**Articles 9, 10 & 11**

Thank you, Chairperson. I speak on behalf of the over 200 million members of the global trade union organisations: ITUC, BWI, EI, IndustriAll, ITF, IUF, PSI, and UNI.

***Article 9. Adjudicative Jurisdiction*** provides a broad choice of competent jurisdiction, which is welcome given that the main goal of the Legally Binding Instrument should be to ensure that rights-holders have effective access to remedy. Art. 9.3 makes it clear that jurisdiction established under the article shall be “obligatory” and that courts *should not decline jurisdiction* on the basis of forum non conveniens. This is a critical provision, which will prove extremely valuable in expanding access to justice for rights-holders. Art. 9.4 helpfully establishes that courts have jurisdiction over non-domiciled legal or natural persons “if the claim is closely connected with a claim against” a domiciled entity. This provision will facilitate joint litigation against parent and subsidiary companies. Art. 9.5 enshrines forum necessitas, providing that a court shall have jurisdiction over non-domiciled entities “if no other effective forum guaranteeing a fair trial is available and there is a sufficiently close connection” to the forum.

However, the revised text removed the domicile of the victim as a basis for jurisdiction (art.9.1). In addition, “substantial business interests” has been removed and replaced with the more limiting term “principal place of business.”

We regret these new limitations when it comes to adjudicative jurisdiction. In some cases, a rights-holder may not be able to leave their domicile to bring a claim. For example, when it comes to migrant workers who have returned to their home country but continue to have claims with respect to companies domiciled elsewhere.

***Article 10. Statute of limitations*** is a critical provision in ensuring that barriers to access to justice can be overcome in practice. The revised draft is strengthened by removing language limiting the scope of this article to domestic law, and including a provision recognizing that in some cases harm may not be recognizable or capable of being discussed for a long time. This is particularly important when it comes to discrimination cases or industrial disease.

***Article 11. Applicable law*** of the revised draft rightfully removes the provision subjecting the choice of applicable law to domestic legislation and instead allows the rights-holder to request which law is to be applied. However, the law of the domicile of the rights-holder has been removed as a possible applicable law. The text should be revised in order to include this as an option as it was the case in the previous draft. This is important in order to balance the ability of transnational companies to choose host countries with weak legal and governance frameworks.

Thank you