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

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**COUNCIL**

**Council**

**RULES OF PROCEDURE OF THE ORGANISATION**

*Revision as agreed by Council at its 1171st session, held on 17 April 2008 [C/M(2008)7, Item 88].*

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English/French

**RULES OF PROCEDURE OF  
THE ORGANISATION**

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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) and Slovak Republic (14 December 2000). The Commission of the European Communities 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].

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.

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## **RULES OF PROCEDURE OF THE ORGANISATION**

### **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 Commission of the European Community and of the European Atomic Energy Community (hereinafter “the European Commission”), which take 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 or an international organisation to be represented 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 observers and/or that specific documents shall not be made available to them.

c) At a meeting attended by 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 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.\*

**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 full participants 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 full participants 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.

*Rule 14*

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

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\* See interpretation in Appendix I.

## **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.

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\*

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\* See interpretation in Appendix I.



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.

#### *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.

### **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.

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See interpretation in Appendix I.

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.

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\* See interpretation in Appendix I.

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.

## **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.

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\* 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] and of 17 April 2008 [C/M(2008)7], 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 10b) of the Rules of Procedure, the Council noted that it would be more appropriate to apply the Council Resolution on non-Member participation 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 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

### COUNCIL RESOLUTION ON A NEW GOVERNANCE STRUCTURE FOR THE ORGANISATION [C(2006)78/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;

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.

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Adopted by the Council at its 1135<sup>th</sup> session on 11 May 2006 [C/M(2006)9, Item 124], and amended (4<sup>th</sup> bullet of para. 51) by the Council at its 1144<sup>th</sup> session, held on 15-16 November 2006 [C/M(2006)18, Item 242 e)]. Para. 33 was also amended as the Evaluation Sub-Group was renamed "Evaluation Committee" on 17 December 2007 [C/M(2007)17, Item 237 b)].

## ANNEX

### 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-General.<sup>1</sup>

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.

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



## **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 2005 [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.

## **CHAPTER 3: STRUCTURAL CHANGES AND DECISION-MAKING MECHANISMS**

25. A new 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 proposed 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. If Council is to operate as a strategic governing body, operational issues need to be handled by its standing committees. The work in these bodies will proceed under the direction of Council; which approves by mutual agreement the mandates and delegated authorities for each of the standing committees. In addition to the present functions of the standing committees, they will also have a new decision making role.

27. There will be three plenary standing committees: Executive Committee (ExCo), Budget Committee (BuCo) and an External Relations Committee (ErCo). Each of the three bodies will be responsible for a cohesive group of functions and issues.

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

29. Each standing committee will decide 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 (BuCo)
  - 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 (ErCo)
  - 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. Advisory Groups**

32. In the past, Council created several advisory groups, restricted or plenary. As these advisory groups' activities are more focused on specific areas, their interaction with Council is less intense and interactive than it is the case between Council and standing committees. These advisory groups have proved their usefulness and added value.

33. They are: the Review Committee (renamed the Audit committee), the Committee on Public Affairs and Communication, the informal Group on the Site Project, the Pension Budget and Reserve Funds Management Board and the Evaluation Committee. They will continue to report to Council.

## **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 issues, special cases and delegated issues, 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 agreements 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 issues will normally form “b” points on the Council agenda (for discussion and decision by Council) although it is possible for such issues to be presented to Council as “a” points. These issues 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 Issues, Special Cases and Delegated Issues**

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 fundamental issues (decided by Council by mutual agreement or unanimity, can be prepared by standing committee also by mutual agreement):***

- Approval of priorities, strategic and budget orientations and policy frameworks;

- Approval of policy frameworks with respect to relations with non-Members, international organisations, Parliaments and other public authorities and civil society, including academia;
- Approval of new invitations and new participation of non-Members in the work of the Organisation;
- Approval of the Organisation's governance structures;
- Adoption and revision of Acts (Decisions, Recommendations) and Agreements under Article 5 of the Convention;
- Adoption of the budget envelope and special budgets;
- Approval of the principles and rules on the scale of contributions;
- Closing of annual accounts and discharge to the Secretary-General;
- Decision on new membership (unanimity is required under Article 16 of the Convention);
- Creation of special cases including the cases to be delegated (unanimity is required under Article 6 of the Convention);
- Decisions on appointments, elections and designations attributed to the Council;
- Revision of the mandates of standing committees;
- Adoption and revision of the Rules of Procedure of the Organisation, including its language regime;
- Decisions on the Headquarters (Article 18 of the Convention).

49. ***The following issues are delegated to the Standing Committees and are to be decided there by mutual agreement:***

- Decisions regarding the implementation of policy frameworks on relations with non-Members;
- Decisions regarding the implementation of co-operation programmes with International Organisations;
- Decisions regarding the implementation of policy frameworks towards civil society.

50. ***The special cases (decided by QMV by Council and/or by standing committees):***

- The Organisation's PWB, within a consensus-agreed 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<sup>2</sup>;
- Creation, continuation and abolition of substantive committees and programmes, including revision of their mandates;
- MTO and PIR methodology;
- Adoption and revision of Staff Regulations and Rules;
- Adoption and revision of Financial Regulations and Rules

51. ***The following special cases are delegated to standing committees:***

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

- Decisions implementing CCR recommendations (except methodology and use of the affordability clause);
- Decisions regarding the implementation of policy frameworks related to communications and publishing;
- Decisions regarding the implementation of policy frameworks related to patronage and sponsorship, branding and OECD centres;
- Decisions concerning subsidiary bodies of substantive committees under Article 21 of the Rules of Procedure;
- Annual approval of the scale of contributions<sup>3</sup>;
- Decisions on the implementation of the PWB, including the approval of grants and voluntary contributions already accounted for in the PWB;
- Decisions on the management of the Pension Budget and Reserve Fund;
- Decisions on non-Members' fees;
- Decisions on evaluation and renewal of regular observers.

#### **VI. Interpretation of the lists**

52. Any problem of interpretation on the classification of a specific issue into one of the categories will be referred to the Executive Committee 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 new governance system including the QMV formula will be conducted no later than after four years of experience 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. Moving a fundamental issue (paragraph 48) or a delegated issue 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. The present agreement will enter into force on 1 June 2006.

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<sup>3</sup> See C/M(2004)1, Item 6; C/MIN(2004)1 and C/M(2004)10, Item 143, IV c).

**GUIDING PRINCIPLES  
FOR THE WORK OF COUNCIL AND HEADS OF DELEGATION [C(2005)83]\***

1. Meetings should start on time.
2. Agendas should be cast in terms of realistic time requirements. The Chair should ask whether Members agree to both the agenda and time estimates. The Chair and Members should stick to them.
3. The focus of the discussions shall be on decisions to be made or guidance to be given.
4. Once a month, the Council shall review its program for the next three months.
5. National positions should be coherently presented across the different levels of governance (notably between positions presented at Executive Committee level and Council).
6. Interventions should respect the 3 minute maximum, and the Chair should be supported in ensuring compliance.
7. There should be no repetition of statements already made by others. Interventions should be made only when there is added value or otherwise limited to “I agree with country x”; to this end, like-minded Delegations are encouraged to coordinate with each other.
8. Members of the Council should support the Chair when he/she performs his/her duty to lead the discussion, expedite deliberations, make proposals for compromises, sum up discussions when options appear clear, set timetables, draw operational conclusions, apply the guiding principles.
9. Difficult issues should not be evaded by “passing the buck” to some other body. When necessary, the Council should give guidance before referring issues to a subsidiary body.
10. New proposals should always mention their costs in terms of human and budgetary resources and should indicate how they will be financed (VCs or alternative programs to be cut).
11. 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 dialogues 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.

12. Informal preparatory meetings for Council should be fully exploited. These meetings should be used to give first indications on the (provisional) positions Delegations will take on specific issues. If difficulties are foreseen, active and informal consultations should take place before bringing a matter to Council. The preparatory meetings should not be just an opportunity to collect documents.

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\* Endorsed by the Council at its 1116<sup>th</sup> session on 23 June 2005 [C/M(2005)15, Item 178].



13. Unless the Council decides otherwise, all documents submitted to Council shall be introduced seven days in advance. Documents by the Secretariat will be provided in both languages. Documents by Delegations should also be introduced in both languages whenever possible.

Room documents can facilitate discussions but should not be used to circumvent these requirements. They should be limited to such matters as comments by Delegations, proposed amendments or compromise texts to tabled documents.

14. In order to lighten the work of the Council and allow refocusing on important issues, silent procedure should be used more often to approve issues settled by the Executive Committee. For the same purpose, purely informative interventions by the Secretariat during Council should be avoided and rather be made in writing through the OLISnet network.
15. Members of the Council should intensify their use of the Electronic Discussion Group, in order to exchange views between Council sessions and facilitate the Council's work.
16. Mobile phones should not be used at the Council table. Mobiles should be either switched off or set on silence and phone conversations should be carried out outside the Council room.
17. Any other business items should be announced at the informal preparatory meeting and be introduced in Council with a written document.

### **APPENDIX III**

#### **COUNCIL RESOLUTION CONCERNING THE PARTICIPATION OF NON-MEMBERS IN THE WORK OF SUBSIDIARY BODIES OF THE ORGANISATION [C(2004)132/FINAL]\***

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;

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;

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\* Adopted by the Council at its 1091<sup>st</sup> Session on 8 July 2004 [C/M(2004)17, Item 222].

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;

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\* Now External Relations Committee (ERC), following the Resolution on a New Governance Structure for the Organisation [C(2006)78/FINAL].

- 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 I

**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<sup>1</sup>, 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.

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<sup>1</sup>

The impact of a non-Member's policies on an individual OECD Member state, or indeed on a region, should not be of itself sufficient justification for that non-Member's participation in an OECD body. National or regional impact should be merely one element in the analysis which Committees go through in drawing up a strategy.

## 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*.



## 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.

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.

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

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.\*\*

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\* 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*.

*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: on-going 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.

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

*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];

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];

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\* Adopted by the Council at its 772<sup>nd</sup> 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.

\*\*\*\* See Revised Financial Regulations [C(2008)92/REV1], entering into force on 1 January 2009.



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:

- 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.

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