ADMINISTRATIVE TRIBUNAL
TRIBUNAL ADMINISTRATIF

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Appeals Nos. 768/2025 and 772/2025

C. V. (I and II)

v.

Secretary General of the Council of Europe

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JUDGMENT

22 January 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 Appeal No. 768/2025 is to challenge the decision to terminate the appellant's employment at the end of her probationary period in 2024.

2. The purpose of Appeal No. 772/2025 is to challenge the decision to take no further action on the formal complaint of harassment which the appellant lodged against her direct manager.

THE FACTS

3. The appellant, C. V., is a former Council of Europe staff member who was employed as a B4 scientific assistant on three successive fixed-term contracts (hereinafter “CDDs”) from 1 April 2021 to 31 December 2024 at the European Directorate for the Quality of Medicines (hereinafter “EDQM”).

4. The appellant’s first CDD, which was renewable, was awarded as a result of her selection following external recruitment procedure No. e20/2020 and ran from 1 April 2021 to 31 March 2023, covering her two-year probationary period. The job was subject to a turnover profile with a maximum five-year duration.

5. During the probationary period, the appellant’s performances were the subject of four assessment reports by her managers. Her performance during this period was deemed satisfactory, with the result that she signed a second CDD extending her appointment for three years from 1 April 2023 to 31 March 2026, at which point her employment would have reached the maximum five-year duration.

6. On 11 May 2023 a new external recruitment procedure was announced for the recruitment of grade B4 scientific assistants at the EDQM (vacancy notice No. e9/2023). Because of a change of approach in the Organisation, the position of scientific assistant was converted from a turnover profile into a permanent post and thus was no longer subject to a maximum duration. The appellant applied for and took part in the selection procedure.

7. Having passed this competitive examination, the appellant was awarded another CDD for the period from 1 January 2024 to 31 December 2024, corresponding to a new one-year probationary period.

8. During this new probationary period, an initial assessment report was drawn up for the period from 1 January 2024 to 30 April 2024 (the first reference period). This report highlighted difficulties with the appellant's output, the quality of her reports and her relations with her direct manager (N+1). Prior to this, on 1 July 2023, one of the grade B5 supervisors on her team had been appointed as her direct manager and her former grade-A3 direct manager had become her reviewing manager (N+2).

9. The second assessment report covering the period from 1 May to 31 August 2024 (the second reference period) concluded that while the appellant had achieved her goals quantitatively and qualitatively in more straightforward matters, there remained significant problems with the quality of her work on longer, more complex projects.

10. On 16 September 2024, in line with the recommendation of the appellant's N+1 and N+2, the director of the EDQM, as head of the Major Administrative Entity, advised against confirming the complainant's appointment at the end of her probationary period.

11. On 30 September 2024 and 4 November 2024, the Appointments Review Committee met to consider the appellant's file and recommended by a majority of votes (two votes in favour and one abstention) that the appellant's appointment not be confirmed.

12. On 25 November 2024 the Deputy Secretary General, acting by delegation from the Secretary General, followed the advice of the Appointments Review Committee and decided not to confirm the appellant's appointment. The appellant was informed of this decision and the related reasons in a memorandum from the Director of Human Resources dated 27 November 2024, in which it was confirmed that her contract would expire on 31 December 2024. The decision of 25 November 2024 is the subject of Appeal No. 768/2025.

13. On 2 December 2024 the appellant lodged a formal complaint of harassment against her N+1. Following this complaint, the Director of Human Resources ordered an investigation, which was entrusted to external investigators specialising in harassment.

14. On 20 December 2024 the appellant lodged an administrative complaint against the decision not to confirm her appointment at the end of her probationary period.

15. On the same day, she applied to the Tribunal for a stay of execution of this decision, which was dismissed by an order of the Chair of the Tribunal of 30 December 2024.

16. On 31 December 2024 the appellant's employment by the Organisation came to an end.

17. On 23 January 2025 the appellant was heard by the investigators in connection with her formal complaint of harassment.

18. On 27 January 2025 the Secretary General dismissed the appellant's administrative complaint of 20 December 2024 on the ground that it was ill-founded.

19. On 10 February 2025 the investigators sent the investigation report to the Director of Human Resources. Their conclusion was that there were no facts in this case which could be considered to constitute harassment.

20. In a memorandum of 14 February 2025, the Director of Human Resources notified the appellant of her decision to take no further action on the complaint of harassment. On this occasion, the Director of Human Resources also forwarded the investigation report to the appellant. The decision of 14 February 2025 is the subject of Appeal No. 772/2025.

21. On 17 February 2025 the appellant sent the Director of Human Resources a request in which she argued that the harassment investigation was incomplete and that it should continue so as to take into account the arguments she had raised in her complaint. The Director of Human Resources replied in an e-mail of 21 February 2025, in which she confirmed that the investigation had been carried out properly, taking account of all the necessary information to guarantee that the investigators' findings would be well-founded.

22. On 14 March 2025 the appellant filed an administrative complaint contesting the Director of Human Resources' decision to take no further action on the complaint of harassment. This complaint was dismissed by a decision of the Secretary General of 14 April 2025 on the ground that it was ill-founded.

PROCEEDINGS

23. The appellant filed a first appeal, on 1 April 2025, against the decision to terminate her employment at the end of her probationary period and a second appeal, on 18 June 2025, against the decision to take no further action on her complaint of harassment. The first appeal was registered under No. 768/2025, the second under No. 772/2025.

24. On 2 June 2025 and 29 August 2025, the Secretary General submitted his observations on the first and second appeals respectively.

25. On 20 June 2025 the appellant filed submissions in reply concerning her first appeal.

26. On 8 July 2025 the Secretary General submitted a rejoinder concerning the first appeal. To this, he attached the full assessment report of another scientific assistant while insisting on the confidential nature of this document.

27. A public hearing of both cases was held at the Palais de l'Europe in Strasbourg on 16 October 2025. The appellant was represented by Ms Juliette Huss-Clarac, a barrister practising in Strasbourg. The Secretary General was represented by Sania Ivedi, head of the Litigation Division, assisted by Benno Kilian, head of the Legal Advice and Litigation Department, and Suzanne Paulus, legal adviser in the same department.

THE LAW

I. THE APPLICABLE LAW

28. The relevant provisions of the regulatory framework read as follows:

- with regard to the probationary period for staff appointed following a recruitment procedure:

Staff rule on entry into service of 30 December 2022

470. FIXED-TERM APPOINTMENT
470.1 Staff members shall be appointed for an initial fixed-term period of at least one year.
470.2 The initial period of appointment may be extended and the initial contract renewed for a further fixed term, once or several times, for a total duration of service not exceeding four years.
470.3 Unless extended, fixed-term appointment shall expire at the end of the contractual term.(…)

(…)

4120. PROBATIONARY PERIOD
4120.1 The probationary period shall be of one year, regardless of the staff member's working time.
4120.2 The probationary period is a trial period aimed at evaluating a staff member's suitability for the job and the international civil service.
(…)
4120.5 A period of justified absence in excess of one month shall result in the extension of the probationary period for a length of time corresponding to the absence.
(…)

4130. ASSESSMENT PROCEDURE DURING THE PROBATIONARY PERIOD
4130.1 At least two assessment reports shall be made over the course of the probationary period. The first report shall cover the period up to the end of the fourth month of appointment. The final report shall cover the period up to the end of the eighth month of appointment.
4130.2 The final report shall contain one of the following recommendations made by the Head of the Major Administrative Entity or by their delegated authority:
4130.2.1 to confirm the staff member's appointment;
4130.2.2 not to confirm the staff member's appointment, or;
4130.2.3 to extend the probationary period for six months, where it has not been possible to determine the staff member's suitability for the job and international civil service.
4130.3 The Secretary General shall then decide whether to confirm or not confirm the staff member's appointment or extend their probationary period. The decision shall be duly reasoned, and the staff member shall be notified of it at least one month before the end of their probationary period.
(…)

Guide to performance assessment
drawn up by the Directorate General of Administration
(Directorate of Human Resources)

V. **Goal-setting**
Goals are set no later than two weeks after staff take up duty regardless of the type of contract (…)

- with regard to the trial period for staff appointed to a new job following an external recruitment competition:

Staff rule on career development of 30 December 2022

Appointments to other grades
5100.4 A staff member holding an open-ended or indefinite-term contract who is appointed to a new job as a result of participation in an external recruitment competition shall be initially appointed for a trial period of one year.
5100.5 If, at the end of the trial period, the staff member's appointment is not confirmed, they shall be assigned to a job corresponding to the category and grade held prior to the appointment to the new

job, and shall be granted an advancement in steps equivalent to that which they would have received had they not been appointed to the new job. (…)

- with regard to the trial period for staff who change category following an internal competition:

Staff rule on classification of jobs of 30 December 2022

340. PASSAGE BETWEEN CATEGORIES

340.1 A staff member who holds an open-ended contract or an indefinite term contract and has been employed in the same category for at least six years, is eligible to apply to participate in an internal competition in respect of a vacancy in a category other than that to which they are currently assigned.

340.2 A trial period shall be obligatory for all staff members who change category following an internal competition.

340.3 If, at the end of the trial period, the Secretary General decides not to confirm the staff member's appointment, they shall be assigned to a job at the grade held prior to such appointment. (…)

- with regard to the procedure to be applied in the event of an allegation of harassment:

Policy on Respect and Dignity in the Council of Europe adopted by the Secretary General on 21 December 2022

4. **Disrespectful behaviour**

4.1. Disrespectful behaviour, which will not be tolerated by the Organisation, is any form of conduct, whether physical, verbal or non-verbal, which takes place on- or off-line, including actions, words written or spoken, and gestures, which is abusive, offensive, humiliating, degrading, or intimidating towards another person and infringes upon their dignity. (…)

(…)

4.4. The following do not amount to disrespectful behaviour: legitimate application of the Organisation's policies; fair and reasonable management practices; or justified and constructive criticism of a person's work.

4.5. Disrespectful behaviour ranges from unacceptable conduct to harassment, including sexual harassment. Harassment is the most egregious form of disrespectful behaviour and is considered by the Organisation as gross misconduct which can, if established, be sanctioned by termination of contract. (…)

(…)

Harassment

4.6. Harassment is any unwanted, offensive, or abusive conduct or behaviour (including methods of work organisation) which is repeated, sustained or systematic and which, intentionally or unintentionally, is prejudicial to the dignity, integrity, well-being or job security of the person to whom it is directed, and/or creates a humiliating, intimidating or hostile work environment. (…)

Director of Human Resources

5.11. In addition to overseeing the actions of the Directorate of Human Resources, as described above, the Director is the contact person for reports and complaints under this Policy. (…)

Formal complaint

7.4.1. (…) In order to enable the Organisation to properly and efficiently investigate facts that may constitute harassment, a formal complaint should be made as soon as possible, and in any event must be lodged at the latest within two years of the last instance of the alleged acts of harassment. Complaints must be made in writing and substantiated to the fullest extent possible.

(…)

7.4.5. Where an allegation of harassment reaches the Director of Human Resources (…), the Director of Human Resources will consider whether the allegations justify and require ordering an investigation to be carried out. Where the allegation is of sexual harassment or harassment by the victim's hierarchical superior, then the Director of Human Resources does not have discretion and must order an investigation.

(…)

7.4.6. Where an investigation is ordered, it will be conducted by investigators external to the Organisation with relevant experience and expertise. Allegations will be investigated in an impartial, thorough, and timely manner, which is fair to all parties concerned and in which the rights of all parties are fully protected, in particular the due process rights of the accused person. Investigations will be conducted in line with the Organisation's legal framework governing the conduct of investigations; the Council of Europe Regulations on the Protection of Personal Data; and all other relevant confidentiality requirements.
7.4.7. The investigation report, once complete, will be transmitted to the Director of Human Resources, who will redact it if necessary and then transmit it to the accused person to enable them to provide their comments. If the investigation report does not disclose any disrespectful behaviour, both the person who made the complaint and the accused person will be notified of the Director of Human Resources' decision not to pursue the matter further. In such cases, no mention of the investigation will be included in the personal administrative files of any staff member concerned. (…) If, on the other hand, the investigation report discloses behaviour in violation of this Policy, the report will be transmitted, together with the accused person's comments, to the Secretary General. The Secretary General will then proceed in accordance with Article 12 of the Staff Regulations and the implementing Staff Rules. (…)

Rule on investigations of 22 December 2022

(…)

Purpose
(…)
3. The aim of the investigative process is to examine and determine the veracity of allegations or other indications of wrongdoing, including wrongdoing committed by Secretariat members (which, if established, can be regarded as misconduct) or by other persons in the context of projects and activities organised and/or financed by the Organisation.
4. Any investigative process conducted under this Rule is administrative in nature. (…)
5. This Rule aims to ensure that the investigative process addressing allegations of wrongdoing concerning the CoE's staff, funds, and/or resources are carried out in a consistent and coherent way. It also aims to ensure that the investigative process is carried out in an objective and impartial manner and in accordance with applicable international investigative standards.
6. Those conducting the investigative process must maintain objectivity, impartiality, independence, and fairness throughout the process and conduct their activities competently and with the highest levels of integrity. (…)

Scope
(…)
9. The Rule applies to any activities carried out by the DIO or the Directorate of Human Resources (DHR) to address reports of wrongdoing affecting the Organisation, in accordance with the Speak Up Policy, Policy on respect and dignity in the Council of Europe, or any other applicable legal instruments. References in this text to the functions or responsibilities of the Director of Internal Oversight may refer, *mutatis mutandis*, to functions or responsibilities of the Director of the DHR, where applicable, pursuant to the above-mentioned legal instruments.
10. This Rule shall also apply to any investigative process carried out by external investigators, when engaged by the Director of Internal Oversight to investigate wrongdoing reported under the Speak Up Policy or by the Director of Human Resources to address harassment allegations under the Policy on respect and dignity. The terms of any contract between such external investigators and the Organisation shall make specific reference to the present Rule. (…)

Confidentiality
25. The investigative process is confidential. Information gathered in the context of the investigative process will be accessible only by the Director of Internal Oversight and those conducting the investigative process. Access to specific information may be given, if necessary, to the investigation subject or other persons following up on a specific case.
26. Information gathered in the course of any investigative process shall be treated as confidential by all those involved and shall be shared only on a need-to-know basis in conformity with these and any other applicable rules, regulations and policies. (…)
28. However, any person invited to an interview in the context of a preliminary assessment or investigation may seek support and advice from a Secretariat member of their choosing, provided that such person has no connection to the matter; their close family members; a medical professional; and/or,

at their own expense, legal counsel. Seeking support and advice in this manner shall not constitute a breach of confidentiality for the purposes of this Rule.
(…)

Opening of an investigation
(…)
50. The Director of Internal Oversight may also have recourse to external investigators, if they consider that the provision of such services is required or if foreseen by the Organisation's rules. In the event that investigative activities are to be carried out by external investigators, the DIO shall instruct and supervise the latter and shall inform them of the Organisation's standards for the conduct of investigations. The DIO shall also set a time limit for the submission of the external investigators' report. (…)
54. Those conducting the investigation will endeavour to obtain, review, and record any evidence that may appear relevant to an investigation. They shall make every reasonable effort to verify and corroborate the veracity of the information obtained, such that it can withstand further scrutiny and meet the threshold of the Organisation's standards of proof. (…)

Testimonial evidence
61. The primary means of collecting testimonial evidence is through interviews. (…)

(…)

Completion of an investigation
73. The investigation, including the preparation of the investigation report, must be concluded without undue delay and within the time-limit set for its completion.
74. Any investigation report shall include a summary of the facts established by the investigation, and conclusions as to whether it has been established to the relevant standard of proof that there has been wrongdoing as defined by the Organisation, as well as the nature of the wrongdoing or misconduct and the person(s) responsible.
75. The requisite standard of proof to determine whether allegations are substantiated for the purposes of an investigation is that of clear and convincing evidence.
76. The investigation report shall set out: the investigation activities; the evidence; an analysis of the evidence; any relevant information provided by the investigation subject; fact-based conclusions as to the existence or otherwise of wrongdoing, as defined by the Organisation, or any other established breaches of the internal legal framework; and any financial loss suffered by the Organisation or any other person or body. (…)
81. If the evidence is not sufficient to substantiate the allegations, the Director of Internal Oversight will issue a closure report to the Secretary General. The closure report, which shall cover all aspects of the investigation and justify its conclusions, will as far as possible not contain any information that could serve to identify, whether directly or indirectly, any individual. The Director of Internal Oversight will also inform the investigation subject in writing of the closure of the investigation and provide them with summary conclusions of the closure report. Where possible, the person who made the allegation(s) and, where appropriate, the head of the Major Administrative Entity concerned, will also be informed of the closure of the investigation. (…)

II. JOINDER OF APPEALS

29. Given the connection between the two appeals, the Administrative Tribunal orders their joinder pursuant to Rule 6 of its Rules of Procedure.

III. EXAMINATION OF APPEAL No. 768/2025

A. The parties' positions

1. The appellant

30. In Appeal No. 768/2025, the appellant requests that the Tribunal set aside the decision taken on 25 November 2024 by the Deputy Secretary General, acting by delegation from the

Secretary General, to terminate her employment in the Organisation on 31 December 2024, and the decision of 27 January 2025, in which the Secretary General dismissed the administrative complaint against this decision. The appellant also asks the Tribunal to set aside the assessments made of her performance in 2024 and to take all the necessary steps for her to be reinstated as a grade B4 scientific assistant at the EDQM.

31. The appellant also asks the Tribunal to order the Secretary General to award her 5000 euros in compensation for the non-pecuniary damage she claims to have sustained because of the irregularities of her probationary period in 2024. She also asks for the award of an amount corresponding to the salaries she would have received in the period between 1 January 2025 and her reinstatement, by way of damages. Alternatively, if she is not reinstated, the appellant requests payment of compensation for the damage resulting from the contested decision equal to 36 months' pay or 168 764 euros.

32. Lastly, the appellant requests payment of a sum of 4000 euros to cover the costs incurred in connection with the present proceedings.

33. In support of her appeal, the appellant relies on four main grounds. She complains: (a) that there are contradictions between the various assessment reports drawn up on her, (b) that there were breaches of the regulations on assessment during her probationary period and that her superiors failed to provide her proper managerial support, (c) that there was a breach of the right to equal treatment between staff performing the same functions in terms of goals set and (d) that there was a breach of the duty of care.

(a) First ground: contradictions between assessment reports

34. Firstly, the appellant argues that the contested decision is based solely on the negative assessments made during her probationary period of 2024 by her new N+1. She submits that these assessments represent the sole opinion of her direct manager and that they directly contradict the previous assessments of her work.

35. In this connection, the appellant refers to the assessments made by her previous N+1 over the first three years of her employment with the Organisation. She points out that between 2021 and 2023, her performance was always found to be fully satisfactory by her N+1 of the time, which is why her initial appointment was extended until 31 March 2026. The appellant adds that she continued to occupy the same post after her new appointment on 1 January 2024, and that the requirements of this job and the goals to be achieved remained the same.

36. In her submissions in reply, the appellant highlights the efforts she made during the probationary period of 2024, which reflect her commitment and proactiveness despite the communication difficulties with her N+1.

37. In the light of these circumstances, the appellant questions the objective and impartial nature of her N+1's assessments in 2024 and points out that it was on this basis that she filed a formal complaint for harassment against her.

(b) Second ground: breaches of the regulations on assessment during probationary periods and the failure of superiors to provide proper management support

38. In the first part of her arguments on this ground, the appellant submits firstly that her superiors breached the applicable regulations by failing to extend her probationary period by six months. She argues that this was necessary in view of the aforementioned contradictions between assessments so as to ascertain that these assessments were well-founded.

39. The appellant also criticises her superiors for failing to take account of her absence for three and a half weeks for health reasons in 2024, when this absence would have warranted an extension of her probationary period for an equivalent length of time.

40. In this part of her arguments, the appellant submits, secondly, that her superiors failed to meet their obligations when organising the assessment procedure because of several delays which prevented her from improving her performance.

41. In this connection, she points out that her goals for the first reference period, from 1 January to 30 April 2024 were not set until 21 February 2024. Similarly, her goals for the second reference period, from 1 May to 31 August 2024, were not finalised until 10 June 2024. The appellant also criticises the delayed completion of her first assessment report on 28 May 2024. This set out an action plan for her to improve her performance which was never fully applied because her employment was terminated three months later, in September 2024.

42. In the second part of her arguments on this ground, the appellant criticises her superiors for failing to meet their obligation to provide her with reasonable support to improve her performance whereas the difficulties she was facing because of the change in her N+1 were well known to the Organisation. These alleged inadequacies in the managerial support provided were illustrated, in the appellant's view, by the failure to propose any specific training during her probationary period in 2024. Nor had her superiors given her any clear warnings about the failings of which she was accused or revised her goals to make them more attainable.

(c) Third ground: unequal treatment of staff performing the same functions in terms of goals set

43. In her third ground, the appellant alleges that she was treated unequally in terms of the goals she was set. She submits that the goals set for her in 2023 differed from those ordinarily set for a staff member on their probationary period, as witnessed by the comparison with the more attainable goals set for her in 2021. She also claims that these goals were considerably more demanding than those set for other newly appointed grade B4 scientific assistants; in particular, she was asked to handle complex projects (sister files) which were not assigned to these other assistants. The reason for this difference in treatment was the almost three years' experience acquired by the appellant during her first appointment. Yet the contested decision is based among other things on the alleged inadequacies of the appellant in her handling of these complex projects. In her submissions in reply, the appellant adds that this unequal situation was compounded by the fact that she was subjected to two probationary periods for the same job at the same grade.

(d) Fourth ground: breach of the duty of care

44. In her fourth ground, the appellant criticises the Organisation because her superiors failed to set up improvement measures at the beginning of the probationary period in 2024

although she had warned the medical service and the Directorate of Human Resources about the difficulties she was facing following the change in her N+1 as early as March 2024.

45. In addition, the appellant argues that she failed to benefit from the measures provided for in paragraph 340.3 of the staff rule on classification of jobs and paragraph 5100.5 of the staff rule on career development, under which she should have been assigned to another job following the contested decision not to confirm her appointment. She argues that these provisions should be applied to her case because she was confirmed in her post following the probationary period she completed during her first appointment.

2. The Secretary General

46. The Secretary General asks the Tribunal to declare the appeal unfounded and to dismiss it, along with all the related claims. With regard to the appellant's claim for compensation for non-pecuniary damage, 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 notes that the appellant's claim is based mainly on allegations of breaches of the rules in force which have not been proven. The Secretary General also asks that the appellant's claim for the reimbursement of costs be dismissed insofar as her appeal is unfounded.

(a) On the alleged contradictions between assessment reports

47. The Secretary General submits that there is no contradiction between the assessment reports drawn up during the appellant's two probationary periods. The assessments made during the first probationary period are not relevant to the evaluation of the appellant's performances during the second probationary period. In this connection, the Secretary General highlights a substantial difference between the e20/2020 and e9/2023 recruitment competitions, which is that the latter required a higher minimum level of work experience to be entitled to participate. Furthermore, whereas quality of work was only a desirable competency for the first competition, it was considered essential for the second. It followed from this that the work requirements were stricter for the second probationary period than for the first.

(b) On the alleged breach of the regulations on assessment during probationary periods and the failure of superiors to provide proper management support

48. The Secretary General argues firstly that the six-month extension of the probationary period provided for by paragraph 4130.2.3 of the staff rule on entry into service applies only when there is a doubt concerning the capacity of the staff member to meet the requirements of their job, which was not the case with the appellant. Furthermore, an extension is possible under paragraph 4120.5 of this rule only in the event of a justified absence of more than one month, whereas the appellant's absence for health reasons lasted only three and a half weeks.

49. As to the delays which the appellant alleges occurred during the assessment procedure, the Secretary General notes that the goals set for the 2024 probationary period had changed very little in relation to those set during her first appointment. She could not therefore have had any doubt about the tasks she was expected to perform. The Secretary General considers moreover that it would have been neither appropriate nor justified to alter them, as this would

have been contrary to the needs of the service and the specific requirements of the job in question. He also maintains that the delay in setting the goals was not excessive and that this did not harm the appellant.

50. With regard to the alleged absence of managerial support, the Secretary General points out that the appellant was informed on several occasions and in a timely manner of her inadequacies, both in her assessment reports and in exchanges with her superiors. She was also given extensive training during the 2024 probationary period, along with regular team meetings, constant coaching by managers on each of the reports she produced and a personal action plan. He concludes that the appellant was given adequate support.

(c) On the alleged unequal treatment of staff performing the same functions in terms of goals set

51. The Secretary General maintains that the goals set for the appellant were identical to those set for the scientific assistants of the same grade recruited through the same competition (No. e9/2023). To support this assertion, he has produced the assessment report of a scientific assistant appointed to the same grade after this competition who joined the team 17 months after the appellant. This competition required at least two years' relevant work experience, meaning that the goals set for the appellant simply reflected the expectations inherent to her new appointment. All the staff members in the same situation as the appellant had to complete a second probationary period. Furthermore, the goals set for the appellant during the first probationary period already included handling complex projects.

52. In his rejoinder, the Secretary General notes that this appeal does not relate to the decision to subject the appellant to a second probationary period and therefore that the complaint arising from this circumstance is inadmissible.

(d) On the alleged breach of the duty of care

53. The Secretary General argues that the appellant's allegations concerning her N+1's lack of objectivity and impartiality are neither supported by evidence nor borne out by the report drawn up by the investigators following her formal complaint of harassment. He points out that the team responsible for overseeing the appellant's work has not changed and yet it was this same team, which found her performance to be satisfactory during her first appointment, which pointed to inadequacies during the second.

54. The Secretary General also points out that the appellant was afforded constant support in the form of training, regular interviews with her superiors and a personal action plan, in addition to the other sources of back-up available within the Organisation, including mediation.

55. Lastly, the Secretary General submits that paragraphs 340.3 of the staff rule on classification of jobs and 5100.5 of the staff rule on career development apply only to staff on open-ended or indefinite-term contracts affected by a passage between categories or by appointment to a new job on another grade following an external competition, and that this was not the situation of the appellant.

56. In the light of the foregoing, the Secretary General concludes that the decision not to confirm the appellant's appointment was justified in the light of the assessment of her performance and her conduct.

B. The Tribunal's assessment

57. In Appeal No. 768/2025, the appellant claims that the assessment of her performance during her probationary period was flawed in several respects and marred by procedural irregularities.

58. The Tribunal points out that under Article 4120.2 of the staff rule of 30 December 2022 on entry into service, "the probationary period is a trial period aimed at evaluating a staff member's suitability for the job and the international civil service".

59. For this purpose, it is essential that during the probationary period, the Organisation be vested with the power both to define its own needs, requirements and interests, and to decide whether, judging by the staff member's performance during the probationary period, they have the abilities and qualities required to be confirmed in their employment at the Council of Europe. These determinations necessarily lie within the responsibility and discretion of the respondent (see World Bank Administrative Tribunal, Decision No. 10 of 8 October 1982, Salle v. International Bank for Reconstruction and Development (IBRD), § 27).

60. At the same time, staff on probation enjoy the rights and guarantees recognised by the applicable regulations. Some of these guarantees may also be based on general principles of law, which include, in particular, "transparency, effective and sufficient communication of information and mutual respect between the appraiser and the appraisee" (Administrative Tribunal of the Council of Europe (ATCE), Appeals Nos. 561-564/2015, Kacsandi (I, II, III and IV) v. Governor of the Council of Europe Development Bank, decision of 26 April 2016, § 115). Compliance with these principles and conditions is all the more important given that the probationary period marks a difficult time in the professional career of the staff members concerned, both in terms of adapting to the needs and policies of the Organisation and because of the inherently precarious nature of their situation (ATCE, Appeals Nos. 761-762/2024, L. D. (I and II), judgment of 25 March 2025, §§ 92 to 95).

61. The Organisation's discretionary powers must always be exercised lawfully. While it is true that the Tribunal cannot substitute its own judgment for that of the Administration, it has the duty to ascertain whether the disputed decision was taken lawfully. Accordingly, the Tribunal must "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 must also determine, with regard to the legality of the decision under the Organisation's own rules, whether the administrative authority's decision took account of all the relevant facts and is not vitiated by a manifest error of assessment (see, in particular, ATCE, Appeal No. 765/2024, L. Y. v. Secretary General of the Council of Europe, judgment of 23 September 2025, § 38).

62. In the light of the foregoing, the Tribunal will now turn its attention to the arguments raised by the appellant in support of her appeal, it being understood that her complaints concerning the alleged lack of objectivity of her N+1 or harassment by her will be examined in the context of Appeal, No. 772/2025.

1. On the alleged contradictions between assessment reports

63. Firstly, the Tribunal notes that following the appellant's success in competition No. e9/2023 (see paragraph 6), her new appointment on 1 January 2024 marked a break in her career path. Although the appellant's job following this new appointment was the same, her legal status had changed. She had moved from a CDD on a turnover profile, subject to a maximum duration of five years, to a CDD which could ultimately be converted into an open-ended contract. This change of status made it necessary for the appellant to complete a new probationary period, in accordance with the applicable rules. In this context, the appellant's ability to meet the requirements of her job was reassessed in the light of her performance in the context of her new appointment.

64. The Tribunal points out that "for performance to be rated differently from one reporting period to the next is not necessarily contradictory" (International Labour Organisation Administrative Tribunal (ILOAT), judgment No. 2836 of 8 July 2009, consideration 13).

65. The appellant argues however that the differences between the successive assessments during her different appointments demonstrate that the assessment of 2024 was inconsistent and unsupported.

66. The Tribunal notes that several items in the case file provide an objective explanation for these differing assessments. It is clear from these documents that the appellant's work in her new appointment was subject to increased demands. Vacancy Notice No. e9/2023 called for at least two years' relevant work experience whereas Vacancy Notice No. e20/2020 relating to the appellant's first appointment required only a "short professional experience (minimum 6 months and maximum 5 years)". This change gave rise to greater expectations in terms of ability to handle more complex projects. The management team responsible for supervising the appellant's work had also changed. Already, in spring 2023, her former direct manager had become her reviewing manager (N+2) and been replaced by one of the two grade B5 supervisors. Therefore, the negative assessment made at the end of the second probationary period was based in large part on the difficulties the appellant had had in adjusting to these changes, stemming both from the inadequate progression of her technical abilities and from her difficulties in following the instructions and advice of her superiors once the new management structure had been set up.

67. The Tribunal also notes that, even during her first appointment, as the appellant was progressively required to become more self-reliant when handling complex projects, certain difficulties with her performance had already arisen, as is clear from the assessment report covering the reference period from 1 April 2023 to 31 December 2023. Although she achieved her goals for this period, her superiors did point out that the appellant needed to improve her planning skills when managing particularly demanding projects. In the light of these circumstances, the Tribunal considers that the appellant's argument that there was a clear contradiction between the assessment reports during her first appointment and those of her second appointment is not borne out by the facts.

68. As the appellant has failed to demonstrate that there was a manifest error in the assessment of her performance during her second probationary period, the first ground of Appeal No. 768/2025 is unfounded.

2. On the alleged breach of the regulations on assessment during probationary periods and the failure of superiors to provide proper management support

69. With regard to the appellant's argument that her probationary period should have been extended by six months, the Tribunal would point out that under paragraph 4130.2.3 of the staff rule on entry into service, an extension of this sort will be recommended only "where it has not been possible to determine the staff member's suitability for the job and international civil service". As it lies within the Administration's discretion to judge whether this has been the case, the Tribunal will censure it only in the event of a manifest error.

70. In the present case, the appellant's superiors concluded that she had reached an upper limit in her professional development, making it impossible to reasonably anticipate that she would be in a position to remedy the inadequacies identified in her performance and conduct. As this finding was largely borne out by the comments in the appellant's assessment reports, the conclusion has to be that the recommendation to terminate her appointment rather than extending her probationary period was justified. The objections raised by the appellant, in particular the alleged contradictions between her assessment reports, are not such as to invalidate this conclusion or to establish that it is marred by a manifest error of assessment.

71. Furthermore, since the appellant's absence for illness did not exceed one month, there was no reason to extend her probationary period under paragraph 4120.5 of the above-mentioned rule. The Organisation was required to respect the rules which it itself had enacted. On the other hand, by virtue of its duty of care, it was for the appellant's superiors to take this circumstance into account when assessing her performance. This was the case however, as witnessed by the comments made by her N+1 in the first assessment report drawn up during her second probationary period.

72. As to the revision of the appellant's goals, the performance requirements which a staff member must satisfy to be confirmed in their appointment lie within the discretion of the Organisation, and the Tribunal may not substitute its assessment for that of the Organisation in this respect. The Tribunal also notes that at no time during her probationary period did the appellant question these goals or ask for them to be lowered because they were inappropriate.

73. As to the delays in the assessment procedure, the Staff Regulations and Rules do not set precise time limits for goal setting or for the finalisation of assessment reports on staff members during probationary periods. However, paragraph V of the Guide to performance assessment does stipulate that goal should be set within two weeks. Although this guide does not have the same regulatory status as the Staff Regulations and Rules, it is an official document governing the assessment process and should therefore be taken into account by the Tribunal as an expression of the Organisation's administrative practice (ATCE, Appeal No. 764/2024, A. G. v. Secretary General of the Council of Europe, Judgment of 15 October 2025, § 48).

74. In the present case, it is not disputed that the appellant's goals for the first reference period were set on 21 February 2024 and those for the second reference period on 10 June 2024, i.e. five and four weeks late respectively. The question therefore is whether these delays could have harmed her. According to the relevant case law, failure to meet deadlines laid down for an evaluation procedure does not amount to an irregularity capable of making the contested decision unlawful if the delay has not caused the staff member injury (ATCE, Appeal No. 747/2024, M.-L. L. v Secretary General of the Council of Europe, Judgment of 30 January 2025, § 51).

75. In the appellant's case, the goals set for her were identical for both reference periods. They were also largely unchanged in relation to those set for the period from 1 April 2023 to 31 December 2023 under her previous appointment, save for a few minor adjustments. In the light of this continuity, the Tribunal considers that the appellant could not have been unaware of what was expected of her and does not demonstrate that she suffered any harm as a result of these delays.

76. With regard to the delay in finalisation of the assessment report for the first reference period – drawn up on 28 May 2024 whereas it had ended on 30 April –, the Tribunal notes that the appellant still had three months to implement the action plan before the end of the second reference period, on 31 August 2024. Furthermore, it would seem that this plan drew considerably on the recommendations already made by her superiors in March 2024, in the first assessment of her previous appointment. Given these circumstances, the Tribunal considers this time limit to have been reasonable and sufficient for the appellant to make up the inadequacies in her performance.

77. As to the alleged shortcomings in managerial support, the Tribunal notes that this allegation is contradicted by the evidence in the case file. The two assessment reports drawn up on the appellant in 2024 included particularly detailed information about inadequacies identified in her performance and the improvements that were expected. In these, the appellant herself acknowledged the need for her to enhance her skills. She also pointed to the support she had received, both from her team and more broadly from the Organisation, to help her overcome her difficulties.

78. It is true that these reports did not explicitly warn the appellant of the risk that her appointment would not be confirmed if her performance did not improve. However, the Tribunal has already stated that the primary purpose of dialogue and regular feedback between staff members and their managers 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 (ATCE, Appeal No. 764/2024, cited above, § 80).

79. The appellant's assessment reports also show that she was given extensive training and advice from her superiors on the type of training she should be prioritising.

80. In the light of all the foregoing, the Tribunal finds that the second ground of Appeal No. 768/2025 is unfounded.

3. On the alleged unequal treatment of staff performing the same functions in terms of goals set

81. The Tribunal notes that the third ground is based on allegations which are unsupported by any evidence. While a comparison between the goals set for the appellant in 2021 and those set in 2023 shows a change in the nature of the tasks assigned to her since her first appointment, she cannot establish herself that there was any unequal treatment in the context of her second appointment in 2024.

82. Nor can the Tribunal accept the argument that it was unjust to subject the appellant to a new probationary period when she had successfully completed the probationary period

pertaining to her first appointment. Because the appellant failed to contest the decision to subject her to this new period in good time, the decision in question became final and the appellant cannot now dispute its lawfulness.

83. Accordingly, the third ground of Appeal No. 768/2025 is unfounded.

4. On the alleged breach of the duty of care

84. In her fourth ground, the appellant argues in essence that in view of the satisfactory services she provided during the three years of her first appointment and the fact that under the terms of this appointment, she could have been employed until 31 March 2026, the decision not confirm her appointment following her second probationary period, without any possibility of assigning her to another job, was a breach of the Organisation's duty of care.

85. The Tribunal points out, however, that the rules relied on by the appellant in support of this ground are not applicable to her. Both paragraphs 340.3 of the staff rule on classification of jobs and 5100.5 of the staff rule on career development apply only to staff on open-ended or indefinite-term contracts whereas the appellant was employed by the Organisation on a CDD.

86. Furthermore, the relevant case law does not grant staff members who have not met the Organisation's expectations during their probationary period the right to demand that they be assigned to another job. The duty of care cannot extend to such an extent as to entail an obligation for the competent authority to consider the possibility of reassigning staff members to new tasks and functions before deciding not to renew their contract (General Court of the CJEU, judgment of 4 June 2025 (in French only), EZ v. European Commission, T-450/24, §79).

87. Consequently, the fourth ground of Appeal No. 768/2025 is unfounded.

5. Conclusion

88. In conclusion, Appeal No. 768/2025 is unfounded and must be dismissed, along with all the claims made by the appellant on the basis thereof.

IV. EXAMINATION OF APPEAL No. 772/2025

A. The parties' positions

1. The appellant

89. In Appeal No. 772/2025, the appellant asks the Tribunal to set aside both the decision of 14 February 2025, in which the Director of Human Resources refused to take any further action on her complaint of harassment, and the decision of 14 April 2025, in which the Secretary General dismissed her administrative complaint against this decision. She also requests that the Tribunal order the Secretary General to grant her compensation for pecuniary and non-pecuniary damage and to follow up on the investigation triggered by her complaint of harassment or failing that to acknowledge the situation of harassment and make good the damage suffered.

90. In support of her claim, the appellant relies in substance on three grounds: she accuses the Organisation (a) of a manifest error of assessment, (b) of a breach of the principle of adversarial proceedings and equality of arms and (c) of institutional harassment.

(a) First ground: manifest error of assessment

91. The appellant argues that the Organisation made a manifest error of assessment during its investigation, overlooking a number of issues she describes in her complaint, which may, in her view, reveal the existence of a situation of harassment. As a result, she asserts, the investigation lacked objectivity and thoroughness because it failed to take all the relevant facts into account.

92. In this respect, the appellant submits firstly that the investigation report failed to assess the existence of a violation of her dignity because it refrained from commenting on the inconsistent or defamatory comments which she attributes to her N+1 and the head of the EDQM during her second probationary period. She points out in particular that the last assessment report in September 2024 contains comments accusing her of an unwillingness to change and a lack of self-reflection. According to the appellant, these comments contradict the assessments she received between 2021 and 2023, which recognised her professional and human values. Because these affronts to dignity were not examined by the investigators, their investigation report was not sufficiently detailed.

93. The appellant also submits that the investigation report fails to assess the harm to her well-being and her health. She complains that while the investigators took note of her "fragile health", they failed to establish any correlation between her work situation and her state of health over the period between 2023 and 2024. She also complains that they ruled out the hypothesis of harassment expounded by her doctors whereas the findings in the investigation report describe a brusque and potentially hurtful form of communication by her N+1, which was capable in her opinion of constituting a situation of harassment. Lastly, the appellant argues that the investigation did not sufficiently assess the impact of the situation on the other staff members in the department, despite the fact that tensions and a collective feeling of malaise was referred to in the investigation report.

94. Lastly, the appellant accuses the investigators of failing to have sufficiently examined the circumstances she reported when disputing the merits of the negative assessment on which the decision to terminate her employment on 31 December 2024 was based, despite the fact that this assessment had undermined the security of her employment.

95. The appellant concludes that the lack of investigation may have resulted in manifestly erroneous findings. In her view, the only way to protect her interests would be to continue the investigation.

(b) Second ground: breach of the principle of adversarial proceedings and equality of arms

96. The appellant maintains that her right to contribute meaningfully to the investigation of her complaint was unduly restricted. She complains that the investigators interviewed her only once, despite the fact that she subsequently sent them medical and factual documents providing details of her allegations of harassment. She states that when this interview was

held, she no longer had access to the Organisation's internal database containing relevant documents which would have backed up her allegations.

97. The appellant also argues that the investigators established that there were six grounds for complaint, but the majority of these were not relevant. On the other hand, two other grounds, referred to by the appellant in her formal complaint, were not investigated for want of sufficient documentation.

98. The appellant also complains that she did not have an opportunity to comment on the findings of the report, whereas it contained mistaken interpretations of certain documents and was based on documents passed on by her superiors to back up their position.

(c) Third ground: institutional harassment

99. Facing a situation which she terms as critical and claims to have denounced already in March 2024, the appellant accuses her superiors and the Directorate of Human Resources of failing to take sufficient measures to protect her well-being and her health. Among those that could have been considered, she mentions a transfer to another team, arguing that two B4 scientific assistant posts were vacant in 2024. The appellant adds that at no point prior to the negative recommendations made by her superiors in September 2024 was she ever warned that her probationary period might end in December 2024.

100. The appellant also talks of a threat to her job security resulting from the replacement of her first appointment, which had been supposed to run up to 31 March 2026, by a new appointment limited to 31 December 2024, and the failure to take any step to mitigate this harm such as a six-month extension of her second probationary period. She also mentions a violation of her dignity, deriving in particular from the short notice she was given at the end of her appointment, the failure of the Organisation to give her any support when she lost her job and the obstacles placed in the way of being able to contribute fully to the investigation of her formal complaint for harassment.

101. In the appellant's view, the above-mentioned infringements of her right to health, job security and dignity constitute a situation of institutional harassment.

102. In conclusion, the appellant requests that the Tribunal find that there was a situation of institutional harassment to which she fell victim and that the Organisation failed in its obligations to identify the harassment suffered.

2. The Secretary General

103. The Secretary General asks 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 pecuniary and non-pecuniary 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 notes that the appellant's claim is based mainly on allegations of harassment, non-compliance with general legal principles and a lack of thoroughness during the investigation procedure, of which none have been proven.

(a) On the alleged manifest error of assessment

104. The Secretary General asserts that the investigators, who were appointed following a call for tenders by reason of their experience and expertise, carried out a detailed and objective examination of all the items in the case file brought to their notice, including all the grounds of complaint presented by the appellant, and submitted a detailed and duly reasoned report.

105. The Secretary General also points out that the appellant should have backed up her allegations of harassment with detailed facts in her formal complaint and she failed to meet this requirement. The items referred to – in particular the existence of negative assessments drawn up by her direct manager, the decision to terminate her appointment and the damage to which she claims this gave rise – were imprecise and did not make it possible to establish the existence of disrespectful and manipulative conduct by her N+1. These items actually related to the assessments of the appellant's performance and conduct at work during her probationary period and did not establish that her N+1 engaged in any prohibited conduct.

106. In the Secretary General's view, it goes without saying that the decision not to confirm the appellant's appointment undermined her job security and was liable to have negative effects on her well-being. However, when such consequences are the result of assessments that are carried out seriously and objectively, they cannot be qualified as harassment. The Secretary General points out in this respect that while the communication style of the appellant's direct manager is brusque, the investigators did not detect any inappropriate conduct on her part.

107. The Secretary General concludes that the Director of Human Resources' decision not to take any further action on the appellant's complaint of harassment, taken on the basis of the investigation report, was well-founded and was not the result of a manifest error of assessment.

(b) On the alleged breach of the principle of adversarial proceedings and equality of arms

108. The Secretary General maintains that the appellant was given every opportunity to contribute to the investigation and the documents she passed on were duly taken into account by the investigators even though they were not deemed sufficient to establish the existence of harassment. The fact that the appellant was heard only once by the investigators is in line with normal investigation practices. Under these, a second hearing would have been justified only if new evidence had arisen or further investigation was required.

109. As to the appellant's loss of access to the Organisation's internal data, the Secretary General would point out that it was up to her to collect evidence to support her allegations as soon as she filed her formal complaint on 2 December 2024, when she was still in post and still had access. The investigators could also have asked for these documents to be produced if they deemed them necessary for the purpose of their investigation.

110. With regard to the relevance of the grounds of complaint examined in the investigation report, the Secretary General argues that the investigators based their examination on the grounds given by the appellant herself. As to the interpretation of the documents which the appellant forwarded to them, it was for her to provide any contextual information that they might need to interpret them at this point.

111. Lastly, the Secretary General asserts that the procedural rules for investigations do not provide for the consultation of the person who filed the harassment complaint before the investigation report is forwarded to the Director of Human Resources. On reading the report after the investigation, the appellant was able to dispute the facts and the evidence on which the investigators had based their findings in sufficiently good time to be able to defend her interests.

(c) On the allegation of institutional harassment

112. The Secretary General submits that the circumstances referred to by the appellant in support of her allegations of institutional harassment were all legitimate, justified or reasonable. This was the case both with the award of a new CDD subject to completion of a new probationary period following the appellant's success in recruitment competition No. e9/2023 and with the decision to terminate her appointment on this contract because of the unsatisfactory nature of her performance during this probationary period.

113. Concerning the possibility of changing teams, the Secretary General asserts that this approach was not considered to be in keeping with the department's interests or to be an appropriate remedy to the problems encountered given the lack of any real grounds for complaint by the appellant against her N+1. As to the one-month notice period, this derived from the strict application of the relevant provisions.

114. The Secretary General goes on to argue that in keeping with its duty of care and protection, the Organisation processed the appellant's complaint of harassment with the requisite diligence and adopted all the necessary measures to meet her requests for support. As a result, she was offered various forms of assistance, including the implementation of an action plan to improve her performance. It was therefore for the appellant herself to take advantage of these measures to overcome her professional difficulties and to complete her probationary period successfully.

B. The Tribunal's assessment

1. On the alleged manifest error of assessment

115. An investigation such as the one in this case on a complaint of harassment must be objective, thorough and detailed, in that it must be conducted in a way that enables all the relevant facts to be looked into (ILOAT, Judgment No. 5022 of 3 July 2025, T. (Nos. 7 and 8) v. Interpol, consideration 6 and the judgments cited).

116. The appellant complains firstly that the investigators omitted to rule expressly on whether the negative comments in her assessment report of September 2024 could in themselves constitute a violation of her dignity and hence an act of harassment.

117. The Tribunal will not accept this argument. The role of investigators is not to verify and take a position on each allegation in the complaint but solely to assess which facts are liable to constitute harassment as defined by the applicable regulations. For this purpose, they are expected to identify which of the allegations fall within this legal scope and to focus their assessment on these items.

118. Under paragraph 4.4 of the Policy on Respect and Dignity in the Council of Europe, however, legitimate application of the Organisation's policies, fair and reasonable management

practices or justified and constructive criticism do not amount to disrespectful behaviour. Accordingly, professional disagreements, conflictual relations or unfavourable assessments of performance are not in themselves sufficient hallmarks of harassment, in the absence of a pattern of abusive behaviour that is repeated, sustained or systematic (ATCE, Appeal No. 766/2024, L. D. (III) v. SG, Judgment of 24 June 2025, § 103).

119. Because the appellant provided no evidence of any such particular circumstances, the investigators were free to consider that the negative comments made in the context of her assessment of September 2024 formed part of the routine exercise of managerial assessment powers and did not amount to a fact liable to be qualified as harassment. In the Tribunal's view, the alleged contradictions between the September 2024 assessment and appellant's prior assessments do not constitute such particular circumstances (see the Court's assessment with regard to the appellant's first appeal, paragraphs 65 to 68).

120. The appellant subsequently complains that the investigation report failed to establish a causal link between the harassment she claims to have suffered and the deterioration in her state of health.

121. In this case, the Tribunal observes that, when addressing the origins of her malaise, the appellant most frequently talks about the circumstances in general terms, such as unspecified communication difficulties. It also emerges from the case file that the appellant has stated that she is not in a position to identify the causes of her malaise with any certainty.

122. Regarding the more concrete issues which the appellant claims to have affected her relations with her N+1, the Tribunal notes that these were examined by the investigators. For instance, with regard to the comment initially made by the N+1 that the appellant had "almost" reached her digital goals for 2023 – a comment which was subsequently removed from the final assessment report, in which it was said that she had fully reached her goals – the investigators qualified this incident as a disagreement over the assessment of her work, rejecting the argument that it could constitute an act that could be described as harassment. Similarly, the investigators looked specifically into the appellant's complaint that the N+1 purposefully added spelling mistakes to one of her pieces of work so as to undermine her image and concluded in the light of the circumstances that this argument was not salient.

123. In the light of the foregoing, and in the absence of detailed factual evidence capable of establishing that harassment occurred, the Tribunal considers that the investigators cannot be accused of failing to establish a causal link between the deterioration of the appellant's state of health and incidents of harassment. The duty to investigate relates to facts that may be regarded as harassment and that are capable as such of causing harm to the presumed victim. It does not require investigators to conduct an indeterminate search for the possible causes of the alleged malaise of a presumed victim of harassment.

124. Similarly, in the absence of allegations of specific disrespectful behaviour, the investigators cannot be accused of not having assessed the impact that the no more specific "situation in the department" may have had on the well-being of the other members of the appellant's team. Nonetheless, the investigators did ask other members of the department about the communication style of the appellant's N+1. While they acknowledged that her manner may have been brusque, they did not find that this gave rise to inappropriate behaviour.

125. Lastly, the appellant submits that the investigation report was lacking because the investigators failed to examine the merits of the negative assessments of her performance, which resulted in the termination of her employment on the ground of an unsuccessful probationary period, thus undermining her job security.

126. This argument cannot be accepted. A complaint of harassment can have neither the purpose nor the effect of replacing the existing means of contesting the merits of a work assessment. It should be reiterated that the task of investigators is confined to examining alleged specific facts which are capable, by their nature or their context, of amounting to behaviour which constitutes harassment. It was not therefore for the investigators to assess the appellant's performance or ascertain whether her superiors may have committed an error of assessment when exercising their powers of evaluation.

127. In the light of these circumstances, the Tribunal considers that the fact that the investigators made no comment on the merits of the assessments which resulted in the appellant's appointment not being confirmed following her probationary period cannot be deemed to have marred the investigation report if they examined the facts capable of constituting the harassment alleged by the appellant.

128. In the light of all the foregoing, the first ground of Appeal No. 772/2025 is unfounded.

2. On the alleged breach of the principle of adversarial proceedings and equality of arms

129. In the second ground, the appellant submits in essence that the fact that she was heard only once during the investigation was insufficient and that she should have been given further opportunities to express herself, both during the investigation and after it, so as to be able to react to the evidence gathered by the investigators and the conclusions they came to.

130. In this respect, the Tribunal has already had occasion to outline the extent of the right of complainants to be heard before the body responsible for investigating allegations of harassment. It has stated that at that stage, the complainant's role consists essentially in helping to establish the facts, through their statements and any other evidence that they may furnish (ATCE, Appeal No. 766/2024, cited above, § 67, and the case law cited).

131. The Tribunal also considers that it is for the investigators to judge, in exercising their mandate and meeting the requirements of the investigation, whether there is reason to conduct one or more interviews with the person who filed the harassment complaint. The appellant's argument with some of the items in the investigation report and the conclusions the investigators reached cannot in themselves give her the right to be heard again in the context of the investigation. The right to be heard cannot be interpreted as implying that the investigators are under any obligation to submit their conclusions to the person concerned or to propose a new hearing to enable her to dispute their assessment of the facts.

132. In the instant case, by questioning the appellant and providing her with an opportunity to present her version of the facts, the investigators satisfied the requirements deriving from her right to be heard.

133. As to the right to be heard before the authorities called on to rule on the complaint pf harassment, the exercise of this right must enable presumed victims to have access to the

investigation report and to present their views on matters liable to affect the impending decision. The right to be heard guarantees everyone the possibility of expressing their viewpoint during the administrative procedure, before the adoption of any decision liable to adversely affect their interests. In the instant case, this means that this right should have been guaranteed before the Director of Human Resources, at the latest before she took a decision and where appropriate in the course of a re-examination of the complainant's request (ATCE, Appeal No. 765/2024, cited above, § 44).

134. In the instant case, the appellant had the opportunity to present her views to the Director of Human Resources in the e-mail she sent to her on 17 February 2025, to which the Director replied in an e-mail of 21 February 2025 (paragraph 21). In these circumstances, the Tribunal considers that the appellant's right to be heard before the authority with the power to take a decision on her complaint was not infringed.

135. As to the argument that the appellant's right to contribute to the establishment of the facts was affected by the loss of her access to the Organisation's internal database, the Tribunal notes that the appellant was at liberty to raise this point before the investigators so that they could assess, in exercising their powers of investigation, whether such access was a decisive factor. As she did not do so, it is not admissible for her to rely on this argument before the Tribunal. In any case, she fails to establish that this circumstance was such as to question the validity of the findings of the investigation report.

136. As the principle of adversarial proceedings was respected, the second ground of Appeal No. 772/2025 is unfounded.

3. On the existence of institutional harassment

137. The Tribunal notes that it has already responded to most of the arguments which the appellant raises in her third ground of complaint (paragraphs 69, 70, 76, 77, 78, 85 and 86) and ruled that they were unfounded. With regard in particular to the alleged lack of support from the Directorate of Human Resources, it is clear from the case file that the appellant herself recognises that she was given such support and drew positive effects from it, which strips this argument of all credibility.

138. As to the one month's notice with which the decision not to confirm the appellant's appointment was issued, the Tribunal notes that this time period is compatible with the applicable provision, namely paragraph 4130.3 of the staff rule of 30 December 2022 on entry into service. Under this provision, the decision whether or not to confirm a staff member's appointment or to extend their probationary period must be communicated to the person concerned at least one month before the end of their probationary period. In the present case, the decision not to confirm the appellant's appointment was communicated to her on 27 November 2024 and her probationary period was due to finish on 31 December 2024. There is therefore no basis for the appellant's assertion that she should have been given longer notice because her first appointment was supposed to run until March 2026. As soon as this appointment had expired when she was awarded a new CDD of one year, from 1 January to 31 December 2024, the appellant was subject to the conditions that applied to this new appointment and cannot claim to have suffered any form of harm in this respect.

139. The third ground of Appeal No. 772/2025 is unfounded.

4. Conclusion

140. In conclusion, Appeal No. 772/2025 is unfounded and must be dismissed, along with all the claims made by the appellant on the basis thereof.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Orders the joinder of the appeals;

Declares the appeals unfounded and dismisses them;

Orders that each party shall bear its own costs.

Adopted on 22 January 2026, the French text being authentic.

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