

## EIGHTY-SECOND SESSION

***In re* Bisdorff (Nos. 1 and 2),  
Emering (Nos. 2 and 3), Frost (Nos. 1 and 2),  
Haines (Nos. 1 and 2), Hardy (Nos. 1 and 2),  
Heller (Nos. 1 and 2), Koolen (Nos. 1 and 2),  
Olivier (Nos. 1 and 2), Rue (Nos. 1 and 2),  
Thill (Nos. 1 and 2), Vermeij (Nos. 1 and 2),  
Watson (Nos. 2 and 3) and Willox (Nos. 2 and 3)**

### **Judgment 1598**

The Administrative Tribunal,

Considering the first set of complaints filed against the European Organisation for the Safety of Air Navigation (Eurocontrol Agency) by Mr. Norry Bisdorff, Mr. Paul Emering -- his second complaint, Mr. Günter Frost, Mr. John Haines -- his second, Mr. Jean-Lucien Hardy, Mr. Joachim Heller, Mr. Johannes Koolen, Mr. Lucien Olivier, Mr. Jean-Paul Rue, Mr. André Thill, Mr. Raymond Vermeij, Mr. Jeremy Watson -- his second, and Mr. Jean-Pierre Willox -- his second, on 29 June 1995 and corrected on 26 October 1995 and Eurocontrol's single reply of 16 February 1996;

Considering the second set of complaints against Eurocontrol filed by Mr. Norry Bisdorff -- his second, Mr. Paul Emering -- his third, Mr. Günter Frost -- his second, Mr. John Haines -- his third, Mr. Jean-Lucien Hardy, Mr. Joachim Heller, Mr. Johannes Koolen, Mr. Lucien Olivier, Mr. Jean-Paul Rue, Mr. André Thill, Mr. Raymond Vermeij -- their second complaints, Mr. Jeremy Watson and Mr. Jean-Pierre Willox -- their third complaints, on 29 June 1995 and corrected on 26 October 1995 and the Agency's single reply of 16 February 1996;

Considering the Registrar's letter of 14 August 1996 informing the complainants' counsel that since the time limit for rejoinder on both sets of complaints had expired on 3 June, the written pleadings had closed under Article 9(2) of the Rules of the Tribunal;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions;

### CONSIDERATIONS

In a letter of 28 August 1996 counsel informed the Registrar that the complainants wished to withdraw suit but were claiming an award of costs from Eurocontrol, and by a letter of 4 October 1996 the Agency said it had no objection to the withdrawal but considered the claim to costs to be irreceivable.

The withdrawal as such of the complaints is unconditional. That being so, the Tribunal cannot but record it: as it said in Judgment 951 (*in re* Groschel), it will not look into the reasons why complainants drop their original claims.

The new claim to costs is irreceivable because it was filed after the closure of the written proceedings.

### DECISION

For the above reasons:

1. Withdrawal of the complaints is recorded.
2. The complainants' claim to costs is dismissed.

In witness of this judgment Mr. Michel Gentot, Vice-President, Mr. Edilbert Razafindralambo, Judge, and Mr. Jean-François Egli, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 30 January 1997.

*(Signed)*

Michel Gentot  
E. Razafindralambo  
Egli  
A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.