

ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT

RULES OF PROCEDURE OF THE ORGANISATION

**RULES OF PROCEDURE OF
THE ORGANISATION**

October 2013

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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RULES OF PROCEDURE

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RULES OF PROCEDURE OF THE ORGANISATION

Pursuant to Article 1 of the Convention signed in Paris on 14 December 1960, and which came into force on 30 September 1961, the Organisation for Economic Cooperation and Development (OECD) shall promote policies designed:

- to achieve the highest sustainable economic growth and employment and a rising standard of living in Member countries, while maintaining financial stability, and thus to contribute to the development of the world economy;
- to contribute to sound economic expansion in Member as well as non-Member countries in the process of economic development; and
- to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations.

The original Members of the OECD are Austria, Belgium, Canada, Denmark, France, The Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The following countries acceded subsequently to the Convention on the OECD (the dates are those on which the instruments of accession were deposited): Japan (28 April 1964), Finland (28 January 1969), Australia (7 June 1971), New Zealand (29 May 1973), Mexico (18 May 1994), Czech Republic (21 December 1995), Hungary (7 May 1996), Poland (22 November 1996), Korea (12 December 1996), Slovak Republic (14 December 2000), Chile (7 May 2010), Slovenia (21 July 2010), Israel (7 September 2010), and Estonia (9 December 2010). The European Commission takes part in the work of the OECD in accordance with Article 13 of the OECD Convention and its Supplementary Protocol No. 1.

The Rules of Procedure of the Organisation were adopted by the Council on 30 September 1961 [OECD/C(61)21] and amended since that date by the Resolutions of the Council of 24 July 1962 [C(62)115(Final)], 24 July 1965 [C(65)87], 29 September 1970 [C(70)133(Final)] and 17 April 2008 [C(2007)14/FINAL].*

* See also C(2009)118 and C(2010)115.

The list of bodies of the Organisation, as defined in Rule 1, and the indications concerning their mandates are updated each year in the “Directory of Bodies of the OECD”.

The Council agreed on a certain number of interpretations in respect of the provisions of the Rules of Procedure and adopted several Resolutions concerning procedural matters. Those interpretations and Resolutions which are still in force are set out in the Appendices. The Rules of Procedure shall be read in conjunction and consistently with these interpretations and Resolutions.

I. BODIES OF THE ORGANISATION

Rule 1

a) A body of the Organisation is defined as any intergovernmental group, whether plenary in its composition or not, whose creation and mandate extend over a certain period of time.

b) Bodies of the Organisation consist of the Council and the subsidiary bodies. Subsidiary bodies are the standing committees (Executive Committee, External Relations Committee and Budget Committee), the substantive committees as well as the other subsidiary bodies established by the Council and all the other subsidiary bodies in their substructures (i.e. the sub-committees, the groups created by the sub-committees, and any other sub-groups created by bodies below that level).

II. MEETINGS

Rule 2

a) The Council, at ministerial or Permanent Representatives level, shall meet, as convened by its Chair, whenever it deems it necessary, and at the request of its Chair or one of its Members.

b) Meetings of the subsidiary bodies shall be held when convened by their Chair in accordance with Resolutions of the Council, or in agreement with the Secretary-General.

Rule 3

a) The Secretary-General shall notify the Members of the date of a meeting as early as possible.

b) When necessary, the Secretary-General may, in agreement with the Chair of the subsidiary body concerned, alter the date fixed for a meeting.

Rule 4

a) Meetings of the bodies of the Organisation shall normally be held at the headquarters of the Organisation.

b) A subsidiary body shall not meet elsewhere than at the headquarters without approval of the Secretary-General.

Rule 5

Unless the Council agrees otherwise, meetings of bodies of the Organisation shall be held in private.

Rule 6

a) Written procedure may be used by bodies of the Organisation to reach decisions within their competence. As from the date of notification of the document launching the procedure, Members shall have three weeks to request that the matter be examined by the body concerned. The Chair may decide, on grounds of urgency, to reduce this period.

b) Provided that no Member requests that the matter be examined, the decision shall be deemed approved at the end of the period referred to in paragraph a) above, and Members shall be informed accordingly.

Rule 7

a) Representatives of the European Commission, which takes part in the work of the Organisation by virtue of Supplementary Protocol No. 1 to the Convention, may attend the meetings of bodies of the Organisation.

b) The Secretary-General of the European Free Trade Association (hereinafter “the EFTA”), who takes part in the work of the Organisation by virtue of the Ministerial Resolution of 23 July 1960, or his/her representatives, may attend the meetings of bodies of the Organisation.

c) The Secretary-General shall notify these representatives of the dates of such meetings.

Rule 8

a) Where a non-Member or an international organisation has been invited to participate in the activities of the Organisation, by virtue of an agreement or a Resolution of the Council, their representatives may attend meetings of bodies of the Organisation in accordance with the provisions of the agreement or Resolution.

b) The Secretary-General shall notify these representatives of the dates of the meetings or the parts of the meetings of bodies of the Organisation in which they may participate.

Rule 9

a) The Council may invite a non-Member to be represented by an Invitee or a Participant, or an international organisation by an observer, at meetings, or parts of meetings, of all or certain bodies of the Organisation.

b) The Chair of the Council may decide, where appropriate, that particular meetings, or parts of meetings, of bodies of the Organisation shall be held without the attendance of Invitees, Participants or observers and/or that specific documents shall not be made available to them.

c) At a meeting attended by an Invitee, a Participant or an observer, the Chair may, at his/her own initiative or upon request, invite him to make a statement on a particular subject.

d) Subject to the provisions of paragraph b) above, the Secretary-General shall notify the Invitees, Participants or observers of the dates of meetings or parts of meetings of bodies of the Organisation which they may attend.

Rule 10

a) If an act of the Organisation, as defined in Rule 18, provides that, as part of the relations established between the Organisation and an international organisation, a subsidiary body may consult the international organisation from time to time, the Secretary-General shall, when the occasion arises, invite the international organisation concerned to be represented at its meetings by an observer.

b) Whenever a subsidiary body considers it desirable to consult a representative of any other international organisation or an expert, the Chair shall discuss the matter with the Secretary-General. The Secretary-General shall, if the occasion justifies it and taking into account the applicable acts of the Organisation, communicate the invitation to the organisation or expert concerned.*

* See interpretation in Appendix I.

III. REPRESENTATIVES

Rule 11

a) The names of Ministers or their representatives attending sessions of the Council and of other meetings at ministerial level shall be communicated in advance to the Secretary-General.

b) The names of Permanent Representatives, their Alternates, Members of Permanent Delegations and the other representatives of Members on the bodies of the Organisation, as well as of the European Commission and the EFTA, shall be communicated to the Secretary-General.

c) The names of representatives of Partners and observers shall similarly be communicated in advance to the Secretary-General.

IV. AGENDA

Rule 12

a) The Secretary-General shall draw up the provisional agenda for each session of the Council and for the meetings of the subsidiary bodies of the Organisation.

b) The Secretary-General shall communicate to the Members, the European Commission, the EFTA, as well as Partners and observers, the provisional agenda and related documents, as early as possible and at least seven days in advance in both the official languages of the Organisation.*

Rule 13

a) Any Member of a body of the Organisation, as well as the Secretary-General, shall have the right to propose an item for inclusion in the provisional agenda of the body concerned.

b) In the course of the consideration of the provisional agenda, any Member represented on the body concerned, as well as the Secretary-General, may propose the inclusion of an additional item.

* See interpretation in Appendix I.

Rule 14

The agenda of each session or meeting shall be adopted by a majority of Members represented on the body concerned and present.

V. BUREAUS

*Rule 15**

a) Without prejudice to the provisions of Article 10 of the Convention, the Chair, Vice-Chairs and other bureau Members of bodies of the Organisation shall be designated yearly by mutual agreement through a transparent and fair process.

b) The term of office for the Chair and of the one or two Vice-Chairs of standing committees to Council shall begin on 1 January. The Chair will be designated by the Council, and the Vice-Chairs by their committee. The Chair and Vice-Chairs may be designated to serve one additional consecutive term.

c) The term of office for the Chair, Vice-Chairs and other bureau Members of all other subsidiary bodies, to be designated by these bodies, shall begin on 1 January.

d) The Chair, Vice-Chairs and other bureau Members of all bodies shall be designated for the coming year at the last plenary meeting of these bodies or no later than 31 December of the preceding year.

Rule 16

a) In the absence of the Chair in meeting, a Vice-Chair shall take his/her place.

b) In the absence of the Secretary-General, the Council meeting at sessions of Permanent Representatives shall be presided over by a Deputy Secretary-General.

* See interpretation in Appendix I.

c) If, in the course of the term of his/her office, the Chair is unable to continue to act as Chair, a new Chair shall be designated for the unexpired term.

Rule 17

The conduct of the business of each body of the Organisation shall be in the hands of the Chair whose function shall be to determine any question of procedure arising in the course of the meeting, in conformity with existing rules and established* practices.

VI. ACTS OF THE ORGANISATION

Rule 18

a) Decisions of the Organisation, taken by Council in accordance with Articles 5, 6, and 7 of the Convention, may be:

- i) decisions binding on the Members which the latter shall implement after they have complied with the requirements of their appropriate constitutional procedures; or
- ii) decisions approving agreements with its Members, non-Members, and international organisations; or*
- iii) decisions on internal matters concerning the work of the Organisation, which shall be known as Resolutions; or
- iv) decisions providing for communications to non-Members or to international organisations.

b) Recommendations of the Organisation, made by Council in accordance with Articles 5, 6 and 7 of the Convention, shall be submitted to the Members for consideration in order that they may, if they consider it opportune, provide for their implementation.

c) The text of a Decision or Recommendation within the meaning of paragraphs a) i) and b) above shall include a reference to Article 5 a) or Article 5 b) of the Convention, respectively.

* See interpretation in Appendix I.

c) The text of a Decision or Recommendation within the meaning of paragraphs a) i) and b) above shall include a reference to Article 5 a) or Article 5 b) of the Convention, respectively.

*Rule 19**

a) If a Council Decision or Recommendation, or a part of either of them, does not apply to certain Members, the Decision or Recommendation shall, except as otherwise agreed, indicate the Members to which it does not apply and the conditions in which it may become applicable to these Members if the occasion arises.

b) If the acceptance of a Council Decision, or part thereof, is contingent for certain Members upon the requirements of their constitutional procedures, these Members shall so indicate at the time of its adoption. The Decision shall indicate whether the other Members shall apply it provisionally in the meantime.

Rule 20

a) If a Member is absent or reserves its position with regard to the adoption of a Council Decision or Recommendation, the other Members may agree that the Decision or Recommendation shall apply provisionally as between themselves until the said Member has acceded to it.

b) If it does not accede to the Decision or Recommendation within a period determined by the Council, the latter shall decide whether the Decision or Recommendation shall remain binding as between the Members which have acceded to it. The absence of a Member to whom the Decision or Recommendation referred to in paragraph a) above does not apply cannot invalidate this new Decision or Recommendation.

* See interpretation in Appendix I.

VII. SUBSIDIARY BODIES

Rule 21

a) The standing committees may set up sub-committees to explore specific topics.

b) The substantive committees and other subsidiary bodies established by the Council may set up sub-committees to assist them in their work. The Executive Committee shall be notified without delay. Any Member shall then have no more than fifteen days from the date the notification is received to request that the matter be examined by the Executive Committee. If no such request is made, the establishment of the sub-committee shall be confirmed. If the Executive Committee is seized, it shall examine and decide on the matter.

c) Prior to renewal of their own mandate, committees or subsidiary bodies established by the Council shall undertake an evaluation of the continuing relevance of their own substructure and submit to the Council its results together with the proposed renewal.

Rule 22

a) Within the approved Programme of Work and Budget and within their competence, the committees shall proceed to study such questions as they are instructed by the Council. To this end, they may refer for certain points for preliminary investigation to one of their substructures or to another committee.

b) Where a committee requests another committee to undertake, within the approved Programme of Work and Budget, a study in the absence of any express mandate to that effect, it must report its request to the Council which may decide that the study should not be made.

Rule 23

a) The sub-committees shall report to their respective committees, which will give them the necessary guidance and approval, as appropriate, for carrying out their work. A group created by a sub-committee shall report to the latter.

b) The substantive committees shall report and submit proposals concerning the issues submitted to them either to the Council, the standing committees or any committee responsible for co-ordinating specific activities, as the case may be.

c) Reports or proposals submitted by a committee or a sub-committee shall call attention to the different positions adopted by the Members.*

Rule 24

The Secretary-General shall keep each body of the Organisation informed of the progress in the work of the other bodies and their working arrangements. He shall be generally responsible for communications between the various bodies of the Organisation and between them on the one hand, and Members, non-Members and international organisations on the other hand.

Rule 25

a) Reports, proposals and documents submitted by a substantive committee to the Council shall be subject to prior consideration by the standing committees, according to their mandate.

b) Upon its examination, the standing committee shall transmit the reports, proposals or documents with its comments and suggested amendments, if any, to the Council. If necessary, the standing committee may refer a report, proposal or document back to the substantive committee for further consideration.

Rule 26

a) For the purpose of work undertaken in accordance with Rule 22 a committee may decide, with the agreement of the Secretary-General, to ask Members for the necessary technical information* and to issue a questionnaire for this purpose.

b) Questionnaires shall be dispatched in co-ordination with the Secretary-General, who shall draft them in their final form and co-ordinate the requirements of the various committees.

* See interpretation in Appendix I.

VIII. LANGUAGES

Rule 27

- a) English and French are the official languages of the Organisation.
- b) Speeches made in either of the official languages shall be interpreted into the other official language.
- c) At their convenience, the bodies of the Organisation may dispense with the interpretation into either or both the official languages.

IX. RECORDS AND DOCUMENTS

Rule 28

- a) All acts, agendas, summary records, reports and other documents of bodies of the Organisation shall be distributed in both the official languages.
- b) A summary record of the decisions and conclusions reached by the Council and subsidiary bodies shall be approved at one of their following sessions.
- c) When adopting a Decision or Recommendation, the Council shall decide whether it shall be made public.*

X. FINAL PROVISION

*Rule 29**

Unless otherwise provided, the present Rules of Procedure shall apply to the proceedings of all bodies of the Organisation.

* See interpretation in Appendix I.

APPENDIX I

INTERPRETATIONS IN RESPECT OF THE RULES OF PROCEDURE

At its meetings of 30 September 1961 [cf. OECD/C/M(61)1(Final), Item 4 – OECD/P(61)37 and Corrigendum], 20 February 1968 [cf. C/M(68)3(Final), Item 34 c)] and 17 April 2008 [C/M(2008)7, Item 88] in adopting and revising the Rules of Procedure, the Council AGREED on the following interpretations:

Rule 10 b). While a representative of a non-Member may be invited as an expert under Rule 10 b) of the Rules of Procedure, the Council noted that it would be more appropriate to apply the Council Resolution on Partnerships in OECD Bodies and that this possibility should be used only in a limited manner [C/M(97)17].

Rule 12. This Rule specifies the time limit within which the agenda for meetings shall be circulated, unless practical difficulties make it impossible to observe the Rule. It is likely that, in practice, the period of notice will be longer (in principle one month) for bodies which meet less frequently than Council and its standing committees. It is understood that the time limit regarding the agenda should also be observed so far as possible in the case of documents referred to in the agenda.

Rule 15. This Rule specifies the date for the election of officers and the beginning of their term of office. It does not determine who are to constitute officers. The matter of the Chairmanship of the Council meeting in sessions of Permanent Representatives is settled by the Convention.

Rule 17. “Established” practices means those practices which have formed the object of at least a tacit agreement of all Members.

Rule 18 a). In connection with sub-paragraph ii) of this paragraph, it should be noted that if the execution of an Agreement concluded by the Organisation requires measures of implementation on the part of the Members, the approval of the Agreement implies the undertaking of Members to carry out such measures.

Rule 19 a). The provision does not relate to ordinary reservations or interpretations concerning a Decision or Recommendation which, under present practice, are set out in the summary record of the meeting at which the Decision or Recommendation is adopted. This paragraph specifies that where an act or part of an act is not applicable to certain Members, the text itself must so indicate, but where the application does not relate to an essential provision of the act in question, the Council may, for practical reasons, set aside this Rule.

Rule 19 b). Rule 19 b) is without prejudice to the provisions of Article 6/3 of the Convention.

Rule 23 c). It should be noted that the Chair of a committee or a sub-committee will first make her/his best endeavours to reach mutual agreement among Members.

Rule 26 a). Technical information means all the information necessary for the accomplishment of the tasks as provided in article 3 of the Convention, including statistics.

Rule 28 c).

1. All acts amending acts already made public are considered as being themselves made public at the time of their adoption by the Council.

2. All acts concerning appointments are considered as being made public, at the time of their adoption by the Council.

Rule 29. This provision means that the Rules of Procedure apply to all the bodies of the Organisation except so far as the acts constituting certain bodies (international agreements, decisions taken by the Council or to be taken in conformity with the recommendations of the Preparatory Committee) depart from the Rules of Procedure or provide for the adoption of special rules of procedure.

The question arose as to whether special arrangements should not also be made on some points (Rules 2, 3, 10, 22, 26) for certain committees. It was considered, however, that too much variation in the procedural rules would create complications and that the application of the Rules of Procedure as now envisaged would permit, where necessary, the desirable degree of flexibility in operation [OECD/C/M(61)1(Final), Item 4].

APPENDIX II

REVISED COUNCIL RESOLUTION ON A NEW GOVERNANCE STRUCTURE FOR THE ORGANISATION [C(2006)78/REV1/FINAL]*

THE COUNCIL,

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

Having regard to the reforms undertaken and the proposals submitted since 2001, and in particular the “Julin Report” on Future Direction of the OECD: Report on OECD’s Role in Global Architecture [HOD(2003)2], the “Noboru Report” on A Strategy for Enlargement and Outreach [C(2004)60], and the latest Report by the Secretary-General on Reform [C/MIN(2005)9];

Having regard to the Council conclusions of 22 April and 6 May 2004 on the OECD Reform [C/M(2004)10, Item 143 and C/M(2004)11, Item 153];

Having regard to the Council Resolution of 21 July 2005 establishing a Council Working Party on implications of future enlargement on OECD governance [C(2005)100 and C/M(2005)17, Item 214];

Having regard to the Report by the Technical Task Force on Cost Implications of Enlargement [C(2005)87] presented to Council on 21 July 2005 [C/M(2005)17, Item 218] and on 23 November 2005 [C/M(2005)22, Item 295];

Having regard to the Report by the Working Party on the Implications of Future Enlargement on OECD Governance [C/WPEG(2006)10] agreed on 21 April 2006;

* This revision of Chapters 3 and 4 of the Annex to the Resolution C(2006)78/FINAL was adopted by unanimity by the Council at its 1234th session on 16 December 2010 [C(2010)140 and C/M(2010)24, Item 282].

DECIDES:

1. The Report by the Working Party on the Implications of Future Enlargement on OECD Governance, set out in the Annex hereto and forming an integral part of this Resolution, is adopted by unanimity.
2. The Secretary-General is invited to take the appropriate action for a full implementation of this Resolution.
3. This Resolution enters into force on 1 June 2006.*

* A number of amendments to Chapters 3 and 4 of the Annex to the Resolution C(2006)78/FINAL were unanimously adopted by Council on 16 December 2010 [C(2010)140 and C/M(2010)24, Item 282]. This revised Resolution [C(2006)78/REV1/FINAL] entered into force on 1 January 2011.

ANNEX

[as amended by the Decision of the Council of 16 December 2010 – C(2010)140; C/M(2010)24, Item 282]

CHAPTER 1: POLITICAL BACKGROUND

1. The Council Working Party on the Implications of Future Enlargement on OECD Governance (WPEG) stemmed from the need perceived by Members to prepare the Organisation for enlargement. Enlargement itself is considered important by all of the Member countries in order to affirm the Organisation's global nature and its relevance in the architecture of international organisations.
2. A number of reports have already been prepared by eminent authors, such as the Nicholson [SG(2003)1], Julin [HOD(2003)2] and Noboru [C(2004)60] reports, and they remain fully relevant. The WPEG's objective is therefore to build on the results of past efforts and on discussions that have taken place between September and December 2005, in order to arrive at specific decisions for improving governance so that the OECD may embark upon a real policy of enlargement.

Future role and direction

3. Important discussions have taken place on the future role and direction of our Organisation. These discussions, conducted by Ambassador Gun-Britt Andersson, have made clear that there is broad agreement among our respective national perceptions of the OECD's future role.
4. Her report [C/WPEG(2005)3/REV1] is based on the intentions of the founders of the Organisation, on the Convention, on changes in the world since 1960 and on the OECD's strengths and weaknesses in the architecture of international organisations, so as to reaffirm what is essential – the future role and direction of our Organisation through such means as:
 - i) advising Member countries concerning their economic and structural policies;
 - ii) sharing with non-Members the good policies arising from internal deliberations;

- iii) participating in the formulation of standards and good practices at the international level;
- iv) promoting economic growth and development and helping to solve problems having a global dimension.

5. The Organisation for Economic Cooperation and Development and its Member countries have succeeded in striking a good balance between two different objectives: on the one hand, the service to Member countries, by helping them to identify the most important issues of their economic development and to define sustainable national policies and by developing advice and peer reviews on structural policies and, on the other hand, the engagement with non-Members, in particular large emerging economies, to share best practices and to promote economic development.

6. During the important discussions on the future role and direction of the OECD, all Members confirmed their commitment to the current working method of substantive committees and peer reviews, to advising governments and to reaching out to non-Members. All Members confirmed their attachment to an Organisation with a diverse membership, in a spirit of mutual respect.

7. The OECD is highly relevant to Member countries and ready to engage resolutely and positively with other participants in the world economy, both large and small.

CHAPTER 2: THE GOVERNANCE STRUCTURE OF THE OECD

I. The Convention

8. The Convention establishing the OECD remains relevant and pertinent and provides all the latitude required to adjust the Organisation's institutional mechanisms to its needs now and after enlargement.

II. The Council

9. Council is the highest body of the OECD. It has been entrusted by the Convention to be the body from which all acts of the Organisation derive. Council, at the level of Ministers as well as Permanent Representatives representing a whole-of-government view, is the appropriate forum for shaping the future direction of the Organisation, for discussing and deciding key policy issues, and for taking decisions involving obligations of Members. Council is the relevant forum for policy exchanges with the Secretary-General in his capacity as Chair.

10. As specified in the Convention, each Member country “has one vote” and the European Commission “shall take part in the work of the OECD”. In Council, decisions by mutual agreement are the rule, except for special cases. Council meetings shall normally be held once a month at the level of Permanent Representatives. The Council concentrates on policy and strategic issues.

III. Meetings of Heads of Delegation

11. Informal meetings of Heads of Delegation are highly useful, especially for exchanging views without instructions, bringing views closer together, testing new projects, informally preparing sensitive decisions such as appointing the institution’s senior managers (according to Article 10 of the Convention) or preparing annual Ambassadors’ seminars. These meetings will remain informal and be few in number.

IV. The Secretary-General

12. In accordance with Article 10 of the Convention, the Secretary-General is responsible to the Council. He/she chairs the sessions of the Council at the level of Permanent Representatives.

13. Without prejudice of future decisions by Council, the proposed new structure of governance does not alter the current division of responsibilities between the Council and the Secretary-General¹.

1. See Note C/WPEG(2006)6 by the Secretariat on “The Responsibilities of the Secretary-General” dated 14 March 2006.

14. The Secretary-General carries policy, executive and management responsibilities. He/she also represents the Organisation vis-à-vis the rest of the world and acts as its legal representative. He/she may submit proposals, including the Programme of Work and Budget, to the Council and to any other body of the Organisation. He/she is in charge of executing the Council decisions and implementing the PWB. He/she ensures that the Organisation's activities are managed within the Budget in a cost effective manner.

15. At present, the Secretary-General meets informally with the Chairs of committees and working groups directly subsidiary to the Council. These informal meetings have no decision-making power, no summary records and no specific timetable. It belongs to the sphere of authority of the Secretary-General, as the Chair of the Council, to decide how he/she intends to exercise his mandate and how he/she wants to organise consultations.

V. Substantive committees

16. Through its committee structure the OECD's substantive policy agenda and outputs respond directly to the needs of, and are closely monitored by, senior policy officials from capitals in a way that may be unique among international organisations. It is these committees that produce the outputs of the OECD, the policy advice, guidelines, principles ("soft law") and best practices. The working methods of the committees are one of the institution's hallmarks, the source of its added value and the support it enjoys in capitals. It is therefore essential for the future of the OECD that these working methods be able to continue producing quality output after enlargement. The Noburu report covered this topic capably and at length.

17. We too must recognise, as did the Report, that each substantive committee would like to tailor its working methods to its own needs. Here, then, it is important not to want to shackle committees too tightly by imposing on them a single working method.

18. Decisions of substantive committees will continue to follow current practices, unless otherwise agreed by Council.

VI. Relations between the Council and substantive committees

19. Ambassador Véronique Ingram's report to WPEG [C/WPEG/SG(2006)1/FINAL] makes several proposals to streamline the relations between Council and substantive committees. These proposals were discussed in WPEG and should serve as a base for improved relations between the two levels of governance. For example, the following lines should be implemented:

- Dialogues between the Council and each Committee Chair should be held at least once every biennium. On this occasion, Committee Chairs and the relevant Director should outline their priorities and *modus operandi* for the next 12 months, report on their performance against the PWB in respect of their achievement of expected outputs, and advise on their governance arrangements (composition and election of bureaus and their role vis à vis the committees). Prior to the dialogue session with Council, standardised documentation will be made available to Members of the Council by the Directorate involved, along the lines proposed by Ambassador Véronique Ingram in her report. The annual reports, transmitted by substantive Committees to the Budget Committee on their implementation of the PWB, are also a part of the dialogue between the Committees and the Council.
- The recent experience of dialogues between the Council and Chairs of substantive committees shows interesting improvements, with Heads of Delegation volunteering to prepare the detail of each dialogue with Chairs of committees. These improvements should be encouraged and further deepened.
- Chairs and members of the substantive committee bureaus should be selected by mutual agreement through a transparent and fair process, on the basis of merit and for a specified duration; their role and duties should be set out by the committees.
- The Secretary-General will submit to Council for approval, as soon as possible, a revised version of the handbook for Committee Chairs taking into account the elements referred to above.

VII. Written procedures and oral reports

20. Written procedure should be used more frequently. Such a procedure would provide for written questioning of the Delegations, seven-day deadlines for reaction, and final decision if no Member interrupts the procedure within the specified amount of time. In the case of an interruption of the procedure by a Member, the decision making procedure resumes at the stage and in the body it had reached before. Such a written procedure could be justified by urgency (since the Council would meet less often) or by the mere fact that the proposed decision has gathered broad consensus at a subordinate level.

VIII. Time and meeting management

21. Ambassador Hubert Wurth's report [C/WPEG/SG(2006)1/FINAL] underlines the needs for a strict discipline on speaking time for delegation leaders, in Council as well as in other meetings. The experience gained with the rule restricting individual interventions to three minutes is considered by Delegations to be a success.

22. Meeting management rules, including those adopted in June 2004 [C(2005)83]*, should be continuously developed and implemented by the Council and across the Organisation.

23. The documents on which the Council and the standing committees are expected to discuss and decide will be made available at least seven days before the meeting, in both official languages of the Organisation; the Chair will wrap up the debates within the time allocated for a specific issue; the preparatory meetings of the Council will be used to announce preliminary national positions; written procedure will be used more frequently; the electronic discussion groups will be used to share positions between sessions, etc.

24. The Secretary-General is entrusted with the responsibility of implementing these rules and of disseminating them at all levels of governance.

* Revised in July 2009 [C(2009)112], see pages 36 - 42 infra.

CHAPTER 3: STRUCTURE AND DECISION-MAKING MECHANISMS

25. The governance structure for the OECD must serve the needs of the Organisation and all its Members, both at present and after enlargement. In this regard, the structure has the following objectives:

- Ensuring that Council has the time to focus on strategic direction by removing non-essential issues from its agenda;
- Improving responsiveness, flexibility, effectiveness and efficiency by delegating and by significantly expanding the use of Qualified Majority Voting (QMV).

I. Standing Committees

26. Council operates as the strategic governing body. It is assisted by its standing committees in the preparation of discussions and decisions on substantive issues. Operational issues are handled by its standing committees. The work in these bodies proceeds under the direction of Council, in accordance with the mandates and delegated authorities for each of the standing committees.

27. There are three plenary standing committees: Executive Committee (ExCo), Budget Committee (BC) and an External Relations Committee (ERC). Each of the three bodies is responsible for a cohesive group of functions and issues.

28. Each standing committee has a Chair and one or two Vice-Chairs to assist her/him. They are elected yearly by mutual agreement through a transparent and fair process. Chairs are elected by the Council, Vice-chairs by their committee. Chairs and Vice-Chairs are eligible for re-election once.

29. Each standing committee decides by mutual agreement how to further organise its work, including the possibility of establishing a bureau.

30. Working groups can be created by mutual agreement by the three standing committees in order to explore specific topics. The mandates of these working groups will be decided by mutual agreement, including their composition, working methods, the scope of their activities and a specific end date. These groups will report to the standing committee that created them. Their membership can be restricted or open-ended. They will only make recommendations to their standing committee.

31. The following outlines the general mandates and overall responsibilities of the three standing committees:

- The Executive Committee (ExCo)
 - assists the Council by preparing for its decisions on reports and proposals – including draft Acts of the Organisation and agreements elaborated by the substantive committees or other such specialist bodies;
 - advises the Council on preparations and follow-up to Ministerial meetings of OECD bodies; and on committee structures, mandates and evaluation;
 - advises the Council on strategic issues and priorities, including those regarding the management and operations of the Organisation, where these fall within the competence of Council and which are not otherwise covered by other standing committees;
 - advises the Council on policy issues not covered by the mandates of the other bodies directly subordinate to the Council;
 - carries out any functions delegated to it by Council, and reports to it as appropriate.
- The Budget Committee (BC)
 - assists and advises the Council in preparing for its discussions and decisions on the budget priorities and envelope and on the biennial Programme of Work and Budget including amendments to the PWB;

- monitors the implementation of the agreed budget, the allocation/reallocation of financial resources and reports to and advises Council on these, as appropriate;
 - assists the Council in preparing for discussions and decisions on elements of the integrated management cycle, such as the MTO and the PIR;
 - advises the Council on the management of funds and voluntary contributions, the closing of accounts of each financial year and on the Financial Regulations;
 - carries out any functions delegated to it by the Council, and reports to it as appropriate.
- The External Relations Committee (ERC)
 - assists the Council in preparing for its discussions and decisions on strategies, policies and guidelines on external relations and relations with non-Members and international organisations, including conditions of their participation in the work of the Organisation;
 - monitors the implementation of these decisions and advises the Council;
 - advises the Council on the co-ordination of activities and programmes with non-Members;
 - assists the Council in ensuring that the global relations of the Organisation are taken into account in the preparation of the PWB;
 - carries out any functions delegated to it by Council, and reports to it as appropriate.

II. Special Bodies

32. In the past, special bodies, restricted or plenary, were created by Council for a particular substantive, advisory or functional mission. Some of them have been discontinued (e.g. the Informal Group on the Site and the Committee on Public Affairs and Communications). As these special bodies' activities are more focused on specific areas, their interaction with Council, if any, is less intense than is the case between Council and standing committees. These bodies have proven their usefulness and added value.

33. Currently, these are: the Audit Committee, the Pension Budget and Reserve Funds Management Board and the Evaluation Committee.

III. Mutual agreement and qualified majority

34. Mutual agreement is the absence of objection by any Member to a draft proposal. Unanimity is the agreement of all Members to a draft proposal.

35. QMV is a mechanism that is used successfully in many international institutions to facilitate reaching agreement. The QMV formula agreed by Council in 2004 allows for decisions to be taken if supported by 60% of Member countries, unless opposed by three or more members who represent at least 25% of the Part I scale of contributions.

36. The application of QMV involves a process of several steps. The Chair will first make every effort to reach mutual agreement. If unable to reach mutual agreement, the Chair will call for a short pause for reflection and will set a final date for reaching a decision. If mutual agreement is still not achieved by that time, the Chair will call for a vote by QMV.

IV. Categories of Issues

The normal cases

37. All issues will follow the normal cases procedure, except fundamental cases, special cases and delegated cases, as explained below.

38. The decisions on “normal cases” will be made by mutual agreement at the Council level, after preparation in the standing committees.

39. “A” points are those items prepared by bodies directly subsidiary to the Council and likely to be adopted without debate, mentioned in each Council session agenda. They follow the procedure as set out below.

40. The Chairs of the standing committees will prepare draft decisions and, in most cases, will send the proposed decisions to the Council as “a” points. They should send the draft decision to the Council as an “a” point only if confident that it enjoys broad and substantial support of the Members. Once on the Council agenda as an “a” point, the draft decisions may only be reopened at the request of at least 15% of the Membership or if any Member country invokes the safeguard mechanism.

41. An “a” point sent to Council will be adopted by mutual agreement unless at least 15% of the Member countries (rounded up to the nearest unit)

request the issue to be re-opened. In this case, the issue will be discussed by Council, which will either adopt a decision by mutual agreement or refer the issue back to the standing committee for further work. The requests to reopen the issue will be made by the Heads of the Delegation before the meeting of Council.

42. The safeguard mechanism: if a very important interest of a Member country is endangered by a draft decision prepared by a standing committee and sent as an “a” point to Council, the Secretary-General, upon written request of that Member, shall call for a special meeting of the Council to address the issue. At this meeting, the Member invoking its national interest will explain the problem and will be expected to suggest a solution. The Council will either adopt a decision by mutual agreement or refer the issue back to the standing committee for further work.

Fundamental issues (see list below)

43. This category contains those strategic issues that should be addressed by Council and for which decisions should be taken by mutual agreement because some of these issues are highly political in nature, because they create political or legal obligations for Members, because they require a whole-of-membership perspective or because they involve the overall stewardship of the Organisation. These cases will normally form “b” points on the Council agenda (for discussion and decision by Council) although it is possible for such cases to be presented to Council as “a” points. Decisions on these cases may be prepared by a standing committee, the Secretary-General or some other body, or may first arise in Council itself.

Special cases (see list below)

44. The Convention (Article 6.1) provides that decisions are taken by mutual agreement of all Members unless the Council unanimously agrees otherwise for special cases.

45. In 2004, the Council decided that the decision-making mechanism for special cases would be QMV, both at the level of Council and in the standing committees. Special cases can either be decided by Council or, if delegated, by standing committees.

46. All decisions taken by a standing committee in application of a delegation by Council to that standing committee will be formally recorded by the Secretary-General.

V. The Lists of Fundamental, Special Cases and Delegated Cases

47. Existing Council decisions which attribute decision-making authority by mutual agreement to standing and substantive committees remain unchanged unless otherwise indicated below or decided in the future by Council.

48. *The following fundamental cases are decided by Council by mutual agreement or unanimity, and can be prepared by standing committees also by mutual agreement:*

- i. Approval of the Organisation's governance structures;
- ii. Revision of the mandates of standing committees;
- iii. Creation of special cases including the cases to be delegated (unanimity is required under Article 6 of the Convention);
- iv. Adoption and revision of the Rules of Procedure of the Organisation, including its language regime;
- v. Approval of priorities, strategic and budget orientations and policy frameworks;
- vi. Adoption and revision of Acts (Decisions, Recommendations) and Agreements under Article 5 of the Convention;
- vii. Decision on new membership (unanimity is required under Article 16 of the Convention);
- viii. Approval of policy frameworks with respect to relations with non-Members, international organisations, Parliaments and other public authorities and civil society, including academia;
- ix. Approval of new invitations and new participation of non-Members in the work of the Organisation;
- x. Adoption of the budget envelope, defined as the sum of appropriations financed from assessed contributions and other income, and special budgets;
- xi. Approval of supplementary budgets which induce an increase in the assessed contributions of current members/participants;
- xii. Approval of the principles and rules on the scales of contributions;
- xiii. Closing of annual accounts and discharge to the Secretary-General;
- xiv. Decisions on appointments, elections and designations attributed to the Council;
- xv. Decisions on the Headquarters (Article 18 of the Convention).

49. *The following cases are delegated to the standing committees identified below and are to be decided there by mutual agreement:*

(a) Executive Committee:

- i. Decisions regarding the implementation of policy frameworks towards civil society.

(b) External Relations Committee:

- i. Decisions regarding the implementation of policy frameworks on relations with non-Members;
- ii. Decisions regarding the implementation of policy frameworks on relations with International Organisations.

50. *The following special cases are decided by QMV by Council:*

- i. Creation, continuation and abolition of substantive committees and programmes, including revision of their mandates;
- ii. Adoption and revision of Staff Regulations and Rules;
- iii. Adoption and revision of Financial Regulations and related rules;
- iv. Decisions implementing the Financial Regulations and related rules (attributed to Council therein), including those concerning modifications to the Programme of Work or to the allocation of resources and the carry forwards of resources;
- v. The Organisation's Programme of Work and Budget, within a consensus-agreed budget envelope, and any related decisions which allocate resources down to the Output Area level, with decisions prepared in the Budget committee and taken at Council, both bodies acting on the qualified majority voting basis, if required;²
- v. MTO and PIR methodology;
- vii. Decisions regarding the Evaluation Committee's recommendations to substantive committees;
- viii. Decisions regarding the monitoring of the implementation by substantive committees of the Evaluation Committee's recommendations;
- ix. Decisions regarding the follow-up to reports on the implementation of Acts;

2. Cf. the Council decision of 22 April 2004 [C/M(2004)10, Item 143].

- x. Decisions to hold sectoral ministerial meetings and decisions regarding their themes and dates.³

51. *The following special cases are delegated to standing committees identified below, and are decided there by QMV:*

(a) Executive Committee:

- i. Decisions implementing CCR recommendations (except methodology and use of the affordability clause);
- ii. Decisions regarding the implementation of policy frameworks related to communications and publishing;
- iii. Decisions regarding the implementation of policy frameworks related to patronage and sponsorship and OECD centres;
- iv. Decisions concerning continuation of subsidiary bodies of substantive committees under Article 21 of the Rules of Procedure.

(b) Budget Committee:

- i. Annual approval of the scales of contributions;
- ii. Decisions on the implementation of the Programme of Work and Budget;
- iii. Decisions implementing the Financial Regulations and related rules (attributed to the Budget Committee therein), including those concerning modifications to the Programme of Work, the reallocation of resources, commitments in a future financial period, commitments in the current financial period for expenditure to be made after the end of that period and the approval of grants and voluntary contributions;
- iv. Approval of supplementary budgets which do not induce increases in the assessed contributions of current members/participants;
- v. Decisions on the management of the Pension Budget and Reserve Fund.

(c) External Relations Committee:

- i. Decisions on non-Members' fees, after consultation with the Budget Committee;⁴
- ii. Decisions on evaluation and renewal of regular observers.

3. As well as locations of ministerial meetings other than those of the bodies of the Organisation.
4. Consultation would concern the level of fees. If, after the consultation with the Budget Committee, views differ, the ERC should advise the BC accordingly and provide it with another opportunity to offer its views before taking the final decision.

VI. Interpretation regarding classification

52. Any problem of interpretation on the classification of a specific issue into one of the categories will be prepared by the Executive Committee and decided by Council as a normal case.

VII. Cloture of debates

53. Chairs will decide on the cloture of debates and will implement the decision-making mechanism, whether mutual agreement or qualified majority, as soon as she/he feels that all arguments have been examined and discussed. It is the prerogative of the Chair to take such a decision. Members may invite the Chair to proceed with the cloture of debates.

CHAPTER 4: REVISION AND IMPLEMENTATION

Revision Clause

54. An assessment of the governance system will be conducted no later than four years after entry into force of the revised Resolution or before, if Council so decides. In the meantime, and if necessary, moving a specific issue from the delegated to the non-delegated list, from the special cases to the delegated special cases lists or removing an issue from the special cases list will be done by QMV by Council. Moving a fundamental case (paragraph 48) or a delegated case to be decided by mutual agreement (paragraph 49) to another category will require mutual agreement. The creation of new special cases will require unanimity according to Article 6.1 of the Convention.

Implementation

55. This revised Resolution will enter into force on 1 January 2011.

**RETOOLING COUNCIL'S PROCEDURES:
2009 GUIDING PRINCIPLES FOR THE WORK OF COUNCIL
AND MEETINGS OF HEADS OF DELEGATION [C(2009)112]***

A. Planning and preparation of meetings

1. Circulation of documents

- a) The Council provisional agenda and related documents shall be circulated as early as possible and at least seven days in advance in both official languages of the Organisation.¹
- b) The following procedure should be applied, unless Council decides otherwise:
 - i) documents tabled for *decision* distributed less than seven days in advance will be rescheduled for a succeeding Council session or decided by written procedure if Council so determines;
 - ii) documents tabled for *discussion* distributed less than two days in advance will be rescheduled for the succeeding Council session.
- c) Room documents can be distributed shortly before or on the day of Council session, but only to provide new information, to make available preliminary drafts, to circulate comments by Delegations, proposed amendments or compromise text to tabled documents, and not as decision documents - otherwise the above procedure would apply.

2. Council agendas

- a) In addition to the provisional agenda, three agenda-related documents will be made available to members for each Council session:² a three-month indicative work programme; a draft agenda for the succeeding Council session; and an annotated agenda for the current session:

* Endorsed by the Council at its 1203rd session on 16 July 2009 [C/M(2009)17, Item 188].

1. In accordance with Rule 12.b of the *OECD Rules of Procedure* [C(2007)14/FINAL] and Appendix I "Interpretation in Respect of the Rules of Procedure" of the same document.

2. In accordance with Section IV of the *OECD Rules of Procedure*.

- i) the three-month indicative work programme should be discussed by Council at least once a month, or whenever deemed necessary at the request of the Chair or one of the Members. The three-month indicative work programme will indicate, *interalia*, the standing committee preparing the issue;
 - ii) the draft agenda for the succeeding Council session will be circulated for information purposes;
 - iii) the draft annotated agenda would be distributed shortly before the Informal Council Preparatory Meeting and include, *interalia*, the start time of each issue, the time allotted for presentations (including for outside guest speakers), and the proposed Council action(s). It would also include relevant information on the SG's substantive activities (*see B.2.a. below*).
- b) Council agendas should front-load items where more time will be needed for substantive discussion.

3. Informal Council Preparatory Meetings

- a) The Informal Council Preparatory Meetings are organised by the Secretariat in preparation of Council sessions, as a forum for the exchange of information with Delegations on the items included on the Council agenda.³ They also serve to give a first indication on the (provisional) positions Delegations will take on specific issues, including those they intend to raise under Other Business, and to revise, where necessary, Council's provisional agenda when scheduled items have not respected the document circulation provisions (*see A.1.b above*).
- b) The meetings would also provide Delegations with greater opportunity to comment on other aspects of Council's provisional agenda (i.e. amount of time allotted for discussions, sequencing of issues, etc.).

3. See Annex I "Informal Meetings in preparation of Council Sessions" of CE(99)6/REV2.

- c) To fully exploit the Informal Council Preparatory Meetings, Delegations should strive to be represented at an appropriate level (i.e. Deputy Permanent Representative).
- d) The Informal Council Preparatory Meetings would serve for the factual exchange of information and should not encroach on the role of Council or Council's standing committees and/or advisory groups.

4. Preparation of issues

- a) As needed, small informal groups can be tasked by Council to, *interalia*, sound out Delegations or play a targeted path-finding role to identify Members' views on selected wide-ranging topics, without encroaching on the responsibilities of standing committees.
- b) Informal Groups would be composed of a small number of Permanent Representatives, selected by Council primarily on the basis of their interest to work on the issues identified, and with regular participation of the Secretariat, as deemed appropriate.⁴

5. Scheduling of Council sessions

A day-long Council session would be scheduled once a month, occasionally combined with a working lunch (*see C.2.a below*) and, whenever feasible, programmed the same week every month. Additional half-day sessions could be scheduled if needed, in order to promptly and effectively discharge Council's agenda.

B. Strengthening working methods

1. Length of interventions

- a) The meeting clock will run for all speakers; in recognition of the specific role of the Council Chair, no time limit would apply to his/her interventions.

4. Efforts should be made for Informal Groups to be representative of OECD membership (e.g. small/large countries, regional balance, etc.).

- b) Members' interventions should respect a three-minute time limit. Guest and introductory speakers would adhere to the time allotted for their remarks in the Council annotated agenda (*see A.2.a.iii above*). Two-handed interventions should not exceed *one minute*.
- c) To improve time management, the following measures would be applied:
 - i) exceptional suspensions of the three-minute rule may be agreed at the start of an agenda item;
 - ii) Council meeting room time-tracking display to be enhanced and complemented by moderate audio signal, at the three-minute mark and every minute thereafter, during Members' interventions. At all other times, the time-tracking display would show the Council's agenda and current time.
- d) The Chair should be supported by Members to actively discourage start-and-stop exchanges, repetitive statements, gratuitous congratulations and, in general, any type of intervention that does not provide a new perspective or add value to the discussion.

2. Secretary-General / Deputy Secretaries-General activities

- a) The presentation of the Secretary-General's activity report should be enhanced by including relevant information on the SG's outreach or substantive activities in the session's annotated agenda (*see A.2.a.iii above*). Such information would allow for more time during the Council session to highlight the impact of particular activities for the Organisation, as well as questions and input from Members.
- b) In the case of particularly relevant outside or outreach activities undertaken by DSGs, brief back-to-office reports should be circulated to Members.
- c) The current practice of providing to Permanent Representatives additional material, relevant to issues covered as part of the Secretary-General's activity report during the Council session, should be continued.

3. Electronic Discussion Group

- a) Council's Electronic Discussion Group (EDG) should be revamped to improve the user interface, allowing for easy posting of Members' written statements and the creation of user-driven discussion threads, as well as to strengthen its search capabilities.
- b) Council Members are encouraged to use EDG written statements to convey their positions, as well as to circulate questions and/or comments to tabled documents to help focus discussions.

4. Decisions and "Other Business"

- a) Council's deliberations on documents tabled for Decision should end with a clear understanding of the decision to be taken and/or changes/amendments agreed.
- b) Members wishing to raise issues under "Other Business" should, wherever possible, provide advance notice at the Council Informal Preparatory Meeting or by means of the Council's EDG.

C. Other organisational issues

1. Heads of Delegation (HOD) meetings

- a) HOD meetings would:
 - i) be complementary to Council sessions, remain informal and be few in number;
 - ii) be convened by the Dean or the Secretary-General, on the basis of the work programme and/or outstanding matters before Council to discuss strategic priorities and key policy or organisational issues;
 - iii) be attended only by Permanent Representatives or their designated Delegate, and a minimum numbers of Secretariat staff, as required. Smaller meeting rooms that facilitate dialogue among participants should be favored.

- b) HOD retreats would be organised as path-finding sessions, with participants brainstorming around a few core thematic issues of strategic relevance for the Organisation. Deputy Permanent Representative retreats would be closely co-ordinated in timing and agenda with HOD retreats.

2. Complementary Activities

- a) Council's effectiveness and *esprit de corps* would be further enhanced by organising regular informal working lunches along the following lines:
 - i) outside guest speakers could address Members on issues of general interest;
 - ii) attendance to informal working lunches would be limited to Ambassadors, or to whomever they choose to designate in their place, the Secretary-General, and a minimum number of Secretariat staff;
 - iii) the Council Secretariat would assist in the scheduling and organisation of informal working lunches. Permanent Representatives are encouraged to propose and contact potential guest speakers, including visiting VIPs. Invited outside guest-speakers would not be remunerated. The cost of lunches will be borne by Delegations;
 - iv) the format of the working lunches should remain flexible, but a Q&A segment is encouraged.
- b) To aid newly-appointed Permanent Representatives in their participation at Council sessions:
 - i) a "Council toolkit", containing all key governance documents, should be prepared and regularly updated;
 - ii) general induction sessions, covering the basic functioning of the Organisation, and including thematic presentations by Directorates, should be organised by the Secretariat at least once every year;

- iii) Chairs of standing committees should consider developing similar, more targeted “toolkits” and holding induction sessions, so as to enable Delegates to gain greater insight into the work carried out by their committees.
- c) Ambassadors are encouraged to become familiar with the work of committees and other bodies and events in key areas of the Organisation and their countries. To increase the quality of dialogue with Chairs of committees, the Council should appoint two or three Delegations as lead speakers for the session. These appointments should be made well in advance, in order for the selected Ambassadors to have contacts and develop a good sense of the committees’ work. This working method will make the dialogues with committee Chairs serious events, increasing the mutual knowledge and respect of committees, directorates and Council Members. This will benefit both Council and the committees.

3. Evaluation of results

- a) To foster an on-going improvement of Council’s working methods and/or meeting format, an informal assessment of the impact and adequacy of the updated Guiding Principles should be carried out at least every two years, preferably during a HOD retreat.
- b) In carrying out the informal assessment, HODs would be assisted by the Council Secretariat with a view to:
 - i) surveying Permanent Representatives with respect to Council’s working methods and/or meeting format;
 - ii) analysing available indicators of efficiency and effectiveness (i.e. meeting frequency, compliance with document circulation time, etc.);
 - iii) proposing to Council updates to the Guiding Principles, as deemed appropriate.

APPENDIX III

RESOLUTION* OF THE COUNCIL ON PARTNERSHIPS IN OECD BODIES** [C(2012)100/FINAL]

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;

* Adopted by the Council at its 1265th Session on 9 October 2012 [C/M(2012)11, Item 172].

** 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.

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 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. 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.

APPENDIX IV

COUNCIL RESOLUTION ON THE CLASSIFICATION AND DECLASSIFICATION OF INFORMATION [C(97)64/REV1/FINAL]*

THE COUNCIL

Having regard to Article 5 of the Convention on the OECD;

DECIDES:

Scope

1. For the purposes of this Resolution, official information means documents and other material produced or disseminated by the Organisation for the consideration of Member countries, including material received from Member countries for the same purpose.

Classification

2. Official information shall be either unclassified or classified as:

a) *For Official Use* -- for information which should not be communicated except for official purposes; or

b) *Confidential* -- for information the unauthorised disclosure of which would seriously prejudice the interest of the Organisation or any of its Member countries.

3. The Secretary-General will take the necessary measures to ensure the appropriate classification of official information.

4. The Member countries and the Secretary-General will take the necessary measures to ensure the security of official information.

Declassification and Downgrading

5. *Confidential* and *For Official Use* documents and other material shall be downgraded or declassified when the information they contain ceases to meet the standards of paragraph 2 a) or b) above.

* Adopted by the Council at its 906th session on 10 July 1997 [CES/CRC(97)16 and C/M(97)17]; amended by the Council at its 1152nd session on 12 April 2007 [C(2006)186/REV1 and C/M(2007)5/REV1].

6. The Council shall be responsible for declassifying or downgrading, on a proposal by the Secretary-General or a Member country, documents and other material prepared for its consideration.

7. Committees reporting directly to Council (“main Committees”) shall be responsible for declassifying or downgrading, on a proposal by the Secretary-General or a Member country, documents and other material emanating from them or their subsidiary bodies or reflecting their views or the views of their members, other than those supporting draft Acts of the Organisation to be adopted by the Council. Disagreement within main Committees in this context may be referred to the Council, by the Secretary-General or a Member country. Committees, however, are authorised to conduct, where appropriate, broad consultations in the preparatory phase of draft Acts.

8. The Secretary-General may declassify or downgrade, on a recommendation to do so by a main Committee, documents and other material falling within the scope of paragraph 7.

9. The Secretary-General may declassify or downgrade on his own responsibility documents and other material prepared on his authority.

10. Unless otherwise decided by the Secretary-General, and with the exception of documents connected with the activity of the Committee on Fiscal Affairs and its subsidiary bodies (except for its Working Parties No. 2 on Tax Policy Analysis and Tax Statistics and No. 9 on Consumption Taxes), documents and other material classified as *Confidential* and which have not been declassified or downgraded under paragraphs 5, 6, 7, 8 and 9 above, will be automatically downgraded to *For Official Use* three years after the date of first distribution. Unless otherwise decided by the Secretary-General, documents and other material classified as *For Official Use*, and which have not been declassified under paragraphs 5, 6, 7, 8 and 9 above, shall be automatically declassified three years after the date of first distribution as *For Official Use* or of downgrading from *Confidential*.

11. A document or other material shall not be automatically downgraded or declassified under paragraph 10 if a Member country objects.

Appropriate advance listings of documents for downgrading or declassification shall be provided by the Secretariat. Objections shall be reviewed by the Secretary-General in consultation, as appropriate, with the Member country concerned.*

12. If a document proposed for declassification or downgrading in a Committee is objected to by one or several Members, either in session or within the framework of the automatic declassification procedure, it should be resubmitted for declassification or downgrading to the Committee under the terms of Article 7 and not through the automatic procedure.

Historical archives

13. Paragraph I, first sentence, of Council Resolution C(91)132/FINAL on the historical archives of the Organisation is amended to read:

“The archives of the Organisation which have potential historical interest shall be preserved and, after a period of ten years, public access to these historical archives shall be facilitated under rules to be decided by the Secretary-General.”

Final provisions

14. The Council Resolutions of 22 May 1962 concerning the classification of documents and security precautions [cf. C/M(62)11(Final), Item 109 a), b) and c)] and of 24 October 1974 concerning the procedure for derestriction and publication of documents [cf. C/M(74)24 Part 1 (Final), Item 259 a) and b); and C(74)133(Final)] are repealed.

15. This Resolution shall not apply to documents and other material issued by the IEA.

16. This Resolution shall enter into force on the first day of the second month following its adoption by the Council.**

* See CE/M(2008)15, Item 86 d).

** This Resolution entered into force on 1 September 1997.

ANNEX

GUIDELINES FOR IMPLEMENTATION*

1. The Resolution is based on the belief that information should be considered *Unclassified* until an active decision is taken to classify it, and that in many instances the need to maintain a security classification is time-limited. It is important to note that the classification or declassification of an official document or other material does not in itself require in any way the dissemination of the material to a wide public. Classification, or security policy, should be considered and handled quite separately from the Organisation's information and publications policy.

Scope

2. The Resolution applies only to documents and other material produced or disseminated by the Organisation for Member countries' consideration, including material and correspondence for this purpose received from Member countries. Such material may be, for example, text, data bases, tables, graphs, and be produced in document, book, periodical, diskette, electronic tape, CD-ROM form, or electronically on-line or by other means.

3. Other correspondence transmitted by Member countries will be handled in the appropriate way and as requested by the Delegation concerned. Material internal to the Secretariat is not covered by the Resolution, but will continue to be protected appropriately under the requirements of discretion governing the Secretariat, in particular Regulation 4 a) of the Staff Regulations, Rules and Instructions, which states "*Officials shall observe complete discretion with regard to all matters relating to the activities of the Organisation*".

Classification

4. The decision to classify lies in practice with the Directorates preparing the material, and the Secretariat should consider carefully the nature of the material in question before applying one of the two security classifications, and especially before classifying a document *Confidential*.

* These guidelines do not form part of the Resolution [C/M(97)17, Item 212 e)].

Confidential

5. The Confidential marking is reserved for material “the unauthorised disclosure of which would seriously prejudice the interest of the Organisation or any of its Member countries”. By definition, this marking should be exceptional, and used as sparingly as possible. Its use must be authorised at A5 level or above.

6. It is not possible to define precisely the material that would require a *Confidential* classification, which remains a matter of judgement in individual cases. The following general areas suggest themselves: ongoing international negotiations carried out under the aegis of the OECD; discussion of the Organisation’s or Member countries’ relations with non-Member economies; market-sensitive material; and commercially sensitive material. However, it should always be borne in mind that not all material falling in these areas requires a *Confidential* classification, and that the need for confidentiality, if applicable, may frequently be short-lived.

For Official Use

7. The classification *For Official Use*, which broadly covers the previous *Restricted* classification, conveys the need for care in the handling of material and for the privacy of discussion. It is likely to be appropriate for most of the Organisation’s analyses and discussions of Member countries’ policies. This classification is designed to facilitate, where this is necessary and appropriate, the official consultation thereon with academics, NGOs, industry, etc. Consultation outside government, on the basis of *For Official Use* material, might well be a matter for agreement within subsidiary bodies when planning future work. Technical and analytical material may well be appropriate for this kind of consultation. Records of discussions among Member countries, however, even when not requiring a *Confidential* classification, would not be the subject of wider consultation. This more flexible approach, which it is believed corresponds better with the objectives and needs of the Organisation and its Members today, will be reviewed in the light of experience.

Unclassified

8. The Resolution institutes an *Unclassified* category, to provide a route

whereby material whose disclosure would not prejudice the interests of the Organisation or its Member countries can be communicated more widely, without requiring an additional procedure to declassify it. Documents may thus be issued under this category on their first appearance. It has no implications for the ownership and copyright of the Organisation's work, which remain unaffected. Material that might fall into this category might include practical arrangements for meetings, agendas, participants lists, technical and analytical studies based on publicly available data and methodologies, and reports by consultants.

Dissemination and publication

9. As noted above, declassification should not be confused with the dissemination or wider distribution of material. There is no obligation to distribute material, whether *Unclassified* at origin or subsequently declassified. Until now, the declassification of a document has in general automatically involved the production of a new *General Distribution* document (and its distribution on paper and electronically). This is no longer required.

10. The question of the wider dissemination of the material, whatever the form it might take (e.g. ranging from full-scale "flagship" publication, through GD document form, to availability in electronic form on public networks, e.g. the Internet) is a separate issue, to be addressed in the context of the Organisation's overall information and publications policy.

Declassification and Downgrading

Who can declassify and downgrade?

11. The authority to declassify or downgrade *For Official Use* or *Confidential* material emanating from subsidiary bodies or reflecting the views of their members is delegated by the Council to the Committees and other bodies reporting directly to it ("main Committees"), except as regards material supporting draft Acts of the Organisation submitted for Council adoption. Council remains responsible for declassifying or downgrading of such material, as well as of other documents prepared for its consideration. Provision is made for either the Secretary-General or a Member country to ask for difficult or sensitive issues which a main Committee cannot resolve, to be referred to the Council for decision.

How quickly?

12. Within this delegated authority, main Committees are expected to declassify documents and other material as rapidly as possible, for example in conjunction with, or rapidly after, the meetings at which discussion of the material is completed. Regular and systematic use of written procedure may provide the most convenient mechanism.

Secretary-General's powers?

13. As now, main Committees retain the option to ask the Secretary-General to declassify material prepared for them, in those circumstances where Member countries do not wish formally to endorse the content as reflecting their views, but agree that it should be declassified, and thus allow it, if appropriate, to be made publicly available.

14. The Secretary-General retains the authority to declassify material prepared and remaining under his authority.

Automatic Declassification and Downgrading

When and how?

15. The Resolution institutes a procedure for automatic declassification or downgrading after a period of three years after initial distribution or downgrading, subject to objection by Member countries or the Secretary-General. For example, *Confidential* documents issued the day the Resolution enters into force, 1 September 1997, will be automatically downgraded to *For Official Use* on 1 September 2000, and three years later, on 1 September 2003, will be declassified; documents issued as *For Official Use* will be automatically declassified three years after initial distribution.

16. Directorates will need to adopt procedures appropriate to their main Committees in order to provide the possibility for objection before automatic downgrading or declassification takes place, e.g. the provision at regular intervals of listings of documents due for downgrading or declassification.

Material issued prior to the entry into force of the new arrangements

17. The arrangements regarding automatic declassification or downgrading set out in paragraphs 10, 11 and 12 of the Resolution do not apply to material issued prior to 1 September 1997. However, the authority to declassify or downgrade delegated to main Committees under paragraph 7 of the Resolution does apply to previously issued documents. Main Committees, in conjunction with the Secretariat, are requested to take appropriate steps to declassify existing documents, taking into account the value this might have for their current work, and the resources involved.

Access

Within Delegations and national administrations

18. Access to OECD material within Delegations, in capitals and more widely in national administrations is in principle a matter for Member countries, which have a general duty to respect the agreed procedures of the Organisation and the authorised classification decisions. Delegations are encouraged to give the widest possible access to all *Unclassified* and *For Official Use* material, e.g. to all OLIS users; this will facilitate the horizontal and interdisciplinary nature of OECD's work, and avoid the costly and unnecessary duplication involved in distributing the same document under several different codes.

19. Access to *Confidential* material will necessarily be more limited. There may be instances where particularly sensitive material is made available on a personal "need to know" basis. The subsidiary body concerned, in consultation with the Secretariat, could develop appropriate special guidelines and procedures in these cases.

Within the Secretariat

20. All members of the Secretariat will have access to *Unclassified* and *For Official Use* documents: this will support and encourage horizontal work, and develop the interdisciplinary expertise of the Organisation.

21. Access to *Confidential* material is, as now, determined by the Directorate primarily responsible for its preparation, and implemented in

principle on an explicit access list basis; access to horizontal work should be managed by the Directorate responsible for issuing the material. However, as now, in order to minimise the management of access rights, and in the interests of transparency and development of the multidisciplinary nature of the OECD, all staff at grade A5 and above will automatically have access to all *Confidential* documents, unless the issuing Directorate decides otherwise on a case-by-case basis.

Horizontal work

22. An increasing volume of the Organisation's work is of a horizontal nature, and therefore needs to be widely accessible both within the Secretariat and in Delegations and national administrations. It is not likely that this kind of material (e.g. work on regulatory reform, ageing populations) will require a *Confidential* classification. In view of the very wide access to *For Official Use* documents outlined in paragraphs 18 and 20 above, directorates should no longer need to resubmit documents under their usual codes, for the attention of their particular committees, which are already available on OLIS under their original coding. Effective use of OLIS in this way will enable efficiency savings throughout the Organisation.

Historical Archives

23. Under Article 13 of the Resolution, the time period under which classified material not otherwise declassified should remain protected is reduced to ten years. The other provisions of Council Resolution C(91)132/FINAL on the historical archives of the Organisation are maintained.

RMS and OLIS

24. OPS and ITN will issue separate guidelines on the necessary modifications to RMS and OLIS.

* * *

25. The Appendix contains guidelines on the presentation of documents.

APPENDIX

GUIDELINES FOR THE PRESENTATION OF DOCUMENTS

(following from the recommendations of the task force on the readability of documents)

NB these guidelines should be applied flexibly, to ensure that specific cases are handled appropriately.

1. All official documents should carry on the cover page the name of a contact person and their telephone, fax and e-mail, where the reader can obtain further information if necessary.
2. The summary box of each document should contain a one-to-two sentence statement of the document's purpose, and whenever appropriate identify it with a specific item on the relevant agenda.
3. All official documents should include an executive summary. The proportion should be one page maximum for every 20 pages of text. Key words in the executive summary should be crossreferenced to the corresponding sections of the paper so that readers who are particularly interested in a specific issue can turn immediately to that section.
4. Official documents should use sub-headings throughout, as themes and ideas change, to break-up text and to serve as sign posts to the reader.

RESOLUTION OF THE COUNCIL ON THE HISTORICAL ARCHIVES OF THE ORGANISATION [C(91)132/FINAL]*

THE COUNCIL,

Having regard to Articles 5 a), 12, 18 and 19 of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960;

Having regard to Article 4 of Supplementary Protocol No. I to the Convention for European Economic Co-operation, the validity of which was extended to the OECD by Supplementary Protocol No. 2 to the Convention on the Organisation for Economic Co-operation and Development, concerning the inviolability of the archives of the Organisation, and in general of all documents belonging to it or held by it wherever located;

Having regard to the Resolution of the Council of 22nd May 1962 concerning the classification of documents and security precautions [C/M(62)11(Final), Item 109 a), b) and c)];**

Having regard to Article 28 c)*** of the Rules of Procedure of the Organisation;

Having regard to the Resolution of the Council of 20th February 1968 concerning the derestriction of Acts of the Council and dealing with the application of Article 28 c)*** of the Rules of Procedure [C/M(68)3(Final), Item 34 c)];

Having regard to the Resolution of the Council of 24th October 1974 concerning the procedure for general distribution and the publication of documents [C/M(74)24 Part I (Final), Item 259 a) and b), C(74)133(Final)];**

Having regard to the Note by the Secretary-General of 18th January 1990 on OECD publishing policy [C(89)41(1st Revision)], and the related Council Resolution dated 26th January 1990 [C/M(90)2(Final), Item 17];

* Adopted by the Council at its 772nd Session on 12, 13, 17 and 19 December 1991.

** Repealed by paragraph 14 of Resolution C(97)64/REV1/FINAL.

*** This Article has been renumbered to reflect the latest review of the Rules of Procedure.

Having regard to Articles 1, 4, 5 and 9 of the Council Decision of 15th November 1974 setting up an International Energy Agency of the Organisation [C(74)203(Final)], and the Decision of the Governing Board of the International Energy Agency on Security Principles and Procedures, as revised on 1st February 1977 [IEA/GB(77)12];

Having regard to the Financial Regulations of the Organisation and the Financial Rules and, in particular, Article 11 of the Financial Rules on the keeping of accounting documents and supporting vouchers for income or expenditure;*

Having regard to the Decision of the Secretary-General of 6th June 1988 on the creation of a Commission for Computerized Information and Privacy [SGD(88)35/1] and the Decision of the Secretary-General of 6th June 1988 on the Principles governing the Protection of Privacy in the creation and use of computerized personal data files [SGD(88)35/2];

Considering that it is appropriate, in the context of establishing a central system for the management of the archives of the Organisation, to make the historical archives of the Organisation accessible to the public [C/M(88)13(Final), Item 159];

Considering the general recognition, both in Member countries and in international organisations, that historical archives should be made accessible to the public after expiration of a period of thirty years;

On the proposal of the Secretary-General;

DECIDES:

I. The archives of the Organisation which have potential historical interest shall be preserved and, after a period of ten years, public access to these historical archives shall be facilitated under rules to be decided by the Secretary-General.** The public shall not however be allowed access to the following categories of archival documents:

* See Revised Financial Regulations [C(2008)92/REV1].

** Paragraph I, first sentence, was amended by the Council at its 906th session on 10 July 1997 [CES/CRC(97)16 and C/M(97)17].

- a) documents the communication of which is restricted in accordance with the Organisation's rules concerning classification of documents;
- b) other documents whose disclosure could prejudice the Organisation, its relations with Member and non-Member countries or with international organisations;
- c) documents containing information relating to the private or professional life of a specific individual until sixty years from the date of the most recent entry in the file, the Organisation's staff files until one hundred and twenty years from the date of birth and medical files of any age;
- d) documents which have been transmitted to the Organisation on a confidential basis and remain confidential or which are subject to professional or trade secrets, and in respect of which appropriate consent to disclosure has not been obtained.

II. Archival documents mentioned in paragraph I a) above are included in open historical archives on the proposal by the Secretary-General to the Council unless, in the two months following such proposal, a Member country objects. The Council shall take note of such objection in its Minutes. An objecting Member shall re-examine its objection at intervals of no more than three years; the documents in question shall be included in the open historical archives upon the lifting of such objection.

III. This Resolution shall not apply to the archives held by the IEA.

IV. The official coded documents issued by the OEEC between April 1948 and September 1961 shall be derestricted and included in the open historical archives.