



## EIGHTEENTH ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the ILO****(b) Recognition of the Tribunal's jurisdiction by the International Organisation for the Development of Fisheries in Eastern and Central Europe (EUROFISH)**

1. By a letter dated 11 January 2008 (see appendix), Mr Victor Hjort, Director of EUROFISH, informed the Director-General of the ILO that on 30 November 2007 the Governing Council of EUROFISH had amended the EUROFISH Staff Regulations to recognize the jurisdiction of the Administrative Tribunal of the ILO (Tribunal) in accordance with article II, paragraph 5, of its Statute. In his letter, the Director of EUROFISH asked that his request for recognition of the Tribunal's jurisdiction be transmitted to the Governing Body of the ILO for its approval.
2. EUROFISH was established by the States concerned in recognition of the importance of fisheries as an essential sector of their national development and food security. It aims to promote cooperation among the countries of Eastern and Central Europe to enable them to develop their fisheries industry and strengthen their investment capacity especially from the private sector. It also provides a forum for countries concerned to initiate post-harvest fisheries and aquaculture activities as well as common actions in the fields of investment and development, trade and market promotion.
3. EUROFISH is an intergovernmental organization established under an international treaty, namely the Agreement for the Establishment of the International Organisation for the Development of Fisheries in Eastern and Central Europe ("the Agreement"), which opened for signature on 23 May 2000. EUROFISH currently has 12 member States and has its seat in Copenhagen, Denmark, as stipulated in Article 5 of the Agreement. It has a Governing Council composed of all the members through which it organizes its work and all other aspects of its functioning. EUROFISH has legal personality, and enjoys privileges and immunities by virtue of Article 12 of the Agreement. It is funded by annual contributions from member States, as well as by providing certain services for payment, donations and other resources approved by its Governing Council.
4. EUROFISH has a Headquarters Agreement with the Government of the Kingdom of Denmark which entered into force on 11 March 2003. The organization's legal capacity

and the privileges and immunities accorded to it in Denmark are enshrined in this Headquarters Agreement. Pursuant to Article III of the Headquarters Agreement, EUROFISH, its property and assets, enjoys immunity from every form of legal process with three exceptions: where it expressly waives its immunity; in the case of civil actions by a third party for damages arising from a motor vehicle or other means of transport belonging to, or operated by or on behalf of, EUROFISH; and in the case of a counter-claim to proceedings initiated by EUROFISH.

5. EUROFISH currently has nine staff members. Their conditions of employment are set out in the Staff Regulations which provide, inter alia, subject to the approval of the ILO Governing Body, for the submission of disputes for final resolution to the ILO Administrative Tribunal, where the dispute concerns the application of the Staff Regulations to any staff member and cannot be resolved internally.
6. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, EUROFISH must be considered either to be an intergovernmental organization or fulfil certain criteria set out in the annex to the Statute. According to information available, EUROFISH is an international intergovernmental organization established by treaty. Furthermore, EUROFISH has objectives that respond to the general interest of the international community and its functions are of an ongoing nature. In addition, EUROFISH is not required to apply any national law in its relations with its officials and enjoys immunity from legal process in its host country. The financial contributions from its members guarantee the stability of EUROFISH's budgetary resources.
7. 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. Each organization contributes, in amounts proportionate to the number of its staff, to much of the running costs of the Tribunal's secretariat. In addition, 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.
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 EUROFISH, with effect from the date of such approval.***

Geneva, 7 February 2008.

*Point for decision:* Paragraph 8.

## Appendix

Mr Juan Somavia

Director-General

Copenhagen, 11 January 2008

**Re: Recognition of the jurisdiction of the ILO Administrative Tribunal by the International Organisation for the Development of Fisheries in Eastern & Central Europe (EUROFISH)**

Dear Director-General,

I have the honour to submit the application of EUROFISH in respect of recognition of the competence of the ILO Administrative Tribunal with regard to the dispute procedures provided for by EUROFISH.

This request follows the amendment, at the 7th Session of the Governing Council of EUROFISH on 29–30 November 2007, of the EUROFISH Staff Regulations, which entered into force on 1 January 2008.

EUROFISH is an intergovernmental organization with its headquarters in Copenhagen, and currently comprises 12 member States. Please find attached copies of the following documents:

- the Agreement of 23 May 2000 establishing EUROFISH, which entered into force on 12 October 2001;
- the status of the Agreement and list of member States published by the Legal Office of the Food and Agriculture Organisation of the United Nations (FAO);
- the Headquarters Agreement of 11 March 2003 between the Government of the Kingdom of Denmark and EUROFISH;
- the Staff Regulations adopted on 21–22 January 2002 and amended on 30 November 2007 with effect from 1 January 2008 (particularly section 13 thereof);
- the staff list.

Having taken note of the Statute of the ILO Administrative Tribunal, EUROFISH 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.

Yours sincerely,

*(Signed)* Victor Hjort,

Director.