Appeal No. 764/2024

A. G.

v.

Secretary General of the Council of Europe

***

JUDGMENT

Performance assessment by the direct manager (N+1) – Concept of "direct manager" – N+1's obligation to work closely with the staff member being assessed and to be properly informed about their activities – No obligation on the N+1 to read all of the staff member's written work themselves – Possibility for the N+1 to rely on the opinions of third parties if they are official and reliable sources of information – Discretionary power of the Organisation to establish procedures for supervising staff members' work in accordance with the interests and smooth running of the service – **Assessment system based on the setting of quantified objectives** – Proactive attitude expected from the staff member in asking to be assigned further cases and reporting difficulties – Staff member's duty to alert the N+1 to any risk of failure to achieve objectives – **Obligation to state reasons for the assessment report** – Statement of reasons based on salient points in terms of efficiency, ability and conduct in the service is sufficient – No obligation to provide specific examples to justify value judgments – **No obligation to issue a written warning for each act for which the staff member may be criticised** – Regular feedback during the assessment period is sufficient.

15 October 2025

The Administrative Tribunal, composed of:

Linos-Alexandre SICILIANOS, Deputy Chair,
Lenia SAMUEL,
Thomas LAKER, Judges**,**

assisted by:

Christina OLSEN, Registrar,
Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following judgment after due deliberation.

INTRODUCTION

1. The purpose of this appeal is to challenge the appellant's performance assessment for 2023.

THE FACTS

2. The appellant, A. G., has been a Council of Europe staff member since 2003. At the time the appeal was lodged with the Tribunal, she was working as a lawyer, grade A3, in the Registry of the European Court of Human Rights (the "Court's Registry").

3. The appellant was absent on health grounds between 2019 and 2022. She resumed her duties on a part-time basis on 13 September 2022, before returning to work full-time on 14 October 2022.

4. The appellant's objectives for 2023 were set on 28 February 2023, bearing in mind that no objectives were assigned to her on her return to work for the period from September to December 2022. The objective-setting form for 2023 stated that:

> "In view of Ms [A. G.]'s medical absence from the Registry over the past couple of years and given the dynamic development of the Court's procedures, case law, and practices during this time, Ms [A. G.]'s objectives for 2023 (see below) have been adjusted, compared to the standard objectives for a Turkish A lawyer, so as to make her gradual reintegration as smooth and [sic] as possible."

In terms of personal productivity, the form stated:

> "Ms [A. G.] shall: (i) prepare 80 separate SJ [single judge] case notes; (ii) prepare communication, by means of 8 separate IMSI communication reports, of a number of different Chamber or broader WECL applications; and (iii) prepare 12 separate summary formula judgments/decisions, i.e. drafts, thereby finishing a number of broader WECL applications (excluding thus any strike-outs or WECL fast-track judgments or decisions). It is understood that at the beginning of 2023 Ms [A. G.] will primarily focus on the processing of the said SJ cases, while as the year progresses, she will place increasing emphasis on her work defined under points (ii) and (iii) above. Such a gradual approach should facilitate Ms [A. G.]'s reintegration into the Turkish team, following her lengthy absence, and lead, in due course, to the full resumption of her duties as an A lawyer."

5. On 21 March 2023 the appellant's direct manager (N+1) e-mailed her a list of eight cases for which she was to prepare a communication report under the immediate simplified

(IMSI) communication procedure, together with three of the twelve cases for which she was expected to draft a judgment or decision with a brief statement of reasons. The e-mail stated that she would receive the rest of the cases requiring a judgment or decision with a brief statement of reasons once she had completed the cases she had been given already.

6. On 6 July 2023 the appellant had a mid-year interview with her N+1 concerning her performance in the first half of 2023. The content of this interview was reflected in an e-mail from the appellant's N+1 dated 10 July 2023. The e-mail stated the following regarding the appellant's productivity:

> "As you know, your personal objectives for 2023 have been set as follows: (i) 80 separate SJ case notes; (ii) 8 separate IMSI communication reports; and (iii) 12 separate summary formula judgments/decisions. In view of your medical absence from the Registry over the past couple of years and given the dynamic development of the Court's procedures, case-law, and practices during this time, these objectives were, as noted in the objectives-setting form itself, adjusted compared to the standard objectives for a Turkish A lawyer, so as to make your gradual reintegration as smooth and [*sic*] as possible.
>
> According to official statistics, as of 29 June 2023, you prepared a total of 29 Single Judge cases in 2023 (5 were adopted while another 24 were in the pipeline). According to your own statistics, however, the total number of such cases was 34. No IMSI communications or summary formula judgments/decisions were yet prepared.
>
> In view of the above, I noted that, at this point, your statistics were lacking and that significant improvements were therefore needed in the second half of 2023 in order for a conclusion to be reached, at the end of the year, that your performance has been satisfactory. You agreed that your productivity needs to be increased and expressed your belief that this will happen over time."

7. In an e-mail dated 3 August 2023, the appellant contacted her N+1 to express her concerns about a lack of information on the processing of cases. With regard to the progress made on her quantitative objectives, she stated that she had "focused on SJ cases" and had "only been able to send the NJRs 34 case files". On the same day, her direct manager replied, suggesting that they discuss these issues after the summer break.

8. On 27 September 2023 the appellant sent an e-mail to the non-judicial rapporteur responsible for monitoring the quality of her case notes (the "NJR"), in which she stated that, when checking her objectives, she had observed that she had not been given any cases requiring her to prepare an IMSI communication report. In response to this e-mail, to which he was copied, the appellant's N+1 resent her his e-mail of 21 March 2023, in which he had assigned the appellant eight cases requiring a communication report and three requiring her to prepare a summary decision.

9. On 8 November 2023 the appellant sent a further e-mail to her NJR, saying that she had dealt with the cases assigned to her and asking to be given more cases requiring IMSI communication reports. The appellant's NJR replied by e-mail dated 9 November 2023, assigning her eleven more cases.

10. On 26 February 2024 the appellant completed her self-assessment for 2023. The assessment report was signed by her N+1 on 29 February 2024 and then by her reviewing manager (N+2) on 5 April 2024, concluding that her performance was unsatisfactory in terms of both the quality and quantity of her work. On the subject of quantitative objectives, the appellant's direct manager made the following comment:

> "[A]ccording to official statistics, [A. G.] prepared a total of 62 Single Judge cases (…). As regards IMSI communications, only 1 was successfully prepared (…). No summary formula judgments or decisions were prepared (…)".

11. On 5 May 2024 the appellant submitted a request for a management review of her assessment report for 2023.

12. In an e-mail dated 3 June 2024, the manager of the appellant's N+2 informed her that, following the management review, he believed that her assessment for 2023 had been carried out in the proper manner and confirmed the outcome of the exercise.

13. On 2 July 2024 the appellant signed the finalised assessment report, expressing her disagreement with her managers' conclusions.

14. Not satisfied with the outcome of the management review, the appellant lodged an administrative complaint on the same day, requesting that her assessment for 2023 be reviewed.

15. On 31 July 2024 the then Secretary General dismissed the administrative complaint as unfounded.

PROCEEDINGS

16. The appellant, A. G., lodged her appeal on 20 September 2024. The appeal was registered under No. 764/2024.

17. On 8 November 2024 the Secretary General forwarded his observations on the appeal.

18. On 17 December 2024 the appellant filed submissions in reply.

19. On 21 January 2025 the Secretary General submitted a rejoinder.

20. The public hearing took place on 3 June 2025 in the Palais de l'Europe in Strasbourg. The appellant was represented by Giovanni Palmieri. The Secretary General was represented by Benno Kilian, head of the Legal Advice and Litigation Department, assisted by Sania Ivedi, head of the Litigation Division, and Nina Grange, legal adviser in the same division.

THE LAW

I. THE RELEVANT LAW

21. The relevant provisions of the regulatory framework for staff performance assessment read as follows:

Staff Regulations
Article V – Career development

> 5.1 Staff members' performance and conduct shall be regularly assessed in accordance with the procedures established by the Secretary General.

5.2 Within the limits of budgetary allocations and based on a training plan, the Secretary General shall provide staff members with such training as is deemed appropriate for the continued enhancement of their professional skills and competencies and their increased efficiency. (…)

Staff Rule on career development
adopted by the Secretary General on 30 December 2022

510. PERFORMANCE AND CONDUCT ASSESSMENT
510.1 The Directorate of Human Resources shall coordinate and supervise the functioning of assessment throughout the Council of Europe Secretariat. Heads of Major Administrative Entities shall be responsible for ensuring that assessment exercises function properly and are applied in a consistent manner within their own administrative entity.
510.2 The reference period for the assessment exercise shall be the calendar year.
510.3 The overall assessment exercise shall comprise the setting of goals for the reference period and, at the end of the reference period, the assessment of the results achieved in the light of the goals set.
(…)
510.5 The assessment of results achieved shall comprise:
510.5.1 Self-assessment by the staff member;
510.5.2 Assessment by the staff member's direct manager (n+1);
510.5.3 Review of the assessment report by the reviewing manager (n+2); and
510.5.4 Review of the assessment report by the staff member who, in the event that they do not agree with the substance of the assessment, may include comments on the report.
[…]

22. The relevant provisions of the Guide to Performance Assessment, as it stood in June 2024, read as follows:

I. Parties to assessment
(…)
2. Who can be a direct manager?
The direct managers shall be either specially appointed officials, Council of Europe staff members, seconded officials under the Regulations for secondment to the Council of Europe, or temporary staff members covered by Rule No. 1234 of 30 December 2022 laying down the conditions of recruitment and employment of locally recruited temporary staff members working in Information and Field Offices.

Staff members of all grades can be direct managers. Direct managers may be of a higher grade, the same grade or a lower grade than those being assessed, provided that they are in charge of a team or supervise the work of an individual.

Direct managers must have completed the training for direct managers before conducting assessment interviews.

3. How are direct managers (N+1) appointed? What is their role?
It is for the Head of each MAE to appoint the direct managers of the entity for which they are responsible. Each entity ensures balanced distribution of the number of assessed staff members per direct manager. (…).

The role of the manager is to organise the work within the team, to manage and supervise staff members, to assist them, coach and advise them if necessary, to encourage them, etc.

Regarding assessment, the direct manager is responsible for ensuring that the process runs smoothly. They are invited to regularly check good progress for staff members under their responsibility and to follow up if necessary (self-assessment, validation by the reviewing manager (N+2) then validation by the assessed staff member).

The recommended maximum number of assessed staff members per direct manager is eight. If properly conducted, the assessment exercise is time-consuming, and it has to be completed by the end of the

assessment period (from December to February, i.e. three months). Having too many assessed staff members per direct manager would make the exercise cumbersome and unmanageable. Moreover, the most clear-sighted and objective direct managers are always those who work closest with their assessed staff members.
(…)
II. Dialogue and motivation
(…)
2. Importance of regular feedback and the mid-year review
Assessment interviews should not be the only time when assessed staff members and managers get together and talk: regular feedback is necessary.

Direct managers must provide staff under their responsibility with clear information about performance expectations throughout the reference period. They must also regularly discuss staff members' performance, both in areas in which they are doing well, and in areas where they can make further progress.

Direct managers are encouraged to meet regularly during the year with the staff members under their responsibility, not only to establish good relations but, above all, to be properly informed about the relevant activities, to offer advice and to address any signs of unsatisfactory performance or conduct.

An informal mid-year review is recommended as a minimum to allow staff members to see where they stand in relation to their goals and, if necessary, take a fresh look at the goals and adjust them. This interview provides an opportunity for the direct manager or the assessed staff member to raise any issue regarding goals, results achieved or performance. It enables any performance shortfalls to be addressed so that corrective measures may be taken promptly.
(…)

II. THE PARTIES' POSITIONS

A. The appellant

23. In her appeal, the appellant asks the Tribunal to declare her assessment for 2023 null and void and to award her EUR 9 000.00 in costs.

24. In support of her appeal, the appellant essentially relies on three grounds: (1) violation of paragraph 510.5.2 of the Staff Rule on career development on the ground that the contested assessment was not carried out by a staff member who could be considered a "direct manager", (2) manifest error of assessment in the conclusions drawn from her file; and (3) breach of the obligations to be objective and to state reasons.

1. First ground: violation of paragraph 510.5.2 of the Staff Rule on career development

25. The appellant contends that her N+1 cannot be considered her direct manager, as he did not exercise any real supervisory function in respect of her. She maintains that the mere fact that a staff member is designated as an N+1 and, as such, performs the standardised tasks of the assessment process, such as setting objectives, organising the interview or drafting the report, is not enough to qualify them as a direct manager.

26. In the view of the appellant, the role of N+1 involves being able to monitor the work assigned to the staff member being assessed, having personal and ongoing knowledge of the quality of their work, supervising their working conditions, providing administrative support and ensuring that they receive training, while giving them specific and appropriate guidance. In the present case, the appellant insists that her N+1 did not have a clear understanding of her workflow and had not read her written work. She also complains that he failed to ensure that

she was invited to meetings of the filtering section, thereby further contributing to her isolation within the Turkish section. She further maintains that her N+1 failed in his duty to refer her for targeted training that would have helped to familiarise her with the Court's new working methods.

27. According to the appellant, the arguments put forward by the Secretary General refuting her on this point are not conclusive. With regard, firstly, to the argument concerning the management structure within the Court's Registry (paragraph 37), the appellant contends that the applicable provisions in no way require the N+1 to be of a higher grade than the staff member being assessed. As to the argument relating to the need to have a good command of Turkish law and language, the appellant makes no criticism of the fact that an NJR checked her written work against these criteria. She does, however, take issue with the fact that this lawyer, and not her N+1, also checked the quality of the documents she drafted in the official languages of the Organisation.

28. Insofar as the N+1 responsible for her assessment for 2023 could not be considered a direct manager within the meaning of paragraph 510.5.2 of the Staff Rule on career development, the appellant submits that the assessment in question was conducted in breach of the applicable rules.

2. Second ground: erroneous conclusions drawn from the file

29. The appellant maintains that she performed all the tasks assigned to her satisfactorily. She asserts that if her quantitative objectives were not met, this was due not to any failure on her part, but rather to the fact that she was not given enough case files to process, despite the requests she made to this effect to her NJR and other lawyers and assistants, as per the practice in the Court's Registry. She emphasises that it was the duty of the direct hierarchical superior to assign a sufficient number of cases to his staff and challenges the criticism made of her that she did not formally ask to be given further cases.

30. The appellant also disputes the validity of the criticisms relating to her productivity. She points out that if she was only able to prepare one communication under the so-called "IMSI" procedure, when the target figure was eight, this was due to the decision of the judge rapporteur to deal with seven of the cases under the single-judge procedure, a decision over which she had no influence. With regard to the 11 cases that she received on 9 November 2023 (see paragraph 9), the appellant argues that these were assigned to her too late to be included in her objectives for 2023. As to the summary judgments she was supposed to prepare, she submits that in two of the cases assigned to her in March 2023, the proceedings were suspended because a friendly-settlement procedure was initiated. With regard to the third case, she states that she drafted a decision which she forwarded to the competent judge rapporteur, but received no feedback on this draft, as the judge rapporteur's appointment had meanwhile come to an end.

31. The appellant also considers that the fact that specific instructions expressly inviting her to ask for further cases if necessary were added to her objectives for 2024 amounts to a tacit admission that the objectives set for 2023 were ambiguous.

32. The appellant therefore considers that the Organisation committed an error of assessment when assessing her performance from a quantitative point of view.

3. Third ground: violation of the obligations to be objective and to state reasons

33. The appellant asserts that by relying exclusively on the NJR's observations in drafting the assessment report, her N+1 failed in his duty to be objective. She complains that he did not read her written work himself or consult the judges with whom she had worked. The appellant rejects the Secretary General's argument that the corrections made to her written material were sufficient to show that the quality of her work was poor. In her view, these corrections were, for the most part, merely stylistic edits, and did not indicate any major shortcomings. By failing to provide her with specific examples of alleged shortcomings or to make critical comments before finalising the assessment, her managers deprived her of any opportunity to improve her performance. The appellant adds that at no point during her mid-year review in July 2023 was any mention made of problems with the quality of her work. This, it is alleged, resulted in a failure to give adequate reasons for the assessment, which is particularly questionable given that in previous assessments, clear mention was made of her professional knowledge and skills.

34. Under this ground, the appellant further maintains that her managers failed in their duty to offer her proper training. This lack of supervision allegedly hindered her integration in the filtering section, with negative repercussions on her working environment and productivity.

B. The Secretary General

35. The Secretary General, for his part, invites the Tribunal to declare the appeal ill founded and to dismiss it.

1. On the violation of paragraph 510.5.2 of the Staff Rule on career development

36. The Secretary General contends that throughout 2023, the appellant's N+1 correctly performed all of the duties required of him under the applicable rules. He set the appellant's objectives for 2023, reviewed her performance mid-year in July 2023, conducted the assessment interview in February 2024 and drafted the contested assessment report on the basis of his own assessment as well as other information at his disposal, including comments from the NJR responsible for reviewing the appellant's notes in single-judge cases. The appellant's N+1 also helped her and suggested several training courses designed to improve the skills she needed to perform her duties in the Registry.

37. According to the Secretary General, the fact that an NJR was involved in the appellant's assessment does not detract from the supervisory role performed by her N+1. Such involvement must be seen in the context of the managerial structure in the Court's Registry, where not all A3 lawyers in the Turkish unit can be supervised by an A4 direct manager from the same unit, given the size of the Turkish team, the number of Senior Legal Advisors on the management board and the heavy caseload. It is common for some of the tasks assigned to a lawyer, in particular single-judge cases, to undergo quality checks by someone other than the person's direct hierarchical superior, in this case a non-judicial rapporteur (the "NJR"). The Secretary General points out that the involvement of an NJR also helps to ensure a sound grasp of the applicable national law and the language in which applications are drafted.

38. Consequently, the Secretary General considers that the appellant's assessment was carried out in accordance with paragraph 510.5.2 of the Staff Rule on career development.

2. On the erroneous nature of the conclusions drawn from the file

39. The Secretary General maintains that the conclusions drawn from the file are well founded, arguing that the shortcomings noted in terms of the appellant's productivity are a direct result of her own failings. In his view, the onus was on the appellant to be proactive in ensuring that she was assigned enough cases to meet her targets, by speaking to her direct manager. The latter could then have assigned her more cases as and when required. The Secretary General emphasises that, as an experienced lawyer, the appellant could not have been unaware that she should have asked her direct manager for further cases once she had completed her previous tasks.

40. The Secretary General notes that the appellant did not contact the person responsible for assigning her cases, namely her direct manager, until 27 September 2023, even though the last time she had been given cases to work on was in March 2023. The delay in dealing with these cases is attributable solely to her own negligence, therefore. He adds that the objectives for 2024 were adjusted to allow for the difficulties the appellant experienced in 2023, in line with the provisions of the Guide to Performance Assessment. This cannot be construed as an acknowledgement that the objectives for 2023 were not worded correctly, however.

41. The Secretary General therefore considers that no erroneous conclusions were drawn from the file and that the appellant did not in fact achieve the quantitative objectives she had been set for 2023.

3. On the violation of the obligations to be objective and to state reasons

42. The Secretary General begins by observing that the performance assessment procedure provides for the involvement of the reviewing manager, who is responsible for ensuring that the assessment system is applied in a consistent and harmonious manner within their entity. This arrangement is intended to ensure that the results obtained are objective. He points out that, in the case at hand, the procedure was strictly complied with.

43. With regard to the qualitative assessment of the appellant's performance, the Secretary General notes that the division of tasks in the Court's Registry frequently requires lawyers' work to be supervised and monitored by persons other than their direct manager. The fact that the latter relied on comments made by an NJR, however, cannot, per se, call into question the regularity of the assessment. In the present case, the fact that the appellant's direct manager had regard to the NJR's opinion demonstrates the thorough and objective nature of the assessment. That the NJR's comments were faithfully replicated in the assessment report also shows that the process was transparent. The Secretary General adds that the appellant can hardly fault her N+1 for not reviewing the quality of her work given that she declined his offer of preliminary quality checks for draft communications and decisions.

44. As to the grounds for the contested assessment, the Secretary General maintains that the appellant was informed of the shortcomings identified in her work, both in the assessment report and in the course of 2023, whenever the competent lawyer provided feedback on the quality of her case notes. This feedback highlighted major difficulties, in particular with regard to the clarity, structure and legal consistency of the drafts submitted. It was such as to enable the appellant to identify the areas requiring improvement. The appellant was also alerted to the shortcomings in her performance at the mid-year review, during which her direct manager provided her with advice and support.

45. The Secretary General ends by stressing the need to view the appellant's assessment in context. He points out that the appellant was given a four-month adjustment period on her return to work and that her objectives for 2023 were less demanding than those normally set for A-grade lawyers assigned to Turkish cases. He considers that these adjustments show that due account was taken of the appellant's interests, in keeping with the duty of care incumbent on the Organisation.

III. THE TRIBUNAL'S ASSESSMENT

1. On the violation of paragraph 510.5.2 of the Staff Rule on career development

46. Under the first ground of her appeal, the appellant submits that the contested assessment was not carried out by a staff member who could be considered a "direct manager" within the meaning of paragraph 510.5.2 of the Staff Rule on career development.

47. No definition of "direct manager" is given in the Staff Rule on career development, nor indeed in the Staff Regulations. An outline of what is meant by the term can, however, be found in the Guide to Performance Assessment. Part III.3 of the Guide states that the role of direct managers is to organise the work within the team, to manage and supervise staff members, to assist them, coach and advise if necessary. With regard more specifically to assessment, the direct manager is responsible for ensuring that the process runs smoothly, by regularly meeting with staff members, organising assessment interviews and setting their objectives.

48. It is in the light of these guidelines that it must be determined whether, in this case, the appellant's N+1 could indeed be considered her direct manager. Admittedly, the Guide does not have the same regulatory status as the Staff Regulations and Staff Rules. Nevertheless, it is an official document which governs the assessment process and to which the Tribunal must have regard as an expression of the Organisation's administrative practice.

49. In the present case, the evidence in the file indicates that the appellant's hierarchical superior organised the work of the team to which she belonged for the year 2023. After setting the appellant's objectives, he conducted a mid-year performance review in July 2023 and met with her on several occasions to discuss her performance before finalising the assessment in February 2024. The documents in the file also show that he was available throughout 2023 to answer the appellant's questions and lend her his support.

50. In referring to the fact that her hierarchical superior relied on the NJR's opinion when assessing the quality of her work, the appellant nevertheless seeks to contend that he abdicated his role as her direct manager. According to the appellant, her superior's lack of direct knowledge of her work was incompatible with this role.

51. The Tribunal remains unconvinced by this argument, however. While there is no question that a direct manager must work closely with the persons being assessed and be properly informed about their activities, it is not essential that they read all of their staff's written work themselves. No such requirement is stipulated in the rules and regulations, and nor is it a prerequisite for the thorough knowledge that every direct manager is expected to have of the work of the staff member being assessed. The Tribunal considers that it is not per se unlawful for the direct manager to base their assessment on the informed opinion of colleagues who work with the staff member being assessed.

52. Case law accepts that the person carrying out the assessment may, while exercising the requisite caution and discernment, take into account information from third parties when forming their assessment of staff members' performance. It has accordingly made it clear that, for the purpose of forming their own opinion, the person carrying out the assessment may "take into consideration information from official and reliable contacts" (see European Union Civil Service Tribunal (CST), judgment of 14 December 2018, UC v European Parliament, T-572/17, paragraph 104), and take into account "the opinions expressed on her work by various other officials in the departments" (see ILOAT, judgment No 2836, consideration 11).

53. Such consideration may even be necessary given the obligation for any authority "to reach a decision in full knowledge of the facts and at the end of a full examination of the situation" (see judgment of the CST of 14 December 2018, cited above, UC v. Parliament, T-572/17, paragraph 104). In the present case, a comprehensive assessment of the appellant's performance necessarily involved consulting the NJR responsible for monitoring the appellant's notes in single-judge cases.

54. In objecting that the person carrying out her assessment was not her direct manager, the appellant is in reality challenging the division of responsibilities between her direct manager and the NJR. She complains that the Organisation did not limit the NJR's oversight to ensuring compliance with Turkish national law, while reserving the task of verifying the quality of her case notes for her hierarchical superior.

55. This objection cannot be upheld, however. An international organisation has wide discretion with regard to the organisation of its services and the appellant has failed to establish that the supervision arrangement was not justified by the interests and capacities of the service (ILOAT, judgment No. 4253, consideration 6). As stated above, the Tribunal is of the view that there is nothing irregular in the fact that the appellant's direct manager relied on the NJR's assessment of the quality of her written work.

56. In view of the foregoing, there is no basis for the appellant's claim that the contested assessment was not carried out by her direct manager. The question of whether the latter erred in relying on the NJR's assessment of the quality of the appellant's work will be examined in connection with the third ground of appeal.

2. On the erroneous nature of the conclusions drawn from the file

57. Under her second ground of appeal, the appellant essentially argues that if she did not achieve her productivity targets for 2023, this was the fault of her hierarchical superiors, for not assigning her enough cases.

58. The appellant argues that she was bound by her quantitative targets only to the extent of the caseload assigned to her, effectively downplaying the significance of the quantitative objectives set at the start of the assessment period.

59. The Tribunal cannot accept this argument. It notes that the assessment system in place within the Organisation provides for the setting of measurable objectives, accompanied by clear and objective performance indicators. Under this system, a standard number of quantitative objectives had been set for A-grade lawyers in the Turkish unit for the year 2023.

The figure had been reduced in the appellant's case to facilitate her reintegration in the Registry after a prolonged absence for personal reasons.

60. There is nothing in the file to suggest that the appellant's objectives were at any time questioned in quantitative terms and/or revised downwards. Indeed, at the mid-term review, the objectives were reiterated by the appellant's N+1. The latter reminded her that a sustained improvement in her performance was expected in the second half of 2023, and that otherwise she was likely to fall short of her quantitative objectives (see e-mail dated 10 July 2023 in paragraph 6). The appellant does not deny acknowledging on that occasion that she needed to increase her productivity. Nor was the question of revising the number of cases the appellant was required to process ever raised in the appellant's conversations with her managers.

61. That being so, it is clear that, in the absence of an agreement on the part of the appellant's managers, the procedural issues cited by the appellant (paragraph 30) were not, on their own, capable of resulting in a reduction in her quantitative targets.

62. The appellant submits that, in any event, her failure to meet her quantitative objectives is attributable to her managers. They allegedly failed to assign her enough cases in good time, effectively putting her in a position that made it impossible for her to perform her tasks.

63. The Tribunal does not accept this argument either. While it was certainly incumbent on the appellant's managers to set her further tasks, the appellant still had a duty to contact her superiors directly, to make them aware of her needs. This requirement was clearly stated in the message that the appellant's N+1 sent her in March 2023 (paragraph 5). Yet the appellant took no steps along these lines and only e-mailed her direct manager belatedly, in November 2023. Following a similar omission, the appellant's superior had to remind her in September 2023 about the cases she had been assigned six months earlier (paragraph 8).

64. Any conversations the appellant may have had with other colleagues on this subject did not absolve the appellant of her responsibility to alert her managers. Nor did these conversations provide any basis to conclude that the appellant's superiors would have been unable to assign her more cases had the appellant asked them to do so.

65. The proactive attitude expected of the appellant is also evident from the job description attached to her assessment form for 2023. One of her main responsibilities was to keep her managers informed of the results obtained in the performance of her tasks, and also of any risks that might arise in connection with her work, and to report to them on any issues related to the handling of cases. The appellant was therefore made aware that the onus was on her to take the initiative and notify her direct manager of any circumstances that might prevent her from fully achieving the objectives set. There is nothing to suggest that this obligation did not apply to the quantitative aspects of her work.

66. Since the appellant had failed to demonstrate the requisite proactive attitude in 2023, her managers were justified in placing greater emphasis on this point in her objectives for 2024. The Tribunal does not consider this to be an admission that the objectives set for the appellant for 2023 were deficient or ambiguous.

67. The appellant also refers to difficulties in integrating into the Turkish team. She mentions the impact that a lack of dialogue with her colleagues allegedly had on her performance. The Tribunal notes, however, that the appellant has not adduced any evidence

to show that such circumstances, assuming they are established, prevented her from achieving her quantitative objectives.

68. In view of the foregoing, the argument alleging an error of assessment on the part of the Organisation must be rejected as unfounded.

3. On the violation of the obligations to be objective and to state reasons

a. Objectivity of the assessment

69. The appellant claims that her direct manager did not assess her with the requisite objectivity, in that he relied entirely on the assessment of her NJR to conclude that the quality of her written work was inadequate.

70. In this regard, the Tribunal has clarified that it was not improper per se for the hierarchical superior to gather information from the NJR in order to form his own assessment of the appellant's performance (see paragraphs 50 to 53). For the same reasons, it was not improper for him to refer to the NJR's opinion, employing exactly the same terms as those used by the NJR in the assessment form.

71. That being said, it has to be determined whether, in the present case, it was reasonable for the appellant's direct manager to adopt the NJR's opinion as a reliable source of information which he had no reason to doubt.

72. The Tribunal observes that there is nothing in the file to suggest that the appellant's NJR was in a poor position to monitor the appellant's notes in single-judge cases. In the specific context of the managerial structures in place in the Court's Registry, it is clear that it was the NJR's responsibility to assess the quality of the appellant's notes and to provide feedback on her written work, either in the form of corrections or by asking the appellant to rewrite the notes, which he did regularly during the assessment period. The review procedures in place in the Registry were fully complied with, therefore. This point is not disputed by the appellant, moreover.

73. The Tribunal further observes that at no time during this period did the appellant challenge the authority of her NJR by rejecting his criticisms or refusing to incorporate his corrections. In the proceedings before the Tribunal, the appellant does admittedly downplay the significance of these corrections, submitting that they were merely stylistic changes and did not mean that her written work was substandard. However, the Tribunal, whose role is not to substitute its own opinion for that of the persons carrying out the assessment (ILOAT, judgment No. 4564, considerations 2 and 3), sees no argument that would cast doubt on the fact that the NJR was fully competent to assess the quality of the appellant's work. The differences of opinion between the appellant and her NJR are not such as to render this conclusion invalid.

74. Since the appellant's NJR had regularly monitored the notes produced by the appellant in single-judge cases, her direct manager was therefore justified in wanting to draw on them. There is nothing in the file to suggest that any irregularity was committed in this regard in the case at hand.

b. Reasons given for the assessment

75. The appellant submits that, in the absence of a satisfactory explanation, she was not informed of the reasons why the quality of her work was deemed inadequate.

76. The reasons given in the appellant's assessment form indicate that her case notes lacked clarity and structure and required substantial changes "due to complaints not reflected in the note, inappropriate grounds for inadmissibility or lack of argumentation". The appellant was criticised for not always managing "to identify the main legal issue and summarise the key points in her notes".

77. With regard to the statement of reasons in respect of assessment reports, case law has established that "the reporting officers, having a wide discretion when appraising the work of persons upon whom they must report, are not obliged to include in that report all the relevant factual and legal information supporting their appraisal. In that regard, it is sufficient in principle for the appraisal report to set out the salient points of the official's performance in terms, in particular, of his or her efficiency, ability and conduct in the service, and to appraise them. Subject to the obligation to state reasons and provided that the appraisal is clearly individualised and not impersonal, a reporting officer is not obliged to give details of the grounds for his or her assessment by providing specific examples to substantiate his or her value judgments" (see, in this connection, General Court of the European Union, judgment of 17 July 2024, LW v. European Commission, T-232/23, paragraph 23).

78. The aforementioned case law makes it clear that the purpose of the obligation to state reasons is to give the person concerned the opportunity to comment on those reasons. In the present case, the appellant responded to the reasons given, stating in her assessment form that the NJR's annotated notes on her written work did not constitute criticism. In the appellant's view, they were "minor" corrections from which it should not be inferred that her written work was substandard.

79. Reiterating this argument before the Tribunal, the appellant complains that the colleagues responsible for supervising her never provided her with examples of the errors made, and that this hindered her progress. The Tribunal is not convinced by this argument, however. The file shows that the appellant's NJR regularly made suggestions for rewording the appellant's case notes, and that these suggestions were in themselves an indication of the level of improvement expected. Although these suggestions were not always accompanied by explanations, they highlighted the shortcomings that the appellant needed to remedy.

80. The appellant also complains that her managers did not explicitly warn her about the risk of receiving a negative assessment if the quality of her written work did not improve. The Tribunal notes in this regard that, while the Guide to Performance Assessment states that direct managers "must provide staff under their responsibility with clear information about performance expectations throughout the reference period" and "regularly discuss staff members' performance", it does not require in any way that a written warning should be systematically drawn up for each act for which a staff member may be criticised (see, *mutatis mutandis*, Court of Justice, judgment of 9 November 2006, De Bry v. Commission of the European Communities, C-344/05 P, paragraph 47). The primary purpose of dialogue and regular feedback during the assessment period is to guide the staff member being assessed and, in the event of shortcomings that could compromise their assessment, to alert them to areas where they still need to improve.

81. In the present case, the appellant did in fact receive such feedback, first from her NJR and then from her N+1, at the informal mid-year interview. On that occasion, her N+1 alerted the appellant to the need to increase her productivity and widen the range of documents produced and offered the appellant targeted training, including in the field of legal writing.

82. The Tribunal further notes that special care was taken during the assessment process to be sensitive to the appellant's specific circumstances. In addition to the quantitative reduction in her objectives, the appellant benefited from an adjustment period of several months during which she had no objectives to meet. She was also able to devote herself, initially, to simpler tasks before tackling more complex drafting work.

83. In view of the foregoing, the Tribunal concludes that the contested assessment report was sufficiently justified in law with regard to the quality of the appellant's work and that she had been given the information needed to identify areas for improvement in her performance.

84. It follows that the third ground of appeal must be dismissed.

IV. CONCLUSION

85. In conclusion, the present appeal is unfounded and must be dismissed. Consequently, the appellant should not be awarded any sum in compensation for damage.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Declares the appeal unfounded;

Dismisses the claim for compensation;

Decides that each party will bear its own costs.

Delivered by the Tribunal on 15 October 2025, the French text being authentic.

The Registrar of the Administrative Tribunal	The Deputy Chair of the Administrative Tribunal
Christina Olsen	Linos-Alexandre Sicilianos