

Council on General Affairs and Policy of the Conference – March 2017

Document	Preliminary Document <input checked="" type="checkbox"/> Procedural Document <input type="checkbox"/> Information Document <input type="checkbox"/>	No 17 of February 2017
Title	Update on Staff Rules for the Hague Conference on Private International Law	
Author	Permanent Bureau	
Agenda item	Item VI.5.a.	
Mandate(s)		
Objective	To provide the Council with an overview of developments relating to the Staff Rules in 2016 and 2017.	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	n.a.	
Related documents	n.a.	

1. Since 1963, following a decision made by the Council of Diplomatic Representatives, the Permanent Bureau (PB) has followed the Staff Rules of the Organisation for Economic Cooperation and Development (OECD) with certain exceptions as determined by the Secretary General (of the Hague Conference on Private International Law (HCCH)). In order to ensure a level playing field in terms of entitlements, and to bring clarity and transparency to the operation of the PB, in 2015 and 2016 the Secretary General prioritised the preparation of draft Staff Rules for the HCCH.
2. In the first half of 2016, a Working Group on Staff Rules met twice (on 4 February and 23 March) under the chairmanship of Mr Nic Turner (United Kingdom). The PB also carried out a series of bilateral and trilateral discussions with Member States. During the course of these meetings and discussions, it became clear that the date originally envisaged for the entry into force (1 July 2016) was no longer realistic. In light of the delayed entry into force, the PB informed the Working Group that it would put into place Ad-Hoc Disciplinary, Conflict and Dispute Resolution Procedures based on the draft Staff Rules under consideration. Ad-Hoc Disciplinary, Conflict and Dispute Resolution Procedures were put in place for staff of the PB via a Secretary General Decision on 1 October 2016.
3. Following the meeting of the Council of Diplomatic Representatives on 25 May 2016, the Secretary General submitted a draft Budget with the precision that the € 15,500 included in the Budget relating to the draft Staff Rules would be frozen ("ring-fenced") until the possible entry into force of the Rules, which at that point was foreseen for 1 January 2017.
4. The PB continued to carry out bilateral and trilateral discussions following the meeting of the Council of Diplomatic Representatives. In addition, the PB submitted the draft Staff Rules to the International Service for Remunerations and Pensions (ISRP) of the OECD for feedback. In the second half of 2016, and still under the chairmanship of Mr Nic Turner, the Working Group on Staff Rules held three additional meetings (on 6 September, 27 October, and 9 December) to further discuss and refine the Rules. Comments received from Member States, PB responses to these comments, the ISRP feedback on the draft Rules, and summaries of the three aforementioned meetings are available on the Secure Portal of the HCCH website.
5. Following the last meeting of the Working Group on 9 December 2016, the final version of the Staff Rules was submitted to Member States. On 16 December, the Staff Rules were sent to Members for review. Voting (via a written procedure) was subsequently opened on 22 December 2016 via L.c. ON No 62(16). The deadline for voting was set at 31 January 2017.
6. On 1 February 2017, the Permanent Bureau informed the Members via L.c. ON No 11(17) that that the two-thirds majority of votes cast were in favour of approving the new Staff Rules. Twenty-one (21) Member States voted in favour and no Member State voted against the approval of the new Staff Rules. Three Member States objected to the process and declined to cast a vote.
7. Because the Dispute Resolution Procedure of the Staff Rules envisage that the Administrative Tribunal of the Council of Europe will be the final appeal body for disputes within the Organisation, the Council of Europe (CoE) needs to be consulted in relation to the Staff Rules. To this effect, on 29 December 2016, the Staff Rules were provided to the Head of the Legal Advice and Litigation Department (Department) of the CoE. The Department, in conjunction with the Registrar of the Administrative Tribunal of the Council of Europe, is currently considering the Staff Rules in preparation of the HCCH requesting to join the Administrative Tribunal of the Council of Europe. This consideration is a crucial procedural step the HCCH must take, before the Committee of Ministers of the CoE may ultimately authorise the Secretary-General of the CoE to sign an agreement with the HCCH that will extend the Administrative Tribunal of the Council of Europe's jurisdiction to become the HCCH's final appeal body. As of 21 February 2017, the Permanent Bureau has not received an official response from the Council of Europe. The response and the date of entry into force of the Staff Rules will be communicated to the Members as soon as possible.