DECISION No 4/2006 OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 27 September 2006
on the Statutes and Rules of Procedure of the Technical Centre for Agricultural and Rural Cooperation (CTA)
(2006/878/EC)

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (1) (hereinafter referred to as the Agreement), and in particular Article 3(4) of Annex III thereto,

Having regard to the Internal Agreement of 18 September 2000 between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies (2),

Whereas:

(1) Article 3(4) of Annex III to the Agreement requires the Committee of Ambassadors to lay down, after the signature of the Agreement, the Statutes and Rules of Procedure of the Technical Centre for Agricultural and Rural Cooperation (hereinafter referred to as the Centre), including its supervisory bodies. An Executive Board should be set up to act as a supervisory body for the Centre, within the meaning of Article 3(4(a) of Annex III to the Agreement.

(2) The second paragraph of Article 1 of Protocol 2 on privileges and immunities to the Agreement extends such privileges and immunities to the staff of the Centre,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Centre shall have legal personality and shall enjoy in all States party to the Agreement the most extensive legal capacity accorded to legal persons under their laws.

2. The Centre’s staff shall enjoy the customary privileges, immunities and facilities provided for in Protocol 2 on privileges and immunities and referred to in Declarations VI and VII annexed to the Agreement.

3. The Centre shall be non-profit-making.

4. The Centre’s headquarters shall provisionally be situated in Wageningen (Netherlands), with a local office in Brussels.

Article 2

The Centre’s functions and objectives are laid down by Article 3(1), 3(2) and 3(3) of Annex III to the Agreement.

The Centre shall define the details of these objectives in an overall strategy paper.

Article 3

1. The Committee of Ambassadors shall be the supervisory authority of the Centre in accordance with Article 3(4) and 3(5) of Annex III to the Agreement.

2. An Executive Board shall be set up in accordance with Article 4 of this Decision.

3. The Centre shall perform its activities in close cooperation with the institutions and other bodies referred to in the Agreement or the annexed declarations. The Centre may, where necessary, call upon regional and international institutions, particularly those which are situated in the Community or ACP States and which deal with matters relating to agricultural and rural development.

4. The Centre’s activities shall be periodically evaluated on the Executive Board’s initiative.

Article 4

1. An Executive Board shall be set up to support, monitor and control the technical, administrative and financial aspects of all the Centre’s activities.

2. The Executive Board shall be composed, on a parity basis, of six members who are appointed on account of their personal and professional qualifications in the fields of agriculture and rural development and/or information and communication policies, science, management and technology. They shall carry out their tasks independently, may not seek or take any instructions from third parties and shall act solely in their personal capacity in the interests of the CTA.

3. The members of the Executive Board shall be nationals of the States party to the Agreement and shall be selected by the parties concerned on the basis of the qualification requirements. Their appointment shall be confirmed by the Committee of Ambassadors. The six members shall be appointed by the Committee of Ambassadors for a period of up to five years, subject to a mid-term review.

4. A representative of the Commission, a representative of the General Secretariat of the Council of the European Union and a representative of the ACP Secretariat shall be present at the deliberations of the Executive Board as observers.

5. The members of the Executive Board shall elect the Chairman and Vice-Chairman for a period of up to five years in accordance with the provisions laid down in its Rules of Procedure. The position of Chairman shall be filled by a person from the party (ACP or Community) that has not provided the Centre's Director. The post of Vice-Chairman shall be filled by a person from the party that has not provided the Chairman.

6. The Executive Board shall take its decisions by a simple majority of the members present or represented in accordance with its Rules of Procedure. Each member of the Executive Board shall have one vote. In the case of a split vote, the Chairman shall cast the deciding vote.

7. Minutes shall be drawn up after each meeting. Discussions in the Executive Board shall be confidential.

8. The Executive Board shall closely monitor the Centre's activities. It shall hold up to four ordinary meetings a year. It may also meet whenever needed in order to perform its duties, at the Committee of Ambassadors' or the President's initiative or at the request of the Director.

9. The Director of the Centre shall play a consultative role in the workings of the Executive Board. The Centre shall act as secretariat to the Executive Board. The Executive Board may invite other members of the Centre's management and staff and/or external experts to advise on specific questions.

10. The Executive Board shall:

(a) give the Director advice and support in managing the Centre and ensure that the rules and objectives laid down by the Committee of Ambassadors are properly implemented;

(b) on a proposal from the Director of the Centre:

(i) adopt the Centre's overall strategy paper for submission to the Committee of Ambassadors for approval;

(ii) approve annual and multi-annual work programmes;

(iii) approve the organisational structure, personnel policy and the organisation chart;

(iv) approve the recruitment of new staff and the renewal, extension or termination of existing staff contracts;

(v) approve the Centre's annual budgets;

(vi) adopt the annual financial statements;

and

(vii) approve annual reports and forward them to the Committee of Ambassadors for verification that the Centre's activities are consistent with the objectives laid down by the Agreement and the overall strategy paper;

(c) report to the Committee of Ambassadors on any important matters that arise in the course of performing its duties.

11. The Executive Board shall be answerable to the Committee of Ambassadors.

12. Following a call for tenders the Executive Board shall select from at least three bids an internationally recognised firm of auditors for a period of three years. Those auditors shall examine whether the annual financial statements have been drawn up properly and in accordance with International Accounting Standards and give a true and fair overview of the financial situation of the Centre. The auditors shall also comment on the soundness of the Centre's financial management.
13. The Executive Board shall forward the annual financial statements to the Committee of Ambassadors for final approval. The Committee of Ambassadors shall be responsible for discharging the Director in respect of the implementation of the budget.

14. The Executive Board shall lay down its Rules of Procedure.

**Article 5**

1. The Centre shall be led by a Director appointed by the Committee of Ambassadors for a period of up to five years. The Committee of Ambassadors shall instruct its co-chairmen to sign the Director’s contract. The contract shall be drawn up and managed in accordance with the rules applicable to the Centre’s staff. The Committee of Ambassadors shall be empowered to take any necessary decisions concerning the Director.

2. The Director shall be the Centre’s legal representative and shall implement the guidelines put in place by the Committee of Ambassadors. The Director shall be answerable to the Committee of Ambassadors.

3. After obtaining the agreement of the Executive Board, the Director shall submit the Centre’s annual work programme and budget, reflecting the Centre’s functions and objectives referred to in Article 2, to the Committee of Ambassadors for approval.

4. The Director shall regularly give the Executive Board an account of the Centre’s activities.

5. Within nine months following the end of each calendar year the Director shall present the Centre’s activities and accounts in a report and shall submit it to the Committee of Ambassadors, after obtaining the approval of the Executive Board.

6. The Director shall be responsible for the organisation and management of the Centre. The Director shall report to the Executive Board on any measures concerning the Centre’s Rules of Procedure which may be adopted to facilitate the application of rules concerning the Centre.

**Article 6**

The Centre’s budget shall be funded in accordance with the rules laid down by the Financial Protocol to the Agreement. The budget may also be endowed with other resources.

**Article 7**

Statutes and Rules of Procedure of the Centre may be amended by the Committee of Ambassadors on a recommendation from the Executive Board.

**Article 8**

The ACP States, the Member States and the Community, as appropriate, shall be required to take the necessary measures to implement this Decision.

**Article 9**


**Article 10**

This Decision shall enter into force on the day of its adoption.


For the ACP-EC Committee of Ambassadors

The Chairman

R. MAKONGO