

**Statute  
of the Administrative Tribunal  
of the Technical Centre for Agricultural  
and Rural Cooperation**

24/03/2018

## **Article 1**

### *Establishment*

In accordance with Article 67 of the Staff Regulations of the Technical Centre for Agricultural and Rural Cooperation (the “Staff Regulations”), a tribunal of the Technical Centre for Agricultural and Rural Cooperation (“the CTA”) is hereby established, to be known as the Administrative Tribunal of the Technical Centre for Agricultural and Rural Cooperation (“the Tribunal”).

## **Article 2**

### *Jurisdiction*

1. The Tribunal shall have jurisdiction in any dispute between the CTA, on the one hand, and members or former members of staff, or their respective successors in interest (each an “Appellant”), on the other hand, regarding the legality of an act or decision of the CTA adversely affecting the Appellant.
2. An appeal to the Tribunal shall only be admissible if the conditions laid down in article 67 (3) of the CTA’s staff regulations are fulfilled, namely:
  - the competent authority has previously had a complaint submitted to it pursuant to Article 66(2) within the period prescribed therein;
  - the complaint has been rejected by express decision or by implied decision;
  - conciliation has failed or the dispute has not been resolved within four months after the date of the conciliator’s appointment.
3. The Tribunal shall not have any powers beyond those conferred upon it by this Statute. Nothing in this Statute shall limit or modify the powers of the organs of the CTA under the Cotonou agreement, the Statutes of the CTA and the CTA’s staff regulations, including the lawful exercise of their discretionary authority in the adoption of general or individual decisions, such as the establishment or amendment of the Staff regulations of the CTA. Consequently, the Tribunal shall only have full jurisdiction with regard to disputes of a financial character.
4. The Tribunal shall, if necessary, settle any issue concerning its own jurisdiction.

## **Article 3**

### *Composition*

1. The Tribunal shall be composed of five members who shall be appointed by a unanimous decision of a committee (the “Committee”) following an open and transparent call for candidates.

The Committee shall be composed of five members. The chairman of the Committee shall be appointed by the Chairman of the Executive Board of the CTA. The other members of the Committee shall be the Director, the Head of Human resources, and two staff representative chosen among and by the members of the Staff Committee of the CTA (the “Staff Representative”). If no member of the Staff Committee will be appointed, the Staff representatives will be appointed among the members of the international staff.

If unanimity cannot be reached after two rounds of voting, the members of the Tribunal shall be appointed by majority vote, whereby at least one of the deciding votes must come from one of the Staff representatives. If no deciding vote comes from one of the Staff representatives, the final decision regarding the judges' appointment must be taken by the CTA's Board.

2. The members of the Tribunal shall be of high moral character and integrity. They shall be experienced legal professionals, possessing the qualification for appointment to judicial office and having expertise in matters relevant to the determination of cases under international administrative law.

The members of the Tribunal shall be fully independent and shall not receive any instructions in the exercise of their duties. They shall have no other prior or present office, employment or service relationship with the CTA, and shall not be eligible for any office or employment with, or representation of, the CTA following the end of their service with the Tribunal.

Any member of the Tribunal who has a conflict of interest in a particular case shall promptly recuse himself or herself and be replaced by another member, in accordance with the rules laid down in the rules of procedure of the Tribunal (the "Rules of Procedure").

Before taking up his or her duties, each member of the Tribunal shall take an oath to perform his or her duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Tribunal.

3. The members of the Tribunal shall be appointed for a renewable term of office of five years.

Should a vacancy occur, an open and transparent call for candidates shall be immediately lodged enabling the Committee to appoint a new member of the Tribunal without undue delay.

The Committee may, by a unanimous decision, terminate the appointment of a member who, in the unanimous opinion of the other members of the Tribunal, no longer fulfils the requisite conditions or meets the obligations arising from his or her office, in particular due to serious illness or other circumstances affecting severely his or her working capacity or which would render the member for other reasons unsuited for further service on the Tribunal, such as the following non-exhaustive circumstances: a criminal conviction for an offence of dishonesty, professional disqualification as a result of disciplinary proceedings or deprivation of civil rights.

4. The Tribunal shall convene, at the CTA's offices or via electronic means, either in plenary session (the "Full Tribunal") or as a panel of three members. The Tribunal shall generally convene as a panel of three members, as stipulated in article 8.1. However, the cases in which the Tribunal may convene in plenary session (the "Full Tribunal" will be set out in the Rules of Procedure.

5. The members of the Tribunal are entitled to emoluments as fixed in the non-public Annex to this Statute.

**Article 4**  
*Organisation*

1. The Full Tribunal shall elect a president of the Tribunal (the “President”) and a vice-president of the Tribunal (the “Vice-President”) from among its members for a renewable term of five years.
2. The Vice-President shall be the alternate of the President (the “Alternate”) in all circumstances.
3. At the inception of the Tribunal, and until otherwise decided by the Full Tribunal, the President shall act as the registrar of the Tribunal (the “Registrar”).
4. The Tribunal shall take decisions by majority vote.

**Article 5**  
*Rules of Procedure*

1. At its inception and in consultation with the Executive Board of the CTA, the Full Tribunal shall review the Rules of Procedure and adopt them or, if deemed necessary by a unanimous reasoned decision, amend them.
2. The Rules of Procedure shall contain any provisions necessary for applying and, where required, supplementing this Statute.
3. Subject to the terms of this Statute, the Rules of Procedure shall include provisions concerning:
  - (a) the institution of proceedings;
  - (b) the composition of panels;
  - (c) disqualification of members of the Tribunal or their inability to act for any other reason;
  - (d) representation of the parties;
  - (e) evidence;
  - (f) the conduct of the hearings;
  - (g) the nomination and duties of the Registrar;
  - (h) the revision of judgments; and

- (i) all other matters relating to the functioning of the Tribunal.

**Article 6**  
*Proceedings*

1. Proceedings before the Tribunal shall be instituted by the filing of a written appeal by the Appellant or his or her counsel, in the manner set forth in the Rules of Procedure.

When filing the appeal, the Appellant shall notify in writing and without delay the Director of the filing of the appeal.

2. An appeal shall only be admissible if it has been filed within the time limits set forth in Article 7.
3. In exceptional circumstances, and at its sole and absolute discretion, the Tribunal may, if it considers the delay justified, waive the time limits set forth in Article 7 in order to admit an appeal that would otherwise be inadmissible.
4. Each party may be assisted in the proceedings by counsel of his or her choice, and shall bear all costs thereof, subject to Article 13(2).
5. The proceedings before the Tribunal shall be in English or French. English or French shall also be the internal working languages of the Tribunal.
6. The language chosen on the appeal, instituted in accordance with article 6(1), shall be used in any subsequent written pleadings.

**Article 7**  
*Time Limits*

In accordance with article 67 (4) of the Centre's Staff regulations, the appeal referred to in Article 6 shall be filed with the Registrar within three calendar months of the notification to the Appellant of the failure of the conciliation proceedings or, if the dispute has not been resolved, within three calendar months of the expiration date of the four-month period from the date of the conciliator's appointment.

**Article 8**  
*Panel, Procedure and Amicable Settlement*

1. Appeals shall be decided by the Tribunal in a panel composed of the President and two other members.
2. As soon as an appeal has been filed, the President shall designate, in accordance with the Rules of Procedure, the other two members of the Tribunal who shall form the panel which is to judge the appeal.

3. The procedure before the Tribunal shall consist of two parts: a written part and an oral part. The written procedure shall comprise the appeal and the reply, and, if allowed for by the President, a second exchange of written observations. The oral hearing, which can be held in different sessions, shall be public, unless the public has been excluded according to the provisions set forth in the Rules of Procedure.
4. The proceedings of the Tribunal shall not be public. The deliberations of the Tribunal shall be and remain confidential.
5. The Tribunal may, at any stage of the procedure, examine the possibility of an amicable settlement of the dispute between the Appellant and the CTA, and propose one or more solutions capable of bringing the dispute to an end and adopt appropriate measures (including financial compensation) with a view to facilitating such settlement.
6. The Tribunal shall issue a judgment within 12 calendar months after the filing of the complaint, unless the exceptional nature of the case does not allow for the case to be closed within this time frame.

### **Article 9**

#### *Powers of the Tribunal*

1. If the Tribunal finds that the decision by the CTA, as referred to in Article 2 of this Statute, is illegal, wholly or in part, the CTA shall be required to take the necessary measures to comply with the judgment of the Tribunal. If agreed between the Appellant and the CTA, the Tribunal shall indicate these measures.
2. The filing of an appeal shall not have the effect of suspending the implementation of the act or decision contested, subject to such interim relief as the President may decide to grant.
3. The President may, but shall not be required to, render interim orders upon request by the Appellant.

### **Article 10**

#### *Judgments*

1. Each judgment of the Tribunal shall be in writing and state the reasons on which it is based.
2. Judgments of the Tribunal shall be final and without further appeal.

### **Article 11**

#### *Review of Judgments*

1. If, after a judgment has been delivered by the Tribunal, new facts come to the knowledge of a party to the case which, had they been known at the time of the deliberations, might have had a decisive influence on said judgment, the party concerned may request revision of the judgment within three calendar months of the new facts coming to his or her knowledge. Any decision as to whether or not to revise a judgment of the Tribunal in such circumstances shall be made by the President and two other members of the Tribunal and shall be final and without further appeal.
2. The Tribunal may interpret or rectify any judgment whose terms appear obscure or incomplete or which contains a typographical, clerical or arithmetical error.

**Article 12**  
*Archiving*

The original of each judgment shall be filed in the archives of the Tribunal by the Registrar, where it shall be available for consultation by any person concerned. A copy attested by the President of the Tribunal shall be delivered to the parties.

**Article 13**  
*Costs*

1. The costs of the Tribunal, including the costs of experts and witnesses as approved by the Tribunal, shall be borne by the CTA.
2. If the Tribunal concludes that an appeal is founded in whole or in part, it may order that the reasonable costs incurred in the proceedings by the Appellant, including reasonable fees of the Appellant's counsel, be totally or partially borne by the CTA.
3. If the Tribunal concludes that an appeal is manifestly without foundation or has been submitted principally for the purpose of delaying some legitimate act or decision of the CTA or of harassing the CTA or any of its officers or members of staff, the Tribunal may order that the Appellant indemnifies the CTA for part or all of the costs reasonably incurred by it in defending the case.

**Article 14**  
*Periodical Reports*

The President shall periodically provide the Director with a report on the cases which have been filed with and concluded by the Tribunal.

**Article 15**  
*Amendments*

This Statute may be amended by the Executive Board after consultation of the Full Tribunal.