

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

**TRIBUNAL ADMINISTRATIF**  
**ADMINISTRATIVE TRIBUNAL**

**DEPUTY CHAIR'S ORDER of 27 November 2008**  
**in the case of Irène WEIDMANN v. Secretary General**

I, Deputy Chair of the Administrative Tribunal,

Having regard to Appeal No. 410/2008 lodged by Ms Irène WEIDMANN on 3 June 2008;

Having regard to the appellant's letter received on 1<sup>st</sup> October 2008, in which she gave notice that she wished to withdraw the appeal;

Having regard to the Secretary General's letter of 10 October 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;

Having submitted a reasoned report to the judges of the Tribunal on 19 November 2008;

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

**DECLARE**

- Appeal No. 410/2008 struck off the case list on the grounds set out in the report appended hereto.

Done and ordered at Strasbourg on 27 November 2008, the present order being notified to the parties to the case.

The Registrar of the  
Administrative Tribunal

S. SANSOTTA

The Deputy Chair of the  
Administrative Tribunal

G. RESS

**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. 410/2008  
Irène WEIDMANN v. Secretary General**

This report concerns Appeal No. 410/2008 lodged by Ms Irène WEIDMANN. 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;
- 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 Irène WEIDMANN is a temporary staff member of the Council of Europe. She lodged her appeal on 3 June 2008. It was registered under No. 410/2008 on the same day.

2. Authorised to file a supplementary memory, in a letter received by the Registry on 1<sup>st</sup> October 2008, the appellant informed the Tribunal that she wished to withdraw her appeal.

3. On 6<sup>th</sup> October 2008, the Secretary General informed the Tribunal that he had no objections to the appeal being struck off the list of cases.

4. On 19 November 2008, the Deputy Chair of the Administrative Tribunal submitted this report to the members of the Tribunal.

## **THE FACTS**

5. The appellant, a permanent staff member of the Council of Europe, is assigned to the Directorate General of Education, Culture and Heritage, Youth and Sport. Her request to have her post upgraded from B3 to grade B5 or A2 was denied.
6. On 26 March 2008, the appellant lodged an administrative complaint with the Secretary General under Article 59 of the Staff Regulations.
7. On 22 April 2008, the Secretary General dismissed the complaint.
8. On 3 June 2008, the appellant lodged the present appeal.

## **THE LAW**

9. The appellant introduced her appeal against the Secretary General's decision to deny to upgrade her post from B3 to B5 or A2.
10. In a letter received by the Registry on 1 October 2008, the appellant informed the Tribunal that she wished to withdraw her appeal. She gave no explanation.
11. The Secretary General, for his part, raised no objections to the appeal being struck off the list of cases.
12. The Deputy Chair points 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 states that he or she wishes to withdraw it. For his part, the Deputy Chair observes that in this particular case, there is no reason why the appeal should not be struck off the list. He notes that the appellant gives no reason in support of her request but merely states that she took the decision in the light of the results of the written tests. In the absence of any further details, however, the Deputy Chair considers that there is no reason why the appellant should not withdraw her appeal. He further 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 Deputy Chair

Georg RESS