

# CONSEIL DE L'EUROPE

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# COUNCIL OF EUROPE

## TRIBUNAL ADMINISTRATIF ADMINISTRATIVE TRIBUNAL

**CHAIR'S ORDER of 29 February 2012**

**in the case of Nicolas FOURCHER v. Secretary General**

I, Chair of the Administrative Tribunal,

Having regard to appeal No. 511/2011 lodged by Mr Nicolas Fourcher on 3 October 2011;

Having regard to the appellant's letter of 1 November 2011 in which he gave notice that he did not wish to pursue his appeal, as, after reviewing his case, the Organisation had decided to award him step 2 of grade LT3 as a transitional measure under Article 2 of Resolution CM/Res(2010)8 amending Article 3 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations);

Having regard to the letter sent by the representative of the Secretary General of the Council of Europe on 3 February 2012 in which he states that he has no objection to the appellant's decision not to proceed and to his 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 24 February 2012;

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

### **DECLARE**

- Appeal No. 511/2011 struck off the list on the grounds set out in the report appended hereto.

Done and ordered in Kifissia (Greece), on 29 February 2012, 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. No. 511/2011**

**Nicolas FOURCHER v. Secretary General**

The present report concerns appeal No. 511/2011 lodged by Mr Nicolas Fourcher. 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. Mr Nicolas Fourcher, a Council of Europe staff member, lodged his appeal on 3 October 2011. On the same date, the appeal was registered under No. 511/2011.
2. On 1 November 2011, the appellant gave notice that he did not wish to pursue his appeal as, after reviewing his case, the Organisation had decided to award him step 2 of grade LT3 as a transitional measure under Article 2 of Resolution CM/Res(2010)8 amending Article 3 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations).
3. On 3 February 2012, the Secretary General informed the Tribunal that he had no objection to the appellant's decision not to proceed and to his appeal being struck off the list.
4. On 24 February 2012, the Chair of the Tribunal submitted the present report to the members of the Tribunal.

**THE FACTS**

5. The appellant is a permanent member of staff of the Council of Europe. He works in the Registry of the European Court of Human Rights as a translator.
6. Before he lodged his appeal, the appellant held the grade LT3, step 1, and was expecting to progress to step 2 in July 2011.
7. On 4 August 2011, the appellant, after receiving his payslip for July 2011, lodged an administrative complaint under Article 59, paragraph 2, of the Staff Regulations. He requested that the Secretary General's decision not to award him step 2 of his grade from 1 July 2011 be set aside, together with the decision to double the step increment interval for the remainder of his career (Resolution CM/Res(2010)8).
8. On 23 August 2011, the Secretary General dismissed the administrative complaint.

9. On 3 October 2011, the appellant lodged the present appeal.

10. After reviewing the appellant's case, the Organisation decided that it was appropriate to award him step 2 pursuant to the transitional measures provided for in Article 2 of Resolution CM/Res(2010/8) amending Article 3 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations). The appellant was informed accordingly by means of an amendment to his personal file as a permanent staff member on 17 October 2011, indicating that, following a change to the step advancement date, he was to be awarded step 2 from 1 July 2011.

## **THE LAW**

11. The appellant lodged an appeal against the Secretary General's decision not to award him step 2 of his grade and also the decision to double the step increment interval.

12. In a letter dated 1 November 2011, the appellant gave notice that he did not wish to pursue his appeal as, after reviewing his case, the Organisation had decided to award him step 2 of grade LT3 as a transitional measure under Article 2 of Resolution CM/Res(2010)8 amending Article 3 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations).

13. The Secretary General, for his part, informed the Tribunal that he had no objection to the appellant's decision not to proceed and to his appeal being struck off the list.

14. 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 wishes to withdraw it. He notes that there is no reason why the appeal in question should not be struck from the list and that the appellant is satisfied with the action taken after the appeal was lodged, namely the decision to award him step 2 from July 2011. Admittedly, in his letter informing the Tribunal of his decision not to proceed, the appellant makes no reference to the other subject of the appeal, namely the doubling of the step increment interval, but this fact should not stand in the way of a decision to strike out the appeal from the Tribunal's list of cases. 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 Rules of Procedure.

## **CONCLUSIONS**

15. 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