



COUNCIL

C(2006)92
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Council

**DRAFT COUNCIL DECISION REVISING THE OECD TRACTOR CODES FOR INTRODUCING AN
ARREARS MANAGEMENT POLICY**

(Note by the Secretary-General)

This document is submitted to Council for approval under the written procedure.

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1. In view of arrear problems in the OECD Tractor Codes, the issue of introducing an arrears management policy in the rules of the Codes has been discussed. In December 2005, the Secretariat drafted a proposal [AGR/CA/T(2006)2].

2. Delegates at the Annual Meeting of Representatives of the National Designated Authorities held on 22-24 February 2006 agreed on a revised proposal for adding the following provisions to the Codes, Decision –Article 6 [AGR/CA/T/M(2006)1, item 14].

3. The present proposal reflects these changes and follows, in principle, the proposal for revising the OECD Seed Schemes for introducing an Arrears Management Policy [AGR/CA(2006)3].

4. On 22 May 2006, the Committee for Agriculture endorsed this proposal under the written procedure [AGR/CA(2006)9].

5. In the light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

THE COUNCIL

- a) noted document C(2006)92;
- b) adopted the draft Decision of the Council amending the Decision revising the OECD Standard Codes for the Official Testing of Agricultural and Forestry Tractors set out in the Annex to document C(2006)92.

ANNEX

DRAFT DECISION OF THE COUNCIL

Amending the Decision of the Council revising the OECD Standard Codes
for the Official Testing of Agricultural and Forestry Tractors

THE COUNCIL,

Having regard to Article 5 of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

Having regard to the Decision of the Council of 17 February 2005 [C(2005)1] Revising the Decision of the Council Establishing the OECD Standard Codes for the Official Testing of Agricultural and Forestry Tractors;

On the proposal of the Committee for Agriculture;

DECIDES:

The Decision, Article 6, is amended as follows:

[For easy reading, additions to the text are highlighted in bold italics].

DECISION OF THE COUNCIL REVISING THE OECD STANDARD CODES FOR THE OFFICIAL TESTING OF AGRICULTURAL AND FORESTRY TRACTORS

[“Green Codes”, p. 7]:

6. Expenditures required for the functioning of the OECD Tractor Codes shall be defrayed from appropriations under Part II of the Budget of the Organisation. Each country participating in the Codes agrees to the payment to the OECD of an annual contribution which is the sum of the following two elements:

- a basic fee of € 3 000 (Euros);
- an additional fee applied to each participating country (OECD Members and non-members) calculated according to the criteria set out in the Resolution of the Council C(63)155(Final) as amended,

as they may be modified from time to time.

The Secretariat should report any defaulting of payment to the Advisory Group for the Codes which shall take all appropriate measures, including the review of the status of the participating country.

A participating country shall fall into arrears on 1 January of the year following the year of the call for the payment of the annual contribution (basic fee and additional fee) if this contribution remain fully or partly unpaid at that date. In this first year of arrears no documentation shall be sent to the country. In the second year of arrears, test reports sent by the country shall no longer be eligible for

approval. In the third year of arrears, the defaulting country shall be notified of a proposal to exclude it from Participation in the Tractor Codes. The decision of exclusion shall be adopted by the Council, on the proposal of the Annual Meeting of the National Designated Authorities and of the Committee for Agriculture, unless the Council decides by consensus not to adopt the decision. The decision of exclusion shall be notified to the country.

Settlement by the country in arrears of the debt in the first or the second year shall reverse all the measures previously taken. Settlement of the debt in the third year and reversal of all the measures previously taken shall be subject to a decision by the Annual Meeting of the National Designated Authorities based on the results of an evaluation mission at the expense of the country in arrears, in accordance with the conditions for the admission procedure for a new country provided for in Appendix II to the Decision. Participants and observers to the OECD Tractor Codes shall be notified of all developments associated with the application of this procedure.

The present procedure shall apply to arrears of the contributions due for 2006 and the successive years. Arrears of contributions due for one or more years before 2006 shall be subject to a separate settlement with the Organisation.

Before engaging any sanction action, the Secretariat shall inform the National Designated Authorities of arrear problems.