



## NINTH ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the ILO****Recognition of the Tribunal's jurisdiction by the International Organisation of Vine and Wine (OIV)**

1. By a letter dated 11 January 2006 (see appendix), Mr. Federico Castelluci, the Director-General of the International Organisation of Vine and Wine (OIV), informed the Director-General that the Extraordinary General Assembly of the OIV had decided, in adopting the new Staff Regulations, to recognize the Tribunal's jurisdiction in accordance with article II, paragraph 5, of its Statute.
2. The OIV was established by the Agreement establishing the International Organisation of Vine and Wine, which was signed in Paris on 3 April 2001 and entered into force on 1 January 2004. The OIV currently has 41 member States. It is funded from a regular budget derived principally from annual contributions from member States, the level of these contributions being determined in accordance with article 6 of the Agreement. According to article 3 of the Agreement, the organs of the OIV are the General Assembly, the President, the Vice-Presidents, the Director-General, the Executive Committee, the Scientific and Technical Committee, the Steering Committee, commissions, subcommissions and groups of experts, and the Secretariat.
3. The objectives of the OIV, whose origins go back to the establishment of the International Vine and Wine Office in 1924, subsequently renamed the International Vine and Wine Office, are: to inform its members of measures whereby the concerns of producers, consumers and other players in the vine and wine products sector may be taken into consideration; to assist other international organizations, both intergovernmental and non-governmental, especially those which carry out standardization activities and to contribute to international harmonization of existing practices and standards and, as necessary, to the preparation of new international standards in order to improve the conditions for producing and marketing vine and wine products, and to help ensure that the interests of consumers are taken into account. To attain these objectives, the OIV is able to promote and guide scientific and technical research and experimentation within the area of its competence, to draw up and frame recommendations regarding conditions for grape production, oenological practices, definition and description of products, labelling and marketing conditions, methods for analysing and assessing vine products, and so forth. It can in

addition submit to its members proposals relating to guaranteeing the authenticity of wine products, protecting geographical indications, and improving scientific and technical criteria for recognizing and protecting new vitivinicultural plant varieties. The OIV can also contribute to the harmonization and adaptation of regulations by its members, mediate between countries or organizations upon request, help protect the health of consumers and contribute to food safety, contribute to the development of training networks relating to wine and vine products, contribute to the promotion or recognition of the world vine- and wine-growing heritage and its historical, cultural, human, social and environmental aspects, and so forth.

4. Pursuant to article 11 of the Agreement establishing the OIV, the organization has legal personality. Its headquarters are in Paris. The headquarters agreement concluded in 1965 between the International Vine and Wine Office and France, which applies to the OIV as the successor to the former body, confers on the OIV privileges and immunities comparable to those enjoyed by other international organizations in France.
5. The OIV currently has 14 staff members. Conditions of service for staff are set out in the Staff Status Regulations which were adopted in 2005 and entered into force on 1 January 2006. The Staff Status Regulations provide that staff members can, subject to the agreement of the Governing Body of the ILO, have recourse to the Administrative Tribunal of the ILO in connection with any dispute arising from the application of the Staff Status Regulations.
6. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the OIV must be considered either to be an intergovernmental organization (*organisation de caractère interétatique*) or to fulfil certain criteria set out in the annex to the Statute. According to the available information, the OIV is an international intergovernmental organization, established by an international treaty, having objectives that respond to the general interest of the international community, and is endowed with functions of a permanent nature. In addition, the OIV is not required to apply any national law in its relations with its officials and enjoys immunity from legal process in the host country. Financial contributions of members that are provided for in the Agreement establishing the OIV itself guarantee stability of its financial resources.
7. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 47 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.
8. ***In light of the above, the Committee may wish to recommend that the Governing Body approve the recognition of the Tribunal's jurisdiction by the International Organisation of Vine and Wine (OIV), with effect from the date of such approval.***

Geneva, 22 February 2006.

*Point for decision:* Paragraph 8.

## Appendix

Mr. Juan Somavia  
Director-General  
International Labour Organization  
4, route des Morillons  
1211 Geneva 22  
Switzerland  
Paris, 11 January 2006

**Re.: Recognition of the jurisdiction of the ILO Administrative Tribunal by the International Organisation of Vine and Wine (OIV)**

Dear Director-General,

I have the honour to submit the application of the International Organisation of Vine and Wine (OIV) in respect of recognition of the competence of the ILO Administrative Tribunal with regard to the dispute procedures provided for by the OIV.

This request follows the adoption, at our Extraordinary General Assembly on 14 October 2005, of the OIV Staff Status Regulations, which entered into force on 1 January 2006.

The OIV is an intergovernmental organization with its headquarters in Paris, and currently comprises 41 member States. Please find attached herewith copies in French, English and Spanish of the following documents:

- the Agreement of 3 April 2001 establishing the OIV, which entered into force on 1 January 2004;
- the list of member States;
- the Staff Status Regulations adopted on 14 October 2005, which entered into force on 1 January 2006;
- the staff list.

Having taken note of the Statute of the ILO Administrative Tribunal, the OIV undertakes to recognize the latter's jurisdiction.

I am at your disposal for any additional information that you may require, and assure you of my highest consideration.

*(Signed)* Federico Castelluci,  
Director-General.