

Judgment in Case ESMAT 3/2025

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01/07/2026

ESMAT

ESMAT case

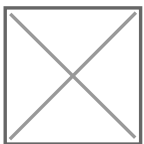
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By its judgment on 30 June 2026 in Case ESMAT 3/2025, the ESM Administrative Tribunal rejected the appeal by Mr Thomas Ritter against his performance rating under the PDS for the year 2024.

The Tribunal held that the Appellant had not shown that the circumstances of his reintegration into the ESM in May 2024 after a lengthy absence had had any effect on his performance during the reference period, or that in taking the evaluation decision the Managing Director had been influenced by a written warning he had issued the Appellant a short time before. The Tribunal also rejected the Appellant's contentions that the adoption of the performance evaluation had been tainted by bias on the part of different staff members who had participated in this process, and that the Managing Director should have taken into account certain psychometric reports which provided a profile of the Appellant which was inconsistent with that which arose from the contested evaluation.

The Tribunal also clarified the circumstances under which the parties are entitled not to disclose to the Tribunal information or evidence which is potentially relevant in proceedings before it, where this takes the form of legal advice provided by or through their legal advisors or counsel. It underlined that a party could not rely on this provision to require that information which it provided the Tribunal could not be disclosed to the other party, as this would breach a number of fundamental principles governing the judicial process, and particularly the requirement that the Tribunal hear both sides of the argument (*audi alteram partem*).

Contacts

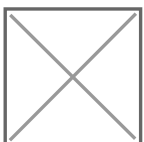


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