ADMINISTRATIVE TRIBUNAL
TRIBUNAL ADMINISTRATIF

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Appeal No. 771/2025

G.

v.

Secretary General of the Council of Europe

***

JUDGMENT

23 March 2026

The Administrative Tribunal, composed of:

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

assisted by:

Christina OLSEN, Registrar,
Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following judgment.

INTRODUCTION

1. The present appeal challenges the Secretary General's decision to terminate the appellant's fixed-term contract (hereafter "CDD") following the suppression of their job.

THE FACTS

2. The appellant, G, was a staff member of the Council of Europe who was recruited in 2010 at a grade A6 job. The appellant's fixed-term contract was renewed on several occasions, the latest renewal being in June 2024 for a five-year period until 18 June 2029.

3. In 2024 an external auditor's report, after having consulted among others the appellant, formulated recommendations concerning various activities, including those for which the appellant's directorate was responsible.

4. On 25 March 2025 at a meeting convened at the appellant's request (for reasons unrelated to their employment), they were informed by the Director of the Private Office of the Secretary General and the Deputy Secretary General ("DPO") of the Secretary General's intention to suppress their job in the framework of a restructuring exercise.

5. On 31 March 2025 the appellant had a follow-up meeting with the DPO to discuss the consequences of the suppression of their job. The proposals made on this occasion by the appellant to be transferred to another job, including at a lower grade, or to have their employment extended until June 2026 were rejected.

6. At an additional follow-up meeting on 23 April 2025, the appellant was informed orally by the DPO of the different steps of the restructuring process.

7. By email dated 25 April 2025, the appellant requested the DPO to confirm in writing the information conveyed during the previous meeting of 23 April 2025. In their email, the appellant also stated that, while they did not contest the Secretary General's decision regarding the restructuring, they did contest the early termination of their contract.

8. By email of the same day, the DPO confirmed in writing the Secretary General's intention to suppress the appellant's job. Insofar as relevant, the message read as follows:

> "During our meeting I informed you of the Secretary General's intention to restructure the (…) sector and, as a consequence of such restructuring, to suppress (…) [your] job with effect, at the latest, as of 31/12/2025, depending on the best interest of the Organisation. This would entail the termination of the contract of the job holder with effect as of the same date following a written notice and with award of an indemnity (loss of job indemnity equal to eight months of salary in [*sic*] Paragraph 690.3 of the Staff Rule on termination of service).
>
> However, as stated above, for the time being this is just expressing the Secretary General's intention of the measures to be taken, the actual decision on the termination of your contract will only be taken once the Committee of Ministers has been informed of the intended restructuring and the Committee of Staff Matters will have been consulted on the intended termination of your employment (see paragraph 680 of the Staff Rule on termination of service and paragraph 1340.5.3 of the Staff Rule on staff participation). This process will take several weeks.
>
> The decision that will be taken after consultation of the Committee on Staff Matters will be notified to you and you will have the possibility to contest it before the Administrative Tribunal should you so wish in accordance with Article 14.6 of the Staff Regulations and paragraph 1460.2.2 of the Staff Rule on grievance procedures.
>
> As regards your wish to take up another management position within the Council of Europe, I regret to inform you that this is not possible. Appointments at grades A6 and A7 are subject to special appointment procedures for a specific post for a limited period, and staff members recruited at grade A6 or A7 are not eligible for redeployment.
> […] "

9. On 28 April 2025 the appellant had a meeting with the DPO, who informed them that as of 1 June and until 31 December 2025, the appellant would be responsible for a project aimed at strengthening the visibility of the Organisation in one of the member States.

10. By email of 28 April 2025, the appellant submitted their suggestion for the description of their tasks in implementing the above-mentioned project and drew the DPO's attention to the fact that the implementation period of the project to which they were assigned as of 1 June 2025 was foreseen to operate until 31 July 2026.

11. In his email of reply dated 29 April 2025, the DPO informed the appellant of the following:

> "I would simply like to recall that notwithstanding the end of the implementation period of the grant agreement, it is intended that your contact terminate as of 31 December 2025.
> (…)
> For your information, the Secretary General will inform the Committee of Ministers of his intention to launch the restructuring […] tomorrow morning […]. He will also convene a meeting with the staff of the Directorate tomorrow afternoon to explain the rationale of the restructuring and the way forward."

12. By email of 29 April 2025, the appellant indicated that they remained undecided as to whether to lodge an appeal with the Tribunal and that they were actively seeking job opportunities outside the Organisation. Citing personal reasons, the appellant reiterated their request to the DPO to consider the possibility of extending their contract until June 2026, specifying that, in the event of such an extension, they would not contemplate bringing the matter to the Tribunal.

13. By email of 30 April 2025, the DPO replied to the appellant that the intended restructuring would be completed at the latest by the end of 2025 and that the extension of their employment beyond 31 December 2025 could therefore not be envisaged, as the suppression of their job was the logical result of this restructuring.

14. On 30 April 2025 the Secretary General announced the intended restructuring of the directorate concerned during a meeting of the Committee of Ministers, as well as the creation of a new department with tasks related to those of the current directorate. He informed the Ministers' Deputies that the activities and staff of the directorate would be reorganised and redistributed as of 1 June 2025, and that the appellant's job would be suppressed at the latest by 31 December 2025.

15. On the same day, the Secretary General organised a meeting with the staff of the appellant's directorate to announce the restructuring and to discuss its consequences. During the meeting, the Secretary General also announced that one of the staff members of the directorate would act as the interim head of the newly created department. The appellant was not invited to the meeting.

16. On 11 May 2025 a vacancy notice for the new position of head of the department concerned was published. The appellant did not apply for that position.

17. On 11 May 2025 the Deputy Secretary General, in his capacity as the appellant's direct manager, validated the appellant's appraisal. In addition to brief comments on the appellant's managerial competences, the Deputy Secretary General made a general observation to the effect that the overall operational output of the appellant's directorate did not match the Organisation's needs at that time.

18. On 21 May 2025 the Secretary General took his decisions on the restructuring of the directorate and on the termination of the appellant's appointment. The latter one is the contested decision.

19. By letter of the same day, the Secretary General informed the appellant of his decision to terminate their fixed-term contract with effect from 31 December 2025, this being the date on which the appellant's job would be suppressed. He further informed the appellant that as of 1 June 2025, their directorate would be dismantled, and its activities would be reorganised. He also indicated that as from that date, the appellant would be discharged of their responsibilities and entrusted with a special mission for the remainder of their employment.

PROCEEDINGS

20. The appellant lodged their appeal on 16 June 2025. On the same day, the appeal was registered under number 771/2025. The appellant's request for greater anonymity was granted by the Chair on 18 June 2025.

21. On 18 June 2025 the appellant filed a request for a stay of execution against the contested decision. The request was rejected by order of the Chair of 27 June 2025.

22. On 18 September 2025 the Secretary General forwarded his observations on the appeal.

23. On 28 October 2025 the appellant filed submissions in reply.

24. On 15 December 2025 the Secretary General submitted a rejoinder.

25. A hearing was held behind closed doors at the Palais de l'Europe in Strasbourg on 23 January 2026. The appellant was represented by Giovanni Palmieri, former staff member of the Council of Europe. The Secretary General was represented by Jörg Polakiewicz, Director of Legal Advice and Public International Law (Jurisconsult), assisted by Benno Kilian, Head of the Legal Advice and Litigation Department, as well as by Sania Ivedi, Head of the Litigation Division.

THE LAW

I. THE APPLICABLE LAW

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

- as regards the entry into service of staff members:

Staff Regulations
Article IV – Entry into service

(…)
4.4 Staff members shall initially be appointed for a fixed-term period defined by contract. The Secretary General may decide to extend a fixed-term appointment for a further fixed term, once or several times, for a total duration of service not exceeding four years.
4.5 A fixed-term appointment, with the exception of fixed-term appointments in the framework of junior professional programmes or appointments to jobs with a planned turnover profile, shall be converted into an open-ended appointment at the end of four years' continuous service subject to the fulfilment of conditions to be established by the Secretary General.
4.6 Appointments of staff members in grades A6 and A7 shall be for renewable fixed-term periods not exceeding five years each and shall not be converted into open-ended appointments. The Secretary General shall inform the Committee of Ministers in advance of the intended appointment.
(…)

Staff Rule on entry into service

4140.PROCEDURE FOR APPOINTMENT AT GRADES A6 AND A7
(…)
4140.8 Candidates appointed to grade A6 or A7 by way of recruitment shall initially be appointed for a fixed-term period of one year. Unless renewed, the staff member's contract will expire at the end of this period.
4140.9 The appointment may be extended for one or more periods each not exceeding five years.

- as regards the termination of service, redeployment and compensation of staff:

Staff Regulations
Article VI – Termination of service

(…)
6.5 Appointments may be terminated by the Secretary General subject to prior notice, and the award of an indemnity to staff members confirmed in their employment, in the following cases:
(…)
6.5.4 suppression of the staff member's job;
(…)

Staff Rule on termination of service

660. TERMINATION WITH PRIOR NOTICE AND PAYMENT OF AN INDEMNITY
(…)

660.7 In the event of the suppression of a staff member's job, their contract shall, subject to paragraph 660.8 below, be terminated. The prior notice period provided for at Article 680 below shall be observed and the indemnity provided for at Article 690 below shall be paid.
660.8 A staff member to whom the foregoing paragraph applies and who holds an open-ended or an indefinite-term contract shall be eligible to be considered for redeployment, as described in Article 670 below.

670. REDEPLOYMENT
670.1 The decision to redeploy a staff member shall be based on the interests of the Organisation and the necessity of securing the highest standards of efficiency, competence, integrity and conduct.
670.2 In cases falling under paragraphs 660.4, 660.6, 640.8 and 640.10 above, and with due regard to the foregoing paragraph, the Secretary General shall make best efforts, during the three months following the notice of termination of contract, to identify another job within the Organisation that corresponds to the competencies, qualifications and experience of the staff member concerned. If a suitable job is identified and accepted by the staff member during this three-month period, the notice of termination of contract shall be null and void and the staff member shall continue in the employment of the Organisation. If no suitable job has been identified or if the staff member has refused one or more job offers, the staff member's employment shall terminate at the end of the three-month notice period.
670.3 A staff member who is being considered for redeployment may be offered a job at the same grade as the job held, or the grade immediately below. Acceptance by the staff member of a job at the grade immediately below shall entail a corresponding change in their grade and salary. The staff member shall be placed at the step in the new grade which results in the smallest possible reduction in basic salary from that which the staff member received in their previous grade.
670.4 The refusal of a job offer by a staff member who is being considered for redeployment shall not preclude another job offer being made to the same staff member, should a further suitable job be identified. However, refusal of more than one job, corresponding to the staff member's competencies, qualifications and experience and entailing no change of grade or of duty station, shall be deemed to be a waiver by the staff member of the right to the indemnity for loss of job referred to at Article 690 below.

680. NOTICE PERIOD
680.1 The fixed-term, open-ended or indefinite-term contract of a staff member whose appointment has been confirmed pursuant to paragraph 4130.3 of the Staff Rule on entry into service may be terminated with three months' notice. The Secretary General shall, prior to giving notice of termination of contract, consult the Committee on Staff Matters in accordance with paragraph 1340.5 of the Staff Rule on staff participation. The notice period shall run for three calendar months following the end of the month in which notice is given.
(…)

690. INDEMNITY FOR LOSS OF JOB
(…)
Termination of a fixed-term contract
690.3 The amount of the indemnity for loss of job shall be equal to half the product of the staff member's basic salary plus, where applicable, the allowances referred to in the foregoing paragraph, multiplied by the number of months remaining up to the expiry of the term of the staff member's contract, provided that it shall in no case exceed:
(…)
690.3.2 Eight months' basic salary (and the allowances referred to above, where applicable) in the case of a contract of more than three and up to five years' duration.

- as regards the classification of jobs after a reorganisation:

Staff Rule on classification of jobs

320. EVALUATION PROCEDURE
(…)
320.2 Evaluation will be carried out when a vacancy is to be advertised, or a new job established.
320.3 When reorganisation of a Major Administrative Entity substantially changes the responsibilities of jobs within the Major Administrative Entity concerned, the overall grade structure of this Major Administrative Entity will be evaluated.
(…)

330. EFFECT OF RE-GRADING ON A JOB HOLDER

330.1 When, following an evaluation procedure the grade of a job moves down, the incumbent shall maintain their category and grade.

II. THE PARTIES' POSITIONS

A. The appellant

27. In their appeal, the appellant asks the Tribunal to annul the Secretary General's decision of 21 May 2025 to terminate their fixed-term contract on 31 December 2025 and the subsequent decision to relieve them of all related responsibilities as of 1 June 2025. The appellant also requests the Tribunal to order the Secretary General to award them 15,000 euros in compensation for alleged moral damages, in addition to the compensation for all material damages sustained, including loss of career prospects and recovery of all related rights, in an unquantified amount. In addition, the appellant seeks the payment of 9,000 euros in reimbursement of legal costs as well as any other relief the Tribunal deems necessary and equitable.

28. In support of the appeal, the appellant essentially puts forward three grounds: they criticise the Organisation for (1) committing an abuse of authority, (2) violating the duty of care it owes to its staff members and (3) failing to reassign staff members affected by the suppression of a post.

1. First ground: abuse of authority

29. The appellant submits that the termination of their employment contract following the suppression of their job was motivated by personal bias and animosity rather than by objective grounds. According to the appellant, the primary purpose of the restructuring was to remove them from their job, thereby violating the general principle prohibiting the misuse of authority.

30. In support of this ground, the appellant argues that the main duties and tasks attached to the newly created job of head of department are, in substance, similar to those assigned to their former job. The appellant further contends that the restructuring was arbitrary in terms of operational effectiveness and best practice. They also highlight that if certain changes to their directorate had indeed been recommended by the external auditors, the latter had not advocated the suppression of their job. The appellant further notes that their job was the only one within the directorate to be abolished, whereas all other jobs were transferred to other departments. They also emphasise that, despite their professional experience, they were not encouraged to apply for the newly created job of head of department.

31. The appellant further seeks to substantiate their allegations of personal bias and animosity by referring to a series of circumstances which, in their view, illustrate a progressively strained professional relationship with the Secretary General. The appellant points, *inter alia*, to the limited number of bilateral meetings held with the Secretary General despite repeated requests on their part - a situation which, according to the appellant, marked a departure from the practice under previous Secretaries General - and the absence of feedback on proposals they had submitted to the Secretary General. The appellant also refers to their exclusion from the directorate meeting of 30 April 2025 at which the restructuring was announced (paragraph 14 above) and to the indirect criticism expressed by the Deputy Secretary General in their performance appraisal for 2024 (paragraph 17 above), in contrast with previous

appraisals which had been consistently positive. They maintain that as the Secretary General only took his office in September 2024, he was their manager for less than four months, while the assessment of their performance was supposed to cover the entire year. They consider that the Secretary General's comments did not cover their previous performance. Moreover, the appellant mentions having been marginalised through their assignment to a special mission (paragraph 9 above), which they had proposed and accepted solely in order to secure an extension of their contract in the absence of any viable alternative. Finally, the appellant refers to the recent appointment by the Secretary General of a director at grade A6 to a non-competitive position of special representative, which they consider to be further evidence of the Secretary General's unwillingness to afford them a comparable opportunity. The appellant refers in this connection to the rejection of all the proposals they had submitted to the DPO concerning alternative employments solutions.

32. In the appellant's view, these elements suggest that the main objective of the restructuring process was to exclude them from the resulting new administrative structure, by abolishing their job and replacing it with a managerial position at lower grade level. The appellant contends that the Secretary General opted for this course of action in order to circumvent the application of paragraph 330.1 of the Staff Rule on classification of jobs, which would have entitled them to retain their category and grade within the Organisation. Taking the view that the Secretary General intended to remove them from the Organisation, the appellant explains that they did not apply for the newly created job of head of department. They submit that doing so would have further damaged their reputation.

2. Second ground: violation of the duty of care

33. The appellant submits that, in the course of the restructuring, the Secretary General failed to comply with his duty of care, thereby causing them reputational damage and emotional distress.

34. Among the elements cited in support of this claim, the appellant complains that they were informed of the restructuring and its consequences only on 25 March 2025 (paragraph 4), without being afforded the opportunity to express their views on the matter, in violation of their right to be heard. The appellant further submits that the failure to consult them on the restructuring of their own directorate amounted to a breach of the obligation to respect their dignity as a staff member who had been serving the Organisation for nearly fifteen years.

35. The appellant further argues that their immediate release from their duties and their relocation to other premises as of 1 June 2025 - well before the expiry of their contract on 31 December 2025 -, followed by the appointment of an *ad interim* head of department pending the appointment to the newly created job of head of department, demonstrate a lack of the respect to which they were entitled.

36. The appellant also maintains that they were not given a proper opportunity to discuss the terms of their departure and that the Organisation failed to provide them with adequate and effective support or guidance to assist them in their search for alternative employment opportunities.

3. Third ground: violation of the duty to endeavour reassignment

37. The appellant submits that the Secretary General failed to comply with his duty to endeavour to reassign them to another job within the Organisation. They maintain that such a duty constitutes a general principle of international administrative law which takes precedence over the Organisation's internal rules and regulations, and which applies to all staff members whose post has been abolished, irrespective of their grade or of whether they hold a fixed-term or indefinite-term contract. Instead, the Secretary General rejected their proposals for redeployment to another service, including at a lower grade or in a duty station abroad, until the end of their contract in June 2029, invoking special appointment procedures and the alleged ineligibility for redeployment of staff members at grade A6.

38. The appellant contends that the Secretary General could have assigned them to the position of special representative of the Secretary General for which they applied in June 2025. Instead, the Secretary General chose to advertise this job externally, and the appellant's application was rejected, notwithstanding their two years of prior experience in a comparable position.

39. Whilst the appellant acknowledges having received some support from the Directorate of Human Resources, they consider that those measures did not satisfy the duty to endeavour to reassign them, as they were directed towards assisting them in finding an alternative employment outside the Organisation, rather than within it.

B. The Secretary General

40. The Secretary General requests the Tribunal to declare the appeal unfounded and to dismiss it, together with all related claims. With regard to the appellant's claim for compensation for the alleged material and moral damages, the Secretary General argues that no irregularity was committed that could give rise to the Organisation's liability. He adds that, in any event, this claim is neither well founded nor substantiated. In particular, he observes that the appellant's claim is based essentially on allegations of violation of international administrative law principles that have not been proven. The Secretary General also requests that the appellant's claim for reimbursement of legal costs be dismissed on the ground that their appeal is unfounded.

1. On the alleged abuse of authority

41. The Secretary General maintains that the suppression of the appellant's job was based on objective grounds and that the appellant has failed to demonstrate the existence of any hidden intent to remove them from their job. He submits that the restructuring of the directorate was the outcome of reflections on a major reform of the relevant sector, which had started upon his entry into office in September 2024 and subsequently developed through consultations with various stakeholders, experts and external auditors. According to the Secretary General, this reform was of strategic importance to the Organisation and required significant changes, resulting in the dismantling of the directorate. He further points out that the appellant themself acknowledged, in their email of 25 April 2025 (paragraph 7), that they did not contest the Secretary General's decisions to change the staff and structure of the directorate.

42. The Secretary General considers that the abolition of the job of the director was an unavoidable and logical consequence of the dissolution of the directorate, which rendered that job obsolete. As regards the fact that the appellant's job was the only one to be abolished, he explains that the purpose of the restructuring was not to reduce staff numbers, but rather to

enhance the efficiency of the Organisation's work. Accordingly, other jobs which were not rendered obsolete were transferred to other organisational entities rather than suppressed.

43. The Secretary General explains that the newly created department does not constitute a directorate and is therefore headed by a staff member at grade A5 rather than A6, the difference in grade being justified by the more limited scope of responsibilities and expertise required for the new job. In reply to the appellant's claim that they were unlawfully deprived of their statutory rights under paragraph 330.1 of the Staff Rule on classification of jobs, the Secretary General observes that this provision does not apply in cases where an administrative entity is dismantled and ceases to exist. Finally, the Secretary General observes that the appellant had the opportunity to apply for the newly created job of head of department but chose not to do so.

44. As to the factual elements relied upon by the appellant in support of their allegation of personal bias, the Secretary General maintains that there is no general administrative practice requiring him to hold regular meetings with all directors and that there were several opportunities for direct contact in 2025, each Secretary General being free to determine the working methods of his or her private office. The Secretary General also submits that the appellant's proposals relating to their area of work were all examined in good faith by his Private Office.

45. The Secretary General further defends his involvement in the appellant's performance appraisal, explaining that this practice had been introduced in 2024 by his predecessor and was not specific to the appellant. In addition, the comments contained in that appraisal originated from the Deputy Secretary General and were appropriate as they reflected general concerns widely shared within the Committee of Ministers regarding the efficiency of the sector for which the appellant was responsible that did not relate to the appellant's individual performance specifically.

46. Concerning the meeting held on 30 April 2025 (paragraph 15), the Secretary General explains, firstly, that its purpose was to inform the staff of the directorate of the restructuring and, secondly, that the appellant had already received sufficient information and explanations from the DPO beforehand. He further submits that the appellant's participation in that meeting would have been inappropriate and likely to expose them in an undesirable way, namely by putting them on the spot in front of their colleagues regarding their job as director.

47. The Secretary General also observes that the purpose of the appellant's assignment to a special mission was to maintain them in employment until the effective suppression of their job on 31 December 2025.

48. Finally, in response to the appellant's reference to the recent appointment of another director to a job of special representative as evidence that he was unwilling to appoint them to another position within the Organisation, the Secretary General contends that the two cases are not comparable, as that appointment did not arise in the context of any restructuring or suppression of a job.

2. On the alleged violation of the duty of care

49. The Secretary General submits that the appellant benefited from favourable treatment by the Organisation in the handling of the termination of their employment, in accordance with the Organisation's duty of care, and denies that he was under any duty to consult them

on the restructuring. The appellant was informed of the restructuring and of its consequences on 25 March 2025, more than nine months prior to the termination of their employment and they benefited from a notice period of more than seven months as from the communication of the letter of notice of 21 May 2025, well beyond the three months' notice period required under paragraph 680.1 of the Staff Rule on termination of service. During this period, the appellant had ample opportunity to express their disagreement with the contested measures.

50. As regards the decision to appoint an *ad interim* head of department and to advertise the corresponding vacancy externally, the Secretary General emphasises that this job was not equivalent to the appellant's previous job. Appointing the appellant on this job would have been incompatible with the objectives of the restructuring, and, in any event, the appellant had already agreed, at the time, to be assigned to a special mission.

51. The Secretary General further notes that the appellant was afforded several opportunities to clarify the conditions and formalities surrounding their departure from the Organisation during various meetings and exchanges with the Directorate of Human Resources. In addition, the appellant benefited from supplementary support mechanisms intended to facilitate their search for new employment outside of the Organisation, including assistance from a consultant and access to online training resources.

3. On the alleged violation of the duty to endeavour reassignment

52. In response to the appellant's third ground of appeal, the Secretary General underlines that in pursuance of paragraphs 660.7 and 660.8 of the Staff Rule on termination of service, only staff members holding an open-ended or an indefinite-term contract are eligible to be considered for redeployment in case of termination of their employment due to the suppression of their job. As the appellant held a fixed-term contract which, in accordance with Article 4.6 of the Staff Regulations, could not be converted into an open-ended contract, they were not eligible for redeployment. The Organisation was therefore under no obligation to endeavour to reassign them.

53. With regard to the appellant's assertion that they could have been assigned to the job of special representative of the Secretary General for which they applied in June 2025, the Secretary General stresses that the scope and requirements of that function had substantially evolved. In particular, the level of experience and qualifications required, as well as the range of responsibilities attached to the job, differed significantly from those of the position previously held by the appellant with the same title. The Secretary General further objects that in any event, any complaint regarding the appointment procedure for that job falls outside the scope of the present appeal proceedings.

III. THE TRIBUNAL'S ASSESSMENT

A. As to the alleged abuse of authority

54. It is well established that, while the decision to abolish a post, including in the context of a restructuring, falls within the Organisation's discretionary authority, such a decision must nevertheless « be based on objective grounds and its purpose may never be to remove a member of staff regarded as unwanted. Disguising such purposes as a restructuring measure would constitute abuse of authority" (Administrative Tribunal of the International Labour Organisation (ILOAT), judgment No. 4935 of 6 February 2025, A. v. IOM, consideration 4).

55. As with any discretionary decision, the exercise of such authority remains subject to review by the Tribunal, whose task it is "to ascertain whether (…) decisions [concerning restructuring within an international organisation, including the abolition of posts] are taken in accordance with the relevant rules on competence, form or procedure, whether they rest upon a mistake of fact or law, or whether they constitute abuse of authority. The Tribunal will not rule on the appropriateness of the restructuring, as it will not substitute the organisation's view with its own" (ILOAT, ibid, consideration 4).

56. In this connection, the Tribunal notes that the elements in the file clearly indicate the Organisation's choice not to involve the appellant either in the restructuring process or in the new administrative structure which replaced their directorate. The Tribunal accepts that such circumstances may have contributed to the appellant's perception that the reform was intended to result in the abolition of their job and their exclusion from the Organisation. The issue of whether such an approach corresponds to good administrative practice does not fall within the Tribunal's competence. What the Tribunal must determine, however, in the light of the case-law referred to above (paragraphs 54 and 55) is whether these elements are sufficient to substantiate the allegation that the appellant's exclusion from the new structure - and ultimately from the Organisation - constituted the real purpose of the reform, adopted in order to bring their employment to an end.

57. In this regard, the Tribunal observes that, during the course of 2024, an external auditor's report - on which the appellant had been consulted - formulated recommendations concerning activities falling within the remit of the appellant's directorate. Those recommendations called for a fundamental review of the existing arrangements governing those activities and suggested that the resources of the appellant's directorate be pooled with those of another sector of the Organisation. While those recommendations did not foresee the dissolution of the directorate in question, even less so the abolition of the appellant's job, they were an argument for certain measures to be taken by the Secretary General, within the exercise of his discretionary power.

58. The material before the Tribunal further indicates that, shortly after taking office, the Secretary General initiated a comprehensive reflection aimed at identifying possible solutions for increasing the impact and effectiveness of the sector of activity for which the appellant had been responsible. This process was pursued in dialogue with representatives of the member States and in consultation with relevant stakeholders. The strategic reflection also formed part of the Organisation's budgetary discussions and was referred to by the Secretary General in his statements in the meetings with the Deputies of the Committee of Ministers as early as January 2025. The information communicated in this regard indicates that the Secretary General intended to refocus on the activities of the newly created department by transferring certain functions previously carried out by the appellant's directorate to other sectors of the Organisation and by placing the activities of the said department under the direct supervision of his Private Office.

59. These elements point to a genuine intention to reconfigure the sector concerned according to a new organisational approach. In such circumstances, the Tribunal considers that the reform appears to have been motivated by objective considerations, not contested as such by the appellant, that were aimed at enhancing the effectiveness and impact of the Organisation's activities, rather than by the intention to remove the appellant. Accordingly, even assuming that the termination of the appellant's job was a welcome side effect of the

reform, it cannot be concluded that this was either the sole or the principal purpose of the restructuring. The replacement of the appellant's directorate by a department rendered the job of director redundant, and in such circumstances the abolition of the appellant's job cannot be regarded as arbitrary or unreasonable. In any event, where there are more reasons than one for the abolition of a post and one of them is improper, provided the other reason is a lawful one, the abolition of the post cannot be questioned on the grounds of abuse of power (ILOAT, judgment No. 346 of 8 May 1978, in re Savioli, consideration 2).

60. Moreover, as the appellant's job of director was suppressed in the framework of a different organisational set-up, the appellant was not in the situation of holding a job which was merely downgraded following a job evaluation procedure. While a certain continuity may be observed between the former job of director and the newly created job of head of department, the two jobs differed in the scope of their respective functions and in their respective positions within the hierarchical structure and reporting lines of the Organisation. The appellant was therefore not entitled to maintain their category and grade in pursuance of paragraph 330.1 of the Staff Rule on classification of jobs, which was not applicable to their case.

61. In light of the foregoing considerations, the Tribunal finds that, irrespective of the circumstances relied upon by the appellant regarding the manner in which the restructuring was carried out, the Secretary General neither exceeded the limits of his discretion nor abused his authority in deciding to abolish the appellant's job in the framework of the restructuring of their directorate.

62. The first ground of appeal is therefore unfounded.

B. As to the alleged violation of the duty of care

63. The Tribunal recalls 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, Hartwig Bischoff v European Commission, F-36/14). Moreover, the duty of care 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 and 588/2018, Jannick Devaux (II) and (III) v. Secretary General of the Council of Europe, decision of 9 October 2018, § 108 and cited case law).

64. In the particular case of a restructuring exercise entailing the suppression of a post, it is further inherent to the Organisation's duty of care to communicate the decision to abolish the post to the staff member occupying the post in a manner that safeguards that individual's rights, *i.e.* by giving proper notice of the decision as well as of its reasons, and by affording the staff member concerned an opportunity to contest the decision (ILOAT, judgment No. 4935, cited above, consideration 4)

65. In so far as the appellant complains that they were not informed, at an earlier stage of the process, of the possible abolition of their job and of the termination of their contract, the Tribunal notes that the appellant was first informed of the possibility that their job might be abolished on 25 March 2025, that is, approximately five weeks before the Secretary General announced his intentions in this regard before the Committee of Ministers on 30 April 2025.

The appellant therefore had an effective period of more than one month during which they could submit any oral or written observations they might have wished to make concerning the envisaged restructuring and the abolition of their job, in particular during the meetings held with the DPO on 31 March and 23 April 2025.

66. The Tribunal further notes that during this period, although the appellant openly contested the termination of their contract prior to its expiry in June 2029, they did not object to the exercise of the restructuring as such. In this connection, the Tribunal refers to the appellant's email of 25 April 2025 in which they indicated that they did not challenge the Secretary General's decisions concerning changes to the organisation of staff and to the structure of their directorate. The appellant's complaints regarding the Organisation's refusal to redeploy them to another post, which would have enabled a subsequent extension of their contract, will be examined by the Tribunal in connection with the third ground of appeal.

67. In these circumstances, the Tribunal considers that the appellant's allegations that they were deprived of the opportunity to defend their interests in view of the prospect of the abolition of their job in the context of the restructuring at issue are ill-founded. While it is true that the appellant was not involved, as from 2024, in the reflection process concerning the restructuring itself, they were nevertheless informed, in due time, of the implications of that restructuring for their personal situation, so as to be able effectively to defend their interests as a member of the Organisation's staff.

68. In the light of the foregoing, the Tribunal considers that the time frame within which the appellant was informed of the abolition of their job and of the consequent cessation of their employment did not infringe the requirements of the duty of care, nor their right to be heard.

69. Under this head, the appellant further alleges a conduct which demonstrated a lack of respect for their dignity. The Tribunal accepts that the circumstances relied upon - namely the fact that they were not invited to take part in the directorate meeting of 30 April 2025 and were not considered for the role of *ad interim* head of the newly created department - may have generated a personal feeling of marginalisation and may have been perceived as hurtful. However, the Secretary General has provided objective explanations for these decisions, which do not appear unreasonable or implausible. In any event, the conduct complained of does not reach the threshold of seriousness required to establish an infringement of the appellant's right to respect for their dignity. The elements invoked by the appellant do not demonstrate that they were subjected to behaviour that was abusive, offensive, humiliating, degrading or intimidating, notwithstanding the stress and discomfort that the loss of their job may have caused.

70. The Tribunal further observes that the appellant remained in post for six months beyond the date on which their job was abolished and received a loss-of-employment indemnity corresponding to the maximum amount provided for under paragraph 690.3 of the Staff Rule on termination of service.

71. In these circumstances, the Tribunal finds no basis for concluding that the appellant was not treated with the respect due to them as a staff member.

72. The second ground of appeal is therefore unfounded.

C. As to the alleged violation of the duty to endeavour reassignment

73. As to the appellant's argument that the Secretary General was under an obligation to reassign them to another job within the Organisation, it must be noted that, in accordance with paragraph 660.8 of the Staff Rule on termination of service, only staff members who hold an indefinite-term or open-ended contract are eligible for redeployment in case of termination of their contracts. As a senior manager who had been recruited externally at grade A6 on fixed-term contracts that were not convertible into open-ended appointments, irrespective of their overall period of employment in the Organisation, the appellant was therefore not entitled to be considered for redeployment in pursuance of the applicable rules.

74. The appellant nevertheless claims such an entitlement on the basis of an alleged general principle of international law according to which an international organisation is under a duty to endeavour to identify alternative employment commensurate with a staff member's experience and qualifications, where their job has been abolished, regardless of their grade or contractual status.

75. The Tribunal notes in this regard that there is case law reflecting the emergence of such a principle with a tendency to extend the duty to seek alternative employment irrespective of the grade or contractual status of staff members affected by termination of employment (ILOAT, judgment No. 4097 of 6 February 2019, N. (No. 2) v. WHO, consideration 10; ILOAT, judgment No. 4935, cited above, consideration 21). However, this case law does not impose upon the Organisation a duty which would apply in all circumstances. Therefore, even assuming that the existence of such a principle is established, the Tribunal considers that in any event, in certain situations, there are exceptions to such a principle.

76. In the present case, the Tribunal acknowledges the objective reasons for excluding senior management posts at grades A6/A7 from the scope of the rules requiring the Organisation to seek alternative employment for staff members affected by the abolition of their job. Such positions are limited in number within the Organisation and are subject to specific appointment procedures requiring highly specialised competences and qualifications. Moreover, these jobs are inherently time-bound, as they cannot be converted into open-ended appointments, by way of derogation from the general rule set out in Articles 4.4 and 4.5 of the Staff Regulations. The Tribunal also cannot disregard the fact that the strategic nature of A6/A7 posts makes them particularly susceptible to restructuring measures reflecting the strategic vision of the Secretary General in respect of the sector headed by the director concerned.

77. In the light of the foregoing, the Tribunal finds that there is no reason which would warrant setting aside the application to the appellant of the relevant rule excluding them from being considered for alternative employment within the Organisation.

78. As regards the appellant's claim that they could have been redeployed to the job of special representative for which they applied, the Tribunal considers that an appellant may challenge their non-appointment to such a job as part of their challenge to the termination of their employment arising from their non-redeployment within the Organisation (see, *mutatis mutandis*, ILOAT, judgment No. 4036 of 26 June 2018, S. (Nos. 1 and 2) v. UNESCO, consideration 10). However, in the absence of any duty of the Organisation to consider the appellant for redeployment, as found above (paragraphs 75 and 77), the appellant fails to

demonstrate that the appointment of another candidate to that job violated any rule or general principle.

79. It follows that the third ground of appeal is unfounded.

IV. CONCLUSION

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

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Declares the appeal unfounded and rejects it;

Decides that each party will bear its own costs.

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

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