

**THE ADMINISTRATIVE TRIBUNAL  
OF THE  
EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT**

**Cases No. EBRDAT 2019/AT/07 and EBRDAT 2020/AT/05**

**Appellant**

**Vs**

**European Bank for Reconstruction and Development,**

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**DECISION**

**by a Panel of the Administrative Tribunal comprised of**

**Maria Vicien-Milburn (Chair)**

**Spyridon Flogaitis**

**Michael Wolf**

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**30 September 2022**

## PROCEDURAL BACKGROUND

1. On 8 July 2019, the Appellant filed an appeal against the Bank with the Tribunal (Case No. EBRDAT 2019/AT/07). On 8 March 2020, the Appellant filed a further appeal against the Bank with the Tribunal (Case No. EBRDAT 2020/AT/05).
2. On 29 August 2020, the Tribunal issued a Preliminary Decision on the joined cases (Cases No. EBRDAT 2019/AT/07 and EBRDAT 2020/AT/05). The Tribunal determined that the record created by the Administrative Review Committee (“ARC”) was insufficient to satisfy the requirements of Section IV, Paragraph 7.01 of the EBRD Directive on the Appeals Process and remanded the cases to the Bank for referral to the ARC for further fact finding.
3. On 1 December 2020, the ARC issued its Additional Report and Recommendation in respect of the joined cases (ARC65/2020). The ARC declined to re-visit its recommendations or to review or supplement its own fact finding. The ARC considered itself to be “*functus officio*” and lacking the legal authority to engage in further fact finding.
4. On 5 January 2021, the President of the Bank noted the ARC’s determination and maintained the original decision in respect of both appeals.
5. In consideration of the need to conduct further fact finding, the Tribunal held an evidentiary hearing on 24 and 25 May 2022 at the Headquarters of the Bank in accordance with Section IV, paragraph 7.02 of the Directive on the Appeals Process.
6. On 5 August 2022, the Parties submitted post hearing briefs.
7. By communication dated 9 September 2022 to the Tribunal, copied to the Bank, the Appellant requested the withdrawal of the cases “due to confidential amicable resolution reached with the Bank”. The Appellant also requested anonymity.
8. By communication dated 16 September 2022, copied to the Appellant, the Bank confirmed that the parties had reached a confidential settlement and concurred with the withdrawal of the cases.
9. In light of the settlement of the appeals between the Bank and the Appellant, the Tribunal deems it appropriate to close the cases.
10. The Tribunal grants the Appellant anonymity.

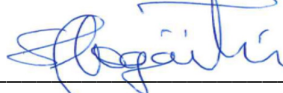
## DECISION

11. The Administrative Tribunal decides to dismiss Cases No. EBRDAT 2019/AT/07 and EBRDAT 2020/AT/05.



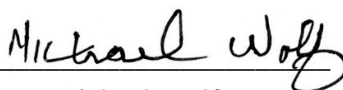
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Maria Vicien-Milburn, Chair



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Spyridon Flogaitis



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Michael Wolf