

Confidential

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Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

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English - Or. English

COUNCIL

Council

**RESOLUTION OF THE COUNCIL CONCERNING THE PARTICIPATION OF NON-MEMBERS IN
THE WORK OF SUBSIDIARY BODIES OF THE ORGANISATION**

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1. Over the past few months, the CCN has undertaken a revision of the Resolution of the Council on the participation of non-Members in the work of subsidiary bodies of the Organisation C(96)64/REV2/FINAL. The proposed new Resolution, which will replace the Resolution C(96)64/REV2/FINAL, is set out in the Appendix to this document. The Chair of the CCN will orally introduce this text to Council on 8 July 2004.

2. The Council is invited to adopt the following draft conclusions:

THE COUNCIL

- a) noted document C(2004)132;
- b) adopted the draft Resolution set out in the Appendix of C(2004)132 and agreed to its declassification.

APPENDIX**DRAFT RESOLUTION OF THE COUNCIL CONCERNING THE PARTICIPATION
OF NON-MEMBERS IN THE WORK OF SUBSIDIARY BODIES OF THE ORGANISATION**

THE COUNCIL,

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

Having regard to the Rules of Procedure of the Organisation, and in particular to Articles 8 to 10 thereof, which provide that a non-Member government may be invited to be represented as an observer at meetings, or parts of meetings of bodies of the Organisation, or to participate more fully in the activities of the Organisation;

Having regard to the conclusions of the Council on the Strategy for Enlargement and Outreach*;

Recognising that non-Member economies, hereafter referred to as non-Members, can fulfil an important role in enhancing the quality of the Organisation's work, and its influence on shaping the international economic order and thus its capacity to fulfil its mandate as defined in the OECD Convention*;

Recognising further the increased global interdependence rendering the prosperity of Member countries conditional not only on the development of their own economies, but on global economic development*;

Resolved to share OECD's policy practices with non-Members with a view to the diffusion and promotion of the values of the Organisation (dissemination), as well as to these policy practices more relevant and globally acceptable through the participation of non-Members both in their development and in their implementation (participation)*;

Mindful, therefore, of the importance for the Organisation of maintaining and intensifying a dialogue with non-Members through the conscious and strategic application of the available forms of co-operation;

Mindful, as well, of the impact participation of non-Members may have on the functional processes of the Organisation, including their specific application in individual subsidiary bodies, and of the limits for the engagement of non-Members imposed by resource constraints requiring a focused strategy to maximise the effectiveness and benefit of outreach*;

Noting that the question of participation of non-Members in the activities of a subsidiary body of the Organisation must be considered in accordance with the overall outreach strategy of the Organisation;

* C/M(2004)10, Item 143.

Noting the important role that participation by non-Members in the work of the Organisation can also play in preparing selected non-Members for possible future membership in the OECD within the framework of the Programme for Partners with Accession Perspective;

Noting the need for a sound and systematic basis for the assessment and effective management of non-Member engagement;

Noting, as well, the need throughout the Organisation for oversight and guidance on the policies and practices applicable to the invitation process and to the subsequent participation of non-Members in its work;

DECIDES:

1. The initiative to launch the procedure leading to an invitation to a non-Member to participate in subsidiary bodies lies with the Organisation.
2. The Council may decide on its own initiative, on the advice of the CCN, to invite selected non-Members to participate in one or several subsidiary bodies within the framework of the Organisation's overall outreach or enlargement strategies. Council will consult with the relevant Committee(s) before taking a decision.
3. A Committee may take the initiative to recommend to the Council via the CCN to invite a non-Member after developing, in line with its mandate and the Organisation's overall outreach strategy, a well-targeted, pro-active outreach strategy which provides a framework for the participation of non-Members in the work of the Committee and its subsidiary bodies. In order to identify the non-Members to be invited and the appropriate form of participation, the strategy should consider the elements set out in Annex I.
4. Non-Members may also express their own interest in participating in the work of a subsidiary body. Expressions of interest originating from a non-Member shall be brought to the attention of the CCN who will recommend to Council, in light of the Organisation's overall outreach strategy, after consulting with the relevant Committee, an appropriate course of action.
5. The Council, assisted by the CCN, shall assess recommendations by Committees in light of the Organisation's overall strategy towards the non-Members concerned. The Council shall retain the final decision on the invitation of non-Members to participate as regular observers or full participants in subsidiary bodies.
6. In accordance with the Committee's outreach strategy, a Committee or one of its subsidiary bodies may invite non-Members to be represented by an ad hoc observer at particular meetings or parts thereof at its discretion. The Secretariat shall keep the CCN regularly informed of such proposed invitations. The Council retains the right to intervene on the extension of such invitations.
7. Monitoring of non-Member participation shall take place on an annual basis in the form of Committee Chairs reporting to the CCN.
8. Evaluations should be undertaken and reported to the CCN Chair prior to any recommendations by the CCN to the Council on the renewal of an invitation to participate.
9. Renewal shall be formally agreed by the Council based on an assessment of the benefits of the participation of the non-Member. Criteria for renewal shall include:

- a) quality of participation;

- b) annual compliance with financial obligations;
- c) continuing consistency with the outreach strategy;
- d) impact on the efficient functioning of the Committee.

10. The process described above shall be as expeditious as possible. Where justified by circumstances, a written procedure may be followed by the Council and the concerned subsidiary bodies.

11. Annex I and II form an integral part of this Resolution. Annex II contains guidelines of general application for subsidiary bodies regarding the invitation process and the subsequent participation of invited non-Members in their work. The Council may provide different guidance in specific cases.

12. This Resolution replaces Resolution C(96)64/REV2/FINAL.

ANNEX 1

GUIDELINES FOR SUBSIDIARY BODIES ON THE DEVELOPMENT OF A PRO-ACTIVE STRATEGY FOR THE PARTICIPATION OF NON-MEMBERS

Committees shall develop, in line with their mandates, and the Organisation's overall outreach strategy, a pro-active outreach strategy for the participation of non-Members in the work of the Committee and its subsidiary bodies. The strategy should consider the following elements in order to identify the non-Members to be invited and the appropriate form of participation:

- a) whether non-Member participation would facilitate appreciably the achievement of the mandate and the programme of work of the subsidiary body concerned;
- b) whether and in what ways association of non-Members with its work would be of benefit to the Organisation including in fulfilling its mandate of contributing to the development of non-Members.
- c) whether economic growth and/or the welfare of Members, considered on a national, regional or global basis, within the substantive area covered by the subsidiary body concerned are influenced to a significant degree by the policy orientations of non-Members;
- d) in relation to the substantive area covered by the mandate of the subsidiary body concerned, the degree to which non-Members' institutional and policy know-how contributes significantly to OECD peer learning/influencing and rule-making processes;
- e) the appropriate number of non-Member participants, focusing both on the non-Members and the time period of the invitations in light of the requirements of the mandate of the subsidiary body concerned, its programme of work and its methods of work;
- f) the consequences that non-Members' participation might have on the working methods, programme of work and Secretariat resources devoted to the subsidiary body concerned;
- g) in the case of full participants, the non-Member has been found to be willing and able to commit to the relevant OECD acquis, as appropriate;
- h) a consideration of the full range of vehicles to engage non-Members in the work of the Organisation and the subsidiary body concerned, as well as the limits and forms of the participation of non-Members which appear desirable and most useful, to maximise the benefits and reduce any disadvantages.

Committees should review their strategy regularly in light of changes to their mandate or programme of work orientations.

ANNEX II

GUIDELINES ON PARTICIPATION BY NON-MEMBERS IN THE WORK OF SUBSIDIARY BODIES OF THE ORGANISATION

FORMS OF POSSIBLE CO-OPERATION

1. In considering the establishment of relations with non-Members, a subsidiary body should examine the full range of possible means of co-operation with that non-Member, with a view to finding those best suited to the Organisation and the non-Member in question. These include:

- a) Participation in specific activities opened by the Organisation to the participation of non-Members, such as Global Forums and other outreach activities;
- b) Participation directly in the official sessions of the subsidiary body as ad hoc observer, regular observer or full participant;
- c) Any other form of co-operation that may appear appropriate.

PARTICIPATION IN OFFICIAL SESSIONS OF SUBSIDIARY BODIES

2. Committees may recommend to the Council to invite non-Members to participate in their work either as observers or full participants on the basis of a well-targeted pro-active outreach strategy as described in Annex I of the Resolution.

Recommendations by Committees

3. Participation in official sessions of subsidiary bodies, whether as a regular observer or full participant, should be recommended sparingly.

4. Should a Committee recommend to Council to invite a non-Member to participate in its work or the work of one of its subsidiary bodies as a regular observer or full participant, the Committee should provide a detailed analysis which describes how the non-Member contributes to the realisation of the Committee's outreach strategy as provided in Annex I to this Resolution.

- a) A subsidiary body may invite a non-Member to participate in a country policy review before transmitting its recommendation to the Council. Such a review should familiarise the non-Member with the frank and transparent dialogue of the OECD, assist in assessing its readiness for participation, and encourage desirable policy changes. The associated costs, or an appropriate part thereof, shall be covered by the non-Member concerned.

- b) Committees shall specify and justify in their recommendation whether the invitation should be valid for all or some of their subsidiary bodies. Prior consultation of their subsidiary bodies is left to the Committee's discretion.

Terms of Observer Invitations

5. Observer invitations should continue to be the norm for non-Member participation in official sessions. Observers are generally invited and participate on the following basis:

- a) Ad hoc invitations to attend as observer at one or more meetings, or relevant parts of meetings should be the first consideration in deciding the appropriate level of participation in a subsidiary body. Ad hoc observerships should be issued only for individual meetings, and only if so required by specific items on the meeting's agenda. Ad hoc observers are expected to contribute to the discussion. A non-Member may be invited as an ad hoc observer for such purposes as preliminary policy exchange or country review, or an exploration of the nature of the non-Member's expected contribution to the work of the subsidiary body.
- b) "Regular observers" receive an invitation to attend the meetings of a subsidiary body, on the understanding that they will actively participate and fully co-operate in the work of the subsidiary body, including information exchanges. This is subject to the conditions set in the Rules of Procedure, in this Resolution and in the invitation. Invitations are generally issued for a period of two years and should relate to the requirements of the Committee's mandate and programme of work. These invitations can be extended by the Council for further periods also generally of a two-year length. However, the Council reserves the right to suspend an invitation at any time for non-payment of fees due by the non-Member or for any other reason that the Council deems justified.
- c) A regular observer shall make an appropriate financial contribution to the expenses of the Organisation.
- d) Acceptance of relevant disciplines may be made a condition for regular observership.
- e) Unless otherwise specified, an invitation to participate as a regular observer in the work of a subsidiary body does not include meetings of that body at Ministerial level or meetings of its subsidiary bodies or joint meetings with other bodies.

Terms of Full Participant Invitations

6. Full participation is generally accorded only to a non-Member which is willing and able to comply with the relevant disciplines of the Organisation, and if full participation would provide greater mutual benefit than observership. Full participation is generally granted on the following basis:

- a) It is subject to binding agreements concluded with invited full participants, pursuant to Rule 8a) of the Rules of Procedure. These provide the non-Member's adherence to all OECD instruments forming a basis of the subsidiary body's work and generally accepted by the Members; obligate the non-Member to co-operate fully in the work of the subsidiary body, including information exchanges; and commit it to contribute appropriately to the expenses of

the Organisation. These agreements are for an indefinite duration and subject to suspension or termination by the OECD on reasonable notice.

- b) Full participants are invited to attend all meetings of the subsidiary body to which the invitation relates, including joint meetings with other Committees and meetings at ministerial level, except as provided in paragraph 8 below.
- c) Full participation is not envisaged for the Council and the bodies assisting it in the governance of the Organisation or for the Executive Committee in Special Session.
- d) If a subsidiary body has a variety of activities, not all of which are appropriate for full participation by non-Members, the invitation should be limited to specified activities. If necessary, the subsidiary body should consider reorganising its work pattern so that the invitation will not impinge inappropriately on its work.
- e) Full participation can also be granted in the framework of the negotiation of an OECD instrument or a specific project. In these cases, the invitation is extended only for the duration of the negotiation or the project.

Modalities of Participation of Observers and Full Participants

7. Observers participate in the work of the subsidiary body as provided in the Rules of procedure, in the Resolution and in the invitation.

- a) Observers are notified of the dates of meetings or parts of meetings they may attend and provided with the agenda, summary records and documents thereof.
- b) The Chair of the Council is empowered to decide that particular meetings (or parts of meetings), shall be held without observer attendance. In so doing, he may make appropriate distinctions, e.g., between governmental observers and those from international organisations. In such cases, meetings, or specific agenda items, are marked as "closed" or "confidential". When parts of a meeting are closed, the agenda should be arranged to minimise the inconvenience for the observers. Chairs and Secretariats of subsidiary bodies will inform the Chair of the Council promptly of a situation calling for an exercise of this power. They shall also bear in mind any general decisions which the Chair of the Council has issued under this rule.
- c) Observers are invited to make statements on a particular subject at the discretion of the subsidiary body chair. This discretion is exercised to maximise the mutual benefits of the non-Member's participation. Observers are given a seat at the table, where Member countries' needs permit. They do not take part in the decision-making process nor can they place a question on the agenda. An observer is not bound by the conclusions, proposals or decisions of the body in question unless it expressly agrees.

8. Full participants take part in the meetings and work of the subsidiary body to which their invitation applies on the same basis as Member countries, except as otherwise provided in their invitation. They are however not invited to meetings, or parts of meetings, held in the context of the accession of a non-Member to the Organisation, and may also be excluded from those concerning the relations of the Organisation with non-Members. In such cases, the provisions in paragraph 7b) above shall be applicable *mutatis mutandis*.