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

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English - Or. English

COUNCIL

External Relations Committee

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

(Note by the Secretary-General)

This document has been revised following the discussion in the External Relations Committee on 15 September 2015.

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I. Introduction

1. Upon adopting the Resolution of the Council on Partnerships in OECD Bodies [[C\(2012\)100/FINAL](#)] (hereafter “the Resolution”), the Council “requested that a review be undertaken of the Resolution and its implementation, including the treatment of fees, and that a report of its findings be presented to Council as soon as possible after 31 December 2014” [[C/M\(2012\)11](#), Item 172 j)]. The review was launched in March 2015 when the ERC agreed that the Secretariat consult with Committee Secretariats on a number of identified issues and report back to ERC at a future session [[ERC\(2015\)2/REV1](#) and [ERC/M\(2015\)3](#), Item 21]. The results of this consultation was presented to the ERC at its June 2015 meeting and the ERC agreed to return to the issue at its September meeting [[ERC\(2015\)11](#) and [ERC/M\(2015\)6](#), Item 45]. In view of this discussion, this note proposes a number of amendments to the Resolution.

2. The principal conclusion at the June meeting was that, at this early stage after the adoption of the Resolution, there is no need for a comprehensive revision, especially because the Committee Secretariats’ feedback did not reveal any major shortcomings. Therefore, the proposed amendments are relatively minor and are principally aimed at providing clarifications and precisions to deal with issues that have arisen in the implementation of the rules. A few editorial changes are also being proposed, *i.e.* to align the text better with the standard terminology. The principal proposed amendments, and their rationale, are summarised in Annex I. The proposed revised text of the Resolution is presented in Annex II.

II. Proposed Amendments

a) Partnership applications (par. 3)

3. Although substantive committees are expected to select their Partners proactively, non-Members may also apply to the committee for a Partnership. Such applications are treated pursuant to paragraph 3, a) iii), which was introduced in the Resolution with a view to preventing the accumulation of outstanding applications on which the committee does not act. However, its wording does not reflect current practice (*e.g.* there is no “next” Participation Plan). With a view to preventing the accumulation of outstanding requests on which the committee does not act, the amended wording as proposed asks from the relevant committee either to propose the inclusion of the non-Member in its Participation Plan, or to consider a course of action during the periodic reviews of its Global Relations Strategy and to report on its conclusions to the External Relations Committee.

b) Joint bodies [Annex, par. 3 a), 4 a) and 5 b)]

4. Currently, an Associate in a committee will, by default, obtain this status in the joint bodies of this committee, and no prior consultation or agreement with the other parent committee of the joint body is required. As mentioned in the results of the questionnaire [[ERC\(2015\)11](#), par. 21] the EPOC Secretariat suggests that the rule for Associates be aligned with that for Participants in joint bodies, which require the consent of all the joint body’s parent committees. An amendment of par. 5 b) is proposed to rectify the anomaly.

5. Currently, a Participation Plan of one parent committee will not show whether the other parent committee has agreed with the inclusion of a Partner in a joint body. Transparency on this point could be increased by adding, in the Participation Plans, a separate reference for joint bodies to indicate whether or not this is the case.

c) Associates referred to as members (Annex, par. 5)

6. Council has agreed that certain bodies may refer to their Associates as “members” of these bodies: the Working Group on Bribery in International Business Transactions and the OECD Network on Fiscal Relations across Levels of Government [C(2014)16], as well as the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology [C(2013)77]. It is proposed to confirm that this practice, which is in conformity with the Resolution, does not imply a difference of status for the concerned Partners [par. 5 f) of the Annex, as proposed].

d) Non-Members which have adhered to OECD Acts (Annex, par. 6)

7. The Resolution provides for the possibility to invite Partners as Associates or Invitees in discussions concerning an OECD legal instrument, but is silent on the subsequent rights or obligations of non-Members having adhered to such legal instruments. The question is particularly relevant for OECD Acts (i.e. Decisions and Recommendations adopted by the Council) as committees are responsible for monitoring their implementation by Members and non-Members Adherents. In order to ensure that non-Members can participate in the discussions regarding the implementation and revision of the OECD Acts to which they have adhered, it is proposed to specify in the Resolution that non-Member Adherents shall be invited to participate in the relevant discussions in the body or bodies responsible for the Act in accordance with the possibilities set out in the Resolution. This would mean that, when committees review non-Members’ requests to adhere to an OECD Act, they could, if necessary, also recommend to Council that such Adherents be included in their Participation Plans. Alternatively, in accordance with paragraph 6 of the Annex of the Resolution, they could decide, as appropriate, to propose to Council to invite Adherents to participate as Invitees or Associates in discussions concerning the Act to which they have adhered. The participation of non-Member Adherents in discussions on the implementation and revision of the relevant OECD Acts will ensure that non-Member adherence is not just a commitment on paper but that their implementation of the Act is measured in the same way as for OECD Members. This contributes to the objective of strengthening commitment to and implementation of OECD standards beyond the membership itself.

e) Fees (Annex, par. 7)

8. The Resolution [par. 7 a)] grandfathered the rule that Associates in the Investment Committee in Enlarged Session (including Members and non-Members Adherents to the Declaration on International Investment and Multinational Enterprises) are charged a fee equal to that of a Working Party (3 600 euros annually). An amendment is proposed to make it possible to normalise this fee without having to amend the Resolution itself.

9. The aggregate fee for Participants in several Working Parties of a body is capped at the level of the fee for a Participant in the main body. A similar rule does not yet exist for Associates. It is proposed to add a sentence to paragraph 7 c) of the Annex to correct this anomaly.

10. The Resolution of the Council on Decision-Making by the Council and its Standing Committees [C(2015)100, B, par. 20, (c), i)] defines decisions on non-Members’ fees as a delegated case to be decided (by qualified majority voting) by the External Relations Committee, after consultation with the Budget Committee. Some amendments are proposed to reflect this [see paragraphs 7 a), f) and h) of the Annex].

f) Miscellaneous amendments

11. A number of minor amendments would clarify, correct and update the text:

- A reference to the Resolution of the Council on Decision-Making by the Council and its Standing Committees [[C\(2015\)100](#), B] has to replace the obsolete reference in the preamble to certain, now repealed, paragraphs of the Revised Resolution of the Council on a New Governance Structure [[C\(2006\)78/REV1/FINAL](#)].
- Adding the definition of “Standing Committees” in par. 1 h) would make footnote 1 redundant.
- The terms and conditions for participation of accession candidates in OECD subsidiary bodies are defined by the Council rather than the bodies themselves. An amendment of paragraph 2 d) is proposed to correct the text on this point.
- Adding “at least” in paragraph 1 b) of the Annex, and a corresponding amendment of paragraph 2 c), would clarify that committees may review their Global Relations strategies and Participation Plans as necessary instead of only once biennially.
- The acceptance date of each invitation as Partner should be mentioned in the Participation Plan (this is currently not done for Key Partners). An amendment of paragraph 2 b) i) of the Annex would clarify this.
- An amendment of paragraph 6 c) of the Annex would clarify that Associates in projects or work on OECD legal instruments participate, by default, on the same terms and conditions as OECD Members.
- Finally, some changes in terminology are proposed to ensure it corresponds to the standard terminology (e.g. “parent body” for “constituent body”, “paragraph” for “article”, “body governing a Part II programme” for “Part II body”).

III. Next Steps

12. The Secretariat will prepare a draft submission to Council to amend the Resolution, taking account of the discussion in the ERC on the above-mentioned proposals. It will also present a revised template for Participation Plans for the ERC’s consideration.

ANNEX I – MAIN PROPOSED AMENDMENTS OF THE COUNCIL RESOLUTION ON PARTNERSHIPS IN OECD BODIES

CURRENT RESOLUTION	PROPOSED AMENDMENT	RATIONALE OF THE AMENDMENT
1. Applications for Partnership (par. 3)		
A non-Member may apply for a Partnership by addressing the relevant substantive committee, via the Secretariat. In such a case, the committee may propose to Council to approve the inclusion of the applicant in its current or its next Participation Plan, or may set an ultimate date to consider the application. In all other cases, the request shall be deemed to have been rejected and the applicant shall be informed accordingly.	After a non-Member has addressed the substantive committee, via the Secretariat, this committee may propose to Council to include the applicant in its Participation Plan, or it shall consider the application in the context of the biennial review of its Global Relations Strategy and report its conclusions to the ERC.	The proposed language reflects current practice, which does not include a "next" Participation Plan or the setting of ultimate dates to consider applications. The new wording seeks to ensure that applications are considered within a reasonable timeframe and that the ERC is duly informed of the committee's findings.
2. Joint bodies [Annex, par. 3 a), 4 a) and 5 b)]		
Invitations as Associate in a committee will be extended to any joint bodies of this committee, without prior agreement of the joint body's other parent committee(s). For invitations as Participant in a joint body, agreement of all its parent committees is required.	Invitations as Associate in a joint body will require the prior agreement of its parent bodies.	The amendment will ensure that all parent bodies of a joint body approve invitations of Associates in this joint body.
3. Associates referred to as members (Annex, par. 5)		
In certain bodies, Associates are referred to as 'members', although the Resolution does not mention this possibility.	In appropriate cases, Council may agree that a body refers to its Associates as 'members' of this particular body.	The amendment will reconcile the terminology of the Resolution with that of the mandates of certain bodies and clarify the rights and obligations of the 'members' concerned .

4. Participation of Non-Members having adhered to OECD Acts (Annex, par. 6)		
There are currently no provisions in the Resolution that address the situation of non-Members having adhered to OECD Acts (i.e. Decisions and Recommendations of the Council). This can lead to a situation where the committee responsible of the Act and the ERC accept that a non-Member adhere to an Act without this non-Member being able to participate in committee discussions on the implementation or revision of the concerned Act.	Unless provided otherwise by the Council, a non-Member which has adhered to an OECD Act shall be invited to participate in discussions in the responsible subsidiary body on the implementation and revision of this Act according to the possibilities set out in the Resolution.	The amendment will ensure that non-Members which have adhered to OECD Acts are invited to participate in discussions regarding the implementation and revision of the concerned Act. The committee responsible for the Act would have the choice of the modalities: to propose to Council to include the Adherents as Invitees, Participants or Associates in accordance with the Resolution or to invite the Adherents as an Invitee or Associate in discussions concerning a legal instrument, as foreseen in paragraph 6 of the Annex of the Resolution.
5. Fees for adherents to the Declaration on International Investment and Multinational Enterprises [Annex, par. 7 a)]		
The Resolution grandfathers the fee for Associates in the Investment Committee in Enlarged Session (i.e. Adherents to the Investment Declaration), which is considerably lower than that of other Associates.	The amendment will make it possible for the ERC to suppress the exceptional treatment of this fee.	The Resolution itself will not need to be amended if the ERC agrees that the level of this fee is to be aligned with that of the fees paid by Associates in other bodies.
6. Capping of Associates' fees [Annex, par. 7 c)]		
Whereas Participants in several subsidiary bodies of a level-one body will not be charged more than the fee for Participants in a level-one body, no similar cap exists for Associates' fees.	The aggregate fee to be paid by an Associate in a Part I body, including its subsidiary bodies, projects and the discussions concerning an OECD legal instrument, will be capped at the maximum fee for Associates in a level-one body.	This amendment harmonises the rules on capping the fees of Participants and Associates.

7. Fees for Associates in projects or discussions of legal instruments [Annex, par. 7 h)]		
The ERC shall consider whether participation as Associate in a project or discussions of a legal instrument shall entail the payment of any fees.	The ERC decides on the level of the fees on a recommendation by the committee responsible for the project or the legal instrument, after consultation with the Budget Committee.	The amendment clarifies the procedure and the authority of the ERC to decide on Partners' fees, as a delegated case.

ANNEX II

**DRAFT AMENDMENTS TO THE COUNCIL RESOLUTION ON
PARTNERSHIPS IN OECD BODIES [[C\(2012\)100/FINAL](#)]**

Newly proposed text is presented in bold and underlined characters; text to be deleted is crossed out.

RESOLUTION OF THE COUNCIL ON PARTNERSHIPS IN OECD BODIES^{*}

THE COUNCIL,

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

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

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

Having regard to the Revised Resolution of the Council on a New Governance Structure for the Organisation [[C\(2006\)78/REV1/FINAL](#)], in particular the mandate of the External Relations Committee (paragraph 31);

Having regard to the Resolution of the Council on Decision-Making by the Council and its Standing Committees [[C\(2015\)100, B](#)], in particular paragraphs ~~48~~**13** ix, ~~49~~**14** (b) i and ~~51~~**20** (c);

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

Recognising the need to update the rules on non-Member participation in OECD bodies so as to make them more flexible and ensure their compatibility with the Organisation's overall Global Relations Strategy as laid down in the Framework for OECD Relations with Non-Members [[C\(2005\)158/FINAL](#)], the Council Resolution on Enlargement and Enhanced Engagement [[C\(MIN\(2007\)4/FINAL](#)], the Guidelines to Committees for Deepening Enhanced Engagement [[C\(2010\)100/FINAL](#)], the OECD

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

Strategy on Development [[C/MIN\(2012\)6](#)], the OECD 50th Anniversary Vision Statement [[C/MIN\(2011\)6/FINAL](#)], the 2012 Ministerial Council Statement [[C/MIN\(2012\)10/FINAL](#)] and other relevant documents;

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

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

Reiterating its resolve to make the OECD a more effective and inclusive global policy network, including by promoting and diffusing its values, and by increasing the relevance and global acceptance of its policy standards and best practices through the participation of non-Members in their development and implementation, without compromising the efficiency or work methods of the Organisation;

DECIDES:

General Principles

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

- h) ~~The present~~ **This** Resolution provides the legal and institutional framework for participation in all ~~subsidiary~~ bodies of the Organisation, with the exception of the **Council**, Standing Committees **as defined in Rule 1 b) of the Rules of Procedures and of special bodies created by the Council**, and subject to any specific conditions decided by the Council, including in decisions establishing Part II programmes.

Forms of Partnership

2.
 - a) Invitees may be invited, at the body's discretion, to participate in individual meetings of subsidiary bodies, subject to their inclusion in the Participation Plan. They are expected to contribute to the fulfilment of the body's mandate and programme of work by attending the meetings to which they are invited and by contributing to the discussion.
 - b) Participants are invited to attend all meetings of a subsidiary body for an open-ended period, unless provided otherwise, subject to a biennial review by the body. Subject to the conditions set in the Rules of Procedure, in this Resolution and in the invitation, they are required to be able and willing to contribute substantially to the fulfilment of the body's mandate and programme of work through their active participation in its meetings and its work, including by providing the information which the body may require.
 - c) Associates are invited to attend all meetings of a subsidiary body for an open-ended period, unless provided otherwise. In addition to the requirements for Participants, they are required to demonstrate their commitment to the body's goals and practices by fulfilling the criteria mentioned in ~~article-paragraph~~ 5, a) of the Annex, and to provide any statistical information that may be required for the body's databases.
 - d) Whenever Council decides to open discussions for the accession of a country to the Organisation as a Member, this country would be expected to participate actively in meetings of bodies of the Organisation, according to the terms and conditions, including the form of Partnership, defined by ~~the said bodies~~ **the Organisation**, unless **provided** otherwise ~~provided~~.

Invitations

3.
 - a) Partners may be invited to participate in subsidiary bodies:
 - i. On the initiative of the Council, after consultation with the relevant body and the External Relations Committee; or
 - ii. On the initiative of a substantive committee by including the Partner in its Participation Plan; or
 - iii. On their own initiative by addressing **an application to** the relevant substantive committee, via the Secretariat. In such a case, the committee may propose to the Council to approve the inclusion of the applicant in its ~~current or its next~~ Participation Plan, ~~or may~~ **In the absence of such a proposal the committee shall consider the application in the context of the review of its Global Relations Strategy referred to in paragraph 1, b) of the Annex and report its conclusions to the External Relations Committee.** ~~set an ultimate date to consider the application. In all other cases, the request shall be deemed to have been rejected and the applicant shall be informed accordingly.~~

- b) The Secretariat shall notify the External Relations Committee of the ~~requests~~ **applications** referred to in paragraph a, iii). If a Member objects within 15 days following such a notification, the ~~request~~ **application** shall be deemed to have been rejected and the applicant shall be informed accordingly.

Final Provision

4. This Resolution ~~cancels~~ **abrogates** and replaces Council Resolutions [C\(2004\)132/FINAL](#) and [C\(96\)223/REV4/FINAL](#).

ANNEX

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

Global Relations Strategies

1. a) Substantive committees' Global Relations Strategies shall be developed in line with the committees' mandates and the Organisation's overall Global Relations Strategy and with due regard to the following elements:
 - i. which Partnerships would serve a mutual interest, in the light of:
 - the effects of Partners' economic development on that of Members,
 - the Partners' institutional and policy know-how,
 - the appropriate number of Partners participating in the body concerned and the impact of such participation on the efficient functioning of this body,

and thus facilitate the achievement of the committee's mandate and programme of work and the Organisation's mandate of contributing to the development of non-Members;
 - ii. whether a proposed Partner should be invited as Invitee, Participant or Associate;
 - iii. the terms and conditions to be fulfilled by Participants or Associates;
 - iv. appropriate ways and means to encourage a higher level of Partnership and a fuller integration in the body's work in accordance with this Resolution and OECD rules and procedures;
 - v. the possible alternatives for invitations as a Partner, such as participation in Global ~~Forums~~ **Fora**, regional approaches or bilateral activities.
- b) To ensure that substantive committees' Global Relations Strategies will remain relevant and that their Programmes of Work and Budget are based on up-to-date strategies, these committees are invited to review these strategies **at least** biennially, in parallel to the preparations of their biennial programmes of work.

Participation Plan

2. a) ~~The~~ **Upon the** approval **or amendment** of a substantive committee's Participation Plan by the Council, via the External Relations Committee, ~~authorises this~~ **the** committee ~~to~~ **shall** invite the ~~proposed Partners as Invitees,~~ Participants or Associates **who have accepted their invitations** on the terms and conditions specified in the Plan. **The committee is authorised to invite the Partners listed as Invitees at its discretion.**

- b) The Participation Plan shall, with reference to the Global Relations Strategy, state:
 - i. the proposed Partners, ~~and the capacity in which they are to be invited~~ **and the date of acceptance of the invitation by the proposed Partners;**
 - ii. the terms and conditions for inviting Partners as included in the Global Relations Strategy;
 - iii. any invitations to Participants or Associates to be terminated;
 - iv. in the case of Invitees, including Key Partners, which have been invited as Invitees on a recurrent basis to participate in the body's meetings for four years or more, and which the body does not propose as Participants, the reasons for not doing so.
- c) A substantive committee shall review its Participation Plan ~~in the context of the preparation of its biennial Programme of Work and Budget~~ **at least biennially, as part of the review of its Global Relations Strategy referred to in paragraph 1, b) of the Annex** and propose any amendments it deems necessary for approval by the Council, via the External Relations Committee.
- d) A substantive committee may ask Council, via the External Relations Committee, to approve the inclusion or termination of invitations of Partners in its Participation Plan by means of a notification. Such amendments shall be approved unless a Member asks, within 15 days following the notification, for more time to consider the matter, or requests that the matter be placed on the agenda of the External Relations Committee.
- e) Notwithstanding the provisions of paragraph d), the inclusion or termination of an Associate in a Participation Plan shall in all cases be placed on the agenda of the External Relations Committee.

Invitees

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

Participants

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

Associates

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

- d) An invitation as Associate is accepted by means of an exchange of letters with the Secretariat, which commits the Associate to all applicable terms and conditions, including the adherence to all the relevant instruments as defined in paragraph a). The Associate or the Organisation may terminate the Associate status with a twelve months' notice. The Organisation shall do so by an amendment to this effect of the Participation Plan.
- e) If an Associate repeatedly, or over a period of twelve months or more, fails to meet its obligations, including the payment of its fees, the substantive committee may suspend the Associate's right to participate in the body's work and inform the Council via the External Relations Committee. In such a case, Council may also decide to terminate this right after consultation with the relevant body and the External Relations Committee.
- f) The Council may, as appropriate, agree that a body refers to its Associates as 'members' of this particular body.**

Participation in Projects or in Discussions Concerning an OECD Legal Instrument

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

Fees

7. a) Participants shall be charged an annual fee of 10 600 euros for a substantive committee, or 3 600 euros for a subsidiary body to the substantive committee when the Partner is not a Participant in the committee, up to a maximum of 10 600 euros for three or more subsidiary bodies of the same committee. The fee for any Partner adhering to the Declaration on International Investment and Multinational Enterprises and participating in the related work of the Investment Committee without being a Participant or Associate in this committee shall be the same as that for a subsidiary body to a substantive committee, **unless the External Relations Committee decides otherwise after consulting with the Investment Committee.**
- b) All fees received from Participants in Part I bodies will be treated as Budget income. The fees received from Participants in **bodies governing** Part II programmes shall continue to be treated as being analogous to voluntary contributions.
- c) Associates in a Part I substantive committee, including in its subsidiary bodies covered by the invitation, shall be charged a fee which is the same for all Associates in this body. It shall be set at the discretion of the Part I substantive committee at a level of either 20 000 or 50 000 euros. The amount up to the level of the Participant fee for that body will be treated as Budget income; the difference between the Participant fee and the Associate fee will be reallocated to the body concerned and treated as being analogous to voluntary contributions. **The aggregate fee to be paid by an Associate in a Part I body, including its subsidiary bodies, projects and the work on an OECD legal instrument, shall not exceed 50 000 euros.**
- d) The amounts mentioned in paragraphs a) and c) shall be subject, as of 1 January 2013, to automatic annual increases equal to the host country's official inflation rate of the previous calendar year and be rounded to the nearest 100 euros.
- e) The fees for Associates in the Working Group on Bribery in International Business Transactions shall continue to be calculated on the basis used for Members' assessments of the estimated costs of this Working Group, including a 10 per cent overhead charge, or a fee of 1.5 times the relevant Participant fee, whichever is higher; and treated as being analogous to voluntary contributions. The Council may make special provisions for Associates in other Part I bodies.
- f) Unless **decided** otherwise ~~decided by Council~~ **the External Relations Committee**, an Associate in a **body governing a** Part II ~~body~~ **programme** shall be charged an annual percentage share, calculated on the basis used for Members' assessments, of the estimated costs of the body concerned, including a 10 per cent overhead charge, or a fee of 1.5 times the relevant Participant fee, whichever is higher.
- g) An Associate may be requested to reimburse the Organisation the significant marginal costs of its initial integration and of any subsequent special activity related to this integration, to the extent that these costs exceed its annual fee for the body concerned.
- h) The relevant subsidiary body may consider that participation as Associate in a project or in discussions concerning an OECD legal instrument warrants the payment of fees and, if so, submit a proposal on the level of such fees to the External Relations Committee for approval, subject to the provision of paragraph c), final sentence.**