

Request for a stay of execution No. 2/2025

G

v.

**Secretary General
of the Council of Europe**

ORDER ON A STAY OF EXECUTION (STRIKE-OUT)

30 May 2025

THE FACTS

1. The applicant, G, was recruited in 2024 on a one-year fixed-term contract. The appointment was subject to the successful completion of a one-year probationary period ending in 2025.
2. In a memorandum dated 28 April 2025, the director of Human resources informed the applicant that the Deputy Secretary General, acting by delegation of the Secretary General, had decided to terminate their appointment upon expiry on 31 May 2025, on the grounds that the applicant's probationary period had not been conclusive.
3. On 21 May 2025 the applicant lodged a formal complaint against the decision to terminate their employment, requesting that the Secretary General reconsider his decision.
4. On 26 May 2025 the applicant filed a request with the Tribunal under Article 14.8 of the Staff Regulations and Article 12 of the Tribunal's Statute, seeking suspension of the contested decision. The applicant also requested "to be granted access to the report of the Appointments Review Committee as well as any documents shared with them (...) which enabled them to reach their recommendation".
5. On an unknown date, the Secretary General accepted the applicant's complaint and annulled the decision of 28 April 2025. On an unknown date, the Deputy Secretary General accordingly extended the probationary period by six months. The applicant was informed of these decisions on 27 May 2025.
6. On the same day, the applicant informed the Tribunal that they withdrew their request for a stay of execution but maintained the request to access the Appointments Review Committee's report and related documents.
7. On 28 May 2025, the Secretary General informed the Tribunal that he had no objections to the withdrawal of the applicant's request for a stay of execution.

THE LAW

8. Under Article 15 (a) of the Statute of the Tribunal and Rule 23.2 of the Rules of procedure of the Tribunal, the Tribunal may decide to strike a case out of its list of cases, at any moment if the appellant withdraws the appeal.

THE CHAIR'S ASSESSMENT

9. In the communication of 27 May 2025, the applicant informed the Tribunal of their wish to withdraw their request for a stay of execution, following annulment of the contested decision by the Secretary General. On 28 May 2025, the Secretary General stated that he had no objections to such withdrawal.
10. The Chair considers that there are no special circumstances warranting further examination of the applicant's request for a stay of execution.

11. As the applicant has withdrawn their main request to stay the execution of the contested decision, the Chair finds that there is no reason to examine the applicant's subsidiary request concerning access to documents held by the Administration.

For these reasons,

Ruling in accordance with Article 14.8 of the Staff Regulations, Article 12 of the Statute of the Tribunal and Rule 23.2 of the Rules of procedure of the Tribunal,

THE CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

- strikes out the applicant's request for a stay of execution;
- dismisses the applicant's request to access the Appointments Review Committee's report and related documents.

Done on 30 May 2025, the English text being authentic.

The Registrar of the
Administrative Tribunal

Christina Olsen

The Chair of the
Administrative Tribunal

Paul Lemmens