

Request for a stay of execution No. 3/2026

E. V.

v.

**Secretary General
of the Council of Europe**

ORDER ON A STAY OF EXECUTION

9 April 2026

INTRODUCTION

1. This request concerns the implementation of the tests in respect of the external recruitment procedure to fill the post of Executive Director of Eurimages.

THE FACTS

2. The applicant, E. V., has been a staff member of the Organisation since June 2002. He is currently employed on an indefinite-term contract, at grade A4.

3. Following the publication of vacancy notice No. 1150/2026 to fill the post of Executive Director of Eurimages, the applicant applied for the job by the deadline of 9 March 2026.

4. On 16 March 2026 the applicant received an email from the Council of Europe Recruitment Team in the Directorate of Human Resources (DHR) inviting him to take part online in an initial written test organised under the said recruitment procedure. The email stated the following in particular:

“Dear [...],

Following our previous message, we would like to inform you that the assessment phase will take place as follows:

- **Test: TestReach (title to be adapted)**

Tuesday 31 March 2026, 12:00 pm (Central European Summer Time, CEST), duration 90 minutes, with no break foreseen.

You will be invited to respond to a series of questions and to produce a structured written reflection on a specified topic related to the film and audiovisual sector.

This test will be held online. It will be in English only.

This test is eliminatory. You must obtain a minimum mark of 10/20 in this test in order to be invited to the next stage of the selection process. This minimum mark may be increased if the number of successful candidates is too high in proportion to our recruitment needs.

The use of online dictionaries or any other paper or online documents will not be permitted during the test.

Please confirm your attendance by filling in our Confirmation of attendance by 18/03/2026 (23:59:59 CET/CEST).

General information

Please note that there will be no alternative dates for this test. No examples of tests will be given.

How the test will be marked?

This test will be marked on a range of 0 to 20. Candidates with the best overall mark will be invited to:

- an online technical interview to be held in April 2026 (exact date to be confirmed).
The candidates with the best overall evaluation after the technical interview will be placed on a preselection list and will be invited to:
- an online assessment centre to be held on Wednesday 3 or Thursday 4 June 2026 (provisional date, subject to confirmation),
- an in-person interview with the Eurimages Board of Management to be held on Friday 26 June 2026, in the morning, in Rome (Italy),
- and an in-person interview in Strasbourg (France) on Tuesday 7 July 2026 (provisional date, subject to confirmation).

The modalities of these steps will be sent in due time to the candidates concerned.”

5. On 31 March 2026 the applicant took part in the written test in question.

6. By email of 2 April 2026, the DHR notified the applicant of the mark he had been awarded in the written test of 31 March 2026. As it was above the minimum mark of 10/20, the email also notified him that he was invited to take part in the next stage in the selection process consisting of an online technical interview, scheduled for 9 and 10 April 2026. As far as the arrangements for the interview were concerned, the email stated the following:

“Structure of the technical interview:

1) At the time you have selected, you will receive instructions to prepare a keynote speech for 25 minutes. You will receive an email from talents@coe.int with the assessment instructions.

2) At the end of the 25 minutes you will have 5 minutes to connect to the online interview (a Zoom link will be provided). The interview will last 30 minutes during which you will be asked to deliver the keynote speech you will have prepared, followed by questions designed to assess the competencies required for the role. The interview will be conducted in English.

(...)

Please note that there will be no alternative dates for this technical interview.”,

while the subsequent stages in the selection process were described in the following terms:

“The three candidates with the best overall evaluation after the technical interview will be placed on a preselection list and will be invited to:

- an online assessment centre to be held on Wednesday 3 or Thursday 4 June 2026 (provisional date, subject to confirmation);
- an in-person interview with the Eurimages Board of Management to be held on Friday 26 June 2026, in the morning, in Rome (Italy);
- and an in-person interview in Strasbourg (France) on Tuesday 7 July 2026 (provisional date, subject to confirmation).

The modalities of these steps will be sent in due time to the candidates concerned.”

7. On 8 April 2026 the applicant lodged a request for management review with the Director of Human Resources concerning “the procedure and content of the tests for the competition to fill the post of Executive Director of Eurimages (No. 1150/2026)”. With this request, he sought the annulment of “the administrative decision concerning the purpose and nature of the tests to fill the post advertised in vacancy notice No. 1150/2026”. This procedure is pending.

PROCEEDINGS

8. The same day, the applicant applied to the Chair of the Administrative Tribunal for a stay of execution, in accordance with Article 12 of the Statute of the Tribunal and Article 14.8 of the Staff Regulations.

9. For the reasons set out below, the Chair believes that it is possible to rule on the request without having to wait for the Secretary General’s observations. In order to be able to rule on the basis of the request alone and insofar as necessary, he will apply Rule 28 of the Tribunal’s Rules of Procedure in this respect.

THE LAW

10. In accordance with Article 14.3 of the Staff Regulations, staff members who consider that an administrative decision is prejudicial to their interest and conflicts with their terms and conditions of appointment, or with any pertinent provisions of the Staff Regulations, Rules, Instructions or Policies, may initiate the process of management review, allowing for the correction of an improper decision or, where a decision was properly taken, its confirmation along with a reasoned explanation.

11. In accordance with the terms of Article 14.8 of the Staff Regulations, requesting a management review does not suspend the contested administrative decision. The Administrative Tribunal may, however, be asked to suspend the implementation of an administrative decision in cases of particular urgency where the implementation of the said decision would cause serious and irreparable damage.

12. Under Article 12.1 of the Statute of the Administrative Tribunal, when a request for a stay of execution is filed, the Secretary General must, unless there are duly justified reasons, suspend the execution of the contested administrative decision until the Tribunal has ruled on the request.

13. Under Article 12.2 of the Statute of the Tribunal, the Chair must rule on behalf of the Tribunal within 15 days of a request for a stay of execution, 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. Decisions on a stay of execution shall not be subject to appeal.

I. THE APPLICANT'S POSITIONS

14. In his request, the applicant asks the Chair to grant him a stay of execution. He states that his request concerns the decision which the DHR notified him of by email on 2 April 2026 (see paragraph 6).

15. With regard to the particular urgency, the applicant refers to the schedule for the tests and the imminent drawing up of a shortlist of three candidates, due to take place following the technical interviews on 9 and 10 April 2026. He maintains that if a candidate were to be appointed to the job concerned pending the outcome of his request for management review, and any subsequent administrative complaint, he could no longer be reinstated in the selection process. This would deprive him of an opportunity which financial compensation could not make up for.

16. As to the existence of serious and irreparable damage, the applicant argues that he has been working for the Council of Europe for 24 years and has held a managerial post in Eurimages for nine years. He maintains that the vacancy represents a unique opportunity for him to be promoted, provided that his application is assessed in the light of all the criteria set out in the vacancy notice. As he stated in his request for management review, however, the applicant believes that the selection process in question does not meet the requirements of the vacancy notice and, contrary to the provisions of Article 490.2 of the Staff Regulations, is not appropriate to recruitment needs, in that it makes no provision for assessment of applicants' financial, budgetary and human resources management skills and does not include any test of applicants' proficiency in French.

17. The applicant adds that, insofar as the tests will not enable management skills to be assessed, whereas they are a major asset as far as he is concerned, there is a risk of the selection of the next Executive Director lacking in objectivity, and his chances of being promoted will inevitably be reduced.

II. THE CHAIR'S ASSESSMENT

18. Under Article 14.8 of the Staff Regulations, the Administrative Tribunal may be asked to suspend the implementation of an administrative decision in cases of particular urgency, where its execution would give rise to serious and irreparable damage. The Tribunal may stay the contested decision only where both conditions, namely particular urgency and serious and irreparable damage, are satisfied.

19. The Chair begins by noting that with his request, the applicant is challenging the decision which the DHR notified him of by email on 2 April 2026 (see paragraph 6). Yet this decision did not exclude him from taking part in the selection process in question because, given the mark he was awarded in the written test on 31 March 2026, he was invited to take part in the next stage in the process, consisting of a technical interview.

20. Admittedly, in his request for management review, the applicant expresses concern about the mark awarded, which he feels could be detrimental to him insofar as it was barely sufficient to enable him to progress to the next stage in the process and it could be taken into account in the overall assessment of his application, on the same basis as the mark for the oral test. At the current stage, however, the applicant has not challenged the mark and has confined himself to requesting details of the grounds on which it was based.

21. When this request is read together with the request for management review, it appears that what the applicant actually seeks to challenge is not so much the decision notified to him on 2 April 2026 as the arrangements for the conduct of the selection process in question, as he was able to ascertain from that notification and the previous message of 31 March 2026 (see paragraphs 5 and 6).

22. The applicant's complaints relate to the nature and timing of the tests, which he considers inappropriate to recruitment needs, contrary to the requirements of Article 490.2 of the Staff Regulations, and the expectations for the post to be filled, as set out in the vacancy notice. He questions the ability of the planned tests to assess the applicants' suitability to perform the role of Executive Director of Eurimages insofar as they "focus solely on technical questions that might be appropriate for a mere project manager", while overlooking "management skills relating to finance, budgeting and human resources" *[translation]*. Moreover, although the vacancy notice stipulates a good level of French as an essential requirement for the admissibility of the applications, the applicant underlines that "the three shortlisted applicants will be selected solely in English", without it being possible to determine "whether, and if so when, they will be assessed in French *[translation]*."

23. Having established this, the Chair believes that the applicant has failed to provide evidence of a causal link between the decision for which he is seeking a stay and the alleged damage resulting from its execution. The impugned decision does not prevent the applicant from taking part in the next stage of the selection process and, if he were successful, from being among the three applicants shortlisted for the final assessments. His chances of having his

application objectively considered for the purpose of filling the post concerned do not therefore appear to be affected at this stage in the process.

24. Without prejudice to any decision on the merits which the Tribunal may take, the Chair further notes that, in the light of the evidence submitted, the applicant's allegations concerning the purpose and nature of the tests and their unsuitability in relation to the requirements of the post to be filled have not been substantiated. Not only does the applicant provide no information regarding the content of the written test he has already taken, but he also fails to demonstrate to the requisite legal standard that the remaining tests will not be sufficient to assess the skills required for the post in question. With regard, in particular, to the required level of proficiency in French, he confines himself to stating that "it is not clear at all whether, and if so when, [the applicants] will be assessed in French [*translation*]."

25. In the light of the above, the Chair concludes that in the instant case, the serious and irreparable damage criterion has not been met, as the applicant has provided no proof that the execution of the impugned decision would in itself be likely to cause him such damage.

26. In conclusion, the implementation of the impugned decision does not appear likely to cause the applicant damage so serious and irreparable that even the review or subsequent annulment of the said decision following the administrative complaint procedure, or where applicable, an appeal aiming at its annulment, would no longer be able to redress it.

27. As the existence of serious and irreparable damage has not been established, the applicant's request for a stay of execution must be dismissed without there being a need to rule on the urgency of the request.

28. This conclusion is without prejudice to the Tribunal's decision on the merits of the case or to the applicant's right to refer during the contentious proceedings to any harm he might suffer as a result of execution of the impugned decision and, if successful, to seek compensation for such harm.

For these reasons,

Ruling in accordance with Article 14.8 of the Staff Regulations, Article 12 of the Statute of the Administrative Tribunal and Rule 20 of the Rules of Procedure of the Administrative Tribunal,

THE CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

Dismisses the request for a stay of execution.

Delivered on 9 April 2026, the French text being authentic.

The Registrar of the
Administrative Tribunal

Christina Olsen

The Chair of the
Administrative Tribunal

Paul Lemmens