

**Request for a stay of execution No. 1/2026**

**Staff Committee**

**v.**

**Secretary General  
of the Council of Europe**

**\*\*\***

**ORDER ON A STAY OF EXECUTION**

**5 February 2026**

## INTRODUCTION

1. The present request concerns the alleged lack of consultation of the applicant committee before the announcement of a new approach to appointments for certain middle management / senior posts in the Organisation.

## THE FACTS

2. The applicant is the Staff Committee of the Council of Europe.

3. On 10 December 2025 a news item was published on the Council of Europe's intranet website titled "Appointments to A4 and A5 jobs: changes to the procedure". The news item announced that the Organisation was adopting a new approach to the publication of vacancy notices for A4 and A5 jobs. It stated the aims of this change, namely to maximise the chances of selecting the most suitable candidate – whether an internal staff member or an external applicant – and to strengthen the assessment and verification of the managerial skills required for these jobs. As regards the practical consequences of this change, the news item stated the following:

"(T)he Directorate of Human Resources (DHR), after consulting with the entity concerned, will make a recommendation to the Secretary General. This recommendation will notably take into account the specificities of the position to be filled and the pool of internal candidates, in order to determine the most appropriate recruitment method.

This process will be organised on an annual basis for foreseeable job vacancies, and on an *ad hoc* basis for those that arise after the annual consultation.

In addition, DHR, in coordination with the entities concerned and the Private Office, will first examine the possibilities for internal mobility through transfer to the same grade before any external publication of the position.

This raises two major challenges for the Organisation: on one hand providing a rigorous assessment of managerial skills, regardless of the publication channel; and on the other hand, ensuring reasonable timeframes, targeting 8 to 10 weeks for internal recruitment and 12 to 16 weeks for external recruitment between the publication of the vacancy and the appointment of a successful candidate.

For jobs where vacancies can be anticipated, departments are invited to contact DHR 6 to 12 months prior to the expected vacancy date, in order to prepare these procedures as effectively as possible. DHR is already working closely with the relevant departments for foreseeable job vacancies in 2026.

A review will be carried out after one year of implementation."

4. On 17 December 2025 vacancy no. 1097/2025 was published for the international external recruitment of the A5 Head of Department of Health and Addictions and Executive Secretary of the Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou Group). The vacancy notice was open until 5 January 2026.

5. On 15 January 2026 the Staff Committee submitted an administrative complaint directed at the new approach described in the aforementioned news item (hereafter "the contested decision"). In its complaint, the Staff Committee contended that the contested decision to change the procedure on appointments to A4 and A5 posts was unlawful because the Secretary General had failed to submit the matter to the Staff Committee for a formal and informed statutory consultation. It therefore requested that this decision be annulled, and the announced policy discontinued. This procedure is still pending.

## PROCEDURE

6. On 21 January 2026 the Staff Committee 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. By means of this request, the applicant is seeking the stay of execution of the “decision to change the A4/A5 recruitment procedure announced on 10 December 2025, including the suspension of any vacancy notice or other measure taken for the implementation of that unlawful decision”.

7. On 26 January 2026 the Secretary General submitted his observations on the request for a stay of execution.

8. On the same date, in reply to the Chair’s request to produce the decision that is the object of the dispute, as well as the documents relating to the adoption process of that decision, the Secretary General submitted two documents: an email communicated on 5 December 2025 by the Private Office of the Secretary General and the Deputy Secretary General to the Directorate of Human Resources reflecting that decision, as well as a concept paper which had been presented to the Secretary General. The Secretary General submitted that these documents should not be disclosed to any third party owing to their confidential nature. He therefore requested the Chair to preserve the confidentiality of these documents and not to share them with the Staff Committee, in accordance with Article 10.6 of the Statute of the Administrative Tribunal and Rule 7.2 (b) and (c) of the Rules of procedure of the Tribunal.

9. On 30 January 2026 the Staff Committee submitted its observations in reply.

## THE LAW

10. The relevant provisions of the regulatory framework read as follows:

- as regards the definition of what constitutes an “administrative decision”:

### **Staff rule on Grievance Procedures**

(...)

#### **1420. DEFINITIONS**

1420.1 An administrative decision is any decision, action or implicit decision, taken by an official with administrative powers or a staff member’s manager, which affects a staff member’s terms and conditions of employment or rights under the Staff Regulations or Rules or any applicable legal provisions. (...)

- as regards the Staff Committee’s access to the complaints and appeals procedure:

### **Staff Regulations**

#### **Article XIV – Grievance procedures**

(...)

14.8 Requesting a management review, filing a complaint or lodging an appeal shall 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.

(...)

14.10 In addition to staff members, the complaints and appeals procedure shall be open *mutatis mutandis* to:

(...)

14.10.4 the Staff Committee, where the procedure relates to an act directly affecting the Staff Committee or its powers under the Staff Regulations.

#### **Staff Rule on Grievance procedures**

(...)

#### **1450. COMPLAINTS PROCEDURE**

(...)

1450.3 A formal complaint may also be lodged:

(...)

1450.3.4 by the Staff Committee, where the administrative decision directly affects the Staff Committee or its powers, within 30 days from the date on which the contested administrative decision was notified to the Staff Committee or, in the absence of notification, within 30 days from the date on which the Staff Committee became aware thereof. In case of a general act affecting the Staff Committee or its powers, a formal complaint must be lodged within 30 days from the publication of the act.

- as regards the applicable procedure in case of a request for a stay of execution:

#### **Statute of the Administrative Tribunal**

##### **ARTICLE XII - Stay of execution**

12.1 When a request for a stay of execution is filed under Article 14.8 of the Staff Regulations, the Secretary General shall, unless there are duly justified reasons, suspend the execution of the contested administrative decision until the Tribunal has ruled on the request.

12.2 The Chair, on behalf of the Tribunal, shall 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 shall not rule on the merits of the appeal or the complaint. Decisions on a stay of execution shall not be subject to appeal.

12.3 If the request for a stay of execution is granted, the Secretary General shall suspend the execution of the contested administrative decision.

12.4 If granted, a stay of execution shall remain in force for the duration of proceedings before the Tribunal, unless the Chair, on behalf of the Tribunal and further to a reasoned request by the Secretary General, decides to lift the stay. Where a stay of execution has been granted by the Tribunal, but the person concerned does not lodge an appeal with the Tribunal within the time limits set out in Article 7 of the present Statute, the stay of execution shall lapse automatically upon expiry of the time limit.

- as regards the prerogatives of the Staff Committee, including its role within the Appointments Review Committee:

#### **Staff Regulations**

##### **Article XIII – Staff Participation**

(...)

13.4 The Secretary General shall consult the Staff Committee on any envisaged amendment to, or adoption of, Staff Regulations, Rules, Instructions or Policies, or any other legal provisions which affect staff members' rights or obligations, as well as on any proposals to the Committee of Ministers regarding strategic orientations in staff policy which would affect these or any other Regulations. The Staff Committee shall give the opinion requested within a time limit set by the Secretary General, which may not be less than 15 working days unless mutually agreed. (...)

#### **Staff Rule on staff participation**

(...)

#### **1320. STAFF COMMITTEE**

(...)

##### **Recruitment and internal competitions**

1320.6 The Staff Committee shall be entitled, upon prior notice to the Director of Human Resources, to attend any interviews in the context of internal competition or recruitment, except for recruitment in respect of vacancies at grades A6 or A7. When exercising its right under this provision the representative of the Staff Committee must attend the interviews of all candidates interviewed in respect of a specific vacancy pursuant to paragraph 490.5 of the Staff Rule on entry into service or paragraph 560.3 of the

Staff Rule on career development. The Staff Committee may seek the opinion of the Appointments Review Committee in respect of any issue arising from any such interview, pursuant to paragraph 1350.5 below.

(...)

### **1350. APPOINTMENTS REVIEW COMMITTEE**

(...)

Mandate

1350.4 The opinion of the Committee on Appointments Review shall be sought regarding:

1350.4.1 the establishment of pre-selection lists within the meaning of paragraph 490.3 of the Staff Rule on entry into service;

(...)

1350.5 The Committee may also, on the basis of a reasoned request from the Director of Human Resources or the Staff Committee, review an internal competition or external recruitment procedure prior to the proposal by the head of the Major Administrative Entity concerned to appoint a candidate, to ensure that all appointments comply with applicable regulations, rules, policies and the relevant selection criteria, and are conducted in a fair and transparent manner. Upon the completion of such a review, the Committee shall transmit its opinion to the Secretary General. (...)

## **I. THE PARTIES' SUBMISSIONS**

11. By its application, the Staff Committee requests that the Tribunal order a stay of execution of the decision to change the procedure for the appointments to A4 and A5 posts, as announced by the Administration in an intranet communication dated 10 December 2025. It further requests that such a stay of execution extend to the suspension of any vacancy notice or other measure adopted for the purposes of implementing that allegedly unlawful decision.

12. With regard to the particular urgency, the Staff Committee submits that, at the time when the measure was announced to staff on 10 December 2025, its right to consultation had already been breached, and that the change in procedure was intended to take effect immediately.

13. In support of that submission, the Staff Committee refers to the publication of vacancy no. 1097/2025, relating to an external (international) recruitment procedure for the A5 job of "Head of Department of Health and Addictions - Executive Secretary of the Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou)". It submits that, under the previous practice, such a vacancy notice would have been first advertised internally, in accordance with the Staff Rules and long-established procedure, but was now instead advertised externally only seven days after the announcement of the change of procedure.

14. The Staff Committee further submits that, should the contested recruitment process be allowed to continue, or should additional recruitment procedures at A4/A5 level be initiated, it is likely that the selection and appointment of the successful candidate(s) would take place before a decision is rendered on the lawfulness of the change to the recruitment procedures. In such circumstances, it argues, the effective exercise of its right to a proper and meaningful consultation would be rendered illusory, as that right would have to be balanced with the right of any recruited candidate to his or her employment, even if it were to be found that the recruitment took place via an unlawful procedure.

15. As regards the existence of serious damage, the Staff Committee relies on the Tribunal's case law (in particular Administrative Tribunal of the Council of Europe ('ATCE'), Appeal No. 540/2013, Staff Committee (XIV) v. Secretary General of the Council of Europe, [decision of 13 March 2014](#), §§ 43, 44, 47 and 48) to state that any disregard of its powers necessarily causes it serious damage, not least because the right to be consulted is one of its few tangible

rights. It adds that, by introducing what it characterises as a radical change affecting staff rights and the very essence of the career structure within the Council of Europe's international civil service, the contested decision - taken in disregard of the Staff Rules and long-established practice, without transparency as to its authorship - causes serious damage *per se*.

16. As regards the irreparable nature of such damage, the Staff Committee reiterates that it would be impossible to assert its right to a proper and meaningful consultation once this right has to be balanced against the rights of a recruited candidate. In the absence of clarity as to the concrete modalities of the change in recruitment procedure, the Staff Committee further submits that the alleged breach of its right to consultation could have broader repercussions for the exercise of its other statutory functions in this area.

17. For his part, the Secretary General contends that both the formal complaint and the request for a stay of execution submitted by the Staff Committee are inadmissible *ratione materiae*. He submits that the decision to make more systematic use of external recruitment for A4 and A5 jobs did not require any amendment to the applicable regulatory framework, since the applicable rules leave the Administration a margin of discretion as to the most appropriate method for filling a vacancy, whether by external recruitment, internal competition or transfer without competition. In the absence of any amendment to, or derogation from, the legal provisions affecting staff members' rights or obligations, the Secretary General maintains that there was no obligation to formally consult the Staff Committee and that its complaint – and the related request for a stay of execution – are not directed against any act directly affecting its powers under the Staff Regulations.

18. Irrespective of such inadmissibility, the Secretary General submits that the Staff Committee has failed to establish that the conditions relating to particular urgency and the serious and irreparable nature of the alleged damage are met in this case.

19. In this respect, the Secretary General argues that the Staff Committee does not demonstrate how the normal conduct of the external recruitment procedure n° e1097/2025 for the A5 job of Head of Department of Health and Addictions/Executive Secretary of the Pompidou Group, in the absence of a formal consultation on the change announced on 10 December 2025, would infringe its powers to such an extent as to cause serious and irreparable damage. Nor, in his view, does it establish the existence of urgency. The Secretary General notes that in the past, A4 and A5 grade jobs have regularly been filled through external recruitment procedures, including under the previous approach, without this affecting the Staff Committee's powers. In 2025 alone, five recruitment procedures for A4 and A5 jobs were advertised externally.

20. The Secretary General emphasises that the intended change in approach does not affect the Staff Committee's role and involvement in appointment procedures, as defined in the Staff Rule on staff participation. External recruitment procedures for A4 and A5 jobs will continue to be subject to the same rules as other external recruitment procedures, and the role and involvement of the Staff Committee will remain unchanged.

21. In addition, the Secretary General underlines that the Staff Committee was informed and consulted on the envisaged method for filling vacancies for A4 and A5 jobs during three regular meetings between its Bureau and the Administration towards the end of the year 2025.

22. In these circumstances, the Secretary General maintains that granting the requested stay would be manifestly disproportionate, as it would have the sole effect of unduly hindering the proper functioning of the Organisation by delaying for several months recruitments of strategic importance until the Tribunal has ruled on a possible appeal, even though such procedures were routinely organised prior to the announcement made on 10 December 2025.

23. In view of these considerations, the Secretary General requests the Chair to reject the request for a stay of execution as inadmissible and, in any event, unfounded.

24. In its observations in reply, the Staff Committee denies that the meetings held between its Bureau and the Administration prior to the announcement of 10 December 2025 – at a time when the change in approach was merely contemplated and not yet made concrete – could be regarded as an appropriate substitute for a formal statutory consultation. It recalls that statutory consultation normally entails the submission of a finalised legal text to the committee, together with the opportunity to report back to its plenary. It regrets that a number of preparatory documents were not disclosed by the Administration (paragraph 8), which, in its view, further undermines the clarity and transparency of the decision announced.

25. The Staff Committee reiterates that the systematisation of external recruitment at A4/5 level would require an amendment to the legal framework governing recruitment and career development, contrary to the Secretary General's submission that no applicable legal provision is affected. While it does not deny the possibility for the Secretary General to resort to external recruitment at A4/A5 level on an *ad hoc* basis where justified, it claims that the decision to make systematic use of such recruitment represents a significant departure from existing arrangements to the detriment of staff members and their legitimate career expectations.

26. To the extent that vacancy no. 1097/2025 constitutes, in its view, the first such external recruitment published in application of this "new approach", the Staff Committee upholds that it is justified in seeking a stay of execution of that recruitment procedure, as well as all subsequent A4/A5 external recruitments carried out pursuant to the contested decision.

27. As regards the irreparable and serious nature of the damage, the Staff Committee argues that its right to consultation has already been infringed. It adds that any recruitment conducted under the new procedure would create employment rights in favor of the recruited staff members, which would be in direct conflict with its right to be consulted on the policy governing the recruitment in question. As regards the urgency, the Staff Committee submits that the Secretary General is continuing with the recruitment procedure for vacancy no. 1097/2025, thereby demonstrating no intention to amend the staff rules following consultation of the Staff Committee or to suspend any relevant recruitment procedures. Finally, the Staff Committee maintains that the stay of execution requested is proportionate, as it constitutes, on the one hand, the only means of safeguarding its rights, and would apply, on the other hand, solely to recruitments undertaken under the new approach, while preserving the possibility of advertising A4 and A5 jobs internally.

## II. THE CHAIR'S ASSESSMENT

28. 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.

Admissibility *ratione materiae*

29. In the present case, the Staff Committee submits that the move to make a more systematic use of external recruitment for A4 and A5 jobs, as was announced in the intranet news item of 10 December 2025, constitutes either an administrative decision or a general act affecting it or its powers within the meaning of Article 14.10.4 of the Staff Regulations and Article 1450.3.4 of the Staff Rule on grievance procedures. On that basis, it maintains that it has legal standing to challenge this development by way of a formal complaint and, concurrently, to seek the urgent suspension of its implementation.

30. The Secretary General, for his part, contends that the contested approach cannot be regarded as an act directly affecting the Staff Committee or its powers and, indeed, appears to dispute the very existence of an administrative act as such. In the absence of such an act, he submits that the Staff Committee's complaint, together with the related request for a stay of execution, is inadmissible *ratione materiae*.

31. The Chair notes that, in accordance with well-established principles of administrative law, the existence of an administrative decision does not depend on its form or on the medium through which it is communicated, but on whether the competent authority has adopted a measure intended to produce legal effects by determining a course of action or guiding future administrative practice (see, *mutatis mutandis*, Administrative Tribunal of the International Labour Organization ('ILOAT'), K. (No. 6) v. UNESCO, [judgment No. 4922 of 14 November 2024](#), consideration 6 and case law quoted).

32. In this respect, the Chair observes that the documents submitted to the case file tend to indicate that the intranet news item of 10 December 2025 was issued in the course of the implementation of an administrative decision, within the meaning of Article 1420.1 of the Staff Rule on grievance procedures, and that it constituted the public announcement of its essential features.

33. As the determination of the nature of that decision and of any obligation on the Secretary General to consult the Staff Committee at the time of its adoption is closely linked to the examination of the merits, there is no need to further rule on those issues at this stage of the proceedings.

34. Indeed, it is settled case law of this Tribunal that there can be no question, at this stage, of assessing the submissions relating to the merits of the applicant's administrative complaint currently pending before the Secretary General. In the absence of any provision in the Council of Europe regulatory framework making the granting of a stay of execution conditional upon the complaint or appeal appearing *prima facie* well founded, the Tribunal has consistently held that the current proceedings are confined to the assessment of whether urgent interim relief is required (see ATCE, *Timmermans v. Secretary General of the Council of Europe*, order of 3 July 2003, § 10 ; ATCE, *Request for a stay of execution No. 1/2023, L. C. v. Secretary General of the Council of Europe*, [order of 13 July 2023](#), § 22; ATCE, *Request for a stay of execution No. 3/2023, M.-L. L. v. Secretary General of the Council of Europe*, [order of 15 January 2024](#), § 27; ATCE, *Request for a stay of execution No. 1/2024, M. M. N. v. Secretary General of the*



Council of Europe, [order of 27 March 2024](#), § 21; ATCE, Request for a stay of execution No. 3/2025, S. G. v. Secretary General of the Council of Europe, [order of 10 June 2025](#), § 13).

35. The Chair therefore concludes that the Secretary General's objection of inadmissibility *ratione materiae* must be rejected.

#### Particular urgency

36. With regard to the requirement of particular urgency, it is recalled that the suspension sought must be urgent in so far as, in order to avoid serious and irreparable damage, it must be adopted and produce its effects before a decision is reached in the main action (ATCE, Request for a stay of execution No. 5/2021, D v. Secretary General of the Council of Europe, [order of 23 December 2021](#), § 33 and case law cited; ATCE, Request for a stay of execution No. 1/2024, M. M. N. v. Secretary General of the Council of Europe, [order of 27 March 2024](#), § 22).

37. In the present case, the Chair notes that the new approach at issue was the subject of certain discussions between the Administration and the Staff Committee as early as September 2025. When that approach was announced on 10 December 2025, it was presented as being of immediate application or, at the very least, as intended to apply to any vacancy notice for jobs at grades A4 and A5 from the beginning of 2026. In the Staff Committee's view, vacancy notice no. 1097/2025, published on 17 December 2025, would constitute the first concrete instance of application of this new approach.

38. The Chair further notes that the Secretary General has not indicated any intention to defer the implementation of the new approach in question until such time as he himself or the Tribunal has ruled on the merits of the applicant committee's complaint.

39. In these circumstances, the Chair considers that the urgency requirement is satisfied.

#### Serious and irreparable damage

40. As regards the requirement of serious and irreparable damage, the Chair notes that, should the Staff Committee's application on the merits succeed and, in other words, it be found that the Secretary General was under an obligation to consult it and that such obligation was not complied with in the present case, the damage sustained by the Staff Committee would be established (ATCE, Appeal No. 540/2013, Staff Committee (XIV) v. Secretary General of the Council of Europe, [decision of 13 March 2014](#), § 48). Moreover, such damage could very likely be regarded as serious, having regard, *mutatis mutandis*, to the case law of the European Court of Human Rights (ECtHR) on trade unions' right to be heard (see, *e.g.*, ECtHR, 27 October 1975, [National Union of Belgian Police v. Belgium](#), no. 4464/70, § 39; ECtHR, 6 February 1976, [Swedish Engine Drivers' Union v. Sweden](#), no. 5614/72, § 40; ECtHR, 2 July 2002, [Wilson, National Union of Journalists and Others v. United Kingdom](#), nos. 30668/96 and others, § 42; ECtHR [GC], 12 November 2008, [Demir and Baykara v. Turkey](#), no. 34503/97, §§ 141 and 143; ECtHR [GC], 14 December 2023, [Humpert and Others v. Germany](#), nos. 59433/18 and others, § 77).

41. However, damage capable of justifying the granting of a stay of execution must not only be serious; it must also be irreparable, in the sense that it cannot be adequately remedied by a decision on the merits.

42. In the present case, even assuming that the damage was established, the Staff Committee's prerogative to be consulted by the Secretary General, as enshrined in Article 13.4 of the Staff Regulations, would remain intact. The Staff Committee would lose no competence, nor would its right to be consulted in the future be diminished or extinguished.

43. Moreover, should the Tribunal conclude that a future appeal is well founded, the likely consequence of such a finding would be the annulment of the contested decision. It would then fall to the Secretary General to implement the judgment and to draw all necessary consequences therefrom. In that context, the Secretary General could be required to adopt alternative measures or to adopt a new decision, and in so doing, to consult the Staff Committee in pursuance of the relevant rules.

44. It follows that, in the event that an appeal were to be upheld, any procedural irregularity that might be established, in particular that allegedly arising from the lack of consultation, would not constitute irreversible damage to the detriment of the Staff Committee's prerogatives.

45. It is true that the Staff Committee does not confine itself to alleging damage resulting from the adoption of the new approach announced in the intranet news item of 10 December 2025. It also complains that that new approach was implemented through the publication of vacancy notice no. 1097/2025 (paragraph 4) and submits that any appointment which might result from that recruitment procedure - or from any other external recruitment carried out in application of the contested decision - would create rights in favor of the appointed individuals that would be incompatible with its right to be consulted.

46. The Chair observes, however, that the Staff Committee does not assert a right to be consulted in respect of the above-mentioned vacancy notice, nor in relation to any other vacancy notice for the external recruitment of posts at grades A4 or A5 published in application of the contested decision. Rather, it alleges an infringement of its right to be consulted solely in connection with the general measure, of which the vacancy notices would merely constitute individual applications. In the absence of any direct causal link between those vacancy notices and the alleged infringement, the Staff Committee has not established that it is exposed to any risk of damage arising from their publication, let alone damage that would be serious and irreparable.

47. In any event, the Chair notes that it is not established, at this stage, that the above-mentioned vacancy notice no. 1097/2025 constitutes a measure necessarily having as its basis the new approach challenged by the Staff Committee. The submissions in the case file indicate that, under the previous administrative practice, jobs at grades A4 and A5 could also be filled through external recruitment and were in fact, on a regular basis, the subject of external vacancy notices, without the Staff Committee raising any objection in that regard. In such circumstances, the mere publication of a single vacancy notice cannot, as such, be regarded as evidencing the implementation of a new general measure, irrespective of the fact that the specific job at issue had hitherto been filled through internal vacancy notices.

48. In any event, the Chair observes that any potential prejudice which internal candidates might allege as a result of the external publication of jobs at grades A4 or A5 in application of the new approach is distinct from the damage relied upon by the Staff Committee. Such prejudice, even if established, would concern the individual career interests of the staff members concerned and cannot, as such, be equated with, or relied upon, to substantiate the alleged damage to the Staff Committee's own prerogative to be consulted on certain matters.

49. The Chair concludes that, even if the Staff Committee were ultimately successful before the Tribunal and its appeal were found to be well founded, any damage resulting from the execution of the contested decision would not be irreparable.

50. The Chair therefore concludes that the applicant committee has failed to establish the serious and irreparable nature of the damage resulting from the execution of the contested decision.

51. This conclusion in no way prejudices the decision of the Tribunal on the merits of the case, nor does it affect the possibility for the Staff Committee to raise, in the course of the judicial proceedings, any damage that it may suffer as a result of the execution of the contested decision and if, successful, to seek compensation in that regard.

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 5 February 2026, the English text being authentic.

The Registrar of the  
Administrative Tribunal

Christina Olsen

The Chair of the  
Administrative Tribunal

Paul Lemmens