



EIGHTEENTH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO**(d) Recognition of the Tribunal's jurisdiction by the International Organization of Legal Metrology**

1. By a letter dated 26 September 2005 (appended), Mr. Jean François Magaña, the Director of the International Organization of Legal Metrology (OIML), informed the Director-General that the OIML had decided to recognize the Tribunal's jurisdiction, in accordance with article II, paragraph 5, of its Statute.
2. The OIML was set up under the terms of the Convention establishing an International Organization of Legal Metrology, which was signed in Paris on 12 October 1955. The OIML currently has 60 Member States and 53 Corresponding Members. It is funded through a regular budget which depends primarily on annual contributions from Member States. According to article III of the Convention, the Organization comprises an International Conference on Legal Metrology, an International Committee of Legal Metrology and an International Bureau of Legal Metrology.
3. The OIML was established in order to promote the global harmonization of legal metrology procedure. Legal metrology is defined as the entirety of the legislative, administrative and technical procedures established by, or by reference to, public authorities and implemented on their behalf in order to specify and ensure in a regulatory or contractual manner, the appropriate quality and credibility of measurements related to official controls, trade, health, safety and the environment. The purpose of the OIML is defined in article I of its Convention. Since it was established, it has developed a worldwide technical structure that provides its Members with metrological guidelines for the elaboration of national and regional requirements.
4. Under the terms of article XXIII of the Convention, the OIML has legal status. With its headquarters in Paris, the OIML concluded a Headquarters Agreement with France on 1 September 1964. Under the terms of that Agreement, the OIML enjoys privileges and immunities comparable to those of other international organizations in France.

5. The OIML currently employs 11 officials. Their conditions of employment are set out in the staff statutes approved by the International Conference on Legal Metrology and the International Committee of Legal Metrology. The staff statutes provide for the possibility of recourse to the Administrative Tribunal of the ILO with regard to any dispute that may arise on the application of the staff regulations.
6. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the OIML 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 OIML is an international intergovernmental organization, established by an international treaty, having objectives that respond to the general interest of the international community as a whole, and is endowed with functions of a permanent nature. In addition, the OIML 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 Convention establishing the OIML itself guarantee stability of financial resources of the Organization.
7. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 46 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. Those 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 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 International Organization of Legal Metrology (OIML), with effect from the date of such approval.***

Geneva, 6 October 2005.

Point for decision: Paragraph 8.

Appendix

Jean François Magaña
Director, OIML

The Director-General,
International Labour Office,
4, route des Morillons,
CH-1211 Genève 22.

Ref: BIML 05 No. 544/JFM

Geneva, 26 September 2005

Dear Director-General,

Re: Recognition of the jurisdiction of the ILO Administrative Tribunal

The International Organization of Legal Metrology (OIML) is an intergovernmental organization which was established by a Convention in 1995. According to the Convention, the statutes of the personnel of the Bureau are determined by the International Committee of Metrology (Article XXI). According to those statutes, any disputes are to be settled:

- amicably, by mutual agreement, between the party concerned and the Director of the Bureau; or
- in case of failure to reach agreement, by appeal to the President of the Committee; or
- in the event that it is still impossible to achieve an agreement, by bringing the dispute before the Administrative Tribunal of the ILO, the parties being bound by the latter's decision.

I have the honour to request that the Governing Body approve our recognition of the jurisdiction of the ILO Administrative Tribunal in disputes arising in connection with the application of the statutes of the employees of the International Organization of Legal Metrology.

We hope that our request can be examined as quickly as possible. Recourse to the ILO Administrative Tribunal has been provided for in our statutes since 1980, although my predecessor had not sought the approval of the ILO to apply that provision. While the first level of appeal allowed under our statutes, namely, to the President of the International Committee of Legal Metrology, is operational, the second level, namely, appeal to the ILO Administrative Tribunal, is not currently accepted by the ILO.

You will find attached to this letter the following documents:

- a copy of the Convention establishing the OIML;
- the Headquarters Agreement with the Government of France;
- the list of accessions to the OIML, as established by the French Ministry of Foreign Affairs;
- the personnel statutes of the International Bureau of Legal Metrology.

I thank you in advance for your assistance, and take this opportunity to assure you, Sir, of my highest consideration.

Yours sincerely,

Jean François Magaña.