



# Complaints and Appeals Process

Article 61 and 62  
of the Civilian Personnel  
Regulations  
and its Annex IX

Disclaimer: the main aim of this brochure is to visually illustrate the complaints and appeals process.  
In case of questions or doubts please refer to the CPR itself or seek assistance from the appropriate entities or individuals.



# Glossary

**AR** – Administrative Review

**AT** – Administrative Tribunal

**CC** – Complaints Committee

**CPR** – Civilian Personnel Regulations

**HONB** – Head of NATO body

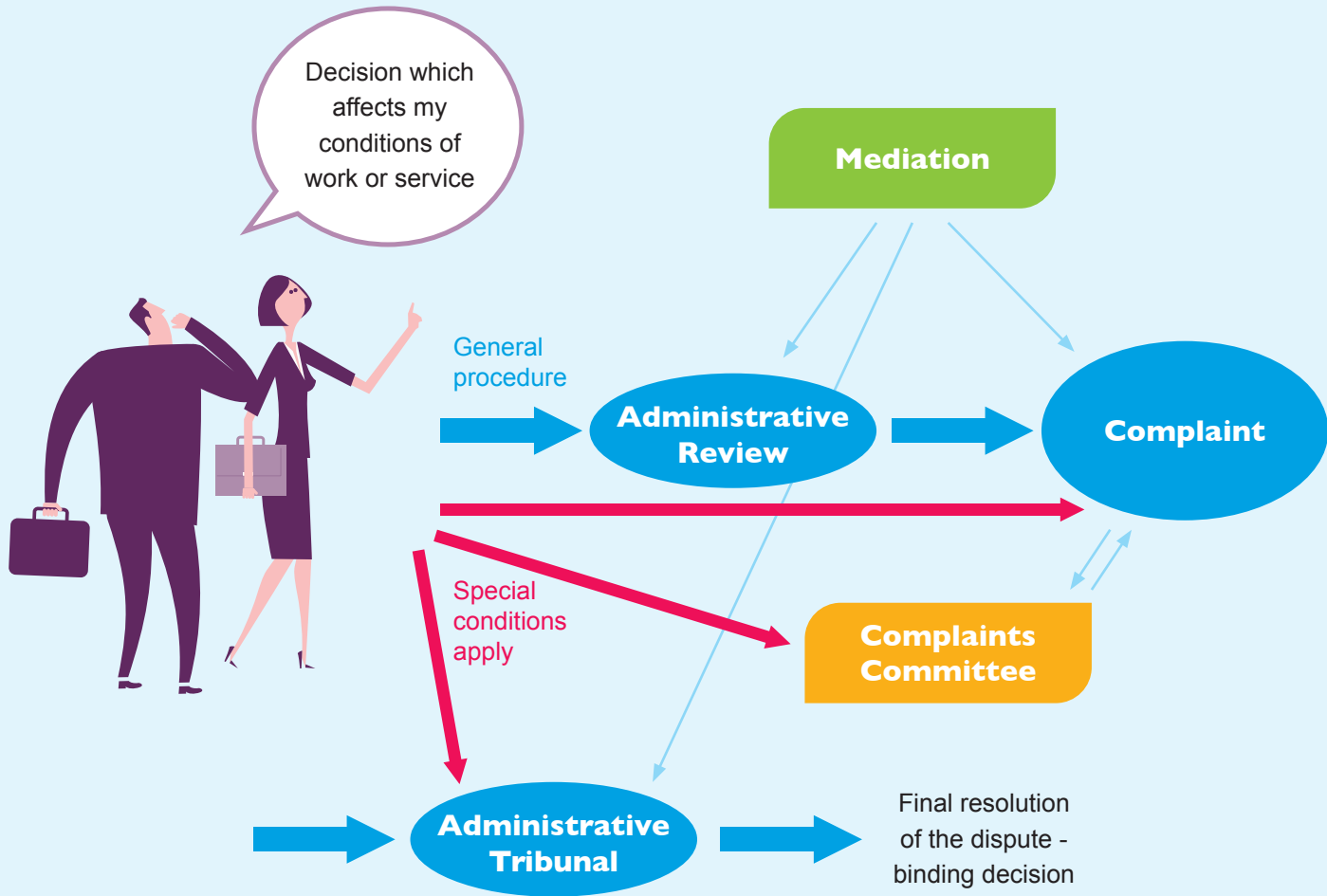
**HR** – Human Resources

**Retired NATO staff** – former members of the staff as indicated in the Preamble of the CPR (paragraph B (v)(g))

**ROP** – Rules of Procedure of the AT (Appendix 1 to Annex IX to the CPR)

**SA** – Staff Association

**Staff member** – staff members, consultants, temporary staff as indicated in the Preamble of the CPR (paragraph B (v)(c), (d), (e) and (f))



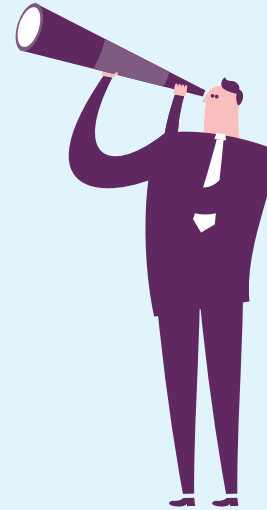
# I'm a NATO retiree

- **I can:**

- go through the Administrative Review and Complaint procedure as any active staff member – Article 61.1 of the CPR
- choose to submit a complaint in writing to the Head of the NATO body concerning a decision taken directly by him or her, without a prior administrative review - Article 61.4 of the CPR
- choose to submit the matter directly to the AT – Article 4.4 of Annex IX to the CPR

- **I can't:**

have access to the mediation process



# Administrative Review

Article 2  
of Annex IX  
to the CPR

- **When?** A request for an AR has to occur within **30 days** from the notification of the decision you wish to challenge<sup>1</sup>.
- **To whom?** It shall be initiated **in the NATO body in which the you are (or were) appointed**, or in the NATO body that has the authority to rescind or modify the contested decision (in case of doubt you should consult the human resources management in which you are/were last employed). The request shall be submitted **to the supervising manager**<sup>2</sup> (the immediate supervisor of the official who took the initial contested decision), informing the immediate supervisor and the HR department of the submission.
- **What do I need?** The request **shall include**: the reason(s) for contesting the decision, a copy or description of the initial decision, any subsequent decision(s) or communications, any and all other supporting information with evidence and documents necessary to enable a thorough and comprehensive review, and the description of the remedies sought.
- **What happens next?** The supervising manager shall respond in writing **within 30 days**. **If no response** is received within this time **or the matter is not resolved**, the decision may further be contested.

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<sup>1</sup> **Special condition applies:** you may submit a complaint in writing **to the HONB** concerning a **decision taken directly** by him or her, without a prior AR (Article 61.4 of the CPR).

<sup>2</sup> **Special condition applies:** **if the supervising manager is the HONB** the matter can be referred to mediation, the CC or, provided the HONB agrees, directly to the AT in accordance with Article 2.3 of Annex IX to the CPR.

# Complaint

Article 4  
of Annex IX  
to the CPR

- **When? Within 30 days** from the notification of the AR decision or :
  - **if no response** is received within that timeline
  - **if mediation failed** (as applicable)
- **To whom?** To the **HONB** in which the AR was conducted, in writing.
- **What happens next?** The HONB shall respond **within 30 days**, unless a CC has been convened. **If no action** is taken within 30 days, an appeal can be submitted with the AT (*if a CC was set up, see the appropriate slide below*).

# Administrative Tribunal

Article 6  
of Annex IX  
to the CPR

- **What is the AT and what is its composition?** The AT is an independent body composed of 5 members appointed by the Council. For its composition refer to Article 6 of Annex IX to the CPR and the Tribunal's website. ([https://www.nato.int/cps/en/natohq/topics\\_114072.htm](https://www.nato.int/cps/en/natohq/topics_114072.htm))
  - **When?** You may submit an appeal, after all available channels for submitting complaints have been exhausted<sup>3</sup>, within **60 days** of the latest to occur:
    - you are notified by the HONB that the relief sought will not be granted;
    - you are notified by the HONB that the relief sought will be granted, but hadn't been granted within 30 days of such notification;
    - the HONB failed to notify you within 45 days of receiving the CC report (equivalent to consider that the relief sought won't be granted)
    - the HONB didn't take any action within 30 days following the receipt of a complaint (equivalent to consider that the relief sought won't be granted)
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- <sup>3</sup> **Special conditions apply.** An appeal can be **submitted directly** to the AT if:
- the contested issue is the result of the decision taken directly by the HONB (Article 1.4 of Annex IX to the CPR).
  - the staff member, together with the HONB, agree to submit the matter directly (Article 4.4 of Annex IX to the CPR)
  - you are a retiree.

- **To whom?** Appeals shall be sent to the AT Registrar, according to the modalities indicated in Rule 9 of the AT ROP.
- **What do I need?** An appeal has to be submitted in writing. It shall state all grounds asserted and accompanied by all relevant documentary evidence, including, if applicable, the CC report. It shall comply with the provisions of Rule 9 of the AT ROP.
- **What are the time limits?** Appeals are transmitted by the Registrar to the HONB concerned who has **60 days**, within its receipt, to provide its **answer**. The Registrar will communicate this answer to you, and you may, within **30 days** of its receipt, submit a **reply**. If such a reply is provided, the Registrar communicates it to the HONB who may, within **30 days** of its receipt, submit a **rejoinder**. Unless parties agree differently, an oral hearing will take place at a Tribunal's session. The Tribunal will further deliver its judgment which will be communicated to the parties.
- **What happens next?** The issue reached its final stage. The judgments of the Tribunal are final and binding and no appeals stand against them.



# Complaints Committee

Article 5  
of Annex IX  
to the CPR

- **What is the CC and what is its composition?** The CC provides its finding of facts and recommendations to the HONB concerned to enable him/her to take a decision. It is not a judicial body with powers of adjudication. For its composition, refer to Article 5.1 of Annex IX to the CPR.
- **When?** You can request, before a decision is taken, to have a CC set up. The HONB can also decide to submit the matter to a CC, on his/her own initiative<sup>4</sup>.
- **What are the time limits?** The HONB shall accept the request and within 15 days either rescind/modify the decision or refer the matter to the Chair of the CC. The Chair has 21 days to convene the CC, and the CC 45 days to issue its **report** to the HONB. You receive the report at the same time and **have 15 days to submit your views**. The HONB shall render a decision within 45 days of receiving the report.
- **What happens next?** You can appeal the HONB decision by submitting an appeal to the AT.

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<sup>4</sup> This procedure is **not applicable** to a decision taken directly by the HONB or the Council (see Appendix 3 to Annex IX to the CPR).

# Mediation

Article 3  
of Annex IX  
to the CPR

- **When?** Mediation is a voluntary and confidential process which can be requested **at any time** during the procedure. **Either party (staff member<sup>5</sup> or HONB)** may request mediation and both have to agree, within 30 days of receiving the request.
- **Who?** Mediation is led by a neutral, qualified mediator appointed by the HONB and agreed by both parties. The mediator is chosen from a list developed by the HONB in consultation with the SA.
- **What happens next?** If not completed, mediation is considered closed within **30 days** from the parties' agreement (possible extension by mutual agreement of both parties). If mediation is successful, the settlement, signed by both parties, will be recorded in writing. If mediation is not successful, the process will continue from the point in which it was suspended.

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<sup>5</sup> **Mediation** is a process available to staff members only .

# Q&A

- **In which language can I express myself?** You can express yourself in one of the two NATO official languages (English, French) throughout the whole process.
- **Can I be self-represented?** Yes, you can choose whether to go through the administrative review, complaints and appeals process on your own or to be represented by a counsel or other representative.
- **Where do I find the documentation I need for these procedures?** You find a copy of the CPR, ROP and relevant documentation on the AT website ([https://www.nato.int/cps/en/natohq/topics\\_114072.htm](https://www.nato.int/cps/en/natohq/topics_114072.htm)) or alternatively you can contact the relevant HR offices.
- **From whom I shall seek assistance?** For any matter relating to the pre-litigation procedure (AR, complaint, CC or mediation) you shall address yourself to the HR department, the Office of legal affairs or the Staff Association in the NATO Body in which you are employed. If you are a retiree, you may address yourself to the Pensions Unit at NATO HQ ([mailbox.pensions@hq.nato.int](mailto:mailbox.pensions@hq.nato.int)) or the Confederation of retirees ([confed@cnrcsa.nato.int](mailto:confed@cnrcsa.nato.int)). For any matter (on procedural issues only) concerning the Tribunal phase, the Registrar of the AT ([mailbox.tribunal@hq.nato.int](mailto:mailbox.tribunal@hq.nato.int)) is the person to address.

