

Request for a stay of execution No. 5/2025

I

v.

**Secretary General
of the Council of Europe**

ORDER ON A STAY OF EXECUTION

30 November 2025

THE FACTS

1. The applicant was recruited on 1 June 2024 on a one-year fixed-term contract as a Senior project officer (grade B5) in an external office of the Council of Europe.
2. On 27 May 2025, in reply to a formal complaint by the applicant, the Secretary General annulled the earlier decision taken on his behalf by the Deputy Secretary General to terminate the applicant's appointment upon expiry on 31 May 2025, on the grounds that their probationary period had not been conclusive. Following the annulment of this decision, the applicant's probationary period was extended by six months.
3. In the final assessment report established at the end of this six-months period, the assessment by the applicant's direct manager (N+1) and reviewing manager (N+2) was that the expectations of the probationary period had not been met. Accordingly, the head of the applicant's major administrative entity recommended not to confirm their appointment.
4. In accordance with the Appointments Review Committee's recommendation of 13 October 2025, the Deputy Secretary General, acting by delegation of the Secretary General, decided on 28 October 2025 to terminate the applicant's employment at the expiry of their fixed-term contract on 30 November 2025, on the grounds that their probationary period had not been conclusive.
5. The applicant was informed of this decision by a memorandum dated 29 October 2025 of the Director of Human Resources. The memorandum stated that the applicant had not met the level of performance and conduct expected from a Senior project officer in the external office where they were employed.
6. On 26 November 2025, the applicant lodged a formal complaint with the Secretary General, contesting the decision of 28 October 2025 to terminate their employment at the expiry of their fixed-term contract on 30 November 2025 (the "contested decision").
7. On the same date, the applicant applied to the Chair of the Administrative Tribunal for a stay of execution of the contested decision, in accordance with Article 14.8 of the Staff Regulations and Article 12 of the Statute of the Tribunal. Citing the potential biases and flaws in the decision-making process regarding the termination of their employment, the applicant requested access to the reports of the Appointments Review Committee from May and October 2025, as well as any documents shared with the committee concerning their case.
8. On 28 November 2025 the Secretary General submitted his observations on the request for a stay of execution. On this occasion, he added to the file the reports of the Appointments Review Committee of 17 April and 13 October 2025 recommending the termination of the applicant's employment at the end of the first year of their probationary period and at the end of the further six-months extension, respectively.

THE LAW

9. In accordance with Article 14.4 of the Staff Regulations, staff members who can justify a direct and existing interest may lodge a formal complaint with the Secretary General against an administrative decision adversely affecting them.

10. Pursuant to Article 14.8 of the Staff Regulations, filing a complaint does not suspend the contested administrative decision. However, the staff member may file a request with the Administrative Tribunal to suspend the implementation of a contested administrative decision in cases of particular urgency where the implementation of the administrative decision would cause serious and irreparable damage to the staff member.

11. Under Article 12.1 of the Statute of the Administrative Tribunal, the Secretary General shall, unless there are duly justified reasons, suspend the execution of the decision for which a stay of execution has been requested until the Tribunal had ruled on the request.

12. Under Article 12.2 of the Statute of the Administrative Tribunal, the Chair, on behalf of the Tribunal, must rule within 15 days on requests for a stay of execution, by giving a reasoned decision, which may be subject to certain conditions. The decision must 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 PARTIES' SUBMISSIONS

13. In support of their request for a stay of execution of the contested decision, the applicant maintains that both the requirement of the particular urgency and the serious and irreparable damage are satisfied in their case.

14. Concerning the particular urgency, the applicant recalls that the contested decision was communicated to them on 29 October 2025, with their fixed-term contract scheduled to expire on 30 November 2025. They recall that their formal complaint was filed on 26 November 2025 and that on the same day, they addressed their request for a stay of execution, thereby complying with the legal timeframe.

15. As for the existence of serious and irreparable damage, the applicant submits that a stay of the contested decision would be necessary to preserve the possibility of reinstating them in their position. A reserve list with a validity period of two years has been established for this position, which can therefore be filled rapidly without publishing a vacancy notice.

16. The applicant mentions further that the loss of their job would leave them with no alternative income or financial support and no means to sustain their daily living costs and expenses. Their savings and the leave allowance would constitute their sole financial means during the time needed to find a new job.

17. In addition, the applicant submits that they would lose their pension rights and residency rights in the host country of the Council of Europe external office, where they could no longer remain in the absence of alternative employment or income. They also refer to the challenges they would face in their home country where they would face meager housing and employment prospects.

18. Finally, they refer to the irreversible damage to their professional reputation and future career prospects.

19. For his part, while not commenting on the urgency of the request for a stay of execution, the Secretary General submits that the applicant has not established the existence of a serious and irreparable damage. He recalls that the applicant was informed from the start of their employment that any renewal of their employment contract remained subject to the successful

completion of their probationary period. He adds that the applicant was made aware throughout the probationary period of the need to upscale their performance in order to reach the required levels in several competencies.

20. The Secretary General adds that the necessary balance between the parties to contentious proceedings would be upset if the applicant were to obtain a stay of execution requiring the Organisation to renew their fixed-term contract, despite the repeated shortcomings in their performance and conduct which warranted terminating their appointment.

21. As to the alleged harm, the Secretary General considers that not only has the applicant failed to substantiate their claims, but any damage suffered by them as a result of the loss of a Council of Europe salary, in particular as regards their career and financial situation, could be repaired by granting monetary compensation.

22. In view of these considerations, the Secretary General asks the Chair to reject the request for a stay of execution as unfounded.

II. THE CHAIR'S ASSESSMENT

23. 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 this would cause serious and irreparable damage. The Tribunal may stay the contested decision only if both requirements, i.e. particular urgency and serious and irreparable damage, are satisfied.

24. With regard to the particular urgency requirement, the Chair observes that in the present case the Secretary General does not appear to dispute that this condition is satisfied. Having regard to the analysis below, the Chair considers that in the present case it is not necessary to examine whether this first requirement is met.

25. As to serious and irreparable damage, the Chair notes that, for the purpose of assessing whether the prejudice incurred would be irreparable, it must be determined whether financial compensation would represent an adequate remedy for the damage caused. It must be borne in mind that purely financial damage cannot in principle be regarded as being difficult to redress, still less as being irreparable, since, as a general rule, it can be the subject of financial compensation.

26. The Chair does acknowledge that, even in the event of purely financial harm, the suspension of the contested decision might be justified in certain exceptional circumstances. However, to be able to assess whether such circumstances justify suspending the execution of the contested decision, the Tribunal must always be provided with concrete and precise indications, supported by detailed evidence making it possible to assess the consequences likely to result from the absence of the measure requested. In any case, it is for the party requesting the suspension of the contested decision to show that they cannot wait until the outcome of the proceedings without suffering harm of a kind that would justify the requested suspension (Administrative Tribunal of the Council of Europe (ATCE), Request for a stay of execution No. 1/2025, [Order of 31 March 2025](#), B. H. v. Secretary General of the Council of Europe, §§ 27 and 28, and case law cited).

27. The Chair notes that, in the present case, the request for a stay of execution is based essentially on the applicant's assertion that, should the contested decision be implemented, they would find themselves unemployed and unable either to be reinstated in their job or to secure alternative employment. The alleged harm is said to stem from the loss of their Council of Europe salary, which would oblige them to return to their home country where employment prospects are limited.

28. The Chair observes, however, that the applicant is a relatively young professional whose qualifications should allow them to seek alternative employment, whether within the Council of Europe or in other national or international institutions. The fact that the applicant was deemed not to meet the requirements of a specific post does not preclude them from aspiring to other positions, including within the international civil service. In this respect, the Chair shares the assessment by the applicant's direct manager (N+1), who noted in her last assessment report, after having "fully recognis[ed] [the applicant's] dedication and the valuable competences [they have demonstrated]", that "[their] skills could be valuable in other professional contexts", that is in other contexts than the specific role for which the applicant had been engaged by the Organisation. The arguments advanced concerning the purportedly detrimental impact of the contested decision on the applicant's professional reputation and future career prospects remain largely unsubstantiated.

29. As regards the hardship to which the applicant claims they would be exposed as a result of losing their job, the Chair notes that they have not demonstrated that implementation of the contested decision would jeopardise their financial stability or their ability to meet essential needs in the coming months (ATCE, [Order of 13 July 2023](#), L. C. v. Secretary General, § 39). In this respect, the Chair notes that the applicant refers to the possibility of relying, in the immediate future, on personal savings – albeit not quantified – as well as on their leaving allowance.

30. In conclusion, it is not apparent that the implementation of the Deputy Secretary General's contested decision would cause the applicant to suffer damage so serious and irreparable that it could not be redressed even if the said decision were subsequently amended or annulled.

31. As the existence of serious and irreparable damage has not been established, the applicant's request for a stay of execution must be dismissed.

32. This conclusion is without prejudice to the Tribunal's decision on the merits of the case or to the applicant's ability to refer during the contentious proceedings to any harm they might suffer as a result of execution of the contested 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 Article 20 of the Rules of Procedure,

THE CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

Rejects the application for a stay of execution.

Delivered on 30 November 2025, the English text being authentic.

The Registrar of the
Administrative Tribunal

Christina Olsen

The Chair of the
Administrative Tribunal

Paul Lemmens