CONSEIL DE L'EUROPE
COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF
ADMINISTRATIVE TRIBUNAL

Appeal No. 586/2017 (Manuel PAOLILLO v. Secretary General)

The Administrative Tribunal, composed of:

Mr Giorgio MALINVERNI, Deputy Chair,
Ms Mireille HEERS,
Mr Ömer Faruk ATEŞ, Judges,

assisted by:

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

has delivered the following decision after due deliberation.

PROCEDURE

1. The appellant, Mr Manuel Paolillo, lodged his appeal on 4 October 2017. The appeal was registered the same day under No. 586/2017. On 16 October 2017, the Chair decided that there was no reason to grant the anonymity which the appellant had requested when lodging his appeal.

2. On 17 November 2017, the Secretary General submitted his observations on the merits of the appeal.

3. On 19 December 2017, the appellant submitted observations in reply.

4. The public hearing in the present appeal took place in the court room of the Administrative Tribunal in Strasbourg on 24 January 2018. The appellant was represented by Me Grégory Thuan Dit Dieudonné, member of the Strasbourg Bar, while the Secretary General was represented by Mr Jörg Polakiewicz, Jurisconsult and Director of Legal Advice and Public International Law, assisted by Ms Sania Ivedi, administrative officer in the Legal Advice Department.

5. At the hearing, the appellant once again asked to be granted anonymity.

6. The Tribunal decided to uphold the Chair's decision; the present decision, however, has been drafted with the utmost care being taken to protect the appellant.

THE FACTS

I. CIRCUMSTANCES OF THE CASE

7. At the time of the events which gave rise to the present appeal, the appellant was a national civil servant on secondment with the Council of Europe. He lodged the present appeal in order to challenge the Organisation's response to a claim for compensation following psychological harassment proceedings instituted by him in connection with his work at the Council of Europe. The individuals whom he had accused of harassment were his line manager and his line manager's superior. Both of these staff members also lodged appeals with the Tribunal (appeals nos. 582/2017 and 583/2017) which were settled by means of a decision adopted the same day as this one.

8. Under a memorandum of understanding between the Organisation and the appellant's country of origin, the appellant was seconded to the Organisation for the period from 15 July 2015 to 15 July 2017.

9. For the purpose of the present proceedings, only certain details of the first part of the appellant's secondment will be summarised.

10. On taking up his duties, the appellant began to have problems with his line manager and their relationship rapidly deteriorated. He then turned to his line manager's superior.

11. The appellant maintains that he explored various ways of resolving these tensions and misunderstandings, including by consulting his managers, the Council of Europe mediator and the medical officer, whom he saw on 9 September 2016.

12. On 15 September 2016, the appellant was placed on sick leave, on which he remained until 31 January 2017.

13. On 23 September 2016, the appellant submitted a complaint to the Commission against Harassment ("the Commission") concerning the behaviour of his line manager and his line manager's superior (Rule 1292 – paragraph 26 below).

14. Without it being necessary to summarise here the different stages of the proceedings before the Commission or the follow-up, suffice it to say that the said Commission delivered its opinion on 7 March 2017, making six recommendations. The first of these was that the appellant should be moved to another department while the other five concerned the two staff members complained of.

15. On 31 March 2017 the appellant's counsel wrote to the Secretary General asking him to ensure that the appellant would not have to face the two individuals complained of.

16. On 13 April 2017, the Organisation adopted measures (Article 11 cited in paragraph 26 below) through a decision by the Deputy Secretary General, indicating what action should be taken: she chose to implement five recommendations, including the one about transferring the appellant to another department.

17. As regards the appellant, it was decided that he should be transferred immediately to another department after consulting the individual concerned.

18. At the end of March 2017, the appellant was assigned to a new department in the same Directorate General.

19. Prior to that, on 1 February 2017, following his return from sick leave, the appellant's tasks and working arrangements had been adjusted to enable him to resume work as smoothly as possible, in a department other than the one to which he had originally been assigned.

20. The appellant's new department asked for his secondment to be extended by a year (from 15 July 2017 to 2018) but the appellant's national authorities let it be known that he had asked them to end his secondment on 15 July 2017, which they duly did.

21. On 11 July 2017, the appellant lodged an "administrative complaint" with the Secretary General. From the first paragraph, he made it clear that he was making an "administrative complaint, within the meaning of Article 59, paragraph 1, of the Staff Regulations" which he quoted verbatim. In his submissions, the appellant asked to be awarded the sum of 74 400 euros in compensation for the four heads of damage which he had allegedly suffered as a result of the harassment complained of.

22. On 4 August 2017, the Secretary General dismissed the request, claiming that the "administrative complaint" was unfounded. As is customary in cases where administrative complaints are dismissed, the Secretary General informed the appellant that he could appeal against the decision before the Administrative Tribunal in writing and within 60 days of being notified of it.

23. On 4 October 2017, the appellant lodged the present appeal.

II. APPLICABLE LAW

A. Lodging an administrative complaint

24. Article 59 of the Staff Regulations lays down the rules for lodging an administrative complaint and, insofar as relevant to the present case, reads as follows:

> "1. Staff members may submit to the Secretary General a request inviting him or her to take a decision or measure which s/he is required to take relating to them. If the Secretary General has not replied within sixty

days to the staff member's request, such silence shall be deemed an implicit decision rejecting the request. The request must be made in writing and lodged via the Director of Human Resources. The sixty-day period shall run from the date of receipt of the request by the Secretariat, which shall acknowledge receipt thereof.
2. Staff members who have a direct and existing interest in so doing may submit to the Secretary General a complaint against an administrative act adversely affecting them, other than a matter relating to an external recruitment procedure. The expression "administrative act" shall mean any individual or general decision or measure taken by the Secretary General or any official acting by delegation from the Secretary General.

(...)."

B. The rules on secondments

25. In its recent case law, the Tribunal provided a summary of the rules on secondments (ATCE, appeal no. 579/2017 - Uysal v. Secretary General, and appeal no. 580/2017 Demir Saldirim v. Secretary General, decisions of 24 January 2018, see the sections on applicable law). Suffice it to note here that, in cases of harassment, persons on secondment enjoy the same guarantees as staff members. For details of the other rules, see the two decisions mentioned above.

C. The rules on harassment

26. The relevant texts have been incorporated in today's decision in appeal no. 582/2017 Brillat (III) v. Secretary General and appeal no. 583/2017 Priore v. Secretary General (decision of _ May 2018, paragraphs 45-47). For the purposes of the present appeal, it is sufficient to refer here to the wording of Articles 10 and 11 of Rule No. 1292 which read as follows:

"Article 10 – Proceedings before the Commission

(…)

8. At the end of the procedure, the Commission shall express its opinion on the facts of the case, with final conclusions, which it shall transmit to the Secretary General. The Commission shall also make recommendations to the Secretary General on any measures that may be needed to ensure respect of this Rule. Depending on the seriousness of the case, the Commission may recommend that disciplinary proceedings be initiated against the staff member at fault in accordance with Articles 54 to 58 of the Staff Regulations or the temporary staff member at fault in accordance with the applicable rules. The Commission shall inform both parties and the Director of Human Resources of its final conclusions and recommendations in writing.

(…)

PART IV: MEASURES

Article 11 – Measures ordered by the Secretary General

1. Within six weeks of the transmission of the Commission's report, the Secretary General shall issue his/her decision on the case in writing. The decision shall contain full reasons and shall designate the authority that shall implement any measures the Secretary General orders. The Secretary General's decision shall be communicated to both parties, the Chairperson of the Commission and the Director of Human Resources.

> 2. The measures that may be ordered by the Secretary General after completion of any disciplinary proceedings are those provided for in Article 54, paragraph 2 of the Staff Regulations and the applicable provisions for temporary staff members.
>
> 3. Where the sexual or psychological harassment is carried out by a person who is not a Secretariat member, the measures taken by the Secretary General to ensure the effective protection of the victim may include denying the perpetrator access to Council of Europe premises, ceasing collaboration between the Council of Europe and him/her and informing his/her employer or supervisory authority as the case may be.
>
> 4. The implementing authority shall inform the Chairperson of the Commission and the Director of Human Resources of the measures taken further to the Secretary General's decision."

THE LAW

27. In his appeal form, his grounds of appeal and his final submissions, the appellant asks the Tribunal to set aside, pursuant to Article 60 § 2 of the Staff Regulations, the Secretary General's decision of 4 August 2017 dismissing his claim for compensation for the harassment which he allegedly suffered. He is thus seeking compensation on several counts as well as reimbursement of costs.

28. The Secretary General asks the Tribunal to dismiss the appellant's various claims for compensation. He likewise considers that the claim for reimbursement of costs should be dismissed.

I. SUBMISSIONS OF THE PARTIES

A. Admissibility of the appeal

29. Before commenting on the merits of his appeal, the appellant touches briefly on the issue of admissibility.

30. He asserts that he has standing *ratione personae* to lodge an appeal and points out that the Secretary General does not dispute the admissibility of the appeal and that, when dismissing his administrative complaint, the Secretary General informed him that he could lodge an appeal with the Tribunal within 60 days.

B. The merits of the appeal

1. *The appellant*

31. In his arguments on the merits of the appeal, the appellant focuses on three points:

- in its reply dated 4 August 2017, the Organisation acknowledges the reality and the gravity of the harassment which the appellant suffered in his workplace and in connection with his work;

- it refuses, however, to compensate him, arguing that it took all the necessary measures to protect him and that it was not in any way at fault;

- in the view of the appellant, however, the Administration is liable in the present case and the appellant is entitled to full compensation for the damage which he suffered as a result of the harassment.

32. The appellant begins by emphasising the gravity of the harassment established by the Commission and acknowledged by the Organisation. In those circumstances, he argues, the Tribunal has no need to rule on whether the behaviour to which the appellant was subjected amounted to psychological harassment, since this has already been established by the Commission against Harassment and acknowledged by the Administration. The Tribunal is required, however, to settle the question of whether the Organisation is liable for the harassment in question and whether the appellant is entitled to redress for the damage which he suffered.

33. Secondly, the appellant begins by pointing out that the European Social Charter and the European Convention on Human Rights apply to Council of Europe staff. He refers here to three resolutions adopted by the Organisation's General Meeting of Staff and also the case law of the Tribunal. The appellant accordingly maintains that the Organisation is liable under international civil service law, the European Convention and the European Social Charter. The appellant further contends that since psychological harassment is a punishable offence under French criminal law, the latter also applies in the present case.

34. Thirdly, as regards the right to redress, the appellant contends that in order for the measures and procedures put in place to be effective when it comes to acknowledging and dealing with harassment, there must also be appropriate and sufficient compensation for the victim of the harassment. In other words, acknowledging psychological harassment is not enough in itself to divest the appellant of his or her status of "victim"; the Organisation also needs to introduce a system of compensation in order to remedy the situation.

35. The appellant refers here to the case law of the European Court of Human Rights (see, among many other authorities, Gäfgen v. Germany, no. 22978/05, 1 June 2006, § 115, with further references), the position of the European Committee of Social Rights, which oversees implementation of the European Social Charter, the case law of the Administrative Tribunal of the Organisation for Economic Co-operation and Development (OECD) - judgment of 16 March 2016 no. 81, and of the Administrative Tribunal of the Council of Europe which also recognises the principle of compensation in cases of misconduct by Council of Europe staff, including in cases of psychological harassment (ATCE Appeals Nos. 414/2008 and 459/2009 - Zikmund (I) and (II) v. Secretary General).

36. The appellant does not accept the Secretary General's assertion that the Zikmund decision does not apply in the present case, as the organisation took prompt action to protect the appellant who was being harassed. According to the appellant, the Organisation did not take any steps to protect him until he secured a decision from the Commission against Harassment, even though various senior managers in the Organisation had been informed of the harassment.

37. According to the appellant, even after the Commission against Harassment gave its decision, the Organisation continued to engage in some questionable behaviour insofar as it

- put the appellant in a situation where he was liable to have to deal once again with the two staff members complained of;
- disregarded one of the Commission's recommendations concerning one of the staff members complained of;
- failed to keep the appellant informed about the disciplinary proceedings instituted against the two staff members complained of.

38. The appellant accordingly invites the Tribunal to order the Organisation to pay him compensation for the damage resulting from the act complained of and claims

- 24 000 euros in compensation for non-pecuniary damage;
- 24 000 euros for loss of earnings due to his inability to continue working in the Organisation because of the harassment suffered;
- 24 000 euros for the damage caused by the employer's breach of its duty to ensure safety in the workplace – which is an obligation of result.

39. The appellant thus requests that the decision of 4 August 2017 be set aside and that the sum of 72 000 euros be awarded for all the damage sustained.

2. *The Secretary General*

40. The Secretary General makes no comment on the admissibility of the appeal.

41. With regard to its merits, the Secretary General makes it clear from the outset that he does not deny that the appellant was harassed, this fact having been established by the Commission against Harassment after carrying out an investigation.

42. He does, however, dispute the contention that the Organisation is liable and that the appellant is therefore entitled to redress for all the damage arising from the harassment to which he was subjected.

43. Firstly, as regards the duty to protect, the Secretary General notes that the Organisation has adopted a strict policy prohibiting any kind of harassment and has put in place appropriate mechanisms for dealing with any allegations of harassment.

44. According to the Secretary General, the mechanism put in place under Rule No. 1292 is designed to prevent harassment and to respond swiftly and effectively should harassment occur despite the measures taken to prevent it. The Organisation's obligation in that event is to respond to any complaints about harassment swiftly and effectively, by conducting a thorough investigation in a way that respects due process, while at the same time taking care to protect the interests of the victim and those of the person or persons accused of harassment, whose rights of defence must be respected.

45. It is evident from the case file that the Council of Europe did in fact fulfil its duty to protect the appellant and that the appropriate measures were taken to ensure his health and safety.

46. In the instant case, the complaint lodged by the appellant on 23 September 2016 received serious and detailed consideration from the Commission against Harassment. The length of the proceedings was reasonable considering the volume of written material submitted by the two parties and the work involved in interviewing witnesses.

47. Before lodging his complaint with the Commission against Harassment, the appellant applied to various individuals whose role, in accordance with Rule No. 1292, was to provide assistance and advice to persons who considered themselves victims of harassment.

48. The Secretary General notes that the persons to whom the appellant applied in this context gave the appellant their full support – having regard to the situation which he described, his own views on the subject and his requests for assistance – in exploring possible solutions with him.

49. The appellant claims, *inter alia*, that the Director of Human Resources never took any action in response to an email sent on 24 March 2016 and in which the appellant informed him of the difficulties he was experiencing at work and asked to speak to him in confidence. The Secretary General claims, however, that these allegations are incorrect and refers to the exchange of emails which followed the appellant's original email and which clearly shows that DHR treated the appellant with all due care.

50. With regard to the medical officer, the Secretary General notes that the appellant saw the medical officer only twice prior to lodging his complaint, first in March and again in September 2016. In view of the work-induced stress mentioned by the appellant when she saw him in March 2016, and in line with standard practice, the medical officer contacted the administrative officer in charge of well-being and prevention of harassment within DHR to discuss the appellant's case with her.

51. When the medical officer saw the appellant again in September 2017, she duly noted the state he was in and the need to protect his health and referred him to a specialist. According to the Secretary General, the medical officer's actions were beyond reproach and she made every endeavour to protect the appellant based on the information available to her.

52. The appellant also went to the mediators to tell them about the difficulties he was experiencing at work. The mediators provided him with assistance and advice, and tried to explore various ways of resolving the difficulties. It became clear, however, that relations had deteriorated to such a degree and the appellant's mental state was such that dialogue was not an option.

53. As regards the actions of the management, there is no reason to suspect that the appellant's superiors at Directorate General and Directorate level did not respond appropriately

when the harassment was brought to their attention. As regards the head of department, he was found to have behaved improperly and duly disciplined.

54. In the light of all of the above, the Secretary General considers that the appellant has provided no evidence that the Administration was remiss in its handling of the situation before he lodged his complaint with the Commission against Harassment.

55. As regards the measures taken to protect the appellant after he lodged his complaint, the Secretary General notes that specific measures were taken to this end.

56. At the time when he made his complaint, the appellant was off work due to illness. When he returned from sick leave, on 1 February 2017, his tasks and working arrangements were first adjusted to enable him to resume work as smoothly as possible, in a department other than the one to which he had originally been assigned. Then, in March 2017, he was officially transferred to another department which was highly appreciative of his work and asked for his secondment to be extended by an extra year, until July 2018.

57. From the time he lodged his complaint to the end of his secondment, therefore, the appellant did not have to work in the department to which he had originally been assigned and nor was he required to have any contact with the persons whom he had accused of harassment.

58. The Organisation fulfilled its duty to protect the appellant, therefore.

59. As regards the appellant's claims for compensation, the Secretary General refers to the case law of the Administrative Tribunal (decision of 30 October 2009, appeals nos. 414/2008 and 459/2009, *Renate Zikmund (I) and (II) v. Secretary General*, paragraph 56) and international case law, according to which the Organisation would only have been guilty of wrongdoing if it had not acted swiftly to protect the person being harassed. As has been clearly established above, that was not the case with the appellant.

60. Since, in the instant case, the Organisation has done nothing irregular, the appellant's claims for compensation must be dismissed.

61. However, in the unlikely event that this Tribunal should find that the Council of Europe is liable, the Secretary General submits that the claims for compensation should not be allowed as the appellant provides no justification whatsoever for the remarkably large amount that he is seeking in redress.

62. More specifically, as regards the alleged non-pecuniary damage, the Secretary General notes that the Organisation fulfilled its duty of protection and care towards the appellant based on the information in its possession and the appellant's requests for assistance.

63. The appellant cannot claim, therefore, to have suffered non-pecuniary damage through the fault of the Organisation and there are no grounds for awarding the sum requested. Nor is there any justification for the size of the claim. In the alternative, given the effect which the

harassment has had on the appellant's mental health, the sum of 5 000 euros may be regarded as acceptable.

64. As to the other two claims, the Secretary General submits that no blame can be attached to the Council of Europe and that there are, therefore, no grounds for awarding separate compensation here.

65. In conclusion and in view of all the foregoing, the Secretary General asks the Tribunal to dismiss the appellant's various claims for compensation.

II. THE TRIBUNAL'S ASSESSMENT

66. In the case of the appellant, the Tribunal finds that he had standing *ratione personae* to lodge a complaint with the Commission against Harassment. The Secretary General, moreover, does not dispute this fact.

67. The Tribunal does, however, have serious doubts as to whether the requirement set out in Article 59, paragraph 2, of the Staff Regulations for domestic remedies to have been exhausted was met.

68. For even though on 11 July 2017 the appellant sent the Secretary General a letter which he referred to as an "administrative complaint" and even though the Secretary General treated it as such, the fact is that this document, according to its content, did not constitute an appeal against the dismissal of an earlier claim for compensation – it being understood that the letter of 31 March 2017 cannot be regarded as such (see paragraph 15 above) – but rather itself contained a claim for compensation.

69. Furthermore, the Deputy Secretary General's decision of 13 April 2017 did not address the issue of compensation and in his "administrative complaint" of 11 July 2013, the appellant made no mention of this point.

70. The document of 11 July 2017 therefore constituted an administrative request under Article 59, paragraph 1, of the Staff Regulations. Such requests are a preliminary to lodging the administrative complaint provided for in paragraph 2 of the same article and are aimed at securing an administrative decision. If he wished to challenge the dismissal of this administrative request, pursuant to the Staff Regulations, the appellant should have submitted an administrative complaint to the Secretary General rather than lodging an appeal with the Tribunal. The fact that both the administrative request and the administrative complaint were addressed to the Secretary General did not exempt the appellant from the obligation to complete both procedural steps.

71. The Secretary General, however, treated the administrative request as an administrative complaint, even though he has no authority to do so under the Staff Regulations, and he himself informed the appellant, in line with decades-old best practice, that he could appeal to the Tribunal within 60 days.

72. Given that there has been confusion in the past between administrative requests and administrative complaints, resulting in failure to exhaust domestic remedies before applying to the Tribunal, as required under the rules, the Tribunal deemed it necessary to issue this reminder in order to avoid further such misinterpretations of Article 59 of the Staff Regulations.

73. As to the conclusions to be drawn, the Tribunal has decided not to declare the appeal inadmissible for failure to exhaust domestic reasons, for two reasons. First because the Secretary General has not invoked the failure to comply with this procedural requirement and chose to treat as an administrative complaint what was actually an administrative request for the award of a sum that had never previously been claimed by the appellant and refused by the Organisation. And second because the appeal cannot in any case be considered well founded.

74. For leaving aside the decision which the Tribunal delivered today in appeals nos. 582/2017 and 583/2017 (paragraph 7 above) whereby the Tribunal set aside the Deputy Secretary General's decision implementing the opinion of the Commission against Harassment and made a number of points concerning the proceedings before the Commission against Harassment, the Tribunal notes that there is no need for it to rule on the seriousness of the harassment or the Organisation's liability.

75. In the proceedings before the Tribunal, the Secretary General does not dispute either the seriousness of the harassment or the Organisation's liability, which can therefore be assumed to have been established. That being so, the only point which the Tribunal is required to decide is whether this liability is capable of giving rise to compensation.

76. The Tribunal notes that the Organisation made every endeavour to protect the appellant from the harassment which he claimed to have suffered.

77. As regards the phase prior to referral to the Commission against Harassment, the Organisation's various interlocutors to whom the appellant turned responded in a manner commensurate with the gravity of the appellant's allegations and the administrative resources available to them, with the possible exception of the appellant's line management who should have taken a more robust stance from the outset.

78. They also responded promptly, with possibly one exception in the case of DHR (see paragraph 49 above). In view of the circumstances and in particular the multiple actions on the part of the appellant, however, there is no reason for the Tribunal to conclude that the appeal is well founded.

79. As regards the phase after the Commission against Harassment delivered its opinion, once again, no criticism can be levelled at the Organisation which responded promptly, with due regard to the need for swift action to protect the appellant.

80. A further consideration is that because the appellant went on sick leave a few days before lodging the complaint for harassment, he was absent from work for four and a half months. The Tribunal does not underestimate, of course, the distress which the appellant must have suffered during this period, but the fact remains that he was away from the department which he

considered to be the source of the harassment and was therefore not exposed to the latter. Most importantly, too, when he returned to work, the appellant's tasks were reorganised in such a way that he was not vulnerable to harassment or otherwise made to suffer for his complaint.

81. Having arrived at this conclusion, the Tribunal is compelled to note that the various arguments put forward by the appellant have not convinced it that the Organisation is guilty of the wrongdoing of which the appellant complains.

III. ON THE CLAIMS FOR DAMAGES AND COSTS

82. The Tribunal notes that under Article 60, paragraph 2, second sentence, of the Staff Regulations, in disputes of a pecuniary nature, it has unlimited jurisdiction.

83. The appellant has submitted claims for damages under three heads: 24 000 euros by way of compensation for the purely non-pecuniary damage caused by the year-long harassment suffered, 24 000 euros for the Organisation's breach of its obligation to achieve results in terms of safety and prevention and of its duty of care, and 24 000 euros by way of redress for the pecuniary damage arising from loss of opportunity to benefit from renewal of his contract for a further year and the associated allowances.

84. The Secretary General asks the Tribunal to dismiss these claims. On the subject of non-pecuniary damage, he proposes, as an alternative, that the appellant be awarded a sum of not more than 5 000 euros.

85. With regard to the non-pecuniary damage, the Tribunal considers that the sum of 5 000 euros proposed by the Secretary General as an alternative constitutes adequate compensation for the reasons stated by the Tribunal in paragraphs 77, 78 and 80 above.

86. On the subject of the Organisation's breach of its obligation to achieve results in terms of safety and prevention and of its duty of care, it appears that in terms of its response, the Organisation committed no wrongdoing that would give rise to compensation on this account, despite the comments made by the Tribunal in paragraphs 77, 78 and 80 above.

87. As to redress for pecuniary damage, the Tribunal notes that the appellant did not accept the offer to extend his secondment in the new department to which he had been assigned. He cannot claim, therefore, to have suffered pecuniary damage.

88. The appellant is also seeking reimbursement of the lawyer's fees which he incurred before and after the application to the Administrative Tribunal, including notably at the time of lodging his administrative complaint. He puts the amount at 4 080 euros.

89. The Secretary General notes in this connection that the administrative complaint stage is not judicial. That being so, no claim for the reimbursement of costs incurred by the appellant in relation to his administrative complaint can be accepted.

90. Under Article 11 of the Statute of the Administrative Tribunal (Appendix XI to the Staff Regulations), the only costs which the Tribunal can award are the (vouched) costs of the appeal incurred by appellants in the proceedings before the Tribunal, and only if the appeal has been allowed.

91. In view of the Tribunal's findings on the subject of non-pecuniary damage, the Tribunal awards the sum requested, i.e. the amount at 4 080 euros.

IV. CONCLUSION

92. The appellant's arguments concerning the merits of the appeal are in part well founded. A sum of 5 000 euros by way of compensation for non-pecuniary damage and the reimbursement of costs are granted.

For these reasons, the Administrative Tribunal:

Declares the appeal to be partly well founded;

Orders the Secretary General to pay the appellant the sum of 5 000 euros for non-pecuniary damage and the sum of 4 080 euros in costs.

Adopted by the Tribunal in Strasbourg, on 14 May 2018, and delivered in writing on 17 May 2018 pursuant to Rule 35, paragraph 1, of the Tribunal's 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