ADMINISTRATIVE TRIBUNAL
TRIBUNAL ADMINISTRATIF

COUNCIL OF EUROPE
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Rules of Procedure of the Administrative Tribunal

Adopted by the Administrative Tribunal of the Council of Europe on 26 January 2023, as amended on 7 August 2024, 29 January 2025, 7 April 2025 and 5 June 2026

Note by the Registry

This edition of the Rules of Procedure of the Administrative Tribunal incorporates the following amendments:

- the amendments of 7 August 2024, which entered into force on the same day;
- the amendments of 29 January 2025, which entered into force on 25 February 2025;
- the amendments of 7 April 2025, which entered into force on 10 April 2025; and
- the amendments of 5 June 2026, which entered into force on 1 September 2026.

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The Administrative Tribunal of the Council of Europe,

Having regard to Article 14 of the Staff Regulations of the Council of Europe,

Having regard to the relevant regulatory provisions of the Council of Europe Development Bank and the other intergovernmental organisations which have agreed to an extension of the Tribunal's jurisdiction under Articles 2.2 and 2.3 of the Statute of the Administrative Tribunal[1],

Pursuant to Article 19.1 of the Statute of the Administrative Tribunal, hereinafter referred to as "the Statute",

Having consulted the Secretary General and the Staff Committee,

Adopts the present Rules:

[1] Agreements extending the Administrative Tribunal's jurisdiction have been entered into for the Council of Europe Development Bank (French only), the Central Commission for the Navigation of the Rhine (CCNR), the Hague Conference on Private International Law (HCCH) and the Intergovernmental Organisation for International Carriage by Rail (OTIF).

Chapter I – Organisation of the Tribunal

Rule 1. Chair of the Tribunal

1. The Chair and the Deputy Chair of the Tribunal shall be appointed by the European Court of Human Rights as provided in Article 3.2 of the Statute.

2. The Chair shall carry out the duties assigned to him or her in the Statute and these Rules. He or she shall in particular:

a. direct the work of the Tribunal and its Registry,

b. preside over the Tribunal's sessions and hearings,

c. represent the Tribunal, including in its relations with the authorities of the Council of Europe.

Rule 2. Registry of the Tribunal

1. The Registry of the Tribunal shall consist of the Registrar and the Deputy Registrar and any other staff necessary for its operation.

2. Pursuant to Article 4.2 of the Statute, the Secretary General shall provide the Tribunal with the staff and resources necessary for its operation, in particular translation and interpretation services and appropriate digital tools including online publication services.

3. The Registrar of the Tribunal shall, under the direction of the Chair, be responsible for the work of the Registry. In particular, he or she shall:

a. assist the Tribunal in the discharge of its duties,

b. be the channel for all communications made by or addressed to the Tribunal,

c. keep a register in which the date of registration of each case shall be recorded,

d. have the custody of the archives of the Tribunal.

Rule 3. Sessions of the Tribunal

1. The seat of the Tribunal shall be at the seat of the Council of Europe in Strasbourg. The Tribunal may, however, if it considers it expedient, exercise its functions elsewhere in the territories of the member States of the Council of Europe or, where the circumstances so require, by secure video link.

2. The Tribunal shall deliberate in private. Its deliberations shall remain secret. Only the members of the Tribunal shall take part in the deliberations. The Registrar and Deputy Registrar shall be present. No other person may be admitted except by special decision of the Tribunal.

3. The Tribunal shall be convened by the Chair, who shall fix its order of business.

Rule 4. Inability to sit and withdrawal

A judge of the Tribunal cannot take part in the consideration of a case:

(a) in which he or she might have a personal or direct interest or which concerns persons with whom he or she has a personal, family or professional relationship;
(b) in which he or she has previously been called upon to act in any capacity, in particular as an adviser, agent, expert or witness; or
(c) if, for any other reason, his or her independence or impartiality may legitimately be called into doubt.

Rule 4bis. Language of the case

1. Having regard to Article 4.1 of the Statute of the Tribunal, the language of a case shall be either English or French.

2. The language of the case shall be the language chosen by the appellant and shall be used in any subsequent written and oral pleadings.

3. In the case of requests for rectification, interpretation, revision or execution of a judgment, the language of the case shall be the language designated as authentic in the judgment to which those requests relate.

4. Any material produced may be presented in either of the working languages of the Tribunal, regardless of the language of the case.

5. Requests for authorisation to intervene, as well as the observations of any third party authorised to intervene, shall be submitted in either of the Tribunal's working languages, regardless of the language of the case.

6. By derogation to paragraph 2, the Chair may, after consulting the parties, authorise any party to use the other working language of the Tribunal at the hearing.

Chapter II – General rules of procedure

Rule 5. Representation of appellant

The appellant may present his or her appeal in person and conduct his or her own case. The appellant may be represented before the Tribunal by one or more advisers of his or her choosing.

Rule 6. Joinder of cases

The Tribunal or, when it is not in session, the Chair may, by reasoned decision, order the joinder of two or more cases.

Rule 7. Instructions

1. The Tribunal may, at any time, either on its own initiative or at the request of one of the parties, order the production of documents or such other evidence as it deems necessary.

2. a. In accordance with Article 10.6 of the Statute of the Administrative Tribunal, any document communicated to the Tribunal by a party shall be sent without delay by the Registrar to the other party, subject to the confidentiality requirements inherent in certain documents, in which case the provisions under b, c and d shall apply.

b. Where a party to the proceedings relies on the confidential nature of a document to oppose its disclosure to the other party, it is for the Tribunal to determine whether the document in question is relevant to the determination of the dispute and, if so, whether the document or some of its elements are effectively of a confidential character.

c. If the Tribunal concludes that the document or some of its elements are confidential, such a document shall not be sent to the other party. The Tribunal may order the production of a non-confidential version of the document in question, such as a redacted version of the document, or a summary of the document or of its confidential elements. The Tribunal may take the document or its confidential elements into account in its deliberations, while respecting their confidential nature. In doing so, the Tribunal shall take into account the fact that the other party was not given the opportunity to comment on the document or its elements.

d. If the Tribunal concludes that the document is not confidential, it shall invite the party claiming confidentiality not to oppose its disclosure to the other party. If the party concerned complies with the Tribunal's invitation, the document shall be sent by the Registrar to the other party, who shall be given a time limit within which to make his or her observations. In the opposite case, the Tribunal shall determine the consequences to be drawn from this refusal and shall rule without taking into account the elements not subject to adversarial process.

3. The Tribunal may, at any time, either on its own initiative or at the request of a party, take any decision in the interests of the proper administration of justice.

4. The Tribunal may appoint one or more of its members to take on its behalf, such action as it considers necessary or expedient for the proper performance of its duties under its Statute and, in particular, hear witnesses or experts or examine documents or any other evidence. Such members shall duly report to the Tribunal.

Chapter III – Written procedure

Rule 8. Stages of the written procedure

1. The written procedure shall consist of the lodging of the appeal, which shall be effected upon submission of the appeal form contained in Appendix 1 which forms an integral part of these Rules, in principle supplemented by further submissions, and the submission of the observations of the Secretary General.

2. The Chair of the Tribunal may decide, either on his or her own initiative or on a reasoned

request by the appellant, that a second exchange of written submissions is necessary, as provided in Article 10.4 of the Statute.

Rule 9. Lodging of appeals

1. Appeals lodged with the Tribunal pursuant to Article 14 of the Staff Regulations of the Council of Europe shall be addressed to the Registrar of the Tribunal.

2. Appeals shall be submitted in writing in one of the working languages of the Tribunal and signed by the appellant or his or her representative.

3. Appeals shall be lodged on the date on which the appellant:

   a. deposits a paper copy of the appeal form together with supporting documents with the Registry, which shall acknowledge receipt; or

   b. sends the appeal form together with supporting documents to the Registry by registered post; or

   c. sends an electronic copy of the appeal form together with supporting documents to the Tribunal's email address.

4. If an appeal is lodged under sub-paragraph a or b of paragraph 3 of this Rule, a complete electronic copy of the appeal shall be sent by email to the Registry at the Tribunal's email address within one week after the date of receipt of the paper copy.

5. If an appeal is lodged under sub-paragraph c of paragraph 3 of this Rule, a complete paper copy of the appeal shall be deposited with the Registry or sent to the Tribunal by registered post within one week after the appeal is sent by email.

6. The Registrar shall send one copy of the appeal to the Chair and one copy to the Secretary General without delay.

Rule 10. Content of the appeal

1. The appeal shall state the object of the request, the facts and the grounds, as well as any other information required by the appeal form.

2. The appeal must also provide any information demonstrating that it meets the admissibility requirements set out in Article 7 of the Statute.

3. The appellant shall join to his or her appeal the contested decision or decisions, as well as any document supporting his or her appeal. The documents are numbered in chronological order if possible.

4. The appeal form may be supplemented with further submissions within the time limit set by the Chair. Further submissions must not exceed 25 pages (font: Times New Roman, font size: 12, line spacing: 1.15).

5. The Registrar shall send a copy of any further submissions to the Chair and to the Secretary General without delay.

Rule 11. Observations of the Secretary General

The Chair shall set a time limit for the submission by the Secretary General of his or her observations in writing, to which shall be appended all documents necessary for the Tribunal to rule on the appeal, as well as any additional documents the Secretary General deems relevant to justify the contested decision. These observations shall not exceed 25 pages (font: Times New Roman, font size: 12, line spacing: 1.15). They shall be transmitted to the appellant by the Registrar.

Rule 12. Second exchange of written submissions

If the Chair decides that a second exchange of written submissions is necessary under Rule 8.2 of these Rules, he or she shall determine the conditions, including the time limit, for submitting observations in reply. The observations in reply shall be sent by the Registrar to the Secretary General, who may submit a rejoinder according to the conditions, including the time limit, set by the Chair. The rejoinder shall be sent by the Registrar to the appellant.

Rule 13. Additional information

The Chair may ask the parties to provide any additional information which he or she deems expedient for the conduct of the proceedings.

Rule 14. Manifest inadmissibility

1. If, during the written procedure, the Chair states, in a reasoned report addressed to the judges of the Tribunal, that an appeal is manifestly inadmissible, and if the latter do not raise any objections under Article 8 of the Statute, the appellant shall be informed without delay that his or her appeal has been declared inadmissible and a copy of the report shall be communicated to him or her. A copy of the report shall likewise be sent to the Secretary General without delay.

2. Any decision to declare an appeal manifestly inadmissible shall be taken by order of the Chair.

Chapter IV – Oral proceedings

Rule 15. General rules for oral proceedings

1. Appeals before the Tribunal shall, in principle, give rise to an oral procedure. Nevertheless, the Tribunal may, under Article 5.2 of the Statute, either on its own initiative or at the written request of one of the parties, decide to dispense with a hearing, after consulting the parties.

2. When the case is ready for hearing, the Chair shall fix the date thereof. The Registrar shall give at least 30 days' notice of this date to the judges and deputy judges of the Tribunal who are called upon to sit and to the parties. The Registrar shall send the files relating to the hearing to the judges and deputy judges who are called upon to sit.

3. The Chair shall preside over the hearing and determine the order of the oral proceedings.

4. Hearings of the Tribunal shall be held in public, except in cases where the Tribunal may decide to hold the hearing behind closed doors under Article 5 of the Statute.

Rule 16. Appearance before the Tribunal

1. The Tribunal may, either on its own initiative or at the request of one of the parties, decide to hear any witness or expert or any person whose evidence or statements it deems likely to assist the hearing. The Tribunal may compel the appearance of any Council of Europe staff member whom it decides to hear.

2. A party who wishes to call witnesses, experts or other persons to the hearing must notify the Registrar of this in writing at least 21 days before the date fixed for the opening of the hearing at which the person is to be heard. Such notification shall contain the names and capacities of the persons to be called, the subject to be dealt with in their evidence or statements and the language which will be used.

3. Persons whom the Tribunal decides to hear under Article 10.5 of the Statute shall be summoned by the Registrar at least seven days before the date fixed for the opening of the hearing. During the oral proceedings, the Tribunal may decide to hear a person who has not been summoned if it considers this will assist the hearing. Any such person shall be summoned by the Registrar at least seven days before the date fixed for his or her hearing.

4. Any Council of Europe staff members whom the Tribunal decides to hear shall appear before the Tribunal or the members appointed for that purpose, under Rule 7.3 of these Rules, and may not refuse to provide information requested. Any refusal to appear or to give evidence deemed to be unjustified by the Tribunal shall be brought to the notice of the Secretary General.

5. It shall be for the Tribunal to rule on any objection to a person whom it has decided to hear.

Rule 17. Hearing of witnesses and experts

1. Each witness shall make the following declaration before being heard: “I swear” or “I solemnly declare upon my honour and conscience” – “that I shall tell the truth, the whole truth and nothing but the truth”.

2. Each expert shall make the following declaration before being heard: “I swear” or “I solemnly declare” – “that I will discharge my duties as an expert honourably and conscientiously”.

3. The Tribunal may put questions to the persons whom it has decided to hear. These persons may be questioned, with the Chair’s permission, by the parties or their advisers.

4. The Tribunal may refuse to admit evidence which it considers irrelevant or without probative value. It may also limit oral evidence if it considers sufficient the evidence that has been adduced.

5. The Chair may allow any witness, expert or any other person whom the Tribunal decides to hear and who does not have an adequate knowledge of either of the official languages, to communicate in another language. In such an event, the necessary interpretation shall be provided.

6. In accordance with Article 4.5 of the Statute, the Tribunal may decide that the Council of

Europe shall reimburse the travel and subsistence expenses incurred by persons heard in a case.

Rule 18. Adjournment of hearings

1. If, during the oral proceedings, a member of the Tribunal is replaced by another member, the Tribunal shall recommence the part of the proceedings preceding the replacement.

2. The Tribunal or, when it is not in session, the Chair shall rule on any application for the adjournment of a hearing. Such adjournment may also be ordered by the Tribunal on its own initiative.

Chapter V – Intervention

Rule 19. Applications for intervention

1. Any person who establishes a sufficient interest in the resolution of a dispute submitted to the Tribunal may, in accordance with Article 11.2 of the Statute, apply for authorisation to intervene. The Staff Committee may also, pursuant to Article 11.3 of the Statute, apply for authorisation to intervene.

2. A request to intervene shall be reasoned. It shall be submitted to the Registrar of the Tribunal within 45 days of the publication of the lodging of the appeal referred to in Article 11.1 of the Statute.

3. The Registrar shall notify the request to intervene to the parties. The parties may submit their written observations on the requests to intervene within a time limit fixed by the Chair.

4. The Chair, after consulting the judges of the Tribunal, shall decide whether to admit the persons referred to in paragraph 1 as an intervening party.

Rule 19bis. Form and conditions of intervention

1. A person or the Staff Committee accepted as an intervening party pursuant to Rule 19 shall have the right to send written comments limited to supporting the submissions of one of the parties, in accordance with Article 11.4 of the Statute, within a time limit fixed by the Chair.

2. Any comments received from an intervening party shall be communicated to the parties, who shall have the right to send observations within a time limit fixed by the Chair. The Chair may decide that the intervening party may comment in reply, within a time limit fixed by him or her.

3. The Chair shall decide to which documents in the case file the intervening party shall have access.

4. Unless the Chair decides otherwise, an intervening party shall have no right to plead in the oral hearing.

Chapter VI – Stay of execution

Rule 20. Stay of execution

1. In accordance with Article 12.2 of the Statute and Article 14.8 of the Staff Regulations, a request for a stay of execution of a contested administrative decision may be made to the Tribunal in cases of particular urgency where the implementation of the decision would cause serious and irreparable damage to the applicant.

2. The request shall be made using the form set out in Appendix 3 to the present rules. The applicant shall state the grounds for his or her request in the dedicated pages of the form.

3. An electronic copy of the request, together with supporting documents, shall be sent to the Tribunal's email address. A complete paper copy of the request shall be deposited with the Registry or sent to the Tribunal by registered mail within one week after the request is sent by email. The request shall be considered to be lodged on the date on which the applicant sent the electronic copy of the request.

4. The Chair shall grant a time limit for the submission by the Secretary General of his or her observations in writing.

5. Upon a decision by the Chair, either on his or her own initiative or on a reasoned request by the applicant, the latter may submit his or her observations in reply within the timeline granted.

6. The procedure is further governed by Article 12 of the Statute.

Chapter VII – Friendly settlement

Rule 21. Friendly settlement

1. The Tribunal or, when it is not in session, the Chair shall rule on any joint request from the parties to suspend the proceedings in order to allow them to explore the possibilities of a friendly settlement.

2. The Tribunal may, at any time, on its own initiative, recommend that the parties enter into discussions for the purposes of reaching a friendly settlement.

3. The procedure which applies in the cases referred to in paragraphs 1 and 2 of this rule is set out in Article 13 of the Statute.

Chapter VIII – Decisions of the Tribunal

Rule 22. Judgments and decisions

1. Judgments of the Tribunal shall be read out in open court, unless the Tribunal decides to communicate them in writing, which shall constitute pronouncement.

2. Judgments of the Tribunal shall be signed by the Chair and the Registrar. They shall include a summary of the facts and the procedure followed, the legal grounds and the operative part. They shall not indicate whether they were adopted unanimously or by a majority of votes.

3. Judgments of the Tribunal shall also include an order for costs and expenses, in accordance with Article 18 of the Statute.

4. The original of each decision shall be filed in the archives of the Registry. The Registrar shall serve a copy on each party.

Chapter IX – Striking out of appeals

Rule 23. Striking out of appeals

1. At any time during the proceedings, the Tribunal may strike a case out of its list of cases, in accordance with Article 15 of the Statute.

2. Where it decides to strike a case out of its list of cases, the Tribunal shall rule in accordance with the procedure set out in Rule 14 of these Rules. It shall inform the appellant of its decision, a copy of which shall be given to the Secretary General.

3. The Tribunal may decide to restore an appeal to its list where it considers that this is warranted by the circumstances.

Chapter X – Requests for rectification, interpretation, revision and execution

Rule 24. Requests for rectification, interpretation, revision and execution

1. Requests for rectification on the initiative of one of the parties shall be made in writing to the Chair.

2. Requests for interpretation shall be made to the Tribunal using the form set out in Appendix 2, which forms an integral part of these Rules, and submitted to the Registry as provided in Rule 9 of these Rules, *mutatis mutandis*. The request for interpretation shall be communicated to the other party, who shall have 30 days in which to submit observations. The Tribunal shall decide whether the request for interpretation is admissible and, if it is, shall give its interpretation.

3. Requests for revision shall be made to the Tribunal using the form set out in Appendix 2, which forms an integral part of these Rules, and submitted as provided in Rule 9 of these Rules, *mutatis mutandis*. The request for revision shall be communicated to the other party, who shall have 30 days in which to submit observations. The Tribunal shall decide whether the request for revision is admissible and, if it is, shall rule on the merits. The decision to revise shall be appended to the revised judgment. A reference to the decision to revise shall be made in the margin of the revised judgment.

4. Where a request for revision is made, the Tribunal shall establish whether a decision can be taken on the basis of the papers of the file or whether oral proceedings are necessary. Any oral proceedings deemed necessary by the Tribunal in the context of a request for revision shall be governed by Rules 15 to 18 of these Rules, *mutatis mutandis*.

5. Requests for execution shall be made to the Tribunal using the form set out in Appendix 2, which forms an integral part of these Rules, and submitted as provided in Rule 9 of these Rules, *mutatis mutandis*. The request for execution shall be communicated to the Secretary General, who shall have 30 days in which to submit observations. The Tribunal shall decide whether the request for execution is admissible.

6. The Tribunal shall rule on requests by decision or judgment, as appropriate.

Rule 25. Manifest inadmissibility of requests for rectification, interpretation, revision and execution

1. If the Chair states in a reasoned report addressed to the judges of the Tribunal that a request for rectification, interpretation, revision or execution is manifestly inadmissible, and if the judges do not raise any objections under Article 8 of the Statute, the report shall be sent to the requesting party without delay together with the notification that the request has been declared inadmissible.

2. Any decision declaring the request manifestly inadmissible shall be taken by order of the Chair.

Chapter XI – Miscellaneous provisions

Rule 26. Extension of time limits

The Tribunal or, when it is not in session, the Chair may extend the time limits available to the parties in the procedures set out in these Rules.

Rule 27. Derogation from these Rules

The Tribunal may, where a party claims that he or she is unable to comply with these Rules, dispense with such compliance if this derogation does not affect the proper administration of justice.

Rule 28. Matters not covered by these Rules

All matters not provided for in the present Rules shall be dealt with by decision of the Tribunal or, when it is not in session, by decision of the Chair, which shall be binding only in respect of the particular case.

Chapter XII – Final provisions

Rule 29. Application and entry into force of these Rules

1. These Rules shall apply, *mutatis mutandis*, to disputes involving staff members of the Council of Europe Development Bank and the other intergovernmental organisations over which the Tribunal has jurisdiction under Article 2 of the Statute.

2. These Rules shall apply to appeals included in the list of cases of the Tribunal as from 10 February 2023.

Appendix 1: Appeal form

Appendix 2: Rectification, interpretation, revision or execution request form

Appendix 3: Stay of Execution form