where their nature so requires and upon decision of the Board, tests may be evaluated without anonymity. In such cases, applicants invited to compete will be informed accordingly.

…

4. When appointments are being made by internal competition, the Board shall decide whether written examinations should be held; in such cases the examinations shall be designed mainly to test professional ability.

5. The Chair of the Board may take the following decisions concerning the conduct of competitive examinations without consulting the Board members:

…

- select examiners drawn from a list approved by the Board;

…."

THE LAW

21. The appellant lodged this appeal for the decision of 3 July 2013 to be set aside on the ground of the alleged irregularity of the aptitude tests. She also seeks compensation of 10 000 euros for the non-pecuniary damage she suffered (Article 60, paragraph 2, of the Staff Regulations) and claims 5 000 euros for her costs.

22. The Secretary General asks the Tribunal to declare the appeal inadmissible and/or ill-founded and to dismiss it. He also considers that the requests for compensation for non-pecuniary damage and the reimbursement of costs should be rejected.

I. SUBMISSIONS OF THE PARTIES

A) Admissibility

1) *The Secretary General*

23. The Secretary General considers that the appeal was out of time and that internal remedies were not exhausted with regard to the complaint about the examiners.

24. Where the first objection is concerned, the Secretary General notes that the appellant objects to the very holding of the aptitude tests and complains that they were unsuitable and irrelevant.

25. He notes that the impugned procedure is a special assessment procedure, for which it was decided that aptitude tests would form part of the assessment of candidates. He adds that it had been agreed that that these tests would be eliminatory and that only candidates who obtained a score of at least 50 in each test would be permitted to sit the written papers. The Secretary General maintains that it fell to the appellant to object to the tests within thirty days following receipt of the letter of 30 April inviting her to sit these tests and not once she was informed that she had failed on 3 July 2013. The Secretary General adds that this case differs from the one which gave rise to the Hoppe appeal (ATCE, Appeal No. 522/2012, HOPPE v. Secretary General, decision of 12 April 2013), because in the present case the appellant objects to the very holding of the tests, whereas the appellant in Appeal No. 522/2012 objected to the way in which the tests had been conducted. Therefore, as the appellant waited until 12 July 2013 to lodge her administrative complaint, her appeal is inadmissible for being out of time.

26. Concerning the second objection of inadmissibility of part of the appeal for failure to exhaust internal remedies, the Secretary General notes that the appellant's administrative complaint did not raise the ground of appeal that the tests were in breach of the regulations because the examiners for the computer-based tests were not drawn from a list approved by the Appointments Board (Article 15, paragraph 5, second sub-paragraph of the Regulations on Appointments in their version in force on 31 December 2013).

2) *The appellant*

27. On the subject of the first objection of inadmissibility, the appellant submits that the starting point for the time-limit to lodge an administrative complaint was indeed the decision of 3 July 2013 informing her of her results in the aptitude tests and her

elimination from the special assessment procedure. She argues that the e-mail of 30 April 2013 cannot be regarded as an "administrative act adversely affecting" her within the meaning of Article 59, paragraph 2, of the Staff Regulations as, on that date, she had not been adversely affected because she was aware neither of how the tests she was due to sit would be organised nor of her future results.

28. As to the second objection of inadmissibility, the appellant points out that an administrative complaint is an informal pre-litigation procedure seeking a friendly settlement to a dispute. The grounds raised by the appellant in her administrative complaint should not therefore be interpreted restrictively.

She emphasises that, in her administrative complaint, she contested the results obtained following the computer-based aptitude tests in the light of the compliance of the procedure and the aptitude tests themselves with the regulations.

Her ground of appeal concerning the examiners for the computer-based tests, raised in her supplementary pleadings, is of course an integral part of the complaint concerning the compliance of the aptitude tests which the Secretary General had to examine. Consequently, the Secretary General had the possibility of examining the lawfulness of the entire procedure to check that it complied with the regulations.

She concludes from this that the objection of inadmissibility raised by the Secretary General is unfounded in the light of the Tribunal's case-law (ATCE, Appeal No. 294/2002 - Dmitri MARCHENKOV v. Secretary General, decision of 28 February 2003, paragraphs 18-20).

B) Merits of the appeal

1) The appellant

29. The appellant contends that the aptitude tests are neither in compliance with the regulations nor relevant. Since each question put depends on the answer to the previous one, every correct answer is followed by a more difficult question and every wrong answer by an easier question. Consequently, only the first question in each test is identical for all the candidates. Moreover, as the total number of questions in each test was lower than 20, the results of these tests were not reliable. In the appellant's view, in order to assess the candidates as fairly as possible and minimise the risk of error, it is generally recognised that there should be 20 or more questions per test. This was not the case with the impugned tests.

30. The appellant also objects to the composition of the reference groups and to the percentile procedure (the method for the interpretation of test scores used in the present case).

31. She also asserts that the tests are incompatible with Article 15, paragraph 5, of the Regulations on Appointments because the examiners were not drawn from a list approved by the Appointments Board.

32. The appellant submits that the questions put during the tests were irrelevant and objects to the fact that they were eliminatory.

33. She also alleges linguistic discrimination in so far as the very nature of the questions implied excellent knowledge of French or English. Being of Turkish mother tongue, she was placed in a more difficult situation than candidates of English or French mother tongue. As a result, the principle of fairness and equal opportunities between candidates was infringed.

34. The appellant also alleges a lack of training and practice for the aptitude tests because of the manner in which candidates could practice to sit them. According to the appellant, the tests also contained errors.

Lastly, the appellant insists on what, in her view, was the true purpose of the tests. Referring to the opinion of the Advisory Committee on Disputes, she argues that the aim of the tests was not to select the best candidates objectively but to eliminate as many as possible artificially. In her view evidence for this is provided by the fact that 174 candidates out of a total of 217 were eliminated, meaning that the failure rate was in the region of 80%.

35. In conclusion, the appellant contends that the decision to eliminate her from the procedure constituted a breach of the regulations and should be set aside.

2) The Secretary General

36. The Secretary General asserts from the outset that Article 24 e. does not refer to Article 15 of the Regulations on Appointments when it provides for a "competitive examination". The reference to a competitive examination in Article 24 e. is simply alluding to the fact that the procedure must consist of a competition made up of several tests. Article 15 of the Regulations on Appointments, on external recruitment procedures, does not apply to the special assessment procedure, which is governed solely by Article 24 e.

37. On the subject of the appellant's various grounds of appeal, the Secretary General submits that it is not for the appellant, as a candidate, to assess their suitability and relevance to the functions of an administrative officer at the Council of Europe.

Relying on the case-law of the Tribunal, the Secretary General argues that, when establishing the arrangements for and running the tests of a competitive examination, and also when evaluating the papers, the competent authorities enjoy a broad degree of discretion. This discretion, which must be exercised on the basis of objective criteria, is not exempt, however, from judicial review, which must make it possible to check that the

way in which discretionary powers were exercised was not vitiated by a manifest error or an abuse of authority or that the limits of discretionary power were not clearly exceeded (ATCE, Appeal No. 172/93, FERIOZZI-KLEIJSSEN v. Secretary General, decision of 25 March 1994, paragraph 31).

38. The Secretary General adds that, during the special assessment procedure in question here, no irregularity was noted in the way in which the tests were conducted. The aptitude tests in which the appellant participated were prepared by an external service provider specialising in aptitude tests in close co-operation with the Directorate of Human Resources. The use of the aptitude tests was also approved by the Appointments Board, which was duly consulted and informed that the shortlisted candidates would be required to sit three computer-based aptitude tests (verbal, numerical and logical reasoning), as indicated in the corresponding call for candidatures and during the information meetings on the special 24 e. procedure held for the candidates who had applied. Accordingly, there was no evidence that these tests were not suited to the needs of the special 24 e. assessment procedure or to the Council of Europe's requirements.

39. On the subject of the "adaptive" nature of the tests, the Secretary General submits that this makes it possible to gauge the ability levels of the candidates more accurately and rapidly than conventional tests and papers. Aptitude tests are a means of rapidly identifying candidates' levels of ability. The criticism to which the appellant seeks to subject the Organisation's use of aptitude tests, by making reference to two press articles containing comments which she cites, is unwarranted, as the content of these articles is not such as to undermine the validity of such tests as a means of selecting candidates during a competitive examination.

The Secretary General points out that the questions put to the candidates are taken from a large database containing questions of varying degrees of difficulty. The degree of difficulty of each question is measured in advance through psychometric and statistical studies. In the Secretary General's contention it is important to note that all the tests start with a question which is only moderately difficult, meaning that all the candidates are treated in the same way. If the candidate does not give the right answer to this question, the following question will be slightly easier and every correct answer will result in a slightly more difficult question, bearing in mind that the difference in difficulty is a scientifically measurable fact which makes it possible to pinpoint the candidate's level precisely. Following the test, the final score is determined by combining the number of right and wrong answers and by the respective degree of difficulty of the questions.

40. The Secretary General also disputes the appellant's arguments with regard to percentiles and points out that percentiles are the most widespread method of interpreting the scores of psychometric tests. He asserts that the reference groups chosen in the present case were representative.

41. In reply to the argument referring to Article 15, paragraph 5, of the Regulations on Appointments in the version in force at the time of the facts, the Secretary General reiterates that this provision does not apply to the procedure in question. He adds that, in

any case, for a computer-based test, it is sufficient to compare the answers given by the candidates with the correct answers and to determine a candidate's performance in comparison with the other candidates.

42. On the subject of the irrelevance of the numerical and logical reasoning tests for the recruitment of administrative officers (category A staff) at the Council of Europe, bearing in mind the skills required and the tasks performed by the latter, the Secretary General points out that the special assessment procedure is general in nature and does not relate to a specific profile or post.

The functions and tasks of category A staff frequently entail management of budgetary resources and financial data and analysis of figures or statistics in the context of calls for tenders. Consequently, there can be no doubt that numerical skills are relevant to the functions performed by administrative officers at the Council of Europe.

Similarly, the logical reasoning tests are a means of gauging candidates' problem-solving abilities. The candidates taking part in the special assessment procedure have all worked in the context of grade B or L functions. The admission criteria for the special assessment procedure are particularly broad and a large number of grade B and L staff members fulfil them. In the Secretary General's view, although it can be considered that these candidates have shown their skills in their respective categories, there is no guarantee as to their potential to succeed in grade A functions. The purpose of the aptitude tests is to assess the potential of grade B or L staff members to perform functions at a higher level of complexity and responsibility.

The general nature of the special assessment procedure and the terms of Article 24 e. lead to the conclusion that the use of aptitude tests in this context is entirely suited to the needs of the procedure in question, especially as the subsequent written papers and interviews complete the candidate assessment procedure.

43. As to the eliminatory nature of the tests alleged by the appellant, the Secretary General denies that this principle was introduced in retrospect and points out that every stage of the procedure was eliminatory.

44. The Secretary General also denies that there has been any linguistic discrimination or any lack of practice or training.

45. In response to the appellant's allegation that the Organisation's true purpose was to eliminate the maximum number of candidates artificially, the Secretary General reiterates that the tests were entirely valid. Furthermore, the success rate was equal to that of external competitions and higher than that of the previous special procedure held under Article 24 e. of the Regulations on Appointments. Furthermore, the context is different from that which gave rise to the Hoppe appeal (ATCE, Appeal No. 522/2012, HOPPE v. Secretary General, decision of 12 April 2013), in which the appellant contested the use of these tests as "job-related tests" within the meaning of Article 16 (in force at the time) of the Regulations on Appointments governing external recruitment.

46. The Secretary General considers it clear from all the foregoing considerations that he did not violate any regulation nor the practice or general principles of law. Nor was there any misinterpretation of relevant evidence, erroneous conclusions or abuse of authority.

He adds that none of the arguments put forward by the appellant are capable of raising any doubts as to the validity of the tests or the decision not to invite her to sit the written papers of the special assessment procedure. Consequently, the appellant's request for the decision of 3 July 2013 to be set aside can under no circumstances be granted.

II. THE TRIBUNAL'S ASSESSMENT

A) The Secretary General's objections of inadmissibility

47. With regard to the Secretary General's first objection that the appeal (or more precisely the administrative complaint) was lodged out of time, the Tribunal considers, as it has already argued in other cases (ATCE, Appeal No. 522/2012, Hoppe v. Secretary General, decision of 12 April 2013, paragraph 19), that the point from which the time-limit within which an administrative complaint must be filed begins to run is when the person concerned learns that he or she has failed an examination. In the Tribunal's opinion, this time-limit could not start running from the point at which the appellant learnt how the competitive examination was to be conducted because, under Article 59, paragraph 2, of the Staff Regulations, an administrative complaint must be directed against an act that adversely affects the appellant. Appellants must also show that they have a direct and "existing" interest. Such an interest can only be considered to exist when an appellant learns of the adverse outcome of an examination, and simply being aware of the decision to organise a test cannot adversely affect an appellant as he or she could well pass it. Lastly, as the appellant states in her observations in reply, it is clear from the administrative complaint that the appellant's purpose was solely to contest the arrangements for the organisation of the aptitude tests.

Consequently, the argument that the appeal was out of time must be dismissed.

48. On the subject of the second objection, the Tribunal notes, as the appellant also correctly points out, that under its case-law, at the administrative complaint stage, appellants need not set out all their arguments but may confine themselves to stating the grounds of appeal that they are raising (ATCE, Appeal No. 294/2002, MARCHENKOV v. Secretary General, decision of 28 March 2003, paragraph 20). In the present case it is clear that the appellant was challenging the way in which the tests were conducted and hence their compliance with the regulations.

Consequently, this objection is not founded either and must also be dismissed.

49. In conclusion, both of the Secretary General's objections of inadmissibility are unfounded and must be dismissed.

B) The merits of the appeal

50. The Tribunal notes first of all that Article 24 e. does not say anything about the organisation or conduct of the special procedure, providing merely for a "competitive examination". The wording remained the same after the amendment of Article 15 of the Regulations on Appointments (paragraph 20 above), which transformed this provision on competitive examinations into a rule covering recruitment procedures, as the special procedure is not in itself a recruitment procedure. The parties have not drawn the Tribunal's attention to any other provisions covering this matter. Since the Tribunal itself is not aware of any such provisions, it takes the view that the special nature of the procedure cannot justify such a shortcoming. Quite the opposite, in the Tribunal's view all of the varying aspects of the procedure require a more detailed set of regulations, as is the case with the procedures for the recruitment and promotion of staff.

The importance of more detailed regulations of this sort is obvious if it is borne in mind that over 200 members of staff applied to take part in the impugned special procedure.

Nonetheless, it is not for the Tribunal to draw any conclusions from the absence of such regulations, especially as the appellant makes it quite clear that she is not disputing the very principle of holding aptitude tests but only their content and their conduct.

51. Secondly, with regard more specifically to the appellant's grounds of appeal, the Tribunal notes, on the subject of the first of these, alleging that the aptitude tests used in the special assessment procedure were unsuitable and irrelevant, that the Secretary General dwelt for a considerable time on the principles which he considers should govern the exercise of his broad discretionary powers in setting the tests provided for by this procedure (paragraph 39 above). These principles are based mostly on the case-law of the Tribunal, which is quoted, and also relate to the supervisory powers that the Tribunal may exercise in this sphere. This power consists in checking "that the way in which discretionary powers were exercised was not vitiated by a manifest error or an abuse of authority or that the limits of discretionary power were not clearly exceeded" (*ibid.*).

52. As to the limits of the Secretary General's discretion in this field, the Tribunal considers that they cannot be established without bearing in mind what the aim of the special procedure is. Its aim is not to recruit or promote staff but to give the staff in categories B and L who are ultimately selected the possibility of taking part in subsequent internal competitions held to fill vacant posts or positions in category A. In addition, staff invited to sit the competitive examination are selected on the basis that they "have, in the opinion of the Appointments Board, fully met the requirements of their post/position during the previous three years".

53. However, since the appellant, of her own admission, does not contest the actual principle of using such tests, the Tribunal is not required to address the question of the relevance of the aptitude tests. Conversely, it does have to examine her other complaint concerning the relevance of the questions put in these tests.

54. It goes without saying that the aim of the procedure must be taken into account when the tests to be set in a competition are chosen. The Tribunal must ascertain whether the tests chosen were relevant in view of the aims of the procedure, but it is not necessary for it to attempt to determine whether the member of the sentence of Article 22 e. on a "competitive examination" authorises the Secretary General to require candidates to sit tests, as this question was not put to it.

55. After examining a sample of the tests in question, the Tribunal draws the conclusion that they were not suited to the aim pursued by the special procedure. It is true that in his reply to the appellant's plea relating to the relevance of the questions put during the tests, the Secretary General highlighted the importance of numerical and logical reasoning tests because of the tasks that category A staff must perform. However, as noted by the Advisory Committee on Disputes in its opinion (paragraph 16 above), these tests are followed by written papers whose aim is "to ascertain the actual ability of candidates to perform category A functions at the Council of Europe" (paragraph 14 of the opinion).

56. The Tribunal does not understand therefore what extra benefit tests devised in this way could bring to the process of selecting candidates in comparison with the written papers which were to follow. In this context, it is worth pointing out that the candidates for this special procedure are serving staff who have been well graded and who must in any case sit further examinations before being authorised to take part in internal competitions to be selected to fill a category A post. And, of course, following this, they must pass these competitions before they actually change category.

57. Therefore, when choosing the type of tests which the appellant was required to sit, the Secretary General exceeded the limits of his discretionary power as to the choice of tests in a procedure whose aim is to validate the skills of staff already in post.

58. As a result, this ground of appeal is founded and the impugned act must be set aside.

59. Having arrived at this conclusion, the Tribunal does not need to examine the appellant's other grounds of appeal, including that concerning the real aim pursued by the organisation of aptitude tests.

III. THE CLAIMS FOR COMPENSATION AND COSTS

60. The appellant asks to be awarded 10 000 euros in compensation for the non-pecuniary damage suffered and 5 000 euros for all the costs incurred as a result of her appeal.

61. On the subject of the first claim, the Secretary General cannot see how any compensation of the sort would be justified. If the appellant had passed the aptitude tests or if the candidates had not been required to sit them, there is nothing to indicate that she would have passed the written and oral examinations held as part of the special procedure. He considers therefore that the appellant did not suffer any non-pecuniary damage.

As to the costs, he invites the Tribunal to dismiss the related claim.

62. With regard to non-pecuniary damage, the Tribunal considers that the appellant has genuinely suffered some degree of damage of this sort. However, the outcome of the current proceedings constitutes in itself just satisfaction in accordance with Article 60, paragraph 2, of the Staff Regulations.

On the subject of the costs incurred, the Tribunal notes that the appellant used the services of a lawyer. It considers it reasonable that the Secretary General should reimburse the requested sum (Article 11, paragraph 2, of Appendix XI to the Staff Regulations).

IV. CONCLUSION

63. The appeal is founded and the impugned decision must be set aside. The appellant is also entitled to the reimbursement of 5 000 euros for her costs and expenses.

For these reasons, the Administrative Tribunal:

Dismisses the Secretary General's pleas of inadmissibility;

Declares the appeal founded and sets aside the impugned decision;

Orders the Secretary General to reimburse the appellant 5 000 euros for her costs and expenses.

Adopted by the Tribunal in Strasbourg on 30 January 2015 and delivered in writing on the same day pursuant to Rule 35, paragraph 1 of its Rules of Procedure, the French text being authentic.

The Registrar of the Administrative Tribunal	The Deputy Chair of the Administrative Tribunal
S. SANSOTTA	G. MALINVERNI