ADMINISTRATIVE TRIBUNAL
TRIBUNAL ADMINISTRATIF

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Appeals Nos. 782/2026 and 784/2026

M. G. (I and II)

v.

Secretary General of the Council of Europe

***

JUDGMENT

12 August 2026

The Administrative Tribunal, composed of:

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

assisted by:

Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following judgment after due deliberation.

INTRODUCTION

1. Appeal No. 782/2026 concerns the decision to impose interim measures on the appellant under paragraph 1220 of the Staff Rule on discipline in the context of an investigation conducted against him by the Directorate of Internal Oversight (hereinafter "DIO").

2. Appeal No. 784/2026 concerns the decision refusing to accept the appellant's request to postpone the effective date of his resignation by one month.

THE FACTS

3. The appellant has been a Council of Europe staff member since 1995 and is currently employed as a director at grade A6 under an indefinite-term contract.

4. In July 2025, an official was seconded and assigned to the Directorate headed by the appellant (hereinafter "the seconded official"). She was responsible for the activity identified by the Secretary General as having a high priority (hereinafter "the priority activity").

5. On 2 March 2026 a meeting took place attended by the appellant, the seconded official and the Director General under whose authority the appellant worked (hereinafter "the Director General"). This meeting was recorded by the appellant using a tool employed at the Council of Europe to facilitate transcription.

6. On 4 March 2026 the appellant and the Director General were summoned to a meeting with the Secretary General, which was also attended by the seconded official, the Director of the Private Office of the Secretary General and the Deputy Secretary General (hereinafter "the Director of the Private Office") and the Private Office adviser responsible for the priority activity. At this meeting, the seconded official accused the appellant of having secretly recorded meetings in which she had taken part. The appellant explained the circumstances, how the recordings were made and their purpose.

7. In a letter dated 12 March 2026, the appellant informed the Secretary General of his decision to resign from the Council of Europe with effect from June 2027. In his letter, the appellant stated that the deterioration in the working environment, in which his professionalism and loyalty to the Organisation had been called into question, had prompted him to consider

leaving earlier than he had originally planned and wished. The appellant also cited personal reasons for his choice of departure date.

8. In an e-mail dated 13 March 2026 and addressed to the Director of the Private Office, the appellant provided further explanations regarding his practice of recording team meetings:

> "(…) you are already aware of my decision to leave the organization next year. As a part of the motives for that decision is also the way in which my professionalism and integrity seemed to have been questioned on the occasion of the last meeting with the Secretary General, I wished to follow up on our exchange about my practice of recording regular team meetings – something I do in order to produce prompt and accurate meeting records, and which I consider an important contribution to our coordination and collective effectiveness.
>
> Let me offer a few clarifying facts, in case any questions remain.
>
> Recording meetings and using AI for transcription is by now one of the most common ways people have found to work more efficiently with the new technology. I have been doing this for over a year in our weekly Coordination meetings. [The seconded official] has been part of those meetings since she joined, so she has been familiar with the practice from the start. No one – neither she nor any other colleague – has ever raised a concern. If anything, having detailed reports with decisions available immediately after each session has generally been seen as a practical way to keep everyone on the same page.
>
> (…) Regular weekly meetings with the [priority activity] team started on 16 December and have continued since. I applied the same recording practice to those meetings – this being, frankly, the most direct way to deliver the kind of structured, detailed follow-up that the situation called for.
>
> You asked me directly whether I had explicitly told the team that [priority activity] meetings would be recorded. I hesitated, because I honestly do not remember. What I can say with complete confidence is that it was never a secret. The practice was already established, and detailed reports were circulated for comments almost right after every meeting. If anyone had been uncomfortable with it, the first time a report followed within minutes after the meeting was the obvious moment to raise that objection with me. This never happened.
>
> Looking back, I can see it would have been more prudent to spell it out on the record. If I did not, it was simply because it seemed obvious to me. That may be an oversight worth noting, but it was clearly not an attempt to hide anything or deceive anyone.
>
> The same goes for how the recordings have been used – which is to say, exclusively to prepare meeting reports. Nothing else, ever. And for what it is worth, only team meetings are recorded. Never bilateral conversations."

9. In an e-mail dated 18 March 2026, the Director of the Private Office replied to the appellant as follows:

> "I acknowledge receipt of your resignation letter addressed to the Secretary General.
>
> The normal notice for a resignation to take effect is three calendar months starting from the end of the month during which the resignation has been notified to the Secretary General (Paragraph 620.1 of the Staff Rule on termination of service). Although the applicable rules do not explicitly prevent to give notice in excess of three months, the Secretary General notes the unusually long notice period of over 15 months for your resignation. This notice period does not seem reasonable given the circumstances. In his view, protracting the departure might negatively affect the Organisation's capacity to organise its working processes and might cause confusion amongst the staff and uncertainty in the working environment.
>
> This is all the more relevant in your case for the reasons you addressed in your letter. Given the difficulties you mentioned, a date of effect of your resignation on 31 July 2026, in any case no later than 31 August 2026, would be more appropriate and better understood by all parties concerned."

10. In an e-mail sent the same day, the appellant replied to the Director of the Private Office as follows:

> "Thank you for your email regarding my letter to the Secretary General of 12 March 2026.
>
> As you rightly point out, the applicable rules do not limit the notice period to three months. My decision to propose a longer period was primarily guided by the considerations you yourself mention – namely, ensuring a proper transition of responsibilities and enabling the Organisation to continue its work in the areas of my current responsibilities with minimal disruption. As I have made abundantly clear, I will continue to discharge my duties throughout this period with the highest degree of professionalism and loyalty, as I have done over the past thirty years.
>
> I note your concerns regarding potential confusion and uncertainty among staff related to the circumstances. However, I do not see how these concerns are linked to, or influenced by, the length of the notice period. If anything, an orderly and mutually agreed departure, following thirty years of service, can only help to reduce any such uncertainty and confusion.
>
> In a spirit of compromise, I am prepared to consider shortening my notice period to twelve months, ending on 31 March 2027. Given that my previously planned retirement date was 24 November 2030, when I will reach the mandatory retirement age of 65, I believe this proposal is more than reasonable.
>
> Finally, as I explained in my earlier letter, the decision to leave significantly earlier than anticipated entails considerable disruption to my personal and family circumstances. Our future plans – including my children's education and our financial commitments – have been structured around my retirement at the age of 65. The proposed notice period represents the minimum necessary for me to take the steps required to mitigate the impact on my family."

11. In an e-mail sent the same day, the Director of the Private Office informed DIO that the appellant had regularly recorded meetings. He invited DIO to consider whether the facts warranted DIO launching an investigation.

12. In a memorandum dated 27 March 2026, the Secretary General informed the appellant that he accepted his resignation on the following terms:

> "I refer to your message of 12 March 2026, by which you notified me of your wish to resign from the Organisation, as well as the related subsequent exchanges with the Director of my Private Office on 18 March 2026.
>
> I hereby accept your proposal for a resignation with effect as of 31 March 2027. I would nevertheless highlight that given the circumstances and reasons underlying your resignation and having regard to the Organisation's interest in the proper and effective functioning of the Directorate for Democracy, an earlier resignation date would have been more appropriate.
>
> You will be contacted shortly in order to discuss the modalities of your employment within the Organisation during the period until your departure.
>
> I would also like to emphasise that the acceptance of your resignation does not have any impact on the conduct of a possible investigation into alleged wrongdoing on your part by the Directorate of Internal Oversight, or any possible future follow-up to such investigation."

13. On the same day, while on sick leave, the appellant informed the Secretary General of his decision to resign as early as 30 September 2026, given the potential impact of the current situation on his mental health and well-being. He also expressed his willingness to co-operate with the investigators in order to dispel any doubts regarding his professional integrity.

14. In a memorandum dated the same day, the Secretary General informed the appellant that he accepted his offer of resignation with effect from 30 September 2026. The memorandum read as follows:

> "I acknowledge receipt of your email of 27 March 2026 and hereby accept your proposal for resignation with effect as of 30 September 2026.
>
> You will be contacted shortly in order to discuss the modalities of your employment with the Organisation during the period until your departure.
>
> I would also like to emphasise that the acceptance of your resignation does not have any impact on the conduct of a possible investigation into alleged wrongdoing on your part by the Directorate of Internal Oversight, or any possible future follow-up to such investigation."

15. In an e-mail sent the same day to the Director of Human Resources (hereinafter "DHR"), the appellant wrote:

> "(…) I have informed the Secretary General today that, in view of the stress and health concerns I decided to bring my date of departure further forward, to 30 September 2026. The date was also chosen to allow me to benefit from the increase in step after four years. I have just been informed that, in order for this to happen, I need to stay until October 2026. I should like to know whether, and if so how, this adjustment can be taken into account. I plan to use my remaining leave for the additional month of October. A retirement without this increase in step would further aggravate and perpetuate the very dire financial consequences which this retirement, much earlier than originally planned, will have for my family. (…)"

16. On 31 March 2026 the Director of DIO informed the Secretary General of his decision to open a disciplinary investigation against the appellant. He recommended that the Secretary General temporarily suspend the appellant as an interim measure pursuant to paragraph 1220 of the Staff Rule on discipline.

17. On 7 April 2026 the appellant was informed by DIO that an investigation had been opened pursuant to Article 53 of the Rule on investigations.

18. On the same day, the appellant received a memorandum from the Secretary General informing him of the interim measures which the Secretary General had decided to impose on him pursuant to paragraph 1220 of the Staff Rule on discipline, given that there was a credible risk that the appellant's continued presence would endanger the investigation, the Organisation's interests and a harmonious working environment. The measures in question, considered less restrictive than the one recommended by the Director of DIO, included the appellant's temporary replacement as director; temporary mandatory teleworking; temporary exclusion from access to Council of Europe premises and the withdrawal of his badge; temporary exclusion from access to Council of Europe documents, except those strictly necessary for the appellant's new role; and the requirement for all communication relating to the appellant's duties to be in writing. The Secretary General's decision constitutes the contested decision in Appeal No. 782/2026.

19. In an e-mail dated 8 April 2026, the DHR replied to the appellant's request of 27 March 2026 to postpone the date of his retirement to the end of October 2026 as follows:

> "(…) In follow-up to our exchange of Thursday last week, I would like to confirm that the accepted resignation date remains 30 September 2026 as set out in the Secretary General's memorandum of 27 March.

> I will advise my team accordingly so that they may proceed with the departure formalities and give the necessary instructions for your pension to commence as of 1 October. (…)"

20. On 13 April 2026, the appellant lodged a harassment complaint against the seconded official.

21. In an e-mail sent the same day, the appellant's representative asked the DHR to clarify the reasons why the request to postpone the effective date of his departure by one month had been refused. In her e-mail, she stated in particular (translation):

> "I would remind you of the circumstances under which he was induced (pressured) to tender his resignation. These circumstances raise questions as to whether his decision was genuinely voluntary. They also raise questions as to the reasons why pressure was put on M. G. and the haste with which the Organisation sought his departure, despite his having served it loyally for 30 years."

22. By letter dated 22 April 2026, the DHR replied to the e-mail from the appellant's representative as follows (translation):

> "(…)
> As M. G. was informed following his offer to resign, the Secretary General considers that, in view of the circumstances and the difficulties cited by M. G. himself as grounds for his resignation, it would better serve the interests of the Organisation and the smooth running of the Directorate of Democracy if his resignation were to take effect as soon as possible so as to allow the situation in the directorate to stabilise. In these circumstances, given that all the relevant facts and rules concerning his status were known, or could have been known, to M. G. before he decided to inform the Secretary General of the date of his resignation, and given that the Secretary General believes it is in the Organisation's interests for stability to be restored in the Directorate of Democracy as soon as possible, he does not consider it appropriate to postpone the effective date of M. G.'s resignation again.
> (…)" (translation)

The Secretary General's decision refusing to postpone the effective date of the resignation is the subject of Appeal No. 784/2026.

23. On 27 April 2026, the Secretary General decided to revoke the interim measures ordered on 7 April 2026 (as stated in the memorandum of 27 April 2026: "I decide to lift the interim measures imposed by the decision of 7 April 2026. This decision takes effect immediately"), following the decision handed down on 24 April 2026 by the Chair of the Tribunal on the stay of execution (see paragraphs 25 and 27 below), and adopted other interim measures, notably a ban on any recording, audio or otherwise, of any meeting or activity in which the appellant might participate, as well as a prohibition on any attempt to tamper with witnesses or evidence in the context of the investigation that had been opened against him.

PROCEEDINGS

24. On 11 April 2026 the appellant lodged an initial appeal against the decision to impose interim measures on him. The appeal was registered on 13 April 2026 under number 782/2026.

25. On 11 April 2026 the appellant lodged an application for a stay of execution against the Secretary General's decision of 7 April 2026 to impose interim measures (see paragraph 18 above).

26. On 7 May 2026 the appellant lodged a second appeal, this time against the decision refusing to grant his request to postpone the effective date of his resignation by one month. The appeal was registered the same day under number 784/2026.

27. By order of 24 April 2026, the Chair of the Tribunal granted the request for a stay of execution.

28. On 12 and 17 June 2026 the Secretary General submitted his observations on Appeals Nos. 782/2026 and 784/2026, respectively.

29. On 19 and 25 June 2026 the appellant filed respective submissions in reply.

30. On 30 June and 1 July 2026 the Secretary General submitted respective rejoinders.

31. On 2 July 2026 the Tribunal decided to dispense with an oral hearing in accordance with Rule 15, paragraph 1, of the Tribunal's Rules of Procedure.

THE LAW

I. THE RELEVANT LAW

32. The relevant regulatory provisions read as follows:

Staff Regulations

Article XIV– Grievance procedures

"14.1 The Secretary General shall establish appropriate procedures to deal with staff members' grievances relating to their terms of employment or working conditions.
(…)
14.6 (...) An appeal may (…) be lodged by a staff member directly with the Administrative Tribunal against a decision taken by the Secretary General personally (…)."

Staff Rule on grievance procedures

"(…)
1460. APPEALS PROCEDURE
(…)
1460.2 Appeals may (…) be lodged with the Administrative Tribunal of the Council of Europe against the following, without the requirement to lodge a formal complaint beforehand:
(…)
1460.2.2. an administrative decision personally taken by the Secretary General; (...)."

33. The regulatory provisions relevant to Appeal No. 782/2026 read as follows:

Staff Regulations

Article XII – Discipline

"12.1 A staff member who acts or omits to act, whether deliberately, recklessly or negligently, in breach of these or any other Regulations, Staff Rules, Instructions or Policies; who fails to observe the established

standards of conduct; or who fails to perform assigned tasks without reasonable excuse, may be subject to one of the following disciplinary sanctions, to be determined by the Secretary General (...)
(…)
12.6 No disciplinary sanction may be imposed until a staff member has been informed of the allegations against them and given the opportunity to make oral or written representations.
(...)"

Article XIV– Grievance procedures

"(…)
14.8 Requesting a management review, filing a complaint or lodging an appeal shall not suspend the contested administrative decision. However, the staff member may file a request with the Administrative Tribunal to suspend the implementation of a contested administrative decision in cases of particular urgency where the implementation of the administrative decision would cause serious and irreparable damage to the staff member.
(…)"

Statute of the Administrative Tribunal of the Council of Europe

Article VII - Admissibility

"(…)
7.5 The appellant must have a direct and existing interest in challenging the contested decision throughout the whole duration of the procedure."

Article XII–Stay of execution

"(…)
12.2 The Chair (...) shall rule within 15 days on requests for a stay of execution, by giving a reasoned decision, which may be subject to certain conditions. The decision shall not rule on the merits of the appeal or the complaint (...)
12.3 If the request for a stay of execution is granted, the Secretary General shall suspend the execution of the contested administrative decision.
(…)"

Staff Rule on career development

"(…)
530.3 Advancement shall take effect on one of the step advancement dates. The step advancement dates are 1st January, 1st April, 1st July and 1st October. For staff members whose employment did not commence on a step advancement date, advancement shall take effect on the nearest forthcoming step advancement date to the date on which they were appointed."

Staff Rule on discipline

"1210. INSTIGATION OF DISCIPLINARY PROCEEDINGS
1210.1 Reports of alleged wrongdoing made to the Directorate of Internal Oversight (DIO) pursuant to Speak Up: *Council of Europe Policy on reporting wrongdoing and protection from retaliation* will be handled by that entity in accordance with the aforementioned Policy and the Rule on investigations. Where an investigation report resulting from such a report, or from an allegation of wrongdoing which has come to the attention of the DIO by a different means, discloses misconduct on the part of a Secretariat member, the report shall be transmitted by the DIO to the Secretary General for possible disciplinary follow-up.
(...)
1220. INTERIM MEASURES
1220.1 If, following a preliminary assessment or at any stage prior to the submission of an investigation report to the Secretary General, the DIO or the Director of Human Resources, as applicable, is of the view that any of the following conditions are met, a recommendation may be made to the Secretary General that specific interim measures be taken in the interests of the Organisation:
1220.1.1 indications that a Secretariat member has perpetrated gross misconduct; and/or

1220.1.2 a credible risk that the continued presence of the Secretariat member suspected of wrongdoing would endanger the investigation, the interests of the Organisation, or a harmonious work environment.
1220.2 The Secretary General shall, upon receipt of such a recommendation, decide whether or not a specific interim measure shall be taken.
1220.3 1220.3 Interim measures include, but are not limited to:
1220.3.1 temporary suspension of a Secretariat member;
1220.3.2 temporary exclusion of a Secretariat member from access to certain files or certain premises;
1220.3.3 temporary imposition of mandatory teleworking by a Secretariat member;
1220.3.4 temporary suspension of payments to a Secretariat member;
1220.3.5 revision of the duties and responsibilities of a Secretariat member; and/or
1220.3.6 imposition of any other limits on a Secretariat member's official activities.
1220.4 Interim measures are without prejudice to the rights and entitlements of the person concerned and do not constitute a disciplinary measure.
1220.5 If the recommended interim measure involves the suspension of a Secretariat member, the Secretary General shall, at the same time as taking the decision referred to in paragraph 1220.2 above, decide whether the person shall continue to receive their full remuneration during their suspension or, if not, what part of the remuneration shall be withheld. The part of remuneration withheld shall in no case be more than half of the Secretariat member's basic salary. The duration of suspension of a Secretariat member shall depend on the duration of the preliminary assessment and investigation, as well as any subsequent disciplinary proceedings.
1220.6 A decision to impose interim measures shall be reviewed when necessary and at least monthly. At the end of disciplinary proceedings or, as the case may be, when a decision is taken by the Secretary General not to institute disciplinary proceedings, any interim measure imposed shall be lifted. Where the interim measure involved suspension of the Secretariat member and no disciplinary sanction more severe than a written reprimand has been imposed, the Secretariat member shall resume their duties and any sums withheld from their remuneration shall be paid to them.
(…)"

Rule on investigations

"46. Based on the preliminary assessment, the Director of Internal Oversight may decide to:
a. take no further action, in which case the person/entity who reported the suspected wrongdoing, if feasible and appropriate, shall be informed;
b. issue recommendations and inform senior management of any risks, internal control weaknesses and/or other deficiencies identified in the process;
c. refer the matter to another body or entity of the CoE for non-disciplinary follow-up (including financial recovery, as necessary);
d. recommend that the Secretary General refer the matter to a national judicial or other competent authority for further investigation and/or follow- up;
e. open an investigation, define its scope, and carry out the necessary activities to establish relevant facts;
f. re-open a previous preliminary assessment or investigation, in the event that credible new evidence subsequently arises;
g. refer the matter to the Secretary General for further action if it is considered that interim measures should be taken or to the Director of the DHR if protective measures are deemed necessary at any stage of the proceedings;
h. if the alleged wrongdoing concerns members of CoE organs, bodies, committees and working groups (e.g. intergovernmental committees and subordinate bodies set up by the Committee of Ministers, specialised independent monitoring bodies, etc.), and is found by the DIO's preliminary assessment to justify further investigation, the DIO shall inform the Secretary General and will liaise with the ethics board of each respective organ, body or committee of which the alleged wrongdoer is a member, or, in the absence of such a board, with the chairperson or president of that organ, body or committee. The body or committee concerned shall then investigate the reported wrongdoing pursuant to the legal framework applicable to them. Where the investigation results in a determination that wrongdoing has occurred, measures should be taken, as appropriate, with regard to the person concerned by the report.

The aforementioned decision by the Director of Internal Oversight shall take into account inter alia the sufficiency of the available information, the DIO's competency to act, the need for the efficient use of

resources and proportionality of the means employed, the reliability of the source of the allegation, the credibility of the allegations, their verifiability, and whether the alleged facts could potentially amount to wrongdoing or misconduct as defined by the Organisation and are of sufficient gravity or severity to warrant an investigation."

"53. Where an investigation subject has been identified, this person shall be notified of the opening of the investigation once the Secretary General has been informed. Such notification to the investigation subject must be done without undue delay, taking due care that the securing of evidence is not jeopardised. The investigation subject must also be informed in writing of the nature of the allegations against them as well as the names of the persons who will conduct the investigation, the procedure to be followed and the time-limit for the investigation. The identity of the person who made the allegation(s) will only be disclosed if expressly authorised by that person."

Code of Conduct of 21 December 2022 (applicable to staff members of the Council of Europe)

21. Protection of personal data

"Every staff member is responsible for ensuring the protection of personal data in their area of activity, in line with the applicable legal framework.
(…)"

34. According to Article 4 of the Regulations on the Protection of Personal Data, data processing must be proportionate and legitimate and have a precise legal basis. Article 7 requires that data subjects be provided with transparent information regarding the use of their data, subject to justified exceptions. Article 11 requires staff members to treat data with utmost care, to comply with the rules and to report any identified risks.

35. The regulatory provisions relevant to Appeal No. 784/2026 read as follows:

Staff Regulations

Article II–Rights

"2.1 The Council of Europe shall at all times act with fairness and due care in its relations with staff members. In particular, the Organisation shall guarantee staff members' rights to:
2.1.1 the protection of human dignity at work, including the right to a workplace free from harassment;
(…)"

Staff Rule on termination of service

"620. RESIGNATION
620.1 A staff member whose appointment has been confirmed pursuant to paragraph 4130.3 of the Staff Rule on entry into service may resign by giving three months' notice, in writing, to the Director of Human Resources. The notice period shall run for three calendar months following the end of the month in which the staff member gave notice. The Secretary General may, at the staff member's request, shorten this period.
620.2 The Secretary General may refuse to accept a staff member's resignation if disciplinary proceedings against that staff member are pending at the date of the resignation or are instigated within the following 30 days."

II. JOINDER OF APPEALS

36. 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. 782/2026

A. Purpose of the appeal

37. In his appeal, the appellant asks the Tribunal to set aside the Secretary General's decision of 7 April 2026 to impose interim measures on him. The appellant also requests that the Tribunal order the payment of compensation for non-pecuniary damage estimated at 15 000 euros, plus the sum of 8 678.13 euros for costs and expenses.

38. In view of the objection raised as to the admissibility of this appeal, the Tribunal will first examine that objection and then, if necessary, consider the merits of the appeal.

B. Admissibility of the appeal

1. The parties' position

a) The Secretary General

39. The Secretary General contends, firstly, that the appellant's appeal relates to his decision to impose interim measures, but that this decision was set aside on 27 April 2026, and that all the measures were lifted with immediate effect following the order made on 24 April 2026 by the Chair of the Tribunal on the appellant's request for a stay of execution. The Secretary General points out that he did not merely suspend the interim measures in question but that he withdrew them following the stay granted by the Chair of the Tribunal.

40. The Secretary General further observes that the appellant's arguments that the decision had legal effects during the brief period for which it was in force do not alter the fact that he has been fully restored to his previous position, and that no ongoing harm has been demonstrated. The fact that the interim measures cannot be lifted retrospectively is inherent in their nature. However, contrary to the appellant's arguments in the present case, this does not alter the fact that the contested decision has not merely ceased to be valid, as alleged by the appellant, but has been revoked, and that there is therefore no longer any decision capable of being set aside by the Tribunal. The appellant's original claim has thus been satisfied; the matter in dispute has ceased to exist and, consequently, the appeal is now devoid of purpose. The appeal must be deemed inadmissible, since the contested decision no longer exists and is no longer causing harm to the appellant, who therefore no longer has a direct and existing interest in bringing proceedings, in accordance with the provisions of the Staff Regulations and the Rules of Procedure of the Administrative Tribunal.

b) The appellant

41. The appellant contends that he retains a direct and existing interest in challenging the decision of 7 April 2026, notwithstanding its subsequent repeal, since that decision produced legal effects and affected his professional and statutory situation while it was in force.

2. The Tribunal's assessment

42. The Tribunal notes that, in accordance with Article 7.5 of its Statute, the appellant must have a direct and existing interest in challenging the contested decision throughout the whole duration of the procedure.

43. It further notes that the appellant has submitted two separate, albeit related, claims: firstly, annulment of the contested decision and, secondly, redress for the consequences resulting from its application while it was in force.

44. It should be noted that the contested decision was repealed by the Secretary General with immediate effect (see paragraph 23 above). It therefore no longer exists within the legal order.

45. In principle, the appeal seeking annulment must be considered as having become devoid of purpose during the proceedings. In some circumstances, however, an appellant may retain an interest in challenging a decision which is no longer in force. This is the case, for example, where there is a risk that a similar decision may be adopted in respect of them in the future. In such circumstances, "[o]bsolescence of the contested measure occurring during the proceedings does not in itself oblige the […] judicature to declare that there is no need to adjudicate for lack of purpose or for lack of interest in bringing proceedings at the date of the delivery of the judgment. […] the appellant may retain an interest in claiming its annulment in order to prevent its alleged unlawfulness recurring in the future. […] However, that interest in bringing proceedings can only exist if the alleged unlawfulness is liable to recur in the future independently of the circumstances of the case which gave rise to the action brought by the appellant" (Court of Justice of the European Union (CJEU), judgment of 7 June 2007, Wunenburger v. Commission, C-362/05, EU:C:2007:322, paragraphs 47–52). In the view of the Tribunal, however, there is no risk of a similar decision being adopted in the future. It therefore considers that the appeal must be declared devoid of purpose.

46. It next has to be established by the Tribunal whether the claim for compensation still has a purpose. In that regard, the Tribunal observes that the contested decision was "lifted" following the order suspending its implementation. The stay of execution constitutes a separate procedure in which the Chair of the Tribunal examines the need to suspend the implementation of the decision in cases of particular urgency, where there is a risk of irreparable harm. In the context of this procedure, the Chair is neither called upon nor authorised to rule on the merits of the dispute. Consequently, his order of 24 April 2026 granting the stay of execution cannot contain any finding as to an alleged irregularity in the adoption of the contested decision or as to its lawfulness. For his part, the Secretary General had several options for complying with the order of 24 April 2026. He chose to repeal his earlier decision rather than suspend its effects. However, this choice cannot be construed as an acknowledgement of liability on the part of the Administration in respect of the alleged irregularity or unlawfulness of the contested decision, which would be capable of serving as a basis for the appellant's claim for compensation for non-pecuniary damage.

47. In the light of the foregoing, the Tribunal finds that the appeal seeking to have the decision of 7 April 2026 annulled has become devoid of purpose, as there is no longer any decision in force to annul. It will, however, proceed with the examination on the merits of the appellant's claim for compensation for non-pecuniary damage, based on the unlawfulness of the said decision (see, International Labour Organization Administrative Tribunal (ILOAT), Judgment No. 4886 of 8 July 2024, P. (No. 2) v. UNESCO, consideration 5).

C. Merits of the claim for damages

48. In support of his appeal, the appellant essentially raises three grounds, based on (a) violation of the right to be heard, (b) violation of the principle of good administration and the duty to exercise due diligence, as well as the duty of care (c) violation of the principle of proportionality.

First ground of appeal: violation of the right to be heard

1. The parties' position

a) The appellant

49. The appellant contends that the decision of 7 April 2026 was adopted in breach of his fundamental right to be heard. That decision was based on the opening of an investigation into the recording of team meetings following an allegation by a seconded official, bearing in mind that the appellant was never invited to submit observations prior to the adoption of the interim measures. Nor was he heard during the preliminary assessment carried out by DIO, which nevertheless served as the basis for the opening of the investigation and the contested decision.

50. The appellant argues that the meeting of 4 March 2026 (see paragraph 6 above) cannot be regarded as an effective exercise of his right to be heard. That meeting essentially consisted of a presentation of the allegations made against him, without him having been informed in advance of its purpose or provided with the factual and documentary evidence cited against him. He did not have sufficient time, therefore, to present meaningful, considered and detailed observations.

51. Similarly, his e-mail of 13 March 2026 (see paragraph 8 above), which was sent spontaneously and outside of any formal procedure, cannot be regarded as a meaningful response to the allegations on the basis of which the impugned measures were taken. The appellant was not informed, moreover, that sending that spontaneous message would later be regarded as exercising his right to be heard.

52. The appellant contends that a prior hearing would have enabled him to explain that the acts of which he is accused were in fact the result of using a tool which the Organisation itself promotes in order to improve the efficiency of meetings and to ensure the transcription of discussions. It would also have afforded him an opportunity to explain the very serious consequences that suspension was liable to entail for him.

53. Consequently, the appellant considers that he was deprived of any meaningful and effective opportunity to put forward his case before the contested decision was adopted. Such failure to respect the right to be heard constitutes, in his view, a substantial procedural irregularity vitiating the legality of the decision of 7 April 2026.

b) The Secretary General

54. The Secretary General maintains that the purpose of the right to be heard is to enable the competent authority to take a decision in full knowledge of the facts. The exercise of this right may be adapted in accordance with the applicable legal framework, however. In the present case, neither the Rule on investigations nor the Staff Rule on discipline provides for the

staff member concerned to be heard at the stage of the preliminary examination conducted by DIO, prior to the decision to open an investigation or to adopt interim measures. This absence of prior consultation is necessary to preserve the integrity and effectiveness of the investigation.

55. The Secretary General notes that the very purpose of the preliminary examination is to gather and preserve relevant evidence and to determine whether the opening of an investigation is justified. Furthermore, the applicable provisions authorise the adoption of interim measures where there is a risk that the staff member's continued employment would compromise the investigation, the evidence or the Organisation's interests. There is no requirement for the person concerned to be heard before such measures are adopted.

56. The Secretary General further observes that international case law (ILOAT, Judgment No. 2365 of 14 July 2004, T.B. v. UPU, consideration 4 (a)) recognises that the right to be heard may be exercised retrospectively, including where a suspension or other interim measures have been adopted in the interests of the service or the investigation. In any event, the appellant had several opportunities to present the facts and their context prior to the adoption of the interim measures of 7 April 2026, notably at a meeting with his line managers on 4 March 2026 and in an explanatory e-mail sent on 13 March 2026. This e-mail was included in the file forwarded to DIO, which examined it before recommending the said measures on 31 March 2026.

57. In these circumstances, the Secretary General considers that the appellant's allegations that he was not heard or was unable to present his version of events are entirely without foundation. On the contrary, the evidence in the file shows that he was given the opportunity to put forward his observations and that these were taken into account in the decision-making process.

2. The Tribunal's assessment

58. The right to be heard guarantees every person the opportunity to make known their views during an administrative procedure and before the adoption of any decision liable to affect their interests adversely (see Administrative Tribunal of the Council of Europe (ATCE), Appeal No. 651/2020, decision of 13 July 2021, B v. Secretary General of the Council of Europe, § 87; ATCE, Appeal No. 766/2024, judgment of 24 June 2025, L. D. (III) v. Secretary General of the Council of Europe, § 66). In general, that right guarantees every person the opportunity to make known effectively their point of view on the existence and relevance of the facts, the alleged circumstances and the documents which the Administration intends to use against them (ATCE, Appeal No. 651/2020, cited above, § 87; ATCE, Appeal No. 766/2024, cited above, § 64). Since it is a guarantee given to the staff member, this right cannot be interpreted as being confined to mere questioning and to listening to the staff member's on-the-spot replies (ATCE, Appeal No. 353/2005, decision of 5 September 2006, C. G. v. Secretary General of the Council of Europe, § 38; ATCE, Appeal No. 737/2023, judgment of 25 January 2024, G. T. v. Secretary General of the Council of Europe, § 37). In addition, the right to be heard generally implies that, during the hearing, the person concerned must be informed not only about the accusations against them but also about what was at stake for them in the proceedings in question (ibid., paragraph 40).

59. Admittedly, where measures are envisaged to protect, in particular, the integrity of a disciplinary investigation, it may prove necessary to restrict the manner in which the right to be heard is exercised to what is compatible with that objective. Nevertheless, the staff member concerned must be able to exercise this right, either prior to the competent authority taking a

decision, or subsequently, when applying for a review before that same authority or before another body (see ILOAT, judgment No. 2365 cited above, consideration 4 (a), cited by the Secretary General). In this regard, the Tribunal points out that the obligation to hear a staff member is not merely a guarantee for the person concerned, but also that it enables the Administration to adopt a decision in full knowledge of the facts and to correct errors (see ATCE, Appeal No. 651/2020, cited above, § 88; ATCE, Appeal No. 766/2024 cited above, § 64).

60. In the present case, the interim measures, as described in the Secretary General's memorandum of 7 April 2026, comprising in particular a complete change to the appellant's duties as well as a de facto ban on accessing the premises and work-related documents (see paragraph 18 above), can hardly be described as insignificant or devoid of consequences for his professional relations and the performance of his duties. To argue otherwise would, moreover, call into question the necessity of adopting such measures in the first place, if they were devoid of any effect. The Tribunal therefore concludes that the adoption and application of the interim measures against the appellant did indeed have an impact on his professional life.

61. The Tribunal notes that the interim measures were imposed on the appellant in order to prevent any possible interference on his part in the investigation being conducted against him. The circumstances of the case show, however, that there was no particular urgency warranting their adoption, since they were decided upon more than a month after the allegations against the appellant were made and one week after the recommendation advocating an interim measure was submitted (see paragraphs 6, 16 and 18 above). That being the case, it could hardly be argued that, once the interim measures against the appellant had been contemplated, there was no longer sufficient time to hear the appellant's views, not only on the nature of the allegations against him, but also on the appropriateness and effectiveness of the proposed measures, and on their potential repercussions on his professional life and well-being.

62. The Tribunal considers that neither the meeting of 4 March 2026 nor the communication of 13 March 2026 (see paragraphs 6 and 8 above) can be regarded as having provided the appellant with an opportunity to challenge the appropriateness of measures which were not raised until more than two weeks later, on 31 March 2026 (see paragraph 16 above).

63. The fact that, as the Secretary General points out, the applicable legal framework does not provide for the possibility of the appellant submitting explanations at this stage of the proceedings does not mean that it precludes him from being heard before the formal adoption of the decision imposing interim measures.

64. Lastly, the Tribunal notes that the appellant had no opportunity to put forward his observations regarding the proposed interim measures at any subsequent stage of the proceedings, prior to lodging his appeal with the Tribunal.

65. In view of all the foregoing considerations, the Tribunal concludes that the first ground of appeal is well founded and that the appellant was deprived of his right to be heard, without any plausible or objective justification for this breach having been established.

66. Having reached this conclusion, the Tribunal does not consider it necessary to rule on the other grounds of appeal.

67. The Tribunal considers that the breach of the appellant's right to be heard inevitably caused him non-pecuniary injury which justifies the award of damages. The Tribunal considers that fair compensation for that damage will be afforded by awarding the appellant 5 000 euros under this head.

68. The appellant seeks the reimbursement of his costs and expenses, amounting to 8 678.13 euros. Bearing in mind the nature and importance of this dispute, the Tribunal awards this sum.

IV. EXAMINATION OF APPEAL No. 784/2026

A. Purpose of the appeal

69. In his appeal, the appellant invites the Tribunal to set aside the decision of the Secretary General of 22 April 2026 insofar as it rejected the appellant's request to postpone the effective date of his resignation by one month, from 30 September 2026 to 31 October 2026, and, insofar as necessary, the Secretary General's decision of 8 April 2026, which reached the same conclusion. The appellant seeks compensation for non-pecuniary damage in the amount of 406 528.56 euros, corresponding to the indemnity for loss of job, namely 24 months' basic salary. In the alternative, he seeks either payment of a sum of 224 288.80 euros in the event of his departure on 1 October 2026, or payment of a sum of 215 846.80 euros in the event of his departure on 1 November 2026. The appellant also requests that the Tribunal order the reimbursement of a sum of 4 148.27 euros in respect of costs and expenses.

B. Admissibility of the appeal

70. The admissibility of the appeal is not contested. The Tribunal sees no reason to raise a plea of inadmissibility of its own motion and declares the appeal admissible.

C. Merits of the appeal

71. In support of his appeal, the appellant raises three grounds. The first ground alleges the existence of factually incorrect grounds, a manifest error of assessment, a failure by the Secretary General to effectively exercise his discretion and a breach of the duty to exercise due diligence. The second ground is based on a breach of the principle of good administration and the duty of care (failure to take sufficient account of the appellant's interests). The third ground is based on a breach of the principle of proportionality. The Tribunal will begin by examining the second ground.

Second ground of appeal: violation of the principle of good administration and the duty of care

1. The parties' position

a) The appellant

72. The appellant contends that any decision affecting the situation of a staff member must be taken in accordance with the principles of good administration and the duty of care, as set out in Article 2.1 of the Staff Regulations, which requires the Organisation to act at all times with fairness and due care and to protect human dignity at work. The duty of care requires the

Administration to take into account, in any decision, all the interests at stake, not only those of the service but also those of the staff member concerned.

73. In the present case, the repeated bringing forward of the retirement date, under institutional pressure and at a time when the appellant was experiencing significant personal stress, resulted in the effective date being set at 1 October 2026, whereas the initial letter of resignation had set this date as 1 June 2027. The rapid pace of the exchanges and the miscalculation regarding the date of advancement to the next step reflect the difficult circumstances in which the appellant took these decisions.

74. The appellant points out that, in order to benefit from a step advancement, he must remain in service until 1 November 2026, which represents a substantial financial gain of nearly four hundred euros per month, thereby mitigating the serious financial consequences of early departure.

75. He considers that the Secretary General did not carry out a proper balancing of interests, as no legitimate organisational grounds were put forward to justify this refusal, when in fact previous extensions had been accepted. The refusal to grant an extension of just one month, from 1 October to 1 November 2026, on the grounds of a financial error which was reported immediately, amounts to a breach of the duty of care incumbent on the Organisation, and one for which there is no valid justification.

b) The Secretary General

76. The Secretary General disputes the appellant's allegations that he was pressurised to bring forward the date of his resignation, arguing that these claims are entirely unsubstantiated.

77. He points out that the appellant, who was on sick leave during the period in question, had only limited and documented contact with him and the Director of the Private Office, who, in their communications, merely suggested an earlier departure date in the interests of the smooth running of the department, without exerting any pressure.

78. The Secretary General notes that, as regards the step advancement dates, these are expressly set out in Article 530 of the Staff Rule on career development. The appellant therefore had all the necessary information to make an informed decision and to tender his resignation accordingly, provided that he made the necessary arrangements beforehand.

79. The Secretary General observes that the appellant's resignation was submitted of his own free will and accepted by the Secretary General, and that it was final; it was therefore legitimate, in the interests of the Organisation and for reasons of administrative clarity, to refuse a further extension. Consequently, no breach of the principle of good administration or of the duty of care has been demonstrated.

2. The Tribunal's assessment

80. Under Article 620.1 of the Staff Rule on termination of service, a staff member may resign by giving three months' notice. The Secretary General may, at the staff member's request, shorten this period. Under Article 620.2, the Secretary General may refuse to accept a staff member's resignation if disciplinary proceedings against that staff member are pending at the date of the resignation or are instigated within the following 30 days.

81. It follows from these provisions that the offer of resignation is a unilateral act on the part of the staff member. Resignation takes effect only when accepted by the Organisation, however (ILOAT, judgment No. 856 of 10 December 1987, Renault v. UNESCO, consideration 2). The Council of Europe's regulations require three months' notice and confer on the Secretary General the explicit power to refuse a resignation where the staff member is subject to, or is likely to be subject to, disciplinary proceedings. Furthermore, nothing in the regulations prevents the Secretary General from granting a period of notice shorter or longer than that provided for in Article 620.1 of the Staff Rule on termination of service.

82. A resignation that has been accepted and has therefore taken effect is final. It may not be withdrawn unless the offer was tainted with some flaw that makes it void (ILOAT, judgment No. 856 cited above, consideration 3; ILOAT, judgment No. 4053 of 26 June 2018, Z. v. EPO, consideration 6). This does not prevent the staff member concerned from requesting an extension of the notice period after the Organisation has given its agreement to the initial period. It is then for the Administration to adjudicate such request. In this regard, it has discretionary power, in particular to assess whether the request is in the interests of the service (see, in relation to requests for prolongation of service beyond retirement age, ILOAT, judgment No. 2969 of 2 February 2011, H.-S. v. EPO, consideration 10; ILOAT, judgment No. 3214 of 4 July 2013, V. M. v. EPO, consideration 9; ILOAT, judgment No. 3285 of 5 February 2014, C. v. EPO, consideration 9).

83. This discretionary authority must be exercised lawfully and is not exempt from judicial review. As with any discretionary power, the Tribunal can thus ascertain whether the challenged decision was taken by a competent authority, that it was in due form and that it was adopted following the applicable procedure. It is also for the Tribunal to assess, with regard to the legality of the decision under the Organisation's own rules, 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*, ATCE, Appeal No. 765/2024, L.Y. v. Secretary General of the Council of Europe, judgment of 23 September 2025, § 38; 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; ATCE, Appeal No. 770/2025, G.T. v. Secretary General of the Council of Europe, judgment of 22 January 2026, § 38; ATCE, Appeal No. 769/2025, M.-F. G. v. Secretary General of the Council of Europe, judgment of 23 March 2026, § 80).

84. Discretionary powers must be exercised in accordance with, *inter alia*, Article 2.1 of the Staff Regulations. According to this provision, the Organisation must act at all times with fairness and due care in its relations with staff members and must protect their human dignity at work.

85. The Tribunal notes that the duty of care implies that when the Administration takes a decision concerning the situation of a staff member, it must take into consideration all the factors which may affect its decision, and when doing so it should take into account not only the interests of the service but also those of the staff member concerned (EU Civil Service Tribunal, judgment of 18 May 2015, Bischoff v. European Commission, F-36/14; ATCE, Appeal No. 771/2025, G. v. Secretary General of the Council of Europe, judgment of 23 March 2026, § 63). In addition, the duty to exercise due diligence demands that international organisations treat their staff with due consideration in order to avoid causing them undue injury; an employer must consequently inform officials in advance of any action that may

imperil their rights or harm their rightful interests (ATCE, Appeals Nos. 587/2018 and 588/2018, Devaux (II) and (III) v. Secretary General of the Council of Europe, decision of 9 October 2018, § 108 and case law cited; ATCE, Appeal No. 723/2022, Zaytseva v. Secretary General of the Council of Europe, judgment of 12 June 2023, § 57; ATCE, Appeal No. 771/2025, cited above, § 63).

86. In the present case, the appellant decided to submit his letter of resignation in circumstances which he himself described as a deteriorating working environment, in which his professionalism and loyalty had been called into question (see paragraph 7 above). In the Tribunal's view, it was already clear from this initial letter of resignation that the appellant was under a certain amount of pressure when he sent it. Subsequent exchanges with the Administration, set out in paragraphs 9 and 12 above, during which he was advised on two occasions to bring forward the date of his resignation, could have been perceived by the appellant as a further form of pressure, particularly as he was on sick leave at the time.

87. The Tribunal also notes the rapid succession of events on 27 March 2026 (see paragraphs 12 to 15 above): at 10:39 a.m., the Secretary General "took note" of the proposed resignation with effect from 31 March 2027, but indicated that an earlier date would have been more appropriate; at 11:08 a.m., the appellant, who was on sick leave, then proposed the date of 30 September 2026, citing the possible repercussions of his current situation on his mental health and well-being; at 1:44 p.m., the Secretary General accepted this proposal. Then, at 3:17 p.m., the appellant contacted the DHR, stating that "in view of the stress and health concerns", he had decided to bring forward the date of his retirement, but that he had just learnt that, in order to be eligible for a step increase, he would have to remain in post until 31 October 2026. Consequently, he asked the DHR whether the effective date of his resignation could be postponed until that date. This sequence of events attests to the stress the appellant was under when he agreed, at 11:08 a.m., to bring forward the effective date of his resignation. It also shows that, at that point, he was mistaken about how long he had to remain in post to qualify for the step increase.

88. In its e-mail of 8 April 2026 (paragraph 19 above), the DHR made no reference to the initial error made by the appellant, merely confirming that the accepted resignation date remained September 2026. In its letter of 22 April 2026 (paragraph 22 above), in response to a request for clarification from the appellant's lawyer, setting out the circumstances in which the appellant had tendered his resignation (paragraph 21 above), the DHR referred solely to the interests of the service and to the fact that all the relevant facts and rules concerning the appellant's status "were known, or could have been known, to [the appellant] before he decided to inform the Secretary General of the date of his resignation".

89. It is true that the appellant had access to the provisions governing career development. Nevertheless, at the time of sending his final offer of resignation, he was not aware that leaving on 1 October 2026 would cause him significant financial prejudice (see paragraph 74 above), in addition to the prejudice he could, in any event, expect to suffer as a result of his early departure. It is also true that, strictly speaking, there is no right to have the date of termination of service amended once the resignation has been accepted.

90. However, as stated above (see paragraphs 83 and 85), in exercising his discretionary power in response to a request to postpone the effective date of a resignation that had been accepted, the Secretary General was required to take all relevant circumstances into account. These included the fact that the appellant had tendered his resignation under pressure and stress,

and the fact that he had offered to use his remaining leave to cover the additional month of October (and so to effectively leave on 1 October 2026) (see his request of 27 March 2026, cited in paragraph 15 above). In the Tribunal's view, the duty of care required that due consideration be given to such factors relating to the appellant's interests.

91. In view of the foregoing, the Secretary General's decision rejecting the appellant's request to postpone the effective date of his resignation to 31 October 2026 must be set aside, as it was adopted without taking due account of all the circumstances of the case, contrary to the requirements arising from the duty of care.

92. Having reached this conclusion, the Tribunal does not consider it necessary to rule on the other grounds of appeal.

93. As regards the claim for damages, which appears to constitute a claim for compensation for pecuniary damage, the Tribunal does not see how the amounts claimed (see paragraph 69 above) would be relevant to the purpose of the present appeal. It will be for the Secretary General to draw the necessary conclusions from the annulment of his refusal to postpone the effective date of the appellant's resignation by one month. In these circumstances, the existence of actual pecuniary damage has not been established. The Tribunal therefore dismisses the claim for financial compensation in its entirety.

94. Insofar as the appellant has suffered non-pecuniary damage as a result of the rejection of his request to postpone the effective date of his resignation, the Tribunal considers that, in the circumstances, the annulment of the decision rejecting the appellant's request constitutes sufficient redress.

95. As regards the claim for reimbursement of the costs incurred in connection with Appeal No. 784/2026, the appellant seeks the award of 4 148.27 euros. In view of the partial rejection of the claim for damages, the Tribunal considers it reasonable to award 2 000 euros under this head.

V. CONCLUSION

96. In conclusion, Appeal No. 782/2026 is partially admissible and, insofar as it is admissible, well founded. Appeal No. 784/2026 is admissible and well founded, and the contested decision must be set aside. The appellant is entitled to 5 000 euros in compensation for non-pecuniary damage and to 10 678.13 euros (8 678.13 euros + 2 000 euros) in respect of costs and expenses.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Orders the joinder of the appeals;

Declares Appeal No. 782/2026 to be devoid of purpose insofar as it seeks the annulment of the Secretary General's decision of 7 April 2026 adopting interim measures against the appellant;

Declares Appeal No. 782/2026 admissible in all other respects;

Declares this appeal partially well founded, and orders the Council of Europe to pay the appellant compensation in the amount of 5 000 (five thousand) euros by way of damages;

Declares Appeal No. 784/2026 admissible and partially well founded, and annuls the Secretary General's decision rejecting the appellant's request to postpone the effective date of his resignation to 31 October 2026;

Decides that the annulment constitutes sufficient redress for any harm suffered as a result of the annulled decision, and dismisses the claim for damages in respect of the remainder;

Orders that the Council of Europe reimburse the appellant 10 678.13 (ten thousand six hundred and seventy-eight euros and thirteen cents) euros in costs and expenses in Appeals Nos. 782/2026 and 784/2026 combined.

Delivered on 12 August 2026, the French text being authentic.

The Deputy Registrar of the Administrative Tribunal	The Chair of the Administrative Tribunal
Dmytro Tretyakov	Paul Lemmens