

CONSEIL DE L'EUROPE————— —————**COUNCIL OF EUROPE**

TRIBUNAL ADMINISTRATIF ADMINISTRATIVE TRIBUNAL

ORDER OF THE CHAIR OF 2 MARCH 2010

In the case of Stéphanie KLEIN v. Secretary General

THE FACTS

1. The complainant, Ms Stéphanie Klein, is a French national, who already works for the Organisation as a permanent staff member in the Registry of the European Court of Human Rights.
2. The complainant applied to take part in the external recruitment procedure to fill the position of Communications (Outreach) Officer (Grade A1/A2). This was published in Vacancy Notice No. e59/2009.
3. By e-mail of 28 January 2010, the complainant was informed that her application had not been accepted.
4. On 12 February 2010, the complainant lodged an administrative complaint against that decision (Article 59 paragraph 1 of the Staff Regulations). She requested that her situation be reconsidered and that she be allowed to sit the written tests pending the final decision on the admissibility of her candidature.
5. By an application lodged on 18 February 2010, the complainant requested the Chair of the Administrative Tribunal to stay the execution of the administrative act complained of (Article 59 paragraph 7 of the Staff Regulations).
6. On 22 February 2010, the Secretary General lodged his observations on the application for a stay of execution.
7. On 26 February 2010, the complainant informed the Chair that she was withdrawing her application for a stay of execution.

THE LAW

8. Under Article 59 paragraph 7 of the Staff Regulations, an application to stay the execution of an act of the Administration may be submitted if its execution is likely to cause “grave prejudice difficult to redress”.

According to the same provision, the Secretary General must, save for duly justified reasons, stay the execution of the act until the Chair of the Administrative Tribunal has ruled on the application in accordance with the Tribunal's Statute.

9. The complainant lodged her application for a stay of execution in order to secure suspension of the recruitment pending the outcome of her administrative complaint.

10. The Secretary General informs the Chair that, without prejudice to any argument which he reserves the right to raise in his response to the complainant, it has been decided that the complainant should be invited to sit, on a provisional basis, the written tests in the competition to be held at the beginning of March. A letter to that effect is being sent to her.

11. Consequently, the Secretary General considers that as the complainant's request to be able to participate, on a provisional basis, has been accepted, the present application for a stay of execution has become devoid of purpose. He therefore requests that the complainant's application for a stay of execution be rejected as ill-founded.

12. The complainant, for her part, informs the Chair that she has decided to withdraw her application for a stay of execution after being authorised to take part in the procedure in issue by sitting the written tests, pending examination of her administrative complaint.

13. The Chair notes that the complainant, after being informed of the decision to allow her to sit the tests in the competition to be held at the beginning of March, eventually withdrew her application for a stay of execution. Accordingly, the Chair considers that there is no need to adjudicate on the application for suspension of execution of the decision complained of in the administrative complaint lodged by the complainant.

I, CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

Declare

- the application for a stay of execution submitted by Ms Klein is withdrawn.

Done and ordered in Oberwil (Switzerland) on 2 March 2010.

The Registrar of the
Administrative Tribunal

Sergio SANSOTTA

The Chair of the
Administrative Tribunal

Luzius WILDHABER