

10th February 1987

STATUTE OF THE ADMINISTRATIVE TRIBUNAL
OF THE BANK FOR INTERNATIONAL SETTLEMENTS

Article 1

An Administrative Tribunal of the Bank for International Settlements is hereby established.

Article 2

(1) The Administrative Tribunal shall be competent to hear and determine any dispute in matters of employment relations arising between the Bank and its officials or former officials or persons claiming through them.

(2) Matters of employment relations shall be deemed to include all questions relating to the interpretation or application of contracts between the Bank and its officials concerning their employment, of the regulations to which the said contracts refer and in particular of the provisions governing the Bank's welfare scheme.*

(3) The term "official" shall for the purpose of the present provisions mean any member of the Bank's staff who, in accordance with Swiss diplomatic practice, has the status of international official with respect to the Headquarters Agreement concluded between the Swiss Federal Council and the Bank.

(4) "Persons claiming through" officials or former officials shall for the purposes of the present provisions mean persons closely related to such officials or former officials and thereby entitled to benefits under the Bank's welfare scheme.*

(5) The Administrative Tribunal shall, if necessary, decide upon its own competence.

* i.e. the pensions system and other welfare arrangements provided by the Bank.

Article 3

(1) The Administrative Tribunal shall be composed of five members appointed by the Board of Directors.

(2) The members of the Administrative Tribunal shall be judges or former judges of a supreme court or jurisconsults of recognised competence. They shall be appointed for a period of four years and may be re-appointed.

(3) Should a vacancy occur before the term of office laid down in paragraph (2) of the present Article has expired, the Board of Directors shall, after consulting the Administrative Tribunal, appoint a new member.

(4) The Administrative Tribunal shall hold its sessions at the Bank's offices. It may take decisions either in plenary session (full Tribunal) or through a panel of three members.

Article 4

(1) The rules of procedure of the Administrative Tribunal shall be laid down by the full Tribunal.

(2) The full Tribunal shall elect a President and a Vice-President from among its members and appoint a Secretary of the Administrative Tribunal. The Secretary must reside in Basle..

(3) The Vice-President shall be the alternate of the President of the Administrative Tribunal in all circumstances.

(4) The Administrative Tribunal (full Tribunal or panel) shall take decisions by a majority vote. The President shall have a deliberative and a casting vote.

Article 5

Subject to the terms of the present Statute, the rules of procedure of the Administrative Tribunal shall include provisions concerning:

- (a) the institution of proceedings;
- (b) the disqualification of members of the Tribunal from hearing a case or their inability to act;
- (c) representation of the parties;
- (d) evidence and proof, the Administrative Tribunal having the power, where necessary, to require all appropriate means of proof;
- (e) the conduct of the hearings;
- (f) the duties of the Secretary of the Administrative Tribunal;
- (g) the revision of judgments;
- (h) the delivery of advisory opinions; and, generally,
- (i) all other matters relating to the functioning of the Administrative Tribunal.

Article 6

(1) Proceedings before the Administrative Tribunal shall be instituted by the filing of an application by the party concerned (official, former official or person claiming through such official or former official) in one of the Bank's four official languages.

(2) An application shall not be admissible, save in exceptional circumstances at the discretion of the Administrative Tribunal, unless:

- (a) the applicant has previously submitted a request on the same subject to the General Manager of the Bank and
- (b) the Bank has, in writing, rejected this request wholly or in part, or
- (c) the Bank has failed to respond to the said request in writing within ninety days of its having been submitted and, finally,
- (d) the application was filed within the time limits laid down in the following Article.

Article 7

(1) The application referred to in the preceding Article must be filed with the Secretary of the Administrative Tribunal within thirty days of:

- (a) receipt by the applicant of the communication referred to in paragraph (2)(b) of the preceding Article, or
- (b) the end of the period referred to in paragraph (2)(c) of the preceding Article.

(2) If the application is filed by post, it will suffice if it is postmarked within the period laid down in the preceding paragraph.

(3) The Secretary of the Administrative Tribunal shall forward to the President of the Tribunal any application thus filed.

Article 8

(1) Cases shall be decided by a panel of the Administrative Tribunal

(2) As soon as an application has been submitted to him the President of the Administrative Tribunal shall designate two other members of the Tribunal who, together with himself, shall form the panel which is to judge the case.

(3) Every case shall end with an oral hearing. The proceedings of the Administrative Tribunal shall not be public.

Article 9

(1) The judgments of the Administrative Tribunal shall be based on general principles of law and, in cases of doubt, the general principles of Swiss law. It shall take into account the customs and traditions of the Bank.

(2) Each judgment of the Administrative Tribunal shall state the reasons on which it is based.

Article 10

(1) If the Administrative Tribunal finds that the application is well founded it may annul the decision contested and, if necessary, determine the content and amount of the obligation in question.

(2) The Administrative Tribunal shall also, if need be, decide on the consequences of non-performance of such obligation.

(3) The Administrative Tribunal cannot pass judgment on matters of promotion.

(4) The filing of an application shall not have the effect of suspending the execution of the decision contested.

Article 11

Judgments of the Administrative Tribunal shall be final and without appeal.

Article 12

(1) If, after a judgment has been delivered by the Administrative 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 the said judgment, the party concerned may request revision of the judgment within six months of the new facts coming to his knowledge.

(2) The Administrative Tribunal may interpret or rectify any judgment whose terms appear obscure or incomplete or which contains a clerical or arithmetical error.

Article 13

The Administrative Tribunal may deliver advisory opinions if so requested by both parties concerned, provided that it considers itself sufficiently well informed. For this purpose, it may require all appropriate means of proof.

Article 14

(1) The original copy of each judgment and each opinion delivered on an advisory basis shall be filed in the archives of the Bank. A copy attested by the President of the Administrative Tribunal shall be delivered to each of the parties concerned. Photocopies of the original may subsequently be made available by the Bank, upon reasoned request, to persons with a legitimate interest.

(2) The costs incurred in connection with the functioning of the Administrative Tribunal, as well as the costs of all proceedings, shall be borne by the Bank.

Article 15

The President of the Administrative Tribunal shall periodically provide the Chairman of the Board of Directors of the Bank with a report on the cases which have come before the Administrative Tribunal.

Article 16

(1) The present Statute may be amended by the Board of Directors of the Bank after consulting the Administrative Tribunal.

(2) It shall enter into force on the day on which the Headquarters Agreement concluded between the Swiss Federal Council and the Bank comes into effect.