

**CONSEIL DE L'EUROPE**—————

—————**COUNCIL OF EUROPE**

**TRIBUNAL ADMINISTRATIF**

**ADMINISTRATIVE TRIBUNAL**

**CHAIR'S ORDER of 7 March 2008  
in the case of Solange STIPLOVSEK v. Secretary General**

I, Chair of the Administrative Tribunal,

Having regard to Appeal No. 402/2007 lodged by Ms Solange Stiplovsek on 3 December 2007;

Having regard to the appellant's letter received on 4 February 2008, in which she gave notice that she wished to withdraw the appeal;

Having regard to the Secretary General's letter of 11 February 2008 in which he raised no objections to striking the appeal out of the case list;

Having regard to Rule 20 of the Rules of Procedure of the Administrative Tribunal;

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

Considering it appropriate to apply the procedure provided for in the above provisions;

Having submitted a reasoned report to the judges of the Tribunal on 28 February 2008;

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

**DECLARE**

- Appeal No. 402/2007 struck off the list of cases on the grounds set out in the report appended hereto.

Done and ordered in Göteborg on 7 March 2008, the present order being notified to the parties to the case.

The Registrar of the  
Administrative Tribunal

S. SANSOTTA

The Chair of the  
Administrative Tribunal

E. PALM

**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, PARAGRAPH 2, OF THE STATUTE OF THE TRIBUNAL**

**Appeal No. 402/2007**

**Solange STIPLOVSEK v. Secretary General**

This report concerns Appeal No. 402/2007 lodged by Mrs Solange Stiplovsek. 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 Statute of the Tribunal.

**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 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.”

**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.”

**THE PROCEEDINGS**

1. Ms Solange Stiplovsek is a permanent member of staff at the Council of Europe. She lodged her appeal on 3 December 2007. The appeal was registered on the same day under No. 402/2007.

2. After receiving permission to submit further pleadings, the appellant stated, in a letter which reached the Registry of the Tribunal on 4 February 2008, that she wished to withdraw her appeal.

3. On 11 February 2008, the Secretary General informed the Tribunal that he had no objection to striking the appeal off the Tribunal’s case list.

4. On 28 February 2008, the Chair of the Administrative Tribunal submitted this report to the members of the Tribunal.

## **THE FACTS**

5. The appellant, who is a permanent member of the Council of Europe staff working at the Registry of the European Court of Human Rights, was refused the exceptional rate of reimbursement of educational costs. This exceptional rate is provided for under Article 7, paragraph 6 d), of the Regulations on the payment of staff salaries and allowances (Appendix IV to the Staff Regulations).

6. On 4 September 2007, the appellant submitted an administrative complaint to the Secretary General (under Article 59 of the Staff Regulations).

7. On 2 October 2007, the Secretary General dismissed the administrative complaint.

8. On 3 December 2007, the appellant lodged the present appeal.

## **THE LAW**

9. The appellant lodged an appeal against the Secretary General's decision not to grant her the exceptional rate of reimbursement of educational costs provided for under article 7, paragraph 6 d) of the Regulations on the payment of staff salaries and allowances (Appendix IV to the Staff Regulations).

10. In a letter which reached the Registry on 4 February 2008, the appellant informed the Tribunal that she wished to withdraw her appeal. She did not provide any explanation.

11. The Secretary General did not, for his part, raise any objection to striking the appeal off the Tribunal's case list.

12. The Chair would point out that, under Rule 20, paragraph 1.a, of the Tribunal's Rules of Procedure, an appeal may be struck off the case list if the appellant declares that he or she wishes to withdraw it. For her part, the Chair observes that in the present case there is no reason why the appeal should not be struck off the list. She notes that the appellant did not provide any justification for her request. Nevertheless, in the absence of any justification, the Chair holds that there is no reason why the appellant – who is represented by a lawyer and was authorised to submit further pleadings – should not withdraw her appeal. She also observes that the appeal must be struck off the case list in accordance with the procedure set out in Rule 20, paragraph 2, of the Tribunal's Rules of Procedure.

## **CONCLUSIONS**

13. 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

Elisabeth PALM