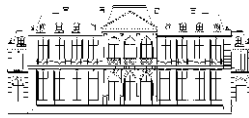


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CO-OPERATION AND DEVELOPMENT

**ADMINISTRATIVE TRIBUNAL**

Judgment of the Administrative Tribunal  
handed down on 9 May 1994

**JUDGMENT IN CASE No 10**

Staff Association  
v/Secretary-General

JUDGMENT IN CASE NO. 10 OF THE ADMINISTRATIVE TRIBUNAL

Sitting on Monday 9 May 1994  
in the Château de la Muette  
2 rue André Pascal, Paris

The Administrative Tribunal was composed of:

Mr. Jean MASSOT, Chairman,  
Mrs. Elisabeth PALM  
and Professor James R. CRAWFORD,

with Mr. Colin McINTOSH providing Secretariat services.

On 20 December 1993, the Administrative Tribunal of the OECD handed down a judgment (Judgment No. 5) on an application filed by the Staff Association of the OECD against the Secretary-General concerning the reimbursement of certain costs incurred by the Association in the defence of interests of members of staff of the Organisation and their families.

On 22 December 1993, the OECD Staff Association filed an appeal for interpretation or for rectification in respect of Judgment No. 5, claiming that the Tribunal had omitted to give a ruling on its request for reimbursement of all its costs (in an amount of FF 10 000).

On 2 March 1994, the Secretary-General submitted comments in which he argued that either the Tribunal had intended to reject all the applicant's submissions, in which case the appeal by the Staff Association should be considered an appeal for interpretation, or it had omitted to adjudicate on the request for reimbursement of costs, in which case the appeal was one for rectification.

In his comments, the Secretary-General suggested that an oral hearing was not required in this case and asked that Article 10 d) of the Resolution of the Council on the Statute and Operation of the Administrative Tribunal be applied.

By letter of 7 March 1994, Professor D. Ruzié, Counsel for the Staff Association, informed the Registrar of the Tribunal that he would not be submitting a reply and that he consented to there being no oral hearing.

After due deliberation, the Tribunal gives the following decision:

During the oral argument in relation to the claim which was the subject of Judgment No. 5, the members of the Tribunal gained the impression that Counsel for the Staff Association did not intend to persist with his application for costs in relation to the claim. The Tribunal proceeded to reject the claim made by the Staff Association, and for this reason omitted to deal with the question of costs.

Whereas it now appears that the application for reimbursement of costs contained in the written application was not abandoned, and having regard to the views expressed on behalf of the Secretary-General, the Tribunal accepts the application as an application for rectification of its Judgment No. 5, and awards the amount of FF 10 000 sought on behalf of the applicant, as a reasonable amount by way of reimbursement of costs.