

ACTIVITY REPORT 2022

ADMINISTRATIVE TRIBUNAL OF THE COUNCIL OF EUROPE



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACTIVITY REPORT 2022

ADMINISTRATIVE TRIBUNAL
OF THE COUNCIL OF EUROPE

French edition:

Rapport d'activité 2022

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows “© Council of Europe, year of the publication”.

All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Registry of the Administrative Tribunal.

Cover design and layout: Documents and Publications Production Department (DPDP), Council of Europe

Photo Cover: Council of Europe

This publication has not been copy-edited by the DPDP Editorial Unit to correct typographical and grammatical errors.

© Council of Europe, July 2023
Printed at the Council of Europe

Disclaimer

This report was prepared under the responsibility of the Registry. It does not necessarily reflect the official position of the Administrative Tribunal or of any of its members.

Contents

FOREWORD	5
INTRODUCTION	6
Disputes concerning the Council of Europe and the Council of Europe Development Bank	7
Disputes concerning organisations affiliated to the Administrative Tribunal	8
ADMINISTRATIVE COMPLAINTS	9
Within the Council of Europe	9
Within the Council of Europe Development Bank	10
Within affiliated organisations	11
ADVISORY COMMITTEE ON DISPUTES OF THE COUNCIL OF EUROPE	12
Composition	12
Cases dealt with	12
CONCILIATION IN AFFILIATED ORGANISATIONS	13
Conciliators and Deputy Conciliators	13
Conciliation in affiliated organisations	13
ADMINISTRATIVE TRIBUNAL	14
Composition	14
Organisational measures	15
Activity	16
Appeals registered	18
Decisions	19
Orders ruling on applications for a stay of execution	22
Other orders and decisions	23
APPENDICES	24
Appendix 1 – List of appeals registered in 2022	24
Appendix 2 – List of decisions delivered in 2022	27

Foreword



This report describes the role played by the Administrative Tribunal in 2022 as the judicial body responsible for settling employment disputes between, on the one hand, the Council of Europe, the Council of Europe Development Bank and the intergovernmental organisations that have recognised its jurisdiction and, on the other, members of their staff.

In 2022, a major review of the Administrative Tribunal's regulations was carried out, as part of the administrative reform undertaken by the Council of Europe. A new Statute was adopted for the Tribunal in November 2022 and came into force on 1 January 2023. The Committee of Ministers' resolution adopting the new Statute was the result of a process of consultation with the Tribunal. In helping to draw up the instrument, the Tribunal sought to strengthen the mechanism for the judicial settlement of disputes within the Council of Europe, while ensuring that appellants' right of access to justice was safeguarded.

There was a particularly large number of appeals in 2022. I am pleased to note that the cases were dealt with within normal procedural timeframes, in particular as a result of the adjustments made at the start of the Covid-19 pandemic in 2020, which enabled the Tribunal to continue its work without building up any major backlogs. The resilience shown by the Tribunal on that occasion reflects the commitment of its members and the Registry to ensuring the continuity of our activities.

I hope the readers of this report will find information and data that will enhance their interest in our Tribunal's work.

Nina Vajić
Chair of the Administrative Tribunal

A handwritten signature in black ink, which appears to read "Nina Vajić". The signature is written in a cursive, flowing style.

Introduction

This report is the 11th report outlining the activities of the Administrative Tribunal of the Council of Europe (hereinafter “Administrative Tribunal”). It covers the period from 1 January to 31 December 2022.

For this period, the report provides a statistical overview of:

- ▶ administrative complaints lodged with the Council of Europe and the Council of Europe Development Bank;
- ▶ the activities of the Advisory Committee on Disputes at the Council of Europe;
- ▶ complaints and conciliation procedures within the international organisations that have recognised the jurisdiction of the Tribunal¹ (hereinafter “organisations affiliated to the Administrative Tribunal”) and
- ▶ appeals and other applications lodged with the Administrative Tribunal.

It is to be noted that the legal framework applicable to disputes in 2022 has undergone a major overhaul. On 1 January 2023, new Staff Regulations entered into force for the Council of Europe² and the Development Bank³. On the same date, the new Statute of the Administrative Tribunal⁴ entered into force. Subsequently, the Tribunal revised its Rules of procedure⁵. The description made in the present report of the applicable procedures reflect the rules in force in 2022 and does not take into account the changes introduced by the new regulatory framework.

-
1. International organisations: Central Commission for the Navigation of the Rhine (CCNR), Hague Conference on Private International Law (HCCH) and Intergovernmental Organisation for International Carriage by Rail (OTIF).
 2. See Committee of Ministers Resolution [CM/Res\(2021\)6](#).
 3. See new [Staff Regulations of the Development Bank](#) adopted by the Governing Board of the Bank on 18 March 2022.
 4. See Committee of Ministers Resolution [CM/Res\(2022\)65](#).
 5. A new [Rules of procedure](#) was adopted by the Tribunal on 26 January 2023 and apply to appeals included in the list of cases of the Tribunal as from 10 February 2023.

Disputes concerning the Council of Europe and the Council of Europe Development Bank

At the Council of Europe and the Council of Europe Development Bank, staff disputes are governed by [Articles 59 to 61](#) of the Council of Europe Staff Regulations, which make up part VII (Disputes). The rules of procedure of the Advisory Committee on Disputes were laid down by the Secretary General in Rule No. 1062 (2001), amended by [Rule No. 1200](#) (2004). As regards the Tribunal, Part VII of the Staff Regulations is supplemented by the Statute of the Administrative Tribunal ([Appendix XI to the Staff Regulations](#)) and by the [Rules of Procedure](#) which the Tribunal adopted. For the Development Bank of the Council of Europe, these texts apply in the version adopted by the Council of Europe if the Bank has not adopted [changes](#) to be applied to the Bank.

Without going into full details here, it is worth pointing out that any person (whether a serving staff member, a former staff member or a person claiming through them – Article 59, paragraph 8, letters (a) and (b), of the Staff Regulations) wishing to challenge an administrative act adversely affecting them must file an administrative complaint within 30 days. The complaint is made to the Secretary General (or the Governor of the Development Bank when it is an administrative measure by the bank that is involved), who decides whether or not to accept it.⁶ Specific provisions apply to the Staff Committees of the Council of Europe and of the Bank, as well as to staff and external candidates who participate in recruitment procedures (letters (c) and (d) of the same provision).

When the complaint is lodged by a Council of Europe staff member, the complainant can request that the Advisory Committee on Disputes draw up a reasoned opinion before the Secretary General takes his/her decision. The aforesaid Committee formulates its opinion within one year from the date of submission (Article 59, paragraph 5 of the Staff Regulations).

Following the lodging of a complaint by a staff member of the Council of Europe Development Bank, the Governor may propose to him/her to reach an amicable settlement before a Conciliation Board, chaired by a person from outside the Bank; Mr Philippe Vorreux has been appointed Chairman of the Conciliation Board.

6. By its [decision 28 April 2015](#) in appeals Nos. 548-553/2014 - Clelia CUCCHETTI RONDANINI and others v. Secretary General, the Tribunal, ruling on the admissibility of appeals of candidates who had not been admitted to the recruitment competition, did not accept the amendment introduced by the Organisation after a previous decision of the Tribunal (see paragraphs 61 to 64 of the decision).

The Secretary General or the Governor has 30 days to take a decision on the administrative complaint. If there is no decision within that period, it means that the complaint has been implicitly rejected.

When the Secretary General or Governor has taken their decision, the complainant can, within 60 days, lodge an appeal with the Administrative Tribunal if dissatisfied with the decision. Any appeal lodged without going through the preliminary stage of the administrative complaint would be thrown out for non-compliance with the rules of procedure.

The Tribunal's decision is not appealable and is binding on the parties as soon as it is delivered.

Disputes concerning organisations affiliated to the Administrative Tribunal

Since the amendment made in June 2014⁷ to [Article 15 of the Administrative Tribunal's Statute](#), Appendix XI to the Staff Regulations, the jurisdiction of the Administrative Tribunal may be extended to cover disputes between international governmental organisations other than the Council of Europe and their respective officials.

Pursuant to this provision, the jurisdiction of the Tribunal has been extended to include cases involving staff of three international organisations other than the Council of Europe:

- ▶ [the Central Commission for the Navigation of the Rhine \(CCNR\)](#);
- ▶ [the Hague Conference on Private International Law \(HCCH\)](#);
- ▶ [the Intergovernmental Organisation for International Carriage by Rail \(OTIF\)](#).

Under the agreements concluded with these organisations, provisions specific to the organisation concerned apply to the phase prior to the referral to the Tribunal, for which the Chair of the Tribunal is nevertheless responsible for appointing a Conciliator and a Deputy Conciliator.

The conciliators' secretariat is provided by the Tribunal's Registry.

7. See Committee of Ministers [Resolution CM/Res2014\(4\)](#).

Administrative complaints

Within the Council of Europe⁸

The Legal Advice and Litigation Department of the Directorate of Legal Advice and Public International Law is responsible for replying, on the Secretary General's behalf, to administrative complaints lodged under Article 59 of the Staff Regulations.

In 2022, 206 administrative complaints were lodged on the dates indicated below, of which two were upheld, 203 were rejected, and one, which has been referred to the Advisory Committee on Disputes, was still pending on 31 December 2022.

The requests made in these complaints were as follows:

- ▶ Five requests to annul the results obtained by candidates in written tests in external recruitment procedures (17 January, 10 and 14 April, 8 and 11 July 2022);
- ▶ 178 requests to annul the decision to partially grant the annual salary adjustment for 2022 in application of the affordability clause (26 January-25 February 2022);
- ▶ Request challenging the follow-up to an opinion issued by the Commission against harassment in the context of a harassment complaint (7 March 2022);
- ▶ Request to annul the decision to terminate the application of a candidate to an external recruitment procedure due to the ineligibility of their application (28 March 2022);
- ▶ Request to annul a decision declaring an offer of employment void (15 April 2022);
- ▶ Request to annul the decision not to extend the secondment of a national official by a Member State to the Council of Europe (23 April 2022);

8. Information in this section of the report has been provided by the Legal Advice and Litigation Department of the Directorate of Legal Advice and Public International Law of the Council of Europe.

- ▶ Six requests to annul decisions not to renew fixed-term contracts of staff members (7 June, 6, 7 and 13 July 2022);
- ▶ Request to annul a decision not to grant unpaid leave (7 June 2022);
- ▶ Two requests to annul decisions not to include candidates on reserve lists drawn up following external recruitment procedures (21 and 24 June 2022);
- ▶ Two requests to annul decisions not to shortlist applications in external recruitment procedures (29 and 30 June 2022);
- ▶ Request to modify the place of recruitment in the offer of employment of a staff member (29 July 2022);
- ▶ Request to annul the decision requesting the reimbursement of overpaid basic family allowance for 2021 (1st August 2022);
- ▶ Request to annul the decision not to grant complete retroactive regularisation of the salary of a locally recruited staff member, on the basis of the retroactive salary adjustment conducted by the United Nations (25 August 2022);
- ▶ Request to annul the decision to select another candidate following an internal competition (11 October 2022);
- ▶ Request to annul the decision not to renew the fixed-term contract of a staff member recruited in the framework of a junior professional programme (24 November 2022);
- ▶ Request to annul the decision to terminate the temporary contract of a locally recruited staff member (2 December 2022);
- ▶ Request to annul the decision not to grant the allowance in respect of dependent children (21 December 2022);
- ▶ Request to annul the decision to endorse the Commission against Harassment's finding that no psychological harassment took place in its opinion formulated following a complaint submitted by a former staff member (27 December 2022).

Within the Council of Europe Development Bank⁹

The Development Bank's legal advice service – the Office of the General Counsel - is responsible for replying, on the Governor's behalf, to administrative complaints filed under Article 59 of the Staff Regulations.

9. Information in this section of the report has been provided by the Bank's Office of the General Counsel.

In 2022, one complaint was lodged on the date indicated hereafter and rejected: the complainant sought the annulment of a decision regarding the calculation of days of leave accrued upon termination of their employment contract (27 June 2022).

Within affiliated organisations¹⁰

No administrative complaints were filed in 2022 with regard to the affiliated organisations (CCNR, HCCH and OTIF).

10. Information in this section of the report has been provided by the Tribunal Registry after consultation with the legal departments of the affiliated organisations mentioned.

Advisory Committee on disputes of the Council of Europe¹¹

Composition

In 2022, the composition of the Council of Europe's Advisory Committee on Disputes changed during the period covered by this report was as follows:

Chair	Mr Yves Winisdoerffer
Full Members	Ms Ulrika Flodin-Janson Mr Hallvard Gorseth Ms Françoise Kempf
Substitutes	Ms Catherine Du-Bernard Rochy Mr Nicola-Daniel Cangemi Ms Tatiana Trussevits Mr Emmanuel Simonet

Ms Flodin-Janson, Mr Gorseth, Ms Du-Bernard Rochy and Mr Cangemi were appointed by the Secretary General.

Mr Winisdoerffer, Ms Kempf, Ms Trussevits and Mr Simonet were elected by the Council of Europe staff.

The committee was assisted by two joint secretaries, Ms Pamela McCormick and Mr Sonmez Ozturk.

Cases dealt with

In 2022 the Committee received 6 complaints (5 of which concerned the same subject matter and were processed jointly) and delivered 2 opinions.

11. The Advisory Committee on Disputes was abolished as of 1 January 2023.

Conciliation in affiliated organisations

Conciliators and Deputy Conciliators

During the period covered by the present report

- ▶ Mr Helmut Buss served as Conciliator for HCCH and as Deputy Conciliator for CCNR and OTIF (date of appointment 10 May 2021);
- ▶ Ms Mirka Dreger served as Conciliator for CCNR and OTIF and as Deputy Conciliator for HCCH (date of appointment 17 December 2021).

Mr Buss and Ms Dreger will remain in office for the remainder of their predecessors' term, i.e. until 2 April 2023.

Conciliation in affiliated organisations

There were no requests for a conciliation procedure involving any of the affiliated organisations during the period covered by the present report.

Administrative Tribunal

Composition

In 2022, the composition of the Tribunal remained unaltered. Its membership was as follows:

Chair	Ms Nina Vajić	(Croatia)
Deputy Chair	Mr András Baka	(Hungary)
Judges	Ms Lenia Samuel	(Cyprus)
	Mr Thomas Laker	(Germany)
Deputy judges	Ms Françoise Tulkens	(Belgium)
	Mr Christos Vassilopoulos	(Greece)

The Tribunal was assisted by a Registrar (Ms Christina Olsen) and a Deputy Registrar (Mr Dmytro Tretyakov).



From left to right: András Baka (Deputy Chair), Nina Vajić (Chair), Lénia Samuel (Judge), Thomas Laker (Judge), Christina Olsen (Registrar) and Dmytro Tretyakov (Deputy registrar)

It should be noted that the Registry has a permanent post of registrar. The deputy-registrar duties, however, continue to be performed by a permanent staff member with other duties within the Organisation (in this case, the Registry of the European Court of Human Rights).

In 2022, the Registry staff also included an administrative support assistant (Ms Anna Regard, until 25 April 2022), a part-time administrative assistant (Ms Flore Chaboisseau) and two part-time assistants providing temporary backup (Ms Léa De Barros for a period of nine months; Ms Marie-Charlotte Ehret for a period of three months) and a junior temporary assistant lawyer (Ms Lara Stefani, from 10 October to end of December 2022).

The Registry also benefited from the input of a stagiaire participating in the Council of Europe's official internship programme. It accordingly hosted Ms Claire Musch, from 1 April to 31 July 2022, for the first session of the programme.

Organisational measures

Due to the progressive easing of restrictions linked to the Covid-19 health crisis, the Chair of the Tribunal decided to put an end, as of 25 April 2022, to the exceptional measures that were put in place at the beginning of the Covid-19 pandemic.¹²

In this respect, the Chair decided that as from 25 April 2022, the date of lodging of appeals before the Administrative Tribunal would be the date of receipt by the Registry of the duly completed appeal form and related documents, delivered in person in paper form, or the date of dispatch by registered post, as evidenced by the postmark.

Therefore, from 25 April 2022 onwards, the date of receipt of these documents in electronic form was no longer taken into account for the purposes of calculating the applicable time limits and determining the admissibility of appeals lodged with the Tribunal.

12. In March 2020, relying on her powers under Rule 42 of the Tribunal's Rules of Procedure, the Chair decided that, for the period during which precautionary measures linked to the pandemic remained in force at the Council of Europe, the date of lodging of appeals would be that of the electronic dispatch of a duly completed appeal form and its appendices. It was up to the appellant (or their representative) either to send the documents dispatched electronically by registered letter or to deposit them at the Registry as soon as possible and without adding any changes. The Chair decided that the same procedure should apply when lodging requests for stay of execution.



It was decided to revert to the same procedure when lodging requests for stay.

In 2022, following the lifting of the precautionary measures linked to the Covid-19 health crisis, the Tribunal was able to revert to its usual ways of working and to hold in-person sessions and hearings. Thus, at the third session of the Tribunal in October 2022, the members of the Tribunal could meet in person for the first time since they had been appointed at the start of 2021. The other sessions of the Tribunal which occurred in 2022 were held by videoconference.

Activity

In 2022, the Tribunal convened at four ordinary sessions and one extraordinary meeting, adding up to eight days of meeting. It held three hearings at which it considered three appeals. One appeal was considered without a hearing on the decision of the Chair, in the light of the position taken by the parties.



From left to right: Lénia Samuel (Judge), András Baka (Deputy Chair), Nina Vajić (Chair) and Thomas Laker (Judge)

Throughout 2022, the Tribunal contributed to the Council of Europe’s administrative reform process, by sharing its views and expertise regarding the relevant rules on staff disputes, in particular Article 14 of the new Council of Europe Staff Regulations on grievance procedures¹³ and the new Statute of the Tribunal.¹⁴

On 14 October 2022, at the Headquarters of the Organisation for Economic Co-operation and Development (OECD) in Paris, the Chair of the Tribunal, Nina Vajić took part, together with the Registrar and Deputy Registrar of the Tribunal, in an informal meeting of the Presidents and Registrars of the Administrative Tribunals / Appeals Boards of the six [Co-ordinated organisations](#).

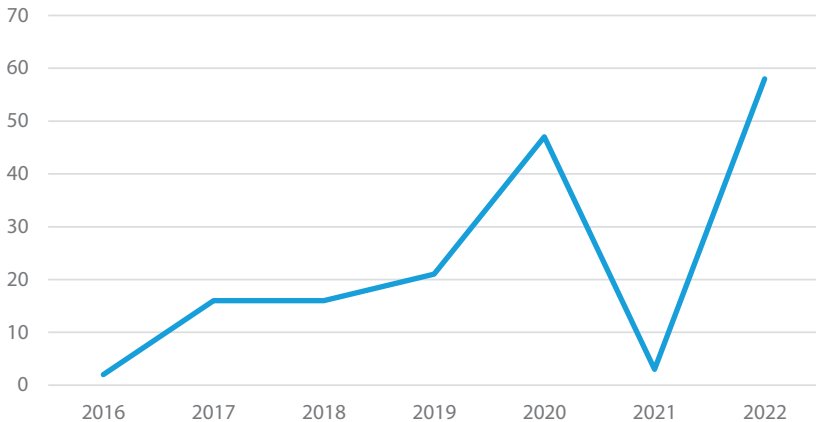
13. See footnote No. 2 above.

14. See footnote No. 4 above.

Appeals registered

In 2022, the Administrative Tribunal registered 58 appeals against the Secretary General of the Council of Europe and one against the Governor of the Development Bank.

Number of appeals registered



The appeals registered in 2022 concern the following issues:

- ▶ Partial granting of the 2022 salary adjustment in application of the affordability clause in the salary adjustment method (Appeals Nos. 677 to 711, 713 to 718, 724 to 727/2022);
- ▶ Termination of application to an external vacancy on the ground of ineligibility following the cessation of the membership of the Russian Federation to the Council of Europe (Appeal No. 719/2022);
- ▶ Non-renewal of secondment at Council of Europe (Appeal No. 720/2022);
- ▶ Non-renewal of fixed term contracts (Appeals Nos. 676, 721, 722, 731, 732, 733/2022) and refusal to grant unpaid leave upon expiry of contract (Appeal No. 723/2022);
- ▶ Calculation of accrued days of leave at the end of employment contract (Appeal No. 728/2022);
- ▶ Tests results in a recruitment procedure (Appeals Nos. 712, 729, 730/2022);

- ▶ Refusal to grant installation allowance and to reimburse travel and removal expenses upon the taking up of new duties (Appeal No. 734/2022).

No appeal was lodged in 2022 against the affiliated organisations (CCNR, HCCH and OTIF).

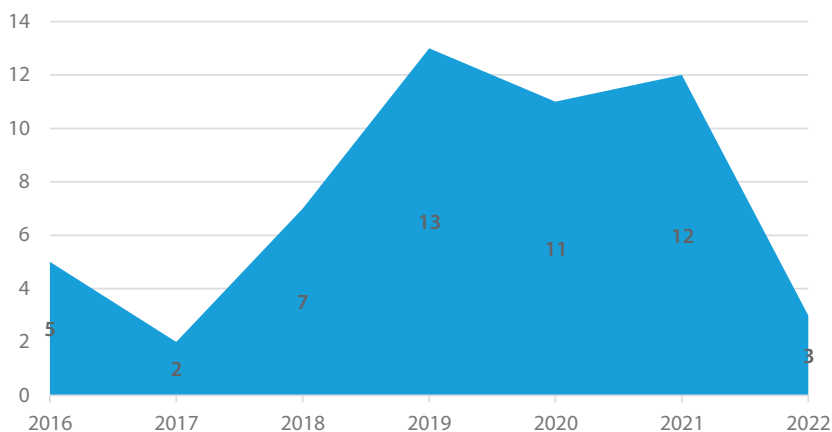
The list of appeals registered in 2022 appears in Appendix 1.

Decisions

In 2022, the Tribunal delivered three decisions relating each to one appeal.

The number of decisions rendered each year by the Tribunal as of 2016 appears in the graph below.

Number of decisions delivered



The decisions delivered in 2022, on the dates indicated below, dealt with the following matters:

- Request to annul a decision on invalidity on the ground that the invalidity was attributable to a fault of the Administration on account of a serious psychological harassment (27 January 2022, [Appeal No. 673/2021 – C v. Governor of the Development Bank](#));

The principle of prior exhaustion of internal remedies: no possibility of raising fresh complaints in appeals to the Tribunal

In settling this case, which involved a decision to declare a staff member of the Council of Europe Development Bank unfit for service, the Tribunal ruled on a key aspect of the principle of the exhaustion of internal remedies.

According to this principle, appeals before the Tribunal are admissible only if the appellants have first submitted their complaints by means of the internal remedies that exist, for instance administrative complaints.

In the case concerned, the appellant had lodged an administrative complaint before appealing to the Tribunal, but the Bank challenged the fact that at that stage, the appellant had not complained of harassment, whereas in the appeal it had been alleged that the reason for the appellant being declared unfit for service was attributable to Administration because of a situation of psychological harassment.

In order to determine whether or not the appellant had already complained of a situation of harassment at the administrative complaint stage, the Tribunal drew on its decision in [Appeal No. 593/2018 – Luca SCHIO v. Governor of the Council of Europe Development Bank referring to previous case law in Appeal No. 258/2000 – José-Maria BALLESTER \(I and II\) v. Secretary General](#).

According to this case law, an appellant is time-barred from raising a new grievance in their appeal, i.e. one that is entirely different and stands apart from the claims made in the administrative complaint and it is for the Tribunal to ascertain whether at the administrative complaint stage, the appellant was already relying – if only in the form of doubts, criticisms or comments which were sufficiently clear and succinctly elaborated on – on the complaints set out in the appeal.

The Tribunal noted that although the term “harassment” was not mentioned there, the administrative complaint did refer to wrongful conduct on the part of the Organisation and to very significant psychological and professional harm. In addition, the misconduct of which the appellant complained was described through references to circumstances such as being marginalised from the Bank and colleagues, being without a post or assignment, and the lack of recognition of the work done over the years.

In the light of the case law mentioned above, the Tribunal was of the opinion that such references represent a sufficiently clear and elaborated basis for concluding that the appellant was already complaining at the administrative complaint stage of a situation which could be deemed to constitute harassment (see paragraphs 53 to 62). The Tribunal therefore concluded that the appellant's appeal was not inadmissible in that respect.

- b) Request to annul the decision not to renew a staff member's fixed-term contract and to refuse to grant the staff member in question protection in their official capacity (27 January 2022, [Appeal No. 674/2021 – Paméla MENDEZ CARVALHO v. Secretary General](#));

Non-renewal of an employment contract: date from which the deadline for appealing is calculated

In this case involving a decision not to renew a fixed-term contract (CDD), the Tribunal had to settle the issue of whether the letter giving the appellant notice of the end of her contract could be regarded as an act adversely affecting her which could start the limitation periods – as pleaded by the respondent – or whether, on the contrary – as asserted by the appellant – this act could not be regarded as an act adversely affecting her, as it did not contain any information not already given in the terms of the contract.

The Tribunal settled this issue by finding that although the information given in relation to the end of the CDD did not contain any information that had not already been given in the terms of the contract, the information relating to the fact that the contract would not be renewed was an act adversely affecting the appellant which was distinct from the contract in question and could be complained about and appealed within the prescribed time limits.

According to the Tribunal, the start date of the limitation period for challenging the non-renewal of the contract was therefore the date of the letter giving notice of the non-renewal and not, as asserted by the appellant, the later date on which her line manager informed her that no competitive selection process in which she could have participated would be published. The Tribunal therefore concluded that the appellant's ground of appeal concerning the non-renewal of her CDD was inadmissible because out of time.

- c) Request to annul the decision not to allow an applicant to take part in an external recruitment procedure (31 March 2022, [Appeal No. 675/2021 – M. R. \(II\) v. Secretary General](#))

The list of decisions appears in Appendix 2.

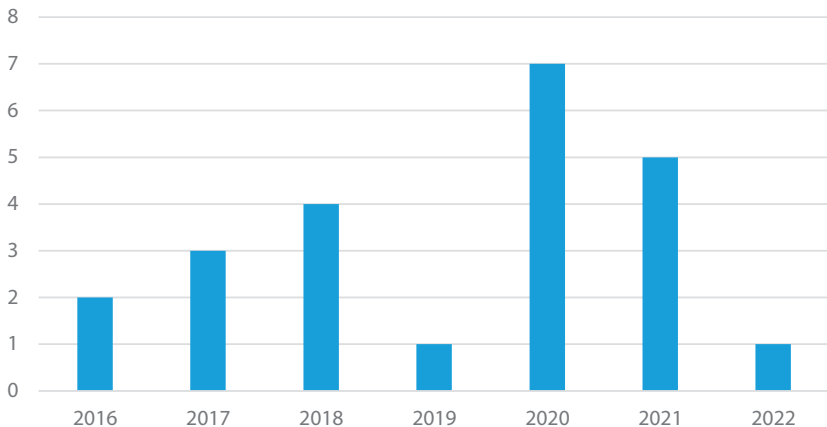
Orders ruling on applications for a stay of execution

In 2022, the Chair of the Tribunal delivered one order concerning a request to stay the execution of an administrative decision pending determination of an administrative complaint (Article 59.9 of the Staff Regulations): [order of 17 May 2022](#) in the case of Fatih KIRBAS v. Secretary General.

The request ruled upon in 2022 concerned the applicant’s failure to pass the written tests in a recruitment procedure.

The number of orders ruling on applications for a stay of execution rendered each year by the Chair of the Tribunal as of 2016 appears in the graph below.

Orders issued on requests for stays of execution



Other orders and decisions

In 2022, the Chair decided to grant anonymity in two cases (*Appeal No. 720/2022 – E v. Secretary General of the Council of Europe* and *Appeal No. 728/2022 – C (II) v. Governor of the Development Bank*).

In 2022, *Appeal No. 676/2022 – D v. Secretary General of the Council of Europe* was struck out of the list. No ruling of manifest inadmissibility or compensatory decision was adopted by the Tribunal in 2022.

The Registry publishes on the Administrative Tribunal website all decisions, orders striking appeals off the list and rulings of manifest inadmissibility as soon as possible after they are delivered (the translation is available later). Should a decision or order not be available on the site, however, a copy may be requested from the Registry.

Appendices

*In the tables reproduced below in the appendices, in the “parties” column, the respondent is only shown if they are a body or organisation other than the Council of Europe.

Appendix 1 – List of appeals registered in 2022

No.	Parties*	Subject of the appeal
676/2022	D	Non-renewal of a contract of employment
677/2022	FROSSARD (II)	Annulment of the decision, reflected in the January 2022 pay statement, to partially apply the 2022 salary adjustment in application of the affordability clause in the salary adjustment method
678/2022	PARROTT (III)	
679/2022	KORNMANN	
680/2022	PHILIZOT	
681/2022	MENDY	
682/2022	MISSEMER (II)	
683/2022	DE BUYER (III)	
684/2022	POUTIERS (II)	
685/2022	SERRE	
686/2022	COWDEROY	
687/2022	GLATZ	
688/2022	LEUTNER	
689/2022	VERNEAU (III)	
690/2022	ZOONENS	
691/2022	GILCHRIST	
692/2022	STECKMEYER	
693/2022	FREYMANN	
694/2022	MUÑOZ-BOTELLA (III)	
695/2022	ALBERELLI (V)	
696/2022	DUBOIS	

697/2022	TRAIN (II)	
698/2022	COZIC	
699/2022	CLAVEL	
700/2022	BARRET	
701/2022	AUFFRET	
702/2022	CERQUEIRA	
703/2022	FOURCHER (II)	
704/2022	POLITIKIN	
705/2022	DUJARDIN	
706/2022	RAMANAUSKAITE (II)	
707/2022	SCHAEFFER	
708/2022	OCHOA-LLIDO (II)	
709/2022	VEES	
710/2022	PIERRE	
711/2022	WANTZ	
712/2022	KIRBAS	External recruitment procedure
713/2022	TUMULTY	Annulment of the decision, reflected in the January 2022 pay statement, to partially apply the 2022 salary adjustment in application of the affordability clause in the salary adjustment method
714/2022	BAECHEL (V)	
715/2022	CLAMER	
716/2022	GHERIBI	
717/2022	DURIEUX	
718/2022	PREVOST (II)	
719/2022	GURIN	Annulment of the decision terminating an application to an external vacancy on the ground of ineligibility following the cessation of the membership of the Russian Federation to the Council of Europe
720/2022	E	Non-renewal of secondment at the Council of Europe and compensation for the pecuniary and non-pecuniary damages suffered

721/2022	IZYUMENKO	Non-renewal of a contract of employment
722/2022	OREKHOVA	Non-renewal of a contract of employment
723/2022	ZAYTSEVA	Non-renewal of contract of employment and refusal of the request for an unpaid leave
724/2022	KLEINSORGE (II)	Annulment of the decision, reflected in the January 2022 pay statement, to partially apply the 2022 salary adjustment in application of the affordability clause in the salary adjustment method
725/2022	HUNTING (II)	
726/2022	DENU (V)	
727/2022	NYCTELIUS (III)	
728/2022	C (II) v. Governor	Refusal to communicate the calculation of days of leave
729/2022	RAMAZANOVA	Annulment of the decision not to be placed on the reserve list which was drawn up following completion of the procedure under vacancy notice No. e22/2021 for the recruitment of Legal Analysts/Legal Advisors (Grade A1/A2)
730/2022	CONRAD (III)	Failure to pass the written test in the external competition No. e11/2022 for the recruitment of communication/media officers
731/2022	GORODETSKAYA	Non-renewal of a contract of employment
732/2022	CHISTIAKOVA	Non-renewal of a contract of employment
733/2022	BUDAEV	Non-renewal of a contract of employment
734/2022	LOBBA	Installation allowance and calculation of the expatriation and basic family allowances

Appendix 2 – List of decisions delivered in 2022

No.	Parties*	Subject of the appeal
673/2021	C v. Governor	Invalidity attributable to the Administration due to a situation of moral harassment PARTIALLY INADMISSIBLE PARTIALLY UNFOUNDED
674/2021	MENDEZ CARVALHO	Non-renewal of a contract of employment PARTIALLY INADMISSIBLE PARTIALLY UNFOUNDED
675/2021	M. R. (II)	Application for an external competition UNFOUNDED

The Administrative Tribunal of the Council of Europe (ATCE) is an international administrative court competent to hear complaints of the serving and former staff members of the Council of Europe against their employer. The jurisdiction of the Administrative Tribunal has also been recognised by other international organisations enjoying immunity.

This report outlines the activities of the Administrative Tribunal from 1 January to 31 December 2022.

It provides a statistical overview of:

- ▶ administrative complaints filed to the Council of Europe and the Council of Europe Development Bank,
- ▶ the activity of the Advisory Committee on Disputes at the Council of Europe and the Council of Europe Development Bank,
- ▶ complaints and conciliation procedures within the international organisations that have recognised the jurisdiction of the Administrative Tribunal of the Council of Europe (Central Commission for the Navigation of the Rhine (CCNR), Hague Conference on Private International Law (HCCH), and Intergovernmental Organisation for International Carriage by Rail (OTIF) and,
- ▶ Appeals lodged with the Administrative Tribunal.

 www.coe.int/tribunal

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE