

CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF ADMINISTRATIVE TRIBUNAL

ORDER OF THE CHAIR of 25 March 2022 in the case of D v. Secretary General

The Chair of the Administrative Tribunal,

Having regard to appeal No. 676 lodged by D on 4 March 2022;

Having regard to the letter sent by the appellant's representatives on 14 March 2022, in which they gave notice that the appellant party did not wish to pursue the appeal;

Having regard to the letter sent by the representative of the Secretary General of the Council of Europe on 15 March 2022 in which he states that the Secretary General has no objection to the appellant's appeal being struck off the list;

Having regard to Rule 20 of the Tribunal's Rules of Procedure;

Having regard to Article 5, paragraph 2, of the Statute of the Administrative Tribunal;

Considering that it is appropriate to apply the procedure provided for in the said articles;

Having submitted a reasoned report to the judges on 24 March 2022;

Noting that the judges raised no objection but, on the contrary, gave their consent to this order;

DECLARES

- appeal No. 676/2022 struck off the Tribunal's list of cases on the grounds set out in the report appended hereto.

Done and ordered in Zagreb (Croatia), on 25 March 2022, this order being notified to the parties, the English text being authentic.

The Registrar of the
Administrative Tribunal

Christina OLSEN

The Chair of the
Administrative Tribunal

Nina VAJIĆ

REPORT DRAWN UP FOR THE PURPOSES OF THE PROCEDURE PROVIDED FOR IN RULE 20 OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL AND ARTICLE 5 § 2 OF THE STATUTE OF THE TRIBUNAL

**Appeal No. 676/2022
D v. Secretary General**

The present report concerns appeal No. 676/2022 lodged by D. It has been drawn up for the purposes of the procedure provided for in Rule 20, paragraph 2, of the Rules of Procedure of the Administrative Tribunal and Article 5, paragraph 2, of the Tribunal's Statute.

THE PROCEEDINGS

1. The appellant party lodged his/her appeal on 4 March 2022. On the same date, the appeal was registered under No. 676/2022.
2. On 14 March 2022, the appellant informed the Chair that he/she did not wish to pursue the appeal.
3. On the same date, the Secretary General informed the Tribunal that she had no objection to the appeal being struck off the list.
4. On 24 March 2022, the Chair of the Tribunal submitted the present report to the members of the Tribunal.

THE FACTS

5. The appellant is a staff member employed by the Organisation on a fixed-term contract ("CDD").
6. The appellant's contract was renewed until 31 March 2022.
7. On 12 November 2021, the appellant received a letter of notice dated 8 November 2021 containing information that the current contract would not be renewed and would thus end on 31 March 2022.
8. On 3 December 2021, the appellant submitted an administrative complaint under Article 59 of the Staff Regulations. The appellant sought the annulment of the decision not to renew the above-mentioned contract.
9. On 10 December 2021, the appellant applied to the Chair of the Administrative Tribunal for a stay of execution of the decision complained of.
10. In the context of the said application, the appellant requested anonymity, which was granted by decision of the Chair dated 14 December 2021. Therefore, the present order is drafted in such a way as to preserve this anonymity as far as possible.

11. On 23 December 2021, the Chair rejected the appellant's request for a stay of execution of the act complained of.

12. On 3 January 2022, the Secretary General dismissed the complaint.

13. On 4 March 2022, the appellant lodged the present appeal.

THE LAW

14. The appellant lodged an appeal against the Secretary General's decision not to renew the contract mentioned above in paragraph 6.

15. In a letter received by the Registry on 14 March, the appellant informed the Tribunal that he/she wished to withdraw the appeal, on the grounds that the parties had reached a friendly settlement on 7 March 2022.

16. The Secretary General, for her part, raised no objections to the appeal being struck off the list of cases.

17. The Chair points out that under the terms of Rule 20, paragraph 1 a) of the Tribunal's Rules of Procedure, an appeal may be struck out if an appellant states that he or she wishes to withdraw it and according to paragraph 2 of the same provision, the Tribunal shall rule in accordance with the procedure set out in Article 5, paragraph 2 of the Statute of the Tribunal which applies in cases where the appeal is manifestly inadmissible.

18. The Chair further notes that in the present case the parties have reached a friendly settlement and that the appellant submits that he/she has no longer grounds for maintaining the appeal. Thus, there is no reason why the appeal should not be struck from the list. Admittedly, in the written submission informing the Tribunal of the decision not to pursue the appeal, the appellant gave no indication of the terms of the settlement reached and its enforcement between the parties outside these proceedings. Accordingly, the Chair is unable to carry out any review of this agreement, neither the rationale nor the ins and outs of the decision. However, this omission is no reason not to order that the appeal be struck off the Tribunal's list of cases.

19. Therefore, the Chair notes that the appeal is to be struck off the Tribunal's list of cases according to the procedure provided for in Rule 20, paragraph 2, of the Rules of procedure.

CONCLUSION

20. This report is submitted to the judges of the Tribunal so that they may exercise the supervision provided for in Article 5, paragraph 2, of the Statute of the Tribunal, to which Rule 20, paragraph 2, of the Rules of Procedure refers.

The Chair

Nina VAJIĆ