

Appeal No. 769/2025

M.-F. G.

v.

Secretary General of the Council of Europe

JUDGMENT

23 March 2026

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 after due deliberation.

INTRODUCTION

1. The purpose of this appeal is to contest the Secretary General's decision to reject the appellant's application for the 2024-2025 departure scheme.

THE FACTS

2. The appellant, M.-F. G., has been a member of the Organisation's staff since 1993 and has been with the Sport Division since 2011. When she submitted this appeal to the Tribunal, she was working there as a B5 administrative assistant.

3. On 23 September 2024 a [call for applications](#) for the 2024-2025 departure scheme was published on the Council of Europe intranet portal. The notice informed staff that under this scheme, about twenty staff members with open-ended or indefinite-term contracts could be selected for early departure from the Organisation in exchange for an indemnity for loss of job up to a maximum of 24 months' emoluments, calculated in accordance with Article VI of the Staff Regulations and the Staff Rule on termination of service. The notice also outlined the procedure for the assessment of applications, which it described as follows:

"The plan will be implemented in two steps:

- Step 1: a list of candidates will be drawn up, comprising those who have expressed their interest in response to the present call for applications, by the deadline given below, and who do not exceed the maximum age for eligibility;
- Step 2: each candidate will be attributed a score, in compliance with the methodology reviewed by the Committee on Staff Matters, based on professional and organisational criteria (Performance and conduct, Knowledge and skills, Experience, Attendance, Employability). Those with the lowest score will be selected for departure.

The scheme will be implemented by the Directorate of Human Resources, in consultation with the candidates' MAEs [major administrative entities]. The Committee on Staff Matters will be consulted and will give its opinion to the Secretary General on the list of persons selected for departure."

4. The appellant submitted her application on 24 September 2024.

5. On 26 September 2024 the Directorate of Human Resources (DHR) held an information meeting on the scheme. On this occasion a document containing guidelines and answers to frequently asked questions on the scheme (hereinafter "the guidelines") was also made available

to interested staff members. This document stated that the final list of beneficiaries would be drawn up by the Secretary General, following the recommendation of the Committee on Staff Matters (CSM), around 30 November 2024, and that the staff members selected and those whose applications had been rejected, would be notified in the following days. The document also stated that the selected staff members would then be invited by the DHR to an individual meeting in the course of January 2025 and that all departures would take place on 1 May 2025.

6. After a number of delays, the meeting at which the CSM examined the list of candidates selected for early departure and adopted its recommendation on the subject was held on 17 February 2025. This meeting was preceded on 11 February 2025 by a meeting between the DHR and the Chair and another member of the Staff Committee, during which the latter had access to the scores attributed to candidates on the basis of an anonymous list.

7. On 18 February 2025 the Secretary General agreed to the list of early departure candidates drawn up by the CSM. This decision (hereinafter “the contested decision”) is the subject of this appeal.

8. In a standard e-mail of 21 February 2025, the Secretariat of the CSM informed the appellant that her application had been rejected. This e-mail read as follows:

“We refer to your expression of interest in the 2024-25 departure scheme.

On 17 February, the Committee on Staff Matters, chaired by the Deputy Secretary General and composed of four representatives of the Staff Committee and four members appointed by the Secretary General, delivered its opinion on the list of candidates. On 19 February [sic], the Secretary General gave his approval for the implementation of the departure scheme.

We regret to inform you that you are not one of the candidates selected for departure. We would like to thank you for your interest and for having taken the decision to volunteer for this scheme.”

9. On 3 March 2025 a general [announcement](#) on the selection of candidates was published on the Council of Europe intranet portal.

10. On 10 March 2025 the appellant sent an e-mail to the CSM Secretariat, asking for clarification about how her application had been assessed and, more generally, the outcome of the procedure. She also raised a question about the “first phase” of the departure scheme, which she claimed she had not been informed about previously.

11. In an e-mail of 11 March 2025, the CSM Secretariat replied as follows:

“You were given a weighted score of 16.25 out of 25 and were ranked 74th in a list of 130 candidates.

Not including the EDQM candidates, 14 candidates were initially selected for departure and 5 were placed on a waiting list. The ultimate number of departures will depend on the final decisions of the selected candidates.

The first phase of the scheme related only to staff members with the nationality of the Russian Federation, who were contacted directly. This phase will result in the departure of 6 to 9 persons, depending on their final decisions.” (translation)

12. On 12 March 2025 the appellant sent a second e-mail to the CSM Secretariat asking for more details. She put the following questions:

“1. Can you explain to me how my score was calculated?

2. Was it established on the basis of the following 5 criteria: performance and conduct, knowledge and skills, experience, attendance and employability, or was there anything else?

3. Why was no information provided on the departure scheme which related only to staff with the nationality of the Russian Federation? What decision and legal ground formed the basis for preparation of this scheme?” (translation)

13. On 27 March 2025 the appellant submitted a request to the Director of Human Resources, which she referred to as a “repeat request to management”. In this, she contested the rejection of her application for early departure and reiterated the requests for further details she had made in her e-mail of 12 March 2025, which had remained unanswered.

14. In an e-mail in reply on 31 March 2025, the Director of Human Resources said that she was not authorised to review the decision to reject her application for the departure scheme. As this was a decision taken by the Secretary General following the CSM’s recommendation, the only means that the appellant had of disputing it was to appeal to the Administrative Tribunal. This e-mail also provided the appellant with the following supplementary information regarding the score attributed to her application:

“You were given the following weighted score:

Performance and conduct (20 %): 3.5/5;
Knowledge and skills (20 %): 3/5;
Experience (20 %): 3/5;
Attendance (10 %): 4.5/5;
Employability (30 %): 3/5;
Total : 16.25/25.

I would also like to reassure you that the departure scheme was implemented in strict compliance with parameters which were established by the Secretary General on the basis of the opinion of the Committee on Staff Matters. These parameters included the criteria and the process of consultation with the MAEs. I would also like to inform you that the Staff Committee is represented on the Committee on Staff Matters by four persons, who were given detailed explanations on the methodology of the scheme and its implementation before the recommendation was made to the Secretary General. In addition, the Chair of the Staff Committee and the Ethics Officer were invited as observers to some of the meetings between the managers concerned and the members of the DHR who ranked the applicants. If you require further information on how the process was implemented, I would advise you to contact the Staff Committee, who can tell you more.” (translation)

15. Taking the view that the message from the Director of Human Resources of 31 March 2025 had only partly answered her questions, the appellant sent her a further e-mail on 16 April 2025, in which she reiterated her request for information about how her scores were attributed. She expressed herself on this subject as follows:

“My main request relates to the way in which scores were attributed. You give the results for each of the different criteria but I would like to know precisely how these were arrived at: what are the objective, measurable and verifiable criteria that were used for this assessment and who carried it out?” (translation)

16. On 20 April 2025 the appellant lodged the present appeal.

17. In an e-mail of 23 April 2025 in reply to the appellant’s e-mail of 16 April 2025, the Director of Human Resources stated that all the information that could be shared regarding the scores and scoring methodology had already been provided. She also proposed an individual feedback session, which the appellant accepted.

18. On 2 June 2025 the appellant, accompanied as an observer by a representative of the Council of Europe Staff Trade Union (SACE), received individual feedback on her application for the departure scheme in the presence of two representatives of the DHR. At this meeting, the appellant was given additional information about the way in which her scores were attributed, both orally and in writing. The information provided orally can be found in a record of the meeting which is included in the appellant's case file, the accuracy of which is not disputed by the Secretary General, and which reads as follows:

“... the score for performance and conduct (20%) was ‘relatively automatic’, deriving from the last three assessments.

The ‘attendance’ score was calculated on the basis of the number of absences over the last twelve months, in terms of occurrences. Days deducted included not just sick leave, but part-time work and annual leave. The other scores were calculated following discussions with managers, namely in [M.-F. G.]’s case with the Director General of DGI and [another person].

...

... Redeployment was more difficult for a B5 than for a B2/B3, which reduced the ‘employability’ score. However, M. -F. G. worked well, which resulted in a higher score for the ‘skills’ criterion. However, the fact that she had worked in the same area since 2011 raised questions about her adaptability, causing her score to fall.” (translation)

The information provided in writing is drawn from the description submitted on this occasion and worded as follows:

“M.-F. G. is a Senior Administrative Assistant (B5) in the Sport division, [and has worked there] since 2011. She was relatively mobile before being on that job. She knows the substance of her current job but might lack adaptability to other subject matters due to a long but limited experience to a specialised field. Her employability is limited because of the grade and time spent in the same service”.

PROCEEDINGS

19. The appellant lodged her appeal on 20 April 2025 (see paragraph 16 above). The appeal was registered under number 769/2025 on 22 April 2025.

20. In a memorandum of 4 June 2025, another staff member asked to intervene in the proceedings, arguing that she had sufficient interest in the resolution of the dispute. A.G. had also applied for the departure scheme, and her application had also been rejected, in conditions which she considered similar to those of the appellant. In an order of 26 June 2025, the Chair of the Tribunal authorised A.G. to submit written observations.

21. On 18 July 2025 the Secretary General forwarded his observations on the appeal.

22. On 15 September 2025 the appellant filed submissions in reply.

23. In a memorandum of 8 September 2025, followed up by a memorandum of 23 September 2025, the Staff Committee of the Council of Europe applied to intervene in the proceedings on the ground that the appeal in question related to the interests of the staff as a whole or at least a category of staff. In an order of 18 November 2025, the Chair of the Tribunal authorised the Staff Committee to submit written observations.

24. On 7 November 2025 the Secretary General submitted a rejoinder. On this occasion, he produced the reports of the CSM meetings of 18 April 2024 and 17 February 2025, while requesting the Tribunal to protect the confidentiality of these documents.

25. The Tribunal received A.G.'s written intervention on 25 November 2025 and forwarded it to the parties for observations.

26. The Tribunal received the written intervention by the Staff Committee on 3 December 2025 and forwarded it to the parties for observations.

27. The Secretary General forwarded his written submissions on A.G.'s intervention by e-mail on 4 December 2025.

28. A public hearing was held on 22 January 2026 at the Palais de l'Europe in Strasbourg. The appellant was represented by Ms Cohen-Solal, a lawyer practising in Strasbourg. The Secretary General was represented by Sania Ivedi, head of the Litigation Division of the Legal Advice and Litigation Department, assisted by Benno Kilian, head of the Legal Advice and Litigation Department, and Suzanne Paulus, assistant lawyer in the same department.

THE LAW

I. THE APPLICABLE LAW

29. The relevant regulatory provisions read as follows:

- with regard to the role and composition of the Committee on Staff Matters (CSM):

Staff rule on staff participation adopted by the Secretary General on 30 December 2022

...

1330. STANDING JOINT ADVISORY COMMITTEES

1330.1 The following Standing Joint Advisory Committees shall be established:

1330.1.1 Committee on Staff Matters;

...

1330.11 Meetings of Standing Joint Advisory Committees shall be concluded by the adoption of a meeting report or, as the case may be, by an opinion which shall be communicated to the Secretary General, who shall inform the respective Committee of any follow-up given to the opinion.

...

1340. COMMITTEE ON STAFF MATTERS

Chair

1340.1 The Chair of the Committee on Staff Matters shall be the Deputy Secretary General or their representative.

Composition

1340.2 The Committee on Staff Matters shall be composed of four members and their substitutes appointed by the Secretary General, and four members and their substitutes appointed by the Staff Committee, from among members of staff well-acquainted with the functioning of the Organisation.

...

Mandate

1340.5 The Committee on Staff Matters shall give its opinion on:

...

1340.5.3 termination of service that gives rise to payment of indemnity for loss of job, including implementation of departure schemes;

...

Documents

1340.8 Documents of the Committee on Staff Matters shall be confidential unless the Committee or the Secretary General decides otherwise.

- With regard to termination of the employment of a staff member for reasons other than job abandonment or dismissal on disciplinary grounds:

Staff Regulations

Article VI – Termination of service

...

6.5 Appointments may be terminated by the Secretary General subject to prior notice, and the award of an indemnity to staff members confirmed in their employment, in the following cases:

- 6.5.1 unsatisfactory performance when attempts to redress it have failed;
- 6.5.2 medically certified inaptitude;
- 6.5.3 modification of the staff member's job in such a way that the staff member no longer has the requisite qualifications or experience;
- 6.5.4 suppression of the staff member's job;
- 6.5.5 reduction of staff;
- 6.5.6 the State of which the staff member is a citizen ceases to be a member of the Organisation.

II. REQUEST TO ORDER THE PRODUCTION OF CERTAIN DOCUMENTS

30. Before it can consider the merits of the case, the Tribunal must rule on the appellant's request that the Secretary General be ordered to provide her with a series of documents, namely:

- any document detailing the methodology adopted for the 2024-2025 departure scheme and its implementation, both for phase 1, relating only to staff with the nationality of the Russian Federation, and for phase 2, relating to other staff;
- the parameters established by the Secretary General on the basis of the CMS's opinion and the CMS's opinion;
- the exhaustive list of the criteria set, along with a detailed explanation of the assessment method;
- the weighting adopted and the significance of each level for each criterion including the sub-scales applied for the assessment of applications;
- the list of names of all the candidates for the 2024-2025 departure scheme and for each of them, (1) what prompted them to participate (their own decision or a request by the Secretary General or Administration); (2) their nationality; (3) the number of points awarded per criterion; (4) proof of consultation with and the opinion/decision of the head of the major administrative entity concerned;
- the list of names of selected staff members and for each, the number of points awarded per criterion;
- the list of names of staff members benefiting from the departure scheme.

31. The Secretary General submits that the information which the appellant wishes him to produce cannot be disclosed without undermining the confidentiality that is needed to safeguard the integrity of future departure schemes and to protect other staff members' personal data. He adds that access to this information is required neither for the appellant, who may not substitute her own assessment of the applications for that of the Administration, nor for the Tribunal, provided that it has at its disposal all the evidence it needs to carry out its review.

32. With regard to the information in question, the Tribunal notes that under Rule 7, paragraph 1, of its Rules of Procedure, it may, at any time, either on its own initiative or at the request of one of the parties, order the production of documents or such other evidence as it deems necessary. In the present case, the Tribunal considers that the information the appellant asks the Secretary General to produce is not necessary for it to be able to rule on this dispute.

33. Consequently, the Tribunal dismisses the appellant's requests for the production of the aforementioned information in their entirety.

34. With regard to the reports of the CSM meetings, whose confidential nature is referred to by the Secretary General (paragraph 24), the Tribunal points out that under paragraph 2.b of its Rules of Procedure, where a party to the proceedings relies on the confidential nature of a document to oppose its disclosure to the other party, it is for the Tribunal to determine whether the document in question is relevant to the determination of the dispute. In the present case, the Tribunal considers that the documents in question are not relevant.

III. THE PARTIES' POSITIONS

A. The appellant

35. In her appeal, the appellant asks the Tribunal to set aside the Secretary General's decision of 21 February 2025, in which he rejected her application for the 2024-2025 departure scheme. She also asks the Tribunal to award her a sum of 199 400.03 euros corresponding to the indemnity she would have received if her application had been successful, by way of compensation for the professional non-pecuniary damage suffered. In the alternative, she requests the Tribunal to order the Secretary General to review her application under transparent, objective and fair conditions providing detailed reasons for the assessment of each of the selection criteria applied. The appellant also requests payment of 5 000 euros to cover the costs incurred in connection with the current proceedings.

36. In support of her appeal and in the absence of any dispute as to its admissibility, the appellant relies on four main grounds. She complains that the Organisation: (1) failed to comply with the principles of transparency and fairness, in breach of the Organisation's obligation to give reasons for decisions that are unfavourable to staff; (2) made a manifest error of assessment by failing to take into account her individual circumstances; (3) failed to observe the principle of equal treatment; and (4) abused its authority.

1. *First ground: failure to comply with the principles of transparency and fairness*

37. In her first ground of appeal, the appellant criticises the Organisation for failing to provide her the necessary information to help understand on what basis the scores connected with her application were attributed to her. Referring in her appeal form to the information she received on 31 March 2025 (paragraph 14), she alleges that it was not explained to her how each of the five criteria was assessed or by whom.

38. While she acknowledges in her supplementary observations, that she was finally given some information at the individual feedback session on 2 June 2025 (paragraph 18), she considers nonetheless that this information was still inadequate. More particularly, with regard to the score given under the "performance and conduct" criterion (3.5/5), the appellant draws attention to the vague nature of the explanation that the attribution of this score was "relatively

automatic” in the light of her last three assessments. As to the score for “attendance” (4.5/5), the appellant argues that it was not enough to explain to her that this score was calculated on the basis of the number of absences in the last 12 months, in terms of occurrences; it should have been specified what forms of absence were taken into account for the purposes of this calculation and if, and how, their impact had been assessed. Lastly, with regard to the scores for “knowledge and skills”, “experience” and “employability” (3/5 each), the appellant complains that she never received any explanation concerning these. She says that the DHR refused to give her any information on this subject on the ground that any such disclosure ran the risk of staff altering their behaviour to increase the probability of being selected for future departure schemes. Yet, taken together, these scores accounted for 70% of the total weighted score.

39. The appellant also submits that the incomplete nature of the explanations provided makes it impossible to identify any errors of assessment during the process. The result is an infringement of the principle whereby reasons must be given for any decision that is unfavourable to a staff member. She adds that even in the event of discretionary decisions, being able to give reasons for such decisions on the basis of objective, accessible and verifiable criteria helps to prevent arbitrary action. Furthermore, it was only by disclosing the scoring grid that it would have been possible to check that the criteria were assessed uniformly and evenly for all candidates.

2. Second ground: manifest error of assessment

40. In her second ground, the appellant questions the involvement of her managers in the attribution of a score to her application. Bearing in mind that applications were graded by DHR staff in consultation with the head of the major administrative entity (MAE) to which each staff member was answerable, the appellant submits that, in her case, the head of her MAE, namely the Director General of Human Rights and Rule of Law (DGI) did not know her and was not therefore in a position to conduct an objective and evidence-based assessment of her application. She bases this argument on the fact that she joined DGI on 1 August 2024, only shortly before the 2024-2025 departure scheme was launched. In the appellant’s opinion, the only person with the authority to assess her among her managers was her direct manager, who was not actually involved in the process.

41. The appellant infers from the explanations provided during the individual feedback session that her scores for “knowledge and skills”, “experience” and “employability” were actually deduced through an approximative process based on her “performance and conduct” score, whereas these three scores amounted to 70% of the total score and a variation of a single point in any of them would have had a significant impact on her overall score.

42. Given these circumstances, the appellant considers that her application was not examined objectively and thoroughly. She believes that her departure would have suited her MAE and that in rejecting her application, the Administration drew mistaken conclusions from her file.

3. Third ground: failure to comply with the principle of equal treatment

43. In her third ground, the appellant submits that the criteria for the assessment of applications were not applied uniformly and consistently to all candidates. Her argument in this respect is divided into two limbs.

44. In the first limb, she reiterates her arguments in support of the first ground with regard to the opacity of the assessment procedure (paragraph 39) and complains that the Administration failed to disclose any comparative data regarding the assessment of other candidates, even in an anonymous or aggregated form. In the appellant's view, this lack of information prevents those concerned from being sure that the principles of equal treatment and procedural objectivity were respected.

45. In the second limb, the appellant refers to the fact that the Organisation gave preferential treatment to staff of Russian nationality, exempting them from the need to satisfy the assessment criteria and accepting all of their applications regardless of their professional profile.

46. The appellant infers from this that the contested decision was adopted following an irregular procedure, in breach of the general principle of equal treatment. She also submits that the principle of transparency was infringed, thus undermining her right to an effective remedy.

4. Fourth ground: abuse of authority

47. In her fourth ground, the appellant submits that the 2024-2025 departure scheme was used to enable the early departure of some staff to the detriment of others, with no connection to the organisational aims pursued by the scheme. In particular, the Administration authorised the early departure of staff who were already planning to leave the Organisation on their own initiative. In this connection, she cites the particular case of a candidate who was in a situation that was incompatible with their duties within the Organisation and, in her view, should have tendered their resignation outside the scheme.

48. Referring to an [article](#) published by the SACE trade union on 16 January 2025, the appellant also submits that the departure scheme was used to arrange the departure of staff who were underperforming or about whom concerns had been raised with regard to their professional conduct in order to avoid initiating the disciplinary proceedings or underperformance management procedures provided for by the relevant regulations.

49. The appellant considers that, taken together, these facts show that the way in which the departure scheme was applied was at variance with its declared aims, that it favoured certain staff – including staff of Russian nationality – and that this practice amounted to an abuse of authority.

B. The Secretary General

50. The Secretary General maintains that when implementing the selection procedure for the 2024-2025 scheme, the Organisation did not infringe any statutory or regulatory provision, general legal principle or rule deriving from practice. He asserts that the process was not vitiated by any formal or procedural defect, that the contested decision was not based on any error of fact or law, that all the relevant items in the files were duly taken into consideration, that no mistaken conclusions were drawn from the documents in the files and finally that no abuse of authority can be established.

51. The Secretary General therefore invites the Tribunal to declare the appeal unfounded and to dismiss it, along with all the related claims. As to the appellant's claim for compensation for the non-pecuniary and professional damage she alleges, the Secretary General denies having committed any irregularity that could incur the Organisation's liability. He adds that in any case, this claim is neither founded nor supported by evidence. In particular, he submits that insofar as the contested decision does not infringe any of the appellant's rights and simply confounds her hope of being able to benefit from a discretionary measure, she fails to establish the existence of loss or damage. The Secretary General also asks that the appellant's claim for reimbursement of costs be dismissed insofar as her appeal is unfounded.

52. Before responding to each of the grounds raised by the appellant, the Secretary General would point to the discretion he has when implementing the departure scheme, which is intended above all to meet the Organisation's interests. He would also point out that the candidates for any such scheme have no right to benefit from it.

1. On the alleged failure to comply with the principles of transparency and fairness

53. The Secretary General argues that the contested decision was supported by sufficient reasons, having regard on the one hand to the wide range of information available on the departure scheme and on the other to the detailed information provided to the appellant by the Administration in reply to each of her many requests.

54. In the Secretary General's view, the appellant cannot claim to be unaware of the reasons for the rejection of her application, considering that she has been given her overall score, the score attributed for each of the criteria taken into account, her position in the final ranking of candidates and the maximum score obtained by the selected candidates, in addition to the many other items relating to the procedure and methodology applied. He adds that as with the results of an external competition, notification of the score obtained by a candidate in the departure scheme would have constituted sufficient reasons. Nonetheless, the Organisation went beyond what could be expected of it, in also disclosing the factual elements which resulted in the attribution of the appellant's scores. He refers in this connection to the items of information given to the appellant at the individual feedback session on 2 June 2025.

55. The Secretary General argues that it was the Organisation's duty to safeguard the inherent confidentiality of certain items of information, particularly those relating to other candidates and the details of the methodology applied, particularly the grading scale. This was not intended for disclosure, the aim being to protect the integrity of future departure schemes and prevent candidates from altering their behaviour in the hope of being selected in future.

56. As to the transparency of the process, the Secretary General submits that the five assessment criteria were to be understood as they normally would and hence were sufficiently clear, transparent and objective. He adds that this transparency was also secured through the involvement of the Staff Committee and the oversight of the CSM, which had access to the sub-criteria, the grading scale and the list of the candidates' names along with their scores for each criterion, their overall score and their ranking, and made recommendations, which the Organisation followed. As a result, the CSM was able to check that the methodology had been applied uniformly and consistently to all candidates and that the procedure had been respected.

2. *On the alleged manifest error of assessment*

57. The Secretary General stands by the decision to consult heads of MAEs when devising the methodology for the scheme. Consultation at this level made it possible to carry out an objective assessment of the applications, in line, to the extent possible, with the scheme's aims and the interests of the Organisation as a whole. In this context, it was not essential for the appellant to be known personally by the head of her MAE as such an assessment was possible in the light of the objective items of information in her file, such as her professional profile, her assessments, her grade, her prior mobility and her current job.

58. The Secretary General would add that in the absence of any requirement to this effect, the decision to consult candidates' direct managers lay within the discretion of the heads of the MAEs. In the present case, the Director General of DGI did not consider it necessary to consult the appellant's direct manager but on no account did this amount to a procedural irregularity. The Secretary General points out that the appellant herself took the initiative to contact her director general and that this gave her an opportunity to pass on all the information which she considered relevant to the assessment of her application.

59. Lastly, the Secretary General notes that the appellant provides no argument or factual evidence to prove that her departure would have been in the Organisation's interest in the light of the criteria assessed or to demonstrate that the assessment of her application was lacking in any thoroughness. He concludes that this assessment was well-founded and unaffected by any error of assessment.

3. *On the alleged failure to comply with the principle of equal treatment*

60. The Secretary General asserts that the situation of the staff of Russian nationality who were allowed to depart as a result of the first phase of the departure scheme differed to that of the staff who came forward in the context of the second phase. The first phase had a specific purpose in that it was intended to align the composition of the Secretariat more closely in terms of geographical representation with that of the Organisation's member states following the cessation of the Russian Federation's membership in 2022. The methodology adopted and the assessment criteria applied during this first phase were also different. As this first phase was reserved solely for staff of Russian nationality, it was not necessary to inform all staff members about it, in particular to avoid any risk of stigmatisation.

61. With regard to the appellant's arguments concerning the supposed opacity of the process, the Secretary General submits that in the present case, the objectivity and transparency of the procedure and the respect for the equal treatment of candidates were guaranteed through the establishment of an assessment mechanism based on objective criteria and the involvement of a joint body, namely the CSM. He would point out that there is no principle enshrining a right for candidates to ascertain themselves whether an administrative procedure complies with the regulations.

62. The Secretary General concludes from the above that the appellant cannot legitimately argue that there was an infringement in this case of the principle of equal treatment.

4. *On the alleged abuse of authority*

63. The Secretary General maintains that the departure scheme was implemented in accordance with the methodology approved by the CSM and the aims pursued. These aims were firstly to renew staff skills and secondly to facilitate staff planning with a view to reallocating posts to priority areas.

64. The Secretary General considers that these aims were successfully achieved, as the procedure made it possible to select candidates whose early departure met the Organisation's interests while keeping on staff who had been given the best assessments. In this connection, he would point out that selecting staff who had undergone disciplinary proceedings or were liable to be subject to underperformance procedures was not incompatible with the aims of the departure scheme. Such procedures do not necessarily result in the dismissal of the staff concerned and it may be in the Organisation's interest to offer them early departure. The Secretary General adds that in any case, none of the candidates selected were currently subject to disciplinary proceedings. If this had been the case, the decision to award them early departure would have been suspended and the CSM would have been consulted after the proceedings.

65. As to the particular case of a staff member referred to by the appellant (paragraph 47), the Secretary General submits that her allegations are pure speculation and that he has no reason to think that this staff member would have been prepared to resign when he was selected for early departure.

IV. THIRD PARTIES

A. **Intervention by A.G.**

1. *Intervening party's submissions*

66. In support of the appellant's submissions, the intervening party notes that the circumstances referred to in the appeal are similar to those she herself experienced. She argues that the selection of her application would have been in keeping with the departure scheme's aims and considers that the decision to reject her application – like that taken concerning the appellant – lacked objectivity and transparency and was not supported by sufficient reasons.

67. The intervening party alleges that the selection mainly pursued a budget saving aim that was incompatible with the aims of the departure scheme as presented to the Committee of Ministers (see document [CM\(2023\)123](#), examined at the 1481st (Budget) meeting of the Committee of Ministers on 21-23 November 2023). In support of her argument, she refers to the publication of vacancy notices for similar posts to those that were freed up, at a lower grade, reflecting a desire to reduce costs. The intervening party also contests the reality and the effectiveness of the consultation of the CSM, considering that the information communicated would have been insufficient to carry out a proper review of the selections made. She also argues that the assessment criteria adopted lacked clarity and relevance, particularly those relating to performance, conduct and attendance, which she considers to have no direct link with the aims of the departure scheme.

68. The intervening party criticises the decision to consult the heads of MAEs rather than direct managers, on the ground that the latter would have known much more about the

candidates. Lastly, she questions the decision to give priority treatment to staff of Russian nationality and probably to other categories of staff, particularly at the EDQM, which she claims to have affected her ranking and reduced her chances of being selected.

2. *Parties' submissions on the third-party intervention*

69. The appellant did not take the opportunity to make submissions on A.G.'s intervention.

70. The Secretary General, for his part, submits that the intervening party's submissions stem from a misunderstanding of the legal framework applicable to departure schemes. He specifies that the Committee of Ministers' decision was purely budgetary in nature, simply authorising funding for the scheme, whereas the decisions on its aims, methodology and criteria lay within the Secretary General's own staff management remit.

71. With regard to the publication of vacancy notices after implementation of the scheme, the Secretary General points out that the purpose of the departure scheme was not necessarily to eliminate posts but to renew staff skills and that the DHR conducts job classification checks every time a vacancy notice is published, which can result in classification on a lower grade. He also states that the CSM was fully informed and regularly consulted, having recommended among other things that the scheme should be divided into two phases.

72. As to the examination of the appellant's application, the Secretary General submits that it was carried out correctly, with no evidence that there was any irregularity as a result of a failure to consult her direct managers. Lastly, he states that the specific treatment for EDQM staff resulted from express permission from the Committee of Ministers to finance their departure using a separate budget. This was not the case with the partial agreement covering the intervening party.

B. Intervention by the Staff Committee

1. *Intervening party's submissions*

73. In support of the appellant's submissions, the Staff Committee notes that this appeal raises questions about the regularity of the departure scheme selection process and calls for such schemes to be implemented more fairly and transparently in the future.

74. The Staff Committee asserts that candidates for the departure scheme were not treated equally, as the assessment of their skill, experience and employability was assigned, depending on their circumstances, to managers who did not have the same degree of direct knowledge about their careers and functions. It also criticises the secrecy surrounding the grading scales and sub-scales, arguing that this lack of transparency made it difficult for those concerned to ascertain that there had been no manifest error of assessment. It also notes the inadequate extent to which staff trade unions and representatives were involved in the CSM's work. Lastly, it considers that the selection of candidates was diverted from its original aims, in particular by giving undue advantage to some of the selected candidates who failed to meet the criteria established.

2. *Parties' submissions on the third-party intervention*

75. The parties to the dispute did not take the opportunity to make comments on the Staff Committee's intervention.

V. THE TRIBUNAL'S ASSESSMENT

A. **Introduction**

76. This appeal relates to the 2024-2025 early departure scheme, in which the Organisation sought to pursue certain organisational aims such as the renewal of staff skills and staff planning changes designed to reallocate jobs to priority activity areas, by parting on a voluntary basis with a number of serving staff members.

77. The grounds of the appeal relate both to the general conditions in which this procedure was carried out, which the appellant considers to be at variance with the requirements of transparency and fairness, and to the specific ways in which these conditions were applied in her particular case.

78. The discretionary nature of the authority of the Organisation which is in play here is not disputed. There is no doubt that the main considerations which the 2024-2025 departure scheme brought to bear were those connected with the Organisation's strategic interests. As explained in document [CM\(2023\)123](#), which was submitted to the Committee of Ministers during the budget approval stage, the scheme was seen as a means of implementing the ongoing reform process being conducted in the light of the aims of the human resources strategy, which include the renewal of staff profiles and skills, a change in culture and mindsets, a rejuvenation of the age structure among staff, striking the right balance between staff stability and staff turnover, and increased geographical representation and diversity among staff members.

79. In the light of these organisational requirements, staff who volunteer for such a departure scheme cannot claim any right to benefit from it (see, among others, International Labour Organisation Administrative Tribunal (ILOAT), [judgment No. 2142 of 15 July 2002](#), P. B., A. P. and V. R. v. WHO, consideration 18; ILOAT, [judgment No. 4662 of 7 July 2023](#), H. v. Interpol, consideration 9). The staff concerned do nonetheless have a legitimate interest in their application being examined lawfully and are entitled in this respect to a correct procedure that complies with the applicable rules and the criteria announced and, more broadly, with general principles of law such as the guarantee to be treated on an equal footing with other candidates.

80. On this basis and as with all discretionary powers, the Tribunal has the duty to review the legality of any decision taken in the context of a departure scheme. It is for the Tribunal to "check whether the contested decision was made by a competent authority, was in due form and was adopted in line with the applicable procedure. It is also for the Tribunal to assess, with regard to the internal legality, whether the administrative authority's assessment took account of all relevant facts and whether it was not vitiated by a manifest error of assessment" (see, *mutatis mutandis*, Administrative Tribunal of the Council of Europe (ATCE), Appeals Nos. 768/2025 and 772/2025, C. V. (I and II) v. Secretary General of the Council of Europe, [judgment of 22 January 2026](#), § 61).

B. On the alleged failure to comply with the principles of transparency and fairness

81. With regard to the first ground of appeal, the Tribunal would point out that the principle that reasons must be provided for all administrative decisions that are unfavourable to staff applies even when this obligation with respect to the Organisation is not explicitly provided for in the Council of Europe's Staff Regulations (ATCE, Appeal No. 606/2019, *Cosset v. Secretary General of the Council of Europe*, [decision of 30 October 2019](#), § 69).

82. The obligation to give reasons is a general principle of the international civil service, which must be respected for staff to enjoy the right to effective judicial protection and review. The purpose of this obligation is, firstly, to provide the staff member concerned with sufficient information to enable them to ascertain whether the decision adversely affecting them is well founded and whether it is worth bringing the case before the Tribunal and, secondly, to enable the Tribunal to review the lawfulness of the decision (ATCE, *ibid*, § 72; ATCE, Appeal No. 721/2022, *Izyumenko v. Secretary General of the Council of Europe*, [decision of 12 June 2023](#), § 45; Court of Justice of the European Union (CJEU), [judgment of 11 June 2020](#), *European Commission v Danilo Di Bernardo*, C-114/19 P, point 51; EGC (EGC), [judgment of 22 September 2021](#), *JR v. European Commission*, T-435/20, point 46). The obligation to provide reasons is therefore connected with the transparency of administrative measures and is a prerequisite for trusting relations between the administrative authority and staff members (ATCE, Appeals Nos. 231-238/1997, *Fuchs and Others v. Secretary General of the Council of Europe*, [decision of 29 January 1998](#), § 64; ILOAT, [judgment No. 1054](#) of 26 June 1990, *Chetcuti v. CERN*, consideration 21).

83. The Tribunal points out firstly that reasons are considered sufficient provided that they disclose clearly and unequivocally the reasoning followed by the institution which adopted the measure. They must enable the persons concerned to ascertain the justifications for the measure taken and enable the competent court to review its legality. The requirement to provide reasons must be assessed in the light of all the circumstances of the case, in particular the content of the act, the nature of the grounds relied on and the interest which the addressees of the act or other persons directly and individually concerned by it may have in receiving explanations (CJEU, *European Commission v. Di Bernardo*, [cited above](#), points 29 and 54; EGC, [judgment of 18 December 2024](#), *TB v. ENISA*, point 75).

84. While, therefore, the reasons given may vary in how detailed they are according to the type of measure concerned, it is still the fact that compliance with this obligation is especially crucial where a large degree of discretion is granted and that it is the main means of ensuring that the exercise of administrative discretion is free of any arbitrariness (Court of First Instance of the European Communities, [judgment of 8 September 2009](#), *Landgren v. ETF*, T-404/06 P, point 163; similarly, EGC, *JR v. European Commission*, [cited above](#), point 85).

85. The Tribunal points out secondly that the reasons for a decision must, in principle, be communicated to the staff member at the same time as the decision adversely affecting them (ATCE, *Cosset v. Secretary General of the Council of Europe*, [cited above](#), § 73). At the same time, in some circumstances, it may be sufficient to provide reasons only at the request of the person concerned, for example where the Organisation is required to choose between candidates during a promotion procedure or when appointing someone to a specific post (see ILOAT, [judgment No. 4960 of 6 February 2025](#), *W. (No. 2) v. Eurocontrol*, consideration 11). This approach may be justified, in particular, where there are a large number of candidates for a

position and providing detailed reasons to each rejected candidate would result in an excessive workload for the Organisation (EGC, TB v. ENISA, [cited above](#), §§ 94 to 96).

86. It is also acceptable for the beginnings of a statement of reasons to be supplied as a first step, provided that adequate reasons are given when any complaint against the decision is dismissed (see ATCE, Appeal No. 743/2024, B. S. v. Governor of the Development Bank of the Council of Europe, [judgment of 25 November 2024](#), § 56). When there is no possibility of filing an administrative complaint, adequate reasons must be provided in good time following the notification of the decision for the staff member concerned to be able to make effective use of their right of appeal to the Tribunal.

87. In the present case, the Tribunal notes that the e-mail of 21 February 2025 in which the appellant was notified of the contested decision simply stated that she was not one of the candidates selected for departure, in accordance with the list approved by the Secretary General on the CSM's recommendation. Admittedly, the criteria used to select candidates were known, because they were announced in the call for applications published on 23 September 2024 (paragraph 3) then spelt out in more detail in the guidelines distributed at the DHR meeting on 26 September 2024 (paragraph 5). However, while this information enabled the appellant to identify the outcome of the procedure in which she was involved, it did not enable her to understand the reasons why her application had been rejected or what assessment data had led to this decision. There is reason to find, given these circumstances, that the decision was not supported by formal reasons.

88. In any event, and even supposing that in this case it would have been sufficient to provide reasons at the appellant's request, it should be ascertained whether sufficient reasons were actually communicated to the appellant at a later stage and if this communication was made in good time to allow her to effectively exercise her rights.

89. The Tribunal notes that in the course of her contacts with the Administration, on 11 and 31 March 2025, the appellant was given some general information about the conduct of the procedure, additional details about her personal situation, namely the score awarded for each of the criteria applied (performance and conduct: 3.5/5; knowledge and skills: 3/5; experience: 3/5; attendance: 4.5/5; employability: 3/5), together with their weighting coefficients (20% for the first three criteria, 10% for "attendance" and 30% for "employability"), her overall weighted score (16.25 out of 25) and her ranking in the candidate shortlist (74th out of 130).

90. In the present case, the Tribunal considers that giving sufficient reasons entailed providing the appellant with information through which she could identify the factors linked to her personal and professional circumstances which were taken into account when awarding each of the scores she obtained. Simply giving the separate scores may reflect the result of an assessment process, but, on its own, it does not reveal anything about the factual elements on which this assessment was based.

91. It is true that in the context of a competition, communication of the marks obtained in the various tests may constitute an adequate statement of reasons as it enables candidates to know the value set on their performance and to ascertain, if such is the case, that they have not in fact obtained the number of marks required by the notice of competition (Court of Justice of the European Communities, [judgment of 4 July 1996](#), Parliament v. Innamorati, C-254/95 P, points 31 and 32; EGC, JR v. European Commission, [cited above](#), point 57). However, the analogy drawn by the Secretary General between selection in a competition and selection for a

departure scheme is only of limited relevance. Whereas in a competition, selection depends on a technical assessment in specific tests, selection for a departure scheme results from an overall assessment of a person's professional situation. In the latter case, the score obtained is less self-explanatory because it does not reflect the candidate's performance in an identifiable test, known to the candidate, but the application of strategic and organisational criteria.

92. The Tribunal also notes that in the context of competitions, candidates generally have access, on request, to markers' assessments of their tests, with due regard for the secrecy of deliberations, so that they can understand the reasons for the marks they are given. However, initially, the appellant was not given access to the assessments of her personal situation (paragraph 17).

93. It follows that, when she lodged her appeal on 20 April 2025, the appellant had not received sufficient reasons, i.e. reasons enabling her to understand why her application was rejected.

94. It was only during the individual feedback session held on 2 June 2025, attended by representatives of the DHR, that the appellant was able, for the first time, to consult the information on the assessment of her application in the light of the "knowledge and skills", "employability" and "experience" criteria (paragraph 18). On this occasion, she was also given some explanations about the application of the "performance and conduct" criterion, which had been assessed on the basis of her last three assessments, and the "attendance" criterion, which was calculated on the basis of the 12 months preceding her application, not including part-time work and leave (*ibid.*).

95. Without it being necessary to rule on whether the factual tenor of these explanations was sufficient, the Tribunal notes that the communication of the aforementioned items during the feedback session occurred belatedly. As stated above (paragraphs 86 and 87), if adequate reasons are not given at the same time as a decision, they must be provided at the latest when any related administrative complaint is dismissed, or, if it is impossible to file an administrative complaint, within good time following the notification of the decision for the staff member to be able to exercise their rights, in particular their right to appeal to the Tribunal and to defend their interests in full knowledge of the facts (ATCE, Appeals Nos. 761/2024 and 762/2024, L. D. (I and II) v. Secretary General of the Council of Europe, [judgment of 25 March 2025](#), § 102).

96. In the present case, the decision could only be contested through a direct appeal to the Tribunal. The fact that these subsequent reasons were not communicated to the appellant earlier, either when she first requested them or, at any event, before she lodged her appeal, is sufficient to conclude that the Administration failed to meet its obligation to give reasons for its decision concerning the appellant.

97. The Tribunal does not see any justification for this delay in the circumstances in which the contested decision was adopted. In this connection, it points out that there is neither a right of the Organisation to remedy before the Tribunal their insufficiently reasoned decisions, nor an obligation for the latter to take into account additional explanations provided only during the proceedings in order to assess whether the obligation to state reasons has been satisfied (CJEU, *European Commission v. Di Bernardo*, [cited above](#), point 35; *EGC, JR v. European Commission*, [cited above](#), point 49).

VI. CONCLUSION

98. In view of all the foregoing considerations, the Tribunal concludes that the first ground of appeal is well-founded. The contested decision should be set aside, without it being necessary to rule on the other grounds raised by the appellant.

VII. CLAIMS FOR DAMAGES AND COSTS

99. With regard to the appellant's claim for compensation of 199 400.03 euros for the pecuniary damage allegedly incurred, the Tribunal notes that the appellant does not provide any evidence that her application would have been successful if the irregularity had not been committed. It therefore dismisses this claim.

100. On the other hand, the breach of her right of appeal inevitably caused her non-pecuniary damage which justifies the award of damages. The Tribunal considers that fair reparation of this damage will be made if the appellant is awarded 2 000 euros in this respect.

101. The appellant seeks the reimbursement of her costs and expenses, amounting to 5 000 euros. Bearing in mind the nature and importance of this dispute, the Tribunal awards this sum.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Declares the appeal well-founded and sets aside the impugned decision;

Orders the Council of Europe to pay the appellant the sum of 2 000 (two thousand) euros in damages;

Orders the Council of Europe to pay the appellant the sum of 5 000 (five thousand) euros in respect of costs and expenses.

Delivered on 23 March 2026, the French text being authentic.

The Registrar of the
Administrative Tribunal

The Chair of the
Administrative Tribunal

Christina Olsen

Paul Lemmens