Appeal No. 763/2024

M.-S. F.

v.

**Secretary General
of the Council of Europe**

***

JUDGMENT

3 June 2025

The Administrative Tribunal, composed of:

Paul LEMMENS, Chair,
Lenia SAMUEL,
Thomas LAKER, Judges**,**

assisted by:

Christina OLSEN, Registrar,
Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following judgment.

PROCEEDINGS

1. The appellant, M.-S. F., lodged his appeal on 20 September 2024. The appeal was registered under No. 763/2024.

2. On 11 December 2024 the Secretary General forwarded observations on the appeal.

3. On 7 January 2025 the appellant submitted observations in reply.

4. On 17 December 2024 the Tribunal decided to dispense with an oral hearing in this case.

5. On 28 November 2024 the Staff Committee applied to intervene in the case, in support of the appellant's submissions. By an Order of 21 January 2025, the Chair of the Tribunal authorised the Staff Committee to submit written observations.

6. On 13 February 2025 the Secretary General submitted a rejoinder.

7. The Staff Committee submitted written observations to the Tribunal on 7 March 2025. On 10 March 2025 the observations were transmitted to the parties for them to comment in writing. The parties submitted their comments on the third-party intervention on 14 March 2025.

THE FACTS

I. CIRCUMSTANCES OF THE CASE

8. The appellant is a job candidate who applied to take part in the external recruitment procedure no. e7/2024 carried out in accordance with Article 490 of the Staff Rule on entry into service for the recruitment of a lawyer in the Romanian unit of the Registry of the European Court of Human Rights (hereinafter "the Court").

9. By email dated 17 May 2024, the Directorate of Human Resources (hereinafter "DHR") informed the appellant that having been shortlisted (along with 161 other candidates) on the basis of his qualifications, he was invited to participate in the next stage of the recruitment process consisting of three online job-related written tests, the first of which was eliminatory.

The first test, Paper 1, was scheduled for 21 June 2024, while the two other tests, Papers 2 and 3, were scheduled for 4 July 2024. The said email explained that Paper 1 consisted of a multiple-choice test *"covering [the candidates'] knowledge of the law of Romania, of the European Convention of Human Rights and its case law (in English or French)"*. It further mentioned that *"[t]hose candidates who obtain a minimum mark of 10/20 will be invited to sit the next papers on Thursday 4 July 2024. Please note that the minimum mark may be increased depending on the number of successful candidates"*.

10. On 21 June 2024 the appellant sat Paper 1 test.

11. On 24 June 2024 the appellant was informed by the DHR that he obtained the mark of 11.50/20 for Paper 1. He was also informed that the required minimum mark had been set at 13/20 and that he thus did not qualify to be invited to the next stage of the selection procedure.

12. On 1 July 2024 the appellant lodged a formal complaint with the Secretary General against the decision not to invite him to the next stage of the selection procedure.

13. On 30 July 2024 the Secretary General dismissed the complaint in its entirety on the grounds that it was unfounded.

14. On 20 September 2024 the appellant lodged the present appeal.

II. THE RELEVANT LAW

15. The relevant provisions of the regulations and rules are as follows:

- with regard to recruitment procedures:

Staff Regulations
Article IV– Entry into service

4.1 The Secretary General shall have the power to appoint staff in conformity with Article 36 of the Statute of the Council of Europe. (…)
4.2 The paramount consideration in the appointment of staff members shall be the necessity of securing the highest standards of competence, professionalism and integrity. (…)
4.3 Selection shall be made on a competitive basis, without discrimination, in a manner that ensures the fairness and transparency of the process.

(…)

Staff Rule on entry into service

(…)

480. ADVERTISING VACANCIES
(…)
480.3 A vacancy notice shall include, in addition to the conditions for appointment referred to in Article 410, information relevant to the job inter alia the following:
480.3.1 job description;
480.3.2 requisite qualifications, competencies and experience;
480.3.3 the knowledge of languages required;
480.3.4 outline of the selection process;
480.3.5 maximum duration of appointment, where applicable;
480.3.6 deadline for submission of applications.

490. RECRUITMENT PROCEDURES

490.1 Candidates who meet the criteria set out in the Staff Regulations and Staff Rules and the vacancy notice and whose applications demonstrate the best profile in terms of qualifications, experience and motivation shall be shortlisted for the recruitment evaluation process. Where appropriate, the shortlisting process may involve staff members chosen by the Director of Human Resources who have substantive knowledge of the jobs falling within the ambit of the vacancy notice.

490.2 The evaluation process shall be appropriate to recruitment needs, shall be carried out on a competitive basis and may include consecutive eliminatory stages.

(…)

- with regard to the means of recourse available to contest an administrative decision:

Staff Regulations
Article XIV – Grievance procedures

(…)

14.3 Staff members who consider that an administrative decision is prejudicial to their interest and conflicts with their terms and conditions of appointment, or with any pertinent provisions of the Staff Regulations, Rules, Instructions or Policies, may initiate the process of management review, allowing for the correction of an improper decision or, where a decision was properly taken, its confirmation along with a reasoned explanation. The modalities of the review shall be set out in Staff Rules adopted by the Secretary General.

14.4 After pursuing management review, staff members who are not satisfied with the outcome thereof may lodge a formal complaint with the Secretary General against the contested administrative decision adversely affecting them, provided that they have a direct and existing interest in doing so. The modalities of the complaints procedure shall be set out in Staff Rules adopted by the Secretary General.

14.5 The Secretary General's decision on the complaint may be appealed to the Administrative Tribunal of the Council of Europe in accordance with the provisions of the Tribunal's Statute. While an appeal is pending, the Secretary General shall refrain from taking any further measure in respect of the staff member which, if the appeal was upheld, would make the redress sought impossible.

(…)

14.10 In addition to staff members, the complaints and appeals procedure shall be open mutatis mutandis to:

14.11

(…)

14.10.3 job candidates, insofar as their complaint or appeal concerns irregularities of the selection process directly affecting them;

(…)

Statute of the Tribunal
Article VII – Admissibility

7.1 An appeal shall be admissible only where the administrative decision which it contests is final and where the appellant has exhausted all remedies available under the Staff Regulations, in the prescribed manner and within the applicable time limits. The appeal brought before the Tribunal must raise in substance the same grievance as that in respect of which such available remedies were sought.

(…)

Staff Rule on grievance procedures

(…)

1420. DEFINITIONS
1420.1 An administrative decision is any decision, action or implicit decision, taken by an official with administrative powers or a staff member's manager, which affects a staff member's terms and conditions of employment or rights under the Staff Regulations or Rules or any applicable legal provisions.

(…)

1440. MANAGEMENT REVIEW
1440.1 Staff members who consider that an administrative decision is:
- prejudicial to their interest; and
- conflicts with their terms and conditions of appointment, or with any relevant provisions of the Staff Regulations or Staff Rules or any other applicable legal provisions;
may request a review of the decision by the manager of the original decision-maker in accordance with Article 14.3 of the Staff Regulations.

(…)

1440.5 The following administrative decisions are not subject to management review:

(…)

1440.5.4 A decision addressed to the persons referred to in Article 14.10 of the Staff Regulations.

1450. COMPLAINTS PROCEDURE
1450.1. A staff member who is not satisfied with the outcome of the management review or has not been notified of the outcome of the management review within the time limit, shall be entitled to lodge a formal complaint with the Secretary General pursuant to Article 14.4 of the Staff Regulations.
1450.2 The complaint must be lodged within 30 days from the date on which the outcome of the management review was notified or, in the absence of notification, within 30 days from the date on which the notification was due.

(…)

1460. APPEALS PROCEDURE
1460.1 The Secretary General's rejection, in whole or in part, of a formal complaint may be appealed to the Administrative Tribunal of the Council of Europe in accordance with the provisions of the Tribunal's Statute and Rules of Procedure.

(…)

THE LAW

16. In his appeal, the appellant requests that the Tribunal annul the decision of 24 June 2024 not to invite him to the next stage of the competition procedure. He requests to be admitted to that stage or, in the alternative, to be granted the opportunity to retake the examination. Additionally, he seeks compensation for "non-pecuniary and professional damage" in the amount of 10 000 euros, as well as reimbursement of costs and expenses incurred in connection with the proceedings.

17. The Secretary General invites the Tribunal to find that the appeal is partly inadmissible, and in any case, unfounded, and to dismiss it in its entirety. He submits that, as the appellant failed to raise his claims for compensation in his formal complaint of 1 July 2024, these claims are inadmissible for failure to exhaust internal remedies. Without prejudice to such inadmissibility, the Secretary General submits that the Council of Europe cannot be held liable

for the appellant's decision to invest time and effort in the recruitment process, in the absence of any illegality attributable to the Organisation. He adds that in any event, the appellant fails to provide evidence in support of his claims, merely asserting that the process impacted his daily work as a lawyer. He further submits that, should the Tribunal find an irregularity, the opportunity to re-sit the test would constitute adequate redress. The Secretary General further notes that the appellant has not substantiated his claim for reimbursement of costs and expenses related to the proceedings. He therefore concludes that both claims, for compensation and reimbursement, should be rejected.

I. THE PARTIES' SUBMISSIONS

A. Admissibility

1. The Secretary General

18. The Secretary General considers that, in so far as the appellant contests the modalities of the online examination, the appeal is inadmissible due to non-exhaustion of internal remedies. He notes in this respect that prior to lodging his appeal, the appellant did not raise this grievance in his formal complaint of 1 July 2024.

2. The appellant

19. In reply to the objection of inadmissibility raised by the Secretary General, the appellant argues that, at the time when he filed his administrative complaint, he sought to annul the contested decision and be placed in in the next phase of the competition, given that *"this was [his] harm at that date"*. He contends that, since he was not aware of the necessity to file an appeal at the time, it was only pursuant to the Secretary General's rejection of his administrative complaint that the other material consequences of the contested decision in terms of non-pecuniary and professional damages became clear to him.

20. The appellant does not make any submissions in relation to the Secretary General's plea of inadmissibility regarding his claim that the modalities of the online examination amounted to a breach of the principle of equal treatment.

B. Merits of the appeal

1. The appellant

a) First ground: the increase of the minimum mark

21. The appellant complains that the increase of the minimum mark required to advance to the next stage of the recruitment process – introduced after the test had already taken place – was unlawful. He argues that the change was neither based on objective criteria, nor effectively communicated to the candidates prior to the online tests, and that it amounted to a modification of the evaluation criteria after the tests had taken place. In his view, the mere possibility of such an increase, as mentioned in the invitation letter (i.e., that the minimum mark could be raised depending on the number of successful candidates) does not constitute a fair, transparent or objective criterion for justifying the adjustment. The appellant maintains that candidates should have been informed in advance of the maximum number of candidates to be invited to the next stage of the evaluation process, for example through an indicative ratio between the number of successful candidates and the number of jobs to be filled. By failing to provide reasons for its

decision to raise the threshold from 10/20 to 13/20, the DHR violated Article 4.3 of the Staff Regulations, as well as the principles of foreseeability and legal certainty, thereby making arbitrary use of its discretionary power.

b) Second ground: the information provided by the DRH prior to the test

22. The appellant further submits that the assessment criteria for Paper 1, as well as the weight assigned to each criterion, were not disclosed beforehand to the candidates. He argues that the information provided by the DRH should have specified these criteria, and their respective weightings, for example by indicating whether the paper would be assessed on the basis of linguistic quality, style, structure, content, attention to a human rights' perspective and Council of Europe values, academic merit or other relevant elements. While not challenging the Organisation's margin of appreciation in such matters, the appellant refers to the practice of the European Union in similar recruitment procedures, where both the overall process and the assessment criteria are clearly communicated to candidates through the vacancy notice. As an ancillary point, the appellant notes that the vague description of the exam content, combined with the absence of any reference to a minimum bibliography, hindered his ability to adequately prepare for the examination.

c) Third ground: the modalities of the online examination

23. The appellant claims that the organisation of the online tests amounted to a breach of the principle of equal treatment between candidates on the ground that they "were taken at the time and from the place chosen by the candidates and without any supervision". In his view, the tests should have been organised in the premises of the Council of Europe to ensure fairness. He further contends that there was no effective mechanism to guarantee that successful candidates had not cheated, "for example by enlisting the help of a third person familiar with this type of test". The appellant also draws attention to the Organisations' history of technical malfunctions during online testing, citing the position taken by the Staff Committee in related proceedings before the Tribunal, and criticises the Organisation's failure to resolve these issues in a timely manner.

2. The Secretary General

24. The Secretary General argues that there is no evidence to suggest that he exceeded the limits of his discretionary power nor that his decision has been affected by a manifest error or abuse of authority. He therefore submits that the appellant's allegation of irregularity and lack of transparency in the recruitment procedure is unsubstantiated, while the contested decision remains duly justified.

a) On the increase of the minimum mark

25. The Secretary General maintains that the decision to increase the minimum mark was based on objective criteria, namely the marks obtained by the candidates and the optimal number of candidates to be invited to the next stage of the evaluation process, taking into account the number of jobs to be filled. He further submits that all candidates were informed in a timely, fair and transparent manner, via the invitation letter dated 17 May 2024, that such an increase might occur *"depending on the number of successful candidates"*. Candidates were also advised that only those obtaining the highest marks in Paper 1 would be invited to sit the second stage of the examination, consisting of Papers 2 and 3. Given the eliminatory nature of Paper 1 and the inherently competitive nature of the recruitment process, the Secretary General

submits that the appellant failed to demonstrate how the absence of information regarding the exact number of candidates to be admitted to the next evaluation stage adversely affected him, as such information was immaterial to his preparation for the test.

26. The Secretary General explains that the establishment of the final threshold may vary significantly depending on the specific competition and the number of candidates scoring higher than 10/20. This flexibility enables the Organisation to tailor recruitment procedures to its operational and staffing needs. In his rejoinder, the Secretary General further points out that fixing the number of candidates at an early stage of the recruitment procedure could prevent the evaluation of other important skills - such as soft skills -, which are assessed during interviews. He emphasises that, in the present case, inviting more than one hundred candidates to the second stage of the evaluation process was deemed disproportionate, given that there was only one vacancy for a lawyer in the Romanian unit of the Registry of the Court. He further underlines that the contested practice has been in place for many years and is rarely questioned by candidates.

b) On the information provided by the DRH prior to the test

27. The Secretary General submits that the establishment of a higher threshold for passing Paper 1 does not constitute a change of either the assessment criteria or the weighting system. Specifically, Paper 1 was a multiple-choice test, corrected automatically, and the appellant having correctly answered 23 out of 40 questions, was awarded a mark of 11.50/20. The Secretary General further notes that the correct answers to the questions of multiple-choice tests are strictly confidential and cannot, therefore, be disclosed to candidates. He maintains that the appellant is not in a position to challenge the assessment criteria themselves, as their determination falls within the broad discretionary power of the selection authority. Similarly, it is within the Organisation’s discretion to determine the extent of information to be provided to candidates regarding the exam content and the related bibliography. For these reasons, the Secretary General upholds that the comparison between the recruitment procedures of the European Union and those of the Council of Europe is irrelevant to the present case.

c) On the modalities of the online examination

28. Without prejudice to the inadmissibility of the related claim, the Secretary General considers that the appellant failed to demonstrate any specific irregularities in the online examination or to explain how its modalities adversely affected his results. He points out that the appellant did not raise any concerns regarding technical issues while he was sitting Paper 1. He further emphasises that the test was conducted under the continuous supervision and support of the Administration, using a reliable online platform (TestReach) which ensured equal participation for all candidates, irrespective of their financial means, geographical location, or personal and family circumstances. The Secretary General observes that the invigilators carried out various checks, to prevent the use of unauthorised materials or assistance from third parties. Finally, the Secretary General submits that the mere possibility for candidates to select a time slot within a designated time window does not constitute a breach of the principle of equal treatment, as this arrangement enabled individual supervision of each candidate and the effective handling of technical difficulties. The Secretary General therefore concludes that Paper 1 was properly administered, with all candidates sitting the test under substantially the same conditions.

C. The third party

29. In its intervention in support of the appellant, the Staff Committee observes that the Administration's practice of increasing the minimum mark between test stages not only is a cause of frustration for candidates and harms the Organisation's image as a recruiter, but also seriously undermines the fairness, transparency, and thus the lawfulness of the recruitment procedure. It argues that the Council of Europe's operational needs cannot override the requirement for fair and transparent procedures. The prior notification to candidates that *"[…] the minimum mark may be increased depending on the number of successful candidates"* does not, in its view, render the practice lawful under the Staff Regulations and Rules.

30. The appellant fully endorses the observations made by the Staff Committee.

31. The Secretary General, for his part, contests the Staff Committee's assertion that it has repeatedly raised objections on this matter in the past in its interactions with the Administration. He also challenges the Staff Committee's view that alternative approaches to the practice of raising the minimum mark after the tests exist and would offer "better ways to balance the principles of transparency and fairness". He reiterates that the recruitment process aims to maintain a number of candidates that matches the Organisation's capacity to conduct testing and evaluation, and to ensure a manageable pool for the next stage, ultimately leading to a suitably sized reserve list to meet recruitment needs over the following four years. He adds that the cut-off mark required to meet this objective may vary based on several factors, including labour market conditions, which can differ across vacancies, job profiles, and over time.

II. THE TRIBUNAL'S ASSESSMENT

A. First and second ground of appeal

32. In relation to the first and the second ground raised by the appellant, the Tribunal recalls that recruitment procedures within the Council of Europe must be conducted in accordance with the principles of transparency, fairness, and equal treatment, as enshrined in paragraph 4.3 of the Staff Regulations.

33. The principle of transparency, as codified in paragraph 480.3 of the Staff Rule on entry into service, requires that vacancy notices be publicised and that the eligibility criteria, as well as the main stages of the recruitment procedure, be clearly communicated in advance to all candidates. Recruitment procedures must strictly comply with the internal rules and remain consistent with the criteria set out in the vacancy notice. Failure to do so may constitute a procedural irregularity capable of vitiating the outcome of a competition (ATCE, Appeals Nos. 474/2011 and 475/2011, Prinz and Zardi v. Secretary General of the Council of Europe, decision of 8 December 2011, § 82). Furthermore, the obligation to state reasons for the exclusion of a candidate contributes to the transparency of the process and reflects the Organisation's broader duty to adhere to the principles of good administration.

34. In parallel, the principle of fairness requires that all candidates be assessed impartially and on the basis of the same pre-established and objective criteria. This entails an obligation of equal treatment and the prohibition of any arbitrary distinctions (see, *mutatis mutandis*, ATCE, Appeal No. 730/2022, Conrad (III) v. Secretary General of the Council of Europe, decision of 10 November 2023, § 42 and case law quoted ; EU General Court, 24 September 2002, Girardot v. Commission of the European Communities, T-92/01, § 25; EU Civil Service Tribunal, 4 September 2008, Dragoman v. Commission of the European Communities, F-147/06, § 3).

35. These principles play an essential role in ensuring that the recruitment decisions are based on merit and that only candidates meeting the highest standards of competence, professionalism and integrity are appointed, in line with paragraph 4.2 of the Staff Regulations. Transparency and fairness are interdependent. A process that is transparent and sufficiently open to scrutiny, provides the conditions under which fair treatment can be verified. Conversely, a lack of transparency may raise doubts as to the fairness of the process, even in situations where its outcome is objectively justified.

36. While it is undisputed that international organisations enjoy a broad margin of discretion in managing competitive examinations and assessing the merits of candidates, this discretion must nonetheless be counterbalanced by observance of the applicable rules and principles, including the principles of transparency and fairness. Thus, this discretion is not exempt from judicial review, the purpose of which is to ascertain whether the challenged decision was taken by an incompetent authority, in breach of a procedural or substantive rule, or based on an arbitrary or manifestly unreasonable assessment of the examination (ATCE, Appeal No. 736/2023, A. A. v. Secretary General of the Council of Europe, judgment of 30 November 2023, § 26; EU General Court, 15 February 2005, Pyres v. Commission of the European Communities, T-256/01, §§ 36-38).

37. The Tribunal will therefore examine whether, in the present case, the selection procedure complied with the applicable internal provisions and whether the appellant was treated in accordance with the principles of transparency and fairness as affirmed in the relevant case law. In view of the scope of the appeal, the Tribunal's analysis will focus on the arrangements under which candidates to the recruitment procedure no. e7/2024 were allowed to sit Paper 1.

38. In this regard, the Tribunal notes that, by email dated 17 May 2024 inviting shortlisted candidates to sit Paper 1, the appellant was informed that 161 candidates had been shortlisted on the basis of their qualifications. Shortlisted candidates were moreover informed that Paper 1 would consist of an online multiple-choice test assessing their knowledge of the law of Romania, of the European Convention of Human Rights and its case law, in either English or French. The invitation indicated that Paper 1 was eliminatory and that only those candidates obtaining a minimum mark of 10 out of 20 would be invited to sit the subsequent tests. It was further specified, however, that the minimum mark could be raised, depending on the number of successful candidates.

39. Accordingly, while candidates were informed that a mark of 10 out of 20 constituted the minimum requirement, they were also expressly advised that attaining that score might not be sufficient if the Organisation subsequently raised the threshold.

40. The Tribunal notes that the applicable threshold was not part of the eligibility conditions which would enable prospective candidates to assess whether it was appropriate to apply. Nor was it part of the description of the different stages of the procedure in the vacancy notice.

41. The Tribunal also notes that the Administration has provided objective reasons to justify the adjustment of the threshold. The Secretary General explained that out of 161 shortlisted candidates, 103 achieved a mark of at least 10 out of 20. Increasing the minimum mark to 13 out of 20 allowed the Administration to retain only 44 candidates for the next stage, which was

deemed proportionate to the recruitment needs of the Organisation, since there was only one vacancy for a lawyer in the Romanian unit of the Registry of the Court.

42. It should be emphasised in this respect that it is not for the Tribunal to substitute its own assessment of the Council of Europe's recruitment needs for that of the Organisation. Nor does it fall within the Tribunal's remit to determine what constitutes the most appropriate or efficient means of managing a recruitment procedure, taking into account the Organisation's available resources and staffing objectives.

43. The Tribunal further observes that raising the threshold after the test had been administered did not alter the substantive criteria for evaluating candidates. Given that the test consisted of multiple-choice questions scored automatically, the result for each candidate was unaffected by the threshold adjustment. The Tribunal notes moreover that this adjustment was applied equally and uniformly to all shortlisted candidates, based on the objective number of correct answers they had provided.

44. In this regard, the appellant's arguments concerning the alleged lack of clarity in the scoring methodology are without merits. Having answered correctly 23 out of 40 questions, the appellant obtained a mark of 11,50 out of 20, based on a basic and self-evident mathematical formula. The Tribunal recalls that, according to the relevant case law, in the absence of special circumstances, "an administration which organises recruitment tests in the form of multiple-choice questions complies with its obligation to state reasons by communicating to the candidates who have failed those tests, first, the proportion, as a percentage, of correct answers and, secondly, upon request, the answer which should have been given to each of the questions asked" (EU General Court, 23 September 2020, ZL v. European Union Intellectual Property Office, T-596/18, § 49, referring to EU Civil Service Tribunal, 29 June 2011, Angioi v. European Commission, F-7/07, § 138).

45. The Tribunal finally notes that the appellant does not specifically contest the relevance of the questions asked during the test, nor the validity of the answers deemed correct. Nor did he request to have access to the answers which should have been given to each of the questions asked. Rather, he alleges that the information provided in advance with respect to the content of the test was too broad and that a bibliography should have been provided. It should be noted in this respect, however, that it falls within the Organisation's discretion to determine the appropriate scope of preparatory information made available to candidates (ATCE, Appeal No. 712/2022, Kirbas v. Secretary General of the Council of Europe, decision of 25 January 2023, § 32; Appeal No. 730/2022, Conrad (III) v. Secretary General of the Council of Europe, decision of 10 November 2023, § 44).

46. In the light of the above, the Tribunal concludes that the appellant has adduced no evidence to suggest that the manner in which the Administration conducted the recruitment procedure was liable to result in arbitrary outcomes or entail a breach of the principles of fairness, transparency and equal treatment. The Tribunal is satisfied that these principles were duly observed throughout the selection procedure. The information provided to the appellant was sufficiently clear and detailed to allow him to understand the rules of the competition, the nature of the tests, and the minimum mark required to pass Paper 1. The adjustment of this mark, although made after the test was administered, was announced as a possibility in advance and was applied objectively and uniformly to all candidates.

47. In these circumstances, the Tribunal finds that the first and second grounds of appeal are unfounded.

B. Third ground of appeal

48. Article 7, paragraph 1, of the Statute of the Tribunal provides that an appeal shall be admissible only if all remedies have been exhausted. Moreover, "[t]he appeal brought before the Tribunal must raise in substance the same grievance as that in respect of which such available remedies were sought".

49. The Tribunal notes that the grievance concerning the modalities of the online examination, which constitutes the third ground of appeal, was not raised in the administrative complaint submitted by the appellant on 1 July 2024.

50. The Tribunal reiterates that, prior to bringing an appeal before the Tribunal, an appellant must submit an administrative complaint to the Secretary General, thereby affording the latter the opportunity to redress the matter if the grievances prove to be well-founded (see, *mutatis mutandis*, ATCE, Appeal No. 673/2021, C v. Governor of the Council of Europe Development Bank, judgment of 27 January 2022, §§ 54 to 56, and case law quoted). The purpose of the exhaustion rule in administrative disputes involving the Organisation is to enable the Secretary General to prevent or put right potential violations for which the Organisation may bear responsibility (ATCE, Appeals Nos. 561-564, Kacsandi (I, II, III, and IV) v. Governor of the Council of Europe Development Bank, decision of 26 April 2016, § 112).

51. In the Tribunal's view, the appellant's third ground of appeal introduces a new and distinct grievance. As such, this grievance ought to have been raised in the administrative complaint submitted to the Secretary General prior to being brought before the Tribunal. It follows that the third ground of appeal is inadmissible, as the appellant failed to exhaust the internal remedies available.

III. CONCLUSION

52. In view of the foregoing, the application for annulment of the contested decision must be dismissed. Consequently, the claim for compensation, which is based entirely on the alleged unlawfulness of that decision, must also be dismissed.

For these reasons, the Administrative Tribunal:

Declares the appeal admissible but unfounded;

Dismisses the claim for compensation;

Decides that each party will bear its own costs.

Delivered by the Tribunal on 3 June 2025, the English text being authentic.

The Registrar of the Administrative Tribunal	The Chair of the Administrative Tribunal
Christina Olsen	Paul Lemmens