



Governing Body

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Programme, Financial and Administrative Section

PFA

Personnel Segment

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Matters relating to the Administrative Tribunal of the ILO: Recognition of the Tribunal's jurisdiction by other international organizations

International Commission for the Protection of the Danube River

Purpose of the document

This document contains a proposal regarding the approval of the recognition of the Tribunal's jurisdiction by the International Commission for the Protection of the Danube River (ICPDR). The Governing Body is invited to approve the recognition of the Tribunal's jurisdiction by the ICPDR (see the draft decision in paragraph 11).

Relevant strategic objective: None.

Main relevant outcome: Enabling outcome C: Efficient support services and effective use of ILO resources.

Policy implications: None.

Legal implications: Additional international organization under the competence of the ILO Administrative Tribunal.

Financial implications: None.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR).

Related documents: [GB.343/PFA/15](#).

1. Since the Governing Body last approved the recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization (hereinafter “the Tribunal”) by an international organization in October 2021,¹ the Director-General has received a declaration by a further international organization recognizing that jurisdiction.
2. According to article II(5) of the Tribunal’s Statute, in order to be eligible for admission, an international organization must either be intergovernmental in character or fulfil the following conditions, set out in the Annex to the Statute:
 - (a) it shall be clearly international in character, having regard to its membership, structure and scope of activity;
 - (b) it shall not be required to apply any national law in its relations with its officials, and shall enjoy immunity from legal process as evidenced by a headquarters agreement concluded with the host country; and
 - (c) it shall be endowed with functions of a permanent nature at the international level and offer, in the opinion of the Governing Body, sufficient guarantees as to its institutional capacity to carry out such functions as well as guarantees of compliance with the Tribunal’s judgments.
3. By letter dated 8 August 2024 and addressed to the Director-General of the ILO (see the appendix), Ms Birgit Vogel, Executive Secretary of the International Commission for the Protection of the Danube River (ICPDR), asked that the ICPDR’s request for recognition of the Tribunal’s jurisdiction be submitted to the Governing Body for its approval.
4. The ICPDR was established by virtue of Article 18 of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention), which was signed in June 1994 and entered into force in October 1998. The Contracting Parties of the Danube River Protection Convention are Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Germany, Hungary, the Republic of Moldova, Montenegro, Romania, Serbia, Slovakia, Slovenia, Ukraine and the European Union. The ICPDR is tasked with implementing the objectives of the Danube River Protection Convention which is aimed at achieving the goals of a sustainable and equitable water management of the Danube River through international cooperation.
5. Under its Statute (Annex IV to the Danube River Protection Convention), the ICPDR consists of delegations nominated by the Contracting Parties (article 1), is chaired by the Contracting Parties in turns (article 2) and meets at least once a year (article 3). It establishes expert bodies such the Standing Working Group and ad hoc Expert Groups (article 6).
6. The ICPDR’s Permanent Secretariat, established by Article 7 of its Statute, is located in Vienna, Austria. It is led by an Executive Secretary appointed by the ICPDR. The Permanent Secretariat currently employs 11 officials.
7. Under article 10 of its Statute, the ICPDR possesses such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes in accordance with the law applicable at the headquarters of its Secretariat. Under article 6 of the Headquarters Agreement between the Republic of Austria and the ICPDR, signed on 14 December 2000, the ICPDR enjoys immunity from jurisdiction in Austria, except when expressly waived by the Executive Secretary and in case of any civil action brought by a third party for damages

¹ GB.343/PV, para. 724.

resulting from an accident caused by a vehicle belonging to, or operated on behalf of, the Secretariat, or in respect of any infringement of regulations concerning motor vehicles. Article 16(1) of the Agreement sets out the immunity and privileges enjoyed by the officials of the ICPDR, including immunity from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity.

8. In accordance with article 11 of its Statute, the Contracting Parties, other than the European Union, contribute to the ICPDR's budget in equal parts. Pursuant to the same provision, the European Union contributes up to 2.5 per cent of the administrative costs to the ICPDR's budget.
9. More information on the ICPDR, its structure and basic texts is available at <https://www.icpdr.org/>.
10. Subject to the Governing Body's approval of the acceptance of the Tribunal's jurisdiction by the ICPDR, the Tribunal's jurisdiction will extend to 59 organizations other than the ILO.² 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 under the Statute to bear the expenses of sessions and pay any award of compensation made by the Tribunal. Those organizations also contribute, in amounts proportionate to the number of their staff, to most of the running costs of the Tribunal's registry.

► Draft decision

11. **The Governing Body approved the recognition of the Tribunal's jurisdiction by the International Commission for the Protection of the Danube River (ICPDR) with effect from the date of such approval.**

² See the list organizations on the [Tribunal's website](#).

► Appendix



Mr. Gilbert F. Houngbo
Director-General of the International Labour Organization
4 route des Morillons
211 Geneva 22
Switzerland

Ref.: 19553
Vienna, 8 August 2024

Recognition of the Jurisdiction of the International Labour Organization Administrative Tribunal

Dear Mr. Houngbo,

greetings from the International Commission for the Protection of the Danube River (ICPDR).

I have the honour to present the request of the ICPDR to the Governing Body of the International Labour Organization (ILO) to extend the jurisdiction of the ILO Administrative Tribunal to ICPDR and its officials.

The ICPDR is an international body, which has been established in 1999 under the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention) with the mandate to implement the Convention. The Danube River Protection Convention commits the contracting parties (Germany, Czech Republic, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Montenegro, Bosnia-Herzegovina, Bulgaria, Romania, Moldova, Ukraine, and the European Union) to unify their efforts in sustainable and equitable water management, including conservation of surface waters and groundwater, pollution reduction, and the prevention and control of floods, accidents and ice hazards. The Convention was signed in Sofia in 1994 and came into force in October 1998.

The ICPDR currently employs 11 staff members and is headquartered in Vienna based on a seat agreement between the Republic of Austria and the ICPDR dated 14 December 2000. This agreement recognizes the ICPDR juridical personality and confers on it and its officials' privileges and immunities in accordance with international law. Accordingly, the ICPDR is exempt from applying national law in its relations with its staff members and enjoys immunity from legal process.

The ICPDR employs its staff members directly under its own regulations and policies. In its 26th Ordinary Meeting in December 2023, the ICPDR asked the Secretariat to clarify the procedure for the recognition of the ILO Tribunal's competence and to initiate as well as coordinate the necessary recognition procedure. The ICPDR has approved the revised Art X of its Staff Regulations on 7 August 2024. According to the revised Art X of these Regulations, ICPDR Staff Members and the Executive Secretary will be able to appeal to the ILO Administrative Tribunal against any act or decision of individual application contrary to the terms of her/his appointment or contrary to the Staff Regulations of the ICPDR.

Subject to the recognition of the jurisdiction by the ILO Administrative Tribunal, the revised Art X will enter into force. As soon as the revised Art X of the Staff Regulations of the ICPDR will enter into force, it will be clear that the decisions of the ILO Administrative Tribunal will be binding on the ICPDR. ICPDR is prepared for any awards rendered against ICPDR to be chargeable to its budget.



As set out above, the ICPDR:

- is *international* in character, having regard to its establishment, membership, structure and scope of activity;
- is a subject of international law, and as such, is not required to apply any national law in its relations with its officials, and shall enjoy immunity from legal process; and
- has functions of permanent nature at the international level and offers sufficient guarantees as to its institutional capacity to carry out such functions as well as guarantees of compliance with the ILO Administrative Tribunal's judgments.

Accordingly, the ICPDR meets the requirements set out in the annex to the Statute of the Administrative Tribunal of the ILO. Kindly find attached the ICPDR's relevant governance and Staff Regulations to the present letter.

I would appreciate your assistance in transmitting the ICPDR's declaration to request to recognise the jurisdiction of the ILO Administrative Tribunal and request the ILO Administrative Tribunal to extend its jurisdiction to the ICPDR to the Governing Body for its review and approval.

In case of any further questions regarding ICPDR's governance and legal affairs, please contact me at birgit.vogel@icpdr.org.

I remain at your disposal should you need any further information and avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours sincerely,

Birgit Vogel
ICPDR Executive Secretary

Annexes:

- 01 Danube River Protection Convention
- 01a Ratification Dates of the Danube River Protection Convention
- 02 Seat Agreement
- 03 ICPDR Rules of Procedure
- 04 ICPDR Staff Regulations
- 05 Revised Art X of the ICPDR Staff Regulations