



## EIGHTEENTH ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the ILO****(c) Recognition of the Tribunal's jurisdiction by the Technical Centre for Agricultural and Rural Cooperation ACP–EU (CTA)**

1. By a letter dated 1 October 2007 (see appendix), Mr Hansjörg Neun, Director of the Technical Centre for Agricultural and Rural Cooperation ACP–EU (hereafter CTA), informed the Director-General of the International Labour Office that the ACP–EC Committee of Ambassadors had decided, in adopting the CTA's new Staff Regulations on 27 September 2006, to recognize the Tribunal's jurisdiction in accordance with article II, paragraph 5, of its Statute.
2. The CTA was established under article 88 of the Lomé II Convention, signed on 31 October 1979 by the African, Caribbean and Pacific States (ACP), on the one hand, and the European Economic Community (EEC) and its Member States, on the other. The CTA is one of the two institutional mechanisms<sup>1</sup> currently operating on the basis of Annex III of the ACP–EC Partnership Agreement signed at Cotonou on 23 June 2000, which entered into force on 1 April 2003 for a period of 20 years. The Agreement is binding on the European Community, a large number of States of the ACP group, and the Member States of the European Union.
3. The CTA is financed by a regular budget constituted by an annual contribution from the European Community, notably the European Development Fund (EDF). The CTA is administered by the ACP–EC Committee of Ambassadors, the Executive Board, the Director and the staff.
4. The CTA's mission defined in the Cotonou Agreement is to strengthen policy and institutional capacity development and information and communication management capacities of ACP agricultural and rural development organizations. It assists such

<sup>1</sup> The Governing Body had already approved the recognition of the Tribunal's jurisdiction by the Centre for the Development of Enterprise. See documents GB.298/PFA/21/1 and GB.298/8/2, paras 34–38.

organizations in formulating and implementing policies and programmes to reduce poverty, promote sustainable food security, preserve the natural resource base, and thus contribute to building self-reliance in ACP rural and agricultural development. The CTA also supports regional initiatives and networks and shares capacity development programmes with appropriate ACP organizations. Based on a slightly revised mandate introduced by the CTA's Strategic Plan and Framework for Action 2007–10, the CTA focuses its work on the three areas: (1) providing information products and services (e.g., publications, question and answer services and database services); (2) promoting the integrated use of old and new communication channels to improve the flow of information; and (3) building ACP capacity in information and communication management, mainly through training and partnerships with ACP bodies.

5. According to article 1 of Decision No. 4/2006 of the ACP–EC Committee of Ambassadors of 27 September 2006 on the Statutes and rules of procedure of the CTA, it has legal personality and enjoys “the most extensive legal capacity accorded to legal persons of the same kind” with all parties to the Cotonou Agreement.
6. The Cotonou Agreement also provides for the CTA to enjoy the customary privileges, immunities and facilities under international law. The CTA's headquarters is in Wageningen (the Netherlands), and it has an office in Brussels (Belgium). It therefore concluded two headquarters agreements: the first with the Kingdom of the Netherlands on 7 August 1984, and the second with the Kingdom of Belgium on 2 June 1989. Both agreements confer on the CTA the privileges and immunities enjoyed by international organizations in the countries concerned.
7. The CTA currently has a staff of 39. Their conditions of employment are set out in the Staff Regulations of the CTA, adopted by the ACP–EC Committee of Ambassadors on 27 September 2006. Subject to the approval of the ILO Governing Body, the Staff Regulations provide for the possibility of referring any dispute between the staff and the CTA to the Administrative Tribunal of the ILO.
8. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the CTA must be considered either to be an intergovernmental organization (*organization de caractère interétatique*) or to fulfil certain criteria set out in the annex to the Statute. According to the available information, the CTA is an international organization – assimilated to an intergovernmental international organization – established by an international treaty, having objectives that respond to the general interest of the international community, and is endowed with functions of an ongoing nature. In addition, the CTA is not required to apply any national law in its relations with its officials and enjoys immunity from legal process in its host countries. The financial contributions of members that are provided for in the Cotonou Agreement guarantee the stability of its budgetary resources.
9. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 52 organizations other than the ILO. The recognition of the Tribunal's jurisdiction by other organizations entails no additional cost to the ILO, since the organizations against which complaints are filed are required by the Statute to bear the expenses of sessions and hearings and to pay any award of compensation made by the Tribunal. These organizations also contribute, in amounts proportionate to the number of their staff, to much of the running costs of the Tribunal's secretariat.

**10. *In the light of the above, the Committee may wish to recommend that the Governing Body approve the recognition of the Tribunal's jurisdiction by the CTA, with effect from the date of such approval.***

Geneva, 14 February 2008.

*Point for decision:* Paragraph 10.

## Appendix

Technical Centre for Agricultural and Rural  
Cooperation (CTA), Wageningen, Netherlands

Wageningen, 1 October 2007

Director-General  
International Labour Organisation (ILO)

**Re.: Recognition of the jurisdiction of the Administrative Tribunal**

Sir,

Further to the exchange of correspondence with the Registrar, Ms Comtet, I hereby request, in my capacity as Director of the Centre, approval of the recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization.

The Technical Centre for Agricultural and Rural Cooperation (hereinafter CTA) is an international organization established jointly by the European Union and the African, Caribbean and Pacific (ACP) group of States under the Lomé Convention, which has since been replaced by the Cotonou Agreement signed in July 2000 for a period of 20 years.

The CTA, which currently has 39 members of staff, has its headquarters in Wageningen Netherlands, and has an office in Brussels. A headquarters agreement was signed with the Kingdom of the Netherlands in 1984.

On 27 September 2006, the ACP–EU Committee of Ambassadors adopted the new Staff Regulations of the CTA.<sup>1</sup> This item of legislation is based on a proposal from the European Commission and contains numerous aspects which are comparable with the Staff Regulations for officials and conditions of employment for temporary staff of the EU.

Chapter III of Title IV of the Staff Regulations of the CTA is concerned with appeals and provides for a sequence of two administrative procedures<sup>2</sup> and, in the last resort, the possibility of recourse to the Administrative Tribunal of the ILO.<sup>3</sup>

Hence, in accordance with article II, paragraph 5, of the Statute of the Administrative Tribunal of the ILO, and also with the annex to the Statute, I have the honour to inform you that in adopting the Staff Regulations of the CTA, the ACP–EC Committee of Ambassadors has recognized the jurisdiction of the Administrative Tribunal of the ILO with respect to disputes and complaints alleging non-observance, in substance or in form, of the terms of employment of officials of the CTA, including the Staff Regulations, the internal implementing rules, and also the conditions laid down by the Statute of the Tribunal and the Tribunal's rules of procedure.

<sup>1</sup> Decision No. 5/2006 of the ACP–EC Committee of Ambassadors of 27 September 2006 concerning the Staff Regulations of the Technical Centre for Agricultural and Rural Cooperation (CTA), Official Journal of the European Union, L 350, 12/12/2006, p.13.

<sup>2</sup> Articles 66 and 67(1) of the Staff Regulations.

<sup>3</sup> Article 67(2) ff. of the Staff Regulations.

I should be grateful if you would submit the present formal request to the Governing Body of the ILO and invite it to approve, in accordance with article II, paragraph 5, of the Statute of the Tribunal, the declaration of recognition of the jurisdiction of the Tribunal as set forth in the Staff Regulations of the CTA.

Copies of the following documents are attached:

1. ACP–EC Partnership Agreement (Cotonou Agreement).<sup>4</sup>
2. Staff Regulations of the Technical Centre for Agricultural and Rural Cooperation.
3. Headquarters agreement concluded between the Centre and the Kingdom of the Netherlands.

Please accept, Sir, the expression of my highest consideration.

Dr Hansjörg Neun,  
Director.

<sup>4</sup> See in particular Annex III.