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COUNCIL

Council

RESOLUTION OF THE COUNCIL ON PARTNERSHIPS IN OECD BODIES

(Adopted by the Council at its 1265th Session on 9 October 2012)

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English/French

RESOLUTION OF THE COUNCIL ON PARTNERSHIPS IN OECD BODIES*

THE COUNCIL,

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960, in particular to its Article 12;

Having regard to the Rules of Procedure of the Organisation, and in particular to Rules 1, 8 and 9 thereof;

Having regard to the Resolution of the Council on the Financing of Part I of the Budget of the Organisation [C/MIN(2008)6/FINAL];

Having regard to the Revised Resolution of the Council on a New Governance Structure for the Organisation [C(2006)78/REV1/FINAL], in particular the mandate of the External Relations Committee (paragraph 31) and paragraphs 48 ix, 49 (b) i and 51 (c);

Having regard to the Resolution of the Council Concerning the Participation of Non-Members in the Work of Subsidiary Bodies of the Organisation [C(2004)132/FINAL] and the Resolution of the Council Concerning Fees for Non-Member Participation in Subsidiary Bodies of the Organisation [C(96)223/REV4/FINAL];

Recognising the need to update the rules on non-Member participation in OECD bodies so as to make them more flexible and ensure their compatibility with the Organisation's overall Global Relations Strategy as laid down in the Framework for OECD Relations with Non-Members [C(2005)158/FINAL], the Council Resolution on Enlargement and Enhanced Engagement [C/MIN(2007)4/FINAL], the Guidelines to Committees for Deepening Enhanced Engagement [C(2010)100/FINAL], the OECD Strategy on Development [C/MIN(2012)6], the OECD 50th Anniversary Vision Statement [C/MIN(2011)6/FINAL], the 2012 Ministerial Council Statement [C/MIN(2012)10/FINAL] and other relevant documents;

Recognising the importance of ensuring non-Member participation in OECD bodies on a basis of mutual interest, as well as the need to foster co-operation and considering that such participation should enhance the influence of the Organisation's work, its role on shaping the international agenda and thus its capacity to fulfil its mandate as defined in the OECD Convention;

Stressing the importance of a high level of participation of Partners in OECD bodies and the need to provide these bodies with the right incentives to ensure this;

Reiterating its resolve to make the OECD a more effective and inclusive global policy network, including by promoting and diffusing its values, and by increasing the relevance and global acceptance of

* This Resolution does not provide for the participation in the Council, its standing Committees as defined in Rule 1 of the Rules of Procedures, or special bodies created by the Council.

its policy standards and best practices through the participation of non-Members in their development and implementation, without compromising the efficiency or work methods of the Organisation;

DECIDES:

General Principles

1.
 - a) Substantive committees shall develop Global Relations Strategies providing frameworks for the participation of non-Members in their work and that of their subsidiary bodies, with a view to enhancing the quality, relevance and impact of the Organisation's work and hence its capacity to fulfil its mandate as defined in the OECD Convention.
 - b) Non-Members participating in the work of one or more subsidiary bodies of the Organisation shall be referred to as Partners. They may be invited to participate in the work of these bodies as Invitee, Participant or Associate in accordance with the bodies' Global Relations Strategies and the provisions of this Resolution.
 - c) A substantive committee wishing to involve one or more Partners in its work shall develop a Participation Plan, based on its Global Relations Strategy. It shall submit this Participation Plan to Council, via the External Relations Committee, for approval by mutual agreement.
 - d) A subsidiary body of the Organisation may invite as Invitee or Participant any of the Partners that Council has designated as Key Partners. These invitations shall be mentioned in the Participation Plan for information.
 - e) Participation as Participant or Associate is subject to the payment of a fee.
 - f) When justified by circumstances, a written procedure may be followed for the processes for which this Resolution provides. The time limit shall be 15 days, unless a Member requests an extension. It may be shortened by the Chair of the body concerned for reasons of urgency, unless a Member objects.
 - g) The Annex, which forms an integral part of this Resolution, contains guidelines of general application for substantive committees and their subsidiary bodies regarding the development of their Global Relations Strategies and associated Participation Plans, the participation of Partners in their work and the method for determining the fees. The Council may provide different guidance in specific cases.
 - h) The present Resolution provides the legal and institutional framework for participation in all subsidiary bodies of the Organisation, with the exception of the standing committees, and subject to any specific conditions decided by Council, including in decisions establishing Part II programmes.

Forms of Partnership

2.
 - a) Invitees may be invited, at the body's discretion, to participate in individual meetings of subsidiary bodies, subject to their inclusion in the Participation Plan. They are expected to contribute to the fulfilment of the body's mandate and programme of work by attending the meetings to which they are invited and by contributing to the discussion.
 - b) Participants are invited to attend all meetings of a subsidiary body for an open-ended period, unless provided otherwise, subject to a biennial review by the body. Subject to the conditions

set in the Rules of Procedure, in this Resolution and in the invitation, they are required to be able and willing to contribute substantially to the fulfilment of the body's mandate and programme of work through their active participation in its meetings and its work, including by providing the information which the body may require.

- c) Associates are invited to attend all meetings of a subsidiary body for an open-ended period, unless provided otherwise. In addition to the requirements for Participants, they are required to demonstrate their commitment to the body's goals and practices by fulfilling the criteria mentioned in article 5 a) of the Annex, and to provide any statistical information that may be required for the body's databases.
- d) Whenever Council decides to open discussions for the accession of a country to the Organisation as a Member, this country would be expected to participate actively in meetings of bodies of the Organisation, according to the terms and conditions, including the form of Partnership, defined by the said bodies, unless otherwise provided.

Invitations

- 3. a) Partners may be invited to participate in subsidiary bodies:
 - i. On the initiative of the Council, after consultation with the relevant body and the External Relations Committee; or
 - ii. On the initiative of a substantive committee by including the Partner in its Participation Plan; or
 - iii. On their own initiative by addressing the relevant substantive committee, via the Secretariat. In such a case, the committee may propose to Council to approve the inclusion of the applicant in its current or its next Participation Plan, or may set an ultimate date to consider the application. In all other cases, the request shall be deemed to have been rejected and the applicant shall be informed accordingly.
- b) The Secretariat shall notify the External Relations Committee of the requests referred to in paragraph a, iii). If a Member objects within 15 days following such a notification, the request shall be deemed to have been rejected and the applicant shall be informed accordingly.

Final Provision

- 4. This Resolution cancels and replaces Council Resolutions C(2004)132/FINAL and C(96)223/REV4/FINAL.

ANNEX

Guidelines for Subsidiary Bodies regarding the Global Relations Strategies, the Invitations and Participation of Partners in their Work

Global Relations Strategies

1. a) Substantive committees' Global Relations Strategies shall be developed in line with the committees' mandates and the Organisation's overall Global Relations Strategy and with due regard to the following elements:
 - i. which Partnerships would serve a mutual interest, in the light of:
 - the effects of Partners' economic development on that of Members,
 - the Partners' institutional and policy know-how,
 - the appropriate number of Partners participating in the body concerned and the impact of such participation on the efficient functioning of this body,and thus facilitate the achievement of the committee's mandate and programme of work and the Organisation's mandate of contributing to the development of non-Members;
 - ii. whether a proposed Partner should be invited as Invitee, Participant or Associate;
 - iii. the terms and conditions to be fulfilled by Participants or Associates;
 - iv. appropriate ways and means to encourage a higher level of Partnership and a fuller integration in the body's work in accordance with this Resolution and OECD rules and procedures;
 - v. the possible alternatives for invitations as a Partner, such as participation in Global Forums, regional approaches or bilateral activities.
- b) To ensure that substantive committees' Global Relations Strategies will remain relevant and that their Programmes of Work and Budget are based on up-to-date strategies, these committees are invited to review these strategies biennially, in parallel to the preparations of their biennial programmes of work.

Participation Plan

2. a) The approval of a substantive committee's Participation Plan by the Council, via the External Relations Committee, authorises this committee to invite its proposed Partners as Invitees, Participants or Associates on the terms and conditions specified in the Plan.

- b) The Participation Plan shall, with reference to the Global Relations Strategy, state:
 - i. the proposed Partners, and the capacity in which they are to be invited;
 - ii. the terms and conditions for inviting Partners as included in the Global Relations strategy;
 - iii. any invitations to Participants or Associates to be terminated;
 - iv. in the case of Invitees, including Key Partners, which have been invited as Invitees on a recurrent basis to participate in the body's meetings for four years or more, and which the body does not propose as Participants, the reasons for not doing so.
- c) A substantive committee shall review its Participation Plan in the context of the preparation of its biennial Programme of Work and Budget and propose any amendments it deems necessary for approval by Council, via the External Relations Committee.
- d) A substantive committee may ask Council, via the External Relations Committee, to approve the inclusion or termination of invitations of Partners in its Participation Plan by means of a notification. Such amendments shall be approved unless a Member asks, within 15 days following the notification, for more time to consider the matter, or requests that the matter be placed on the agenda of the External Relations Committee.
- e) Notwithstanding the provisions of paragraph d), the inclusion or termination of an Associate in a Participation Plan shall in all cases be placed on the agenda of the External Relations Committee.

Invitees

- 3.
 - a) An invitation as Invitee shall apply to an individual meeting of the body concerned, or one of its subsidiary bodies or a meeting at Ministerial level, as provided for in the invitation. It may apply to meetings of joint bodies, provided that their constituent bodies agree.
 - b) The Invitee's participation in a meeting may be limited to specific agenda items and shall not include discussions marked as confidential by the body's chair, or discussions which the Chair of the Council, pursuant to Rule 9 b) of the Rules of Procedure, has decided that they shall not be attended by Invitees. This includes all discussions held in the context of the accession of a country to the Organisation or the adherence of a country or an economy to a legal instrument to which the Invitee has not adhered itself.
 - c) An Invitee shall not be required to pay any fee.
 - d) An Invitee may intervene in the discussion at the chair's discretion.
 - e) An Invitee shall not be chosen as chair or member of the body's bureau.
 - f) An Invitee does not take part in the body's decision-making process and is not bound by the body's conclusions, proposals or decisions, or any disciplines for which the body is responsible.

Participants

4. a) An invitation as Participant shall apply to the inviting body and its Global Forums, and may apply to its subsidiary bodies and meetings at Ministerial level, as provided for in the invitation. It may apply to joint bodies, provided that their constituent bodies agree.
- b) A Participant may participate in the body's discussions, except those marked as confidential by the body's chair and discussions on which the Chair of the Council, pursuant to Rule 9 b) of the Rules of Procedure, has decided that they shall not be attended by Participants. A Participant shall not be invited to discussions held in the context of the accession of a country to the Organisation or the adherence of a country or an economy to a legal instrument to which the Participant has not adhered itself.
- c) A Participant is entitled to propose agenda items and to intervene in the discussion.
- d) A Participant shall not be chosen as chair or member of the body's bureau.
- e) A Participant does not take part in the body's decision-making process. A Participant is not bound by the body's conclusions, proposals or decisions, or any disciplines for which the body is responsible, unless the Participant expressly states its agreement.
- f) An invitation as Participant is accepted in writing to the Secretariat. The acceptance letter commits the Participant to all applicable terms and conditions. The Participant or the Organisation may terminate the Participant status with a twelve months' notice. The Organisation shall do so by an amendment to this effect of the Participation Plan.
- g) If a Participant repeatedly, or over a period of twelve months or more, fails to meet its obligations, including the payment of its fees, the substantive committee may suspend the Participant's right to participate in the body's work and inform Council via the External Relations Committee. In such a case, Council may also decide to terminate this right after consultation with the relevant body and the External Relations Committee.

Associates

5. a) Invitations as Associates shall be based on an assessment of the candidate's policies and of its commitment to this body's goals, practices and high standards, demonstrated by these policies and by its adherence to at least the legal instruments defined for this purpose in the Participation Plan.
- b) An invitation as Associate applies to the inviting body, its subsidiary bodies, Global Forums, meetings at Ministerial level and joint bodies, unless provided otherwise.
- c) An Associate may participate in the full range of the body's work, including in its bureau. It also participates in the body's decision-making process. An Associate is bound by the body's conclusions, proposals or decisions, unless it states otherwise. However, these rights and obligations do not extend to any activities related to the accession of a country to the Organisation, the adherence of a country or an economy to a legal instrument to which the Associate has not adhered itself, or any other activities specified in the invitation.
- d) An invitation as Associate is accepted by means of an exchange of letters with the Secretariat, which commits the Associate to all applicable terms and conditions, including the adherence to all the relevant instruments as defined in paragraph a). The Associate or the Organisation

may terminate the Associate status with a twelve months' notice. The Organisation shall do so by an amendment to this effect of the Participation Plan.

- e) If an Associate repeatedly, or over a period of twelve months or more, fails to meet its obligations, including the payment of its fees, the substantive committee may suspend the Associate's right to participate in the body's work and inform Council via the External Relations Committee. In such a case, Council may also decide to terminate this right after consultation with the relevant body and the External Relations Committee.

Participation in Projects or in Discussions Concerning an OECD Legal Instrument

- 6.
 - a) Whenever the Organisation wishes to invite one or several non-Members to participate as Invitee in a project or its management structures, the Secretariat shall submit a proposal on such participation to the External Relations Committee. The invitation shall be approved by the External Relations Committee, unless a Member asks that the proposal be submitted to Council, in which case the Council shall decide by mutual agreement.
 - b) When a subsidiary body wishes to invite one or several non-Members to participate as Invitee in discussions concerning an OECD legal instrument, it shall notify the External Relations Committee accordingly. The invitation shall be approved through the written procedure, as provided for in article 1 f), unless a Member asks that the matter be placed on the agenda of the External Relations Committee. Following consideration by the External Relations Committee, the Council shall decide by mutual agreement.
 - c) In the cases mentioned in paragraphs a) and b), the non-Members concerned may also be invited as Associates by Council. In such cases, they would be expected to associate themselves to the outcome of the project or of the discussions unless they state otherwise. The External Relations Committee shall consider whether such participation shall entail the payment of any fees.

Fees

- 7.
 - a) Participants shall be charged an annual fee of 10 600 euros for a substantive committee, or 3 600 euros for a subsidiary body to the substantive committee when the Partner is not a Participant in the committee, up to a maximum of 10 600 euros for three or more subsidiary bodies of the same committee. The fee for any Partner adhering to the Declaration on International Investment and Multinational Enterprises and participating in the related work of the Investment Committee without being a Participant or Associate in this committee shall be the same as that for a subsidiary body to a substantive committee.
 - b) All fees received from Participants in Part I bodies will be treated as Budget income. The fees received from Participants in Part II programmes shall continue to be treated as being analogous to voluntary contributions.
 - c) Associates in a Part I substantive committee, including in its subsidiary bodies covered by the invitation, shall be charged a fee which is the same for all Associates in this body. It shall be set at the discretion of the Part I substantive committee at a level of either 20 000 or 50 000 euros. The amount up to the level of the Participant fee for that body will be treated as Budget income; the difference between the Participant fee and the Associate fee will be reallocated to the body concerned and treated as being analogous to voluntary contributions.

- d) The amounts mentioned in paragraphs a) and c) shall be subject, as of 1 January 2013, to automatic annual increases equal to the host country's official inflation rate of the previous calendar year and be rounded to the nearest 100 euros.
- e) The fees for Associates in the Working Group on Bribery in International Business Transactions shall continue to be calculated on the basis used for Members' assessments of the estimated costs of this Working Group, including a 10 per cent overhead charge, or a fee of 1.5 times the relevant Participant fee, whichever is higher; and treated as being analogous to voluntary contributions. Council may make special provisions for Associates in other Part I bodies.
- f) Unless otherwise decided by Council, an Associate in a Part II body shall be charged an annual percentage share, calculated on the basis used for Members' assessments, of the estimated costs of the body concerned, including a 10 per cent overhead charge, or a fee of 1.5 times the relevant Participant fee, whichever is higher.
- g) An Associate may be requested to reimburse the Organisation the significant marginal costs of its initial integration and of any subsequent special activity related to this integration, to the extent that these costs exceed its annual fee for the body concerned.