



OCCAR Management Procedure

Title:	<u>OCCAR-EA Director Terms of Reference</u>	
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This document replaces: Annex F to OMP 3 Issue 2 dated 08/09/06

Record of changes

Date	Issue	Changes
19/05/05	1.1	Incorporation of OCCAR-EA Director Terms of Reference (First Revise – dated October 2003) as annex to the OMP 3 – revision of text to incorporate the Programme Board concept
08/09/06	2	Incorporation in paragraphs '9 – financial matters' and '18 – other delegation matters' of slight modifications to make these paragraphs fully consistent with the provisions of OMP 10 issue 1 - Converted to the OCCAR-EA graphical house style.
10/06/14	3	Overall structure modification and major revision taking into account all stakeholder inputs.

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1. General

According to Article 21 of the OCCAR Convention, these Terms of Reference define the responsibilities and accountability of the OCCAR-EA Director, as approved by the Board of Supervisors.

The OCCAR-EA Director shall be appointed by the BoS for a period of three years. The appointment can be renewed once for a maximum of a further three years. Furthermore the appointment can be annulled by the BoS. All appointments, renewals and annulations shall be decided in accordance with Annex IV of the OCCAR Convention. For the duration of the appointment, the OCCAR-EA Director is directly responsible and personally accountable to the BoS for all activities within, and for the operation of, the EA, and for the implementation of decisions made by the BoS.

2. Tasks

The tasks of the OCCAR-EA Director are inter alia to:

a. Management and Legal

- Manage the OCCAR-EA in an efficient, effective and timely manner to meet the objectives specified by the BoS. This responsibility includes the implementation of an effective management control system;
- Apply the provisions contained in the OCCAR Convention and any other agreements or decisions governing the activities of the OCCAR-EA;
- Exercise the legal authority as delegated to him / her by these ToRs. The BoS also reserves the right under Article 41 of the OCCAR Convention to delegate further legal authority on a case by case basis;
- Ensure that the OCCAR-EA adheres to prevailing relevant national and international laws, rules and regulations;
- Decide whether to provide information regarding OCCAR Business to Nations that have not expressed an aspiration to join OCCAR or an OCCAR Programme, such a decision being limited to the provision of relevant information and / or the granting of permission to attend relevant OCCAR-EA meetings.

b. Programme Management

- Ensure that Programme objectives are met, pursuant to his overall responsibility for the operation of the OCCAR-EA, according to Article 21 of the OCCAR Convention;
- Be personally and directly accountable to the BoS for the overall management of all OCCAR Programmes in accordance with OMP 1;
- Be personally and directly accountable to the relevant PB for the effective and efficient management of matters strictly related to individual OCCAR Programmes in accordance with OMP 1;
- Seek and propose to the BoS, in accordance with OMP 1 and OMP 2, opportunities for new co-operative Programmes (including TDPs) between the OCCAR Member States, which may also include non- Member States, for possible management by OCCAR-EA.

c. Business Planning & Reporting

- Prepare and develop the OCCAR Strategy, the OCCAR Mission Statement, the Strategic Aims and the annual Business Plan, and to submit them to the BoS for approval and to implement them subsequently;

- Submit reports in accordance with the OCCAR Reporting System and against the OCCAR Business Plan, and on a case by case basis upon BoS request;
- Update every year the OCCAR Business Plan for BoS approval;
- Approve the Programme Management Plans;
- Issue the Corporate and Programme reports to the BoS, respective PBs and / or appropriate Committees.

d. Finance and Audit

- Prepare and submit financial documents to the BoS, relevant Boards and Committees as appropriate, for approval in accordance with the financial regulations (Administrative and Operational Budgets, financial reports, Forecasts of Outturn and Financial Statements);
- Manage funding and expenditure in the most effective manner in accordance with the financial regulations and within BoS and PB decisions and authorised budgets;
- Establish and maintain proper control, ensuring propriety and regularity, prevention of fraud or corruption and reporting to the BoS or any delegated body any irregularities.

e. Personnel and Working Environment

- Recommend, to the BoS or the respective PB for their approval, appointment of candidates for the posts of all Heads of Division and Programme Managers, following a selection process;
- Select all other OCCAR-EA staff from candidates proposed by the Nations or appropriately qualified external candidates after endorsement by Nations;
- Sign contracts for all selected staff;
- Issue to the BoS staff lists of OCCAR-EA (Article 16 of the OCCAR Convention);
- Prepare efficiency reports for personnel evaluation;
- Be responsible, as an employer, for the adherence to sanitary, health and safety, and working environment and other personnel related legislation and regulations;
- Be accountable for the effective and legitimate use, for the benefit of OCCAR, of the taxes paid by OCCAR staff on salaries and emoluments paid by OCCAR (Article 17 in Annex I of the OCCAR Convention).

3. Support to the OCCAR-EA Director and Sub-Delegations

The Director is supported by a Deputy, designated by the BoS, who is authorised to substitute fully for him in his absence. This authority is to be sub-delegated by the Director in writing and on a personal basis. To this end, the OCCAR-EA Director will consult with and inform the Deputy on all matters of significance. In the event of the absence of the OCCAR-EA Director and Deputy concurrently, the OCCAR-EA Director shall delegate his authority as described in this ToR, but only for emergency matters to nominated individuals in writing. The OCCAR-EA Director is entitled to sub-delegate, to the fullest extent possible, authority further within OCCAR-EA. Such delegations should be made in writing and on a personal basis.

4. Detailed Responsibilities of the OCCAR-EA Director

4.1 BoS Delegation of Authority

The OCCAR-EA Director will be personally accountable to the BoS for the exercise of his delegated authority, for all activities within the OCCAR-EA including the

Programme Divisions, and for interactions with organisations external to OCCAR. This accountability for actions undertaken during his tenure will continue after the end of his appointment according to applicable legislation as determined by the BoS on a case by case basis.

4.2 Relationship with the Programme Committees

Progress towards individual programme objectives will be overseen by the relevant Programme Committee. The OCCAR-EA Director will work with the Programme Committees to ensure OCCAR-EA general and Programme specific objectives are achieved. Any matter that cannot be resolved by OCCAR-EA and by the relevant Programme Committee should be referred to the BoS or the relevant PB.

4.3 OCCAR Management Procedures

The OCCAR-EA Director is responsible for ensuring that the OMPs are reviewed, updated, and promulgated on a regular basis.

4.4 Programme Decisions

The OCCAR-EA Director is responsible for co-ordinating the preparation of Programme Decisions to ensure that OCCAR Programmes, once integrated, are managed in the most efficient and effective manner in accordance with both the founding principles of OCCAR and its management procedures. In seeking approval from the PB, the OCCAR-EA Director shall provide them his perspective on the proposed document, including adherence to the appropriate rules, principles and HLOs. OMP 2 describes precisely the preparation process of Programme Decisions.

4.5 Financial Matters

The OCCAR-EA Director holds overall responsibility for financial planning, budgeting, in-year management and accounting.

a. Financial Documentation

The OCCAR-EA Director is responsible to:

- Prepare annually Administrative and Operational Budgets and Plans in accordance with OCCAR financial regulations;
- Ensure that Nations have visibility of the financial implications of multi-year contractual commitments;
- Issue, to Nations, in a timely manner, reports of actual and forecast expenditure in accordance with OCCAR financial regulations;
- Submit annual accounts / Financial Statements to the Board of Auditors and submitting the subsequent Board of Auditor's report, including the assessment and evaluation by OCCAR-EA, to the BoS for approval, in accordance with OCCAR financial regulations.

b. Management of Funds

The OCCAR-EA Director has full authority to commit Administrative and Operational Budget funds to deliver OCCAR Programmes / operations, providing:

- It is in accordance with the appropriate Programme Decision;

- The necessary BoS approval for the Administrative Budget expenditure and PC or PB approval for the Operational Budget expenditure has been obtained;
- He has assured himself that commitments / expenditure complies with OCCAR's financial regulations;
- The commitments can be contained within approved Budgets, Financial Plans and Programme Decisions;
- He has assured himself that the proposed contractual commitments comply with OCCAR contractual and procurement rules and procedures;
- He ensures that payments for OCCAR Programmes are contained within the in-year relevant budget allocations.

The OCCAR-EA Director is responsible for providing forecasts of expenditure to support OCCAR-EA's in-year financial management and call for funds.

The OCCAR-EA Director, in accordance with his overall objective to keep Programmes on track, must ensure with Nations that:

- Adequate funds are available to meet all contractual commitments;
- Appropriate proposals are made to Nations to solve any arising problems.

The OCCAR-EA Director must inform the BoS or PB at the earliest opportunity if difficulties arise or are likely to arise in containing expenditures within the relevant Budget, Financial Plan or Programme Decision.

c. Financial Integrity of OCCAR

The OCCAR-EA Director is responsible for:

- The financial integrity of OCCAR in accordance with the OCCAR financial regulations, and should seek advice of his Head of Finance Division on all commitments and expenditure proposals, which should be scrutinised in a manner expected by the BoS and the Programme Committees;
- The efficient and economical management of the assets necessary to discharge his agreed responsibilities;
- Ensuring that there are adequate procedures in place to protect against fraud and theft and to safeguard cash balances, equipment or assets of any kind (including those owned by OCCAR or the Member States but held at contractors' works) within his management authority;
- The Director is authorised to write off losses (cash losses, constructive losses, fruitless payments and stores losses) in accordance with OCCAR financial regulations.

4.6 Contractual Matters

The contractual authority for OCCAR contracts is the OCCAR-EA Director. He therefore has full authority and accountability for signing all contracts placed by OCCAR-EA including all amendments;

The OCCAR-EA Director may sub-delegate the management and signature of some contracts. Such delegation should be made in writing. Any sub-delegation that the Director makes should preserve the distinction between contractual authority and financial authority;

The OCCAR-EA Director has full authority to enter into Administrative Budget related contracts. For Programme contracts, depending on his level of delegation (as decided in the Programme Decision), the OCCAR-EA Director may need to seek approval of the relevant Programme Committee before signing major programme contracts;

The OCCAR-EA Director should seek advice of his relevant commercial staff on all contractual decisions to ensure that the commercial propriety of all contractual commitments is in accordance with the contractual rules and regulations.

4.7 Safety and Quality of Procured Equipment

The OCCAR-EA Director is responsible for ensuring that all equipment contracts let by OCCAR include quality and safety provisions which meet the requirements of the Participating States;

In exercising this responsibility he must ensure that all tasks have been defined, responsibilities assigned and, where appropriate, authorities delegated;

The OCCAR-EA Director should request advice from appropriate national authorities on safety and quality matters. Unresolved issues are to be referred to the BoS.

4.8 Health & Safety

The OCCAR-EA Director is responsible for health and safety matters throughout OCCAR-EA and will need to consult relevant national authorities to determine the specific requirements.

4.9 Personnel

The OCCAR-EA Director has the authority to manage the Executive Administration and its staff within the limits set out in the OCCAR Convention, the approved OMPs, the OCCAR Personnel Regulations, and the approved organisational structures.

As delegated by the BoS and the FTPC, the OCCAR-EA Director, whilst working within the agreed structure and administrative budget, can manage changes to the Central Office, or sites, in terms of fine tuning the grading of posts and job descriptions in order to most efficiently deliver the business needs of OCCAR. Any proposed increases or decreases to post numbers will be subject to the approval of the FTPC or BoS through the annual planning cycle.

When considering, or proposing changes within the Programme Divisions, the OCCAR-EA Director will take into account the views of the Programme Managers and the directives of the Programme Committees.

4.10 Personnel management

The OCCAR-EA Director shall ensure that the systems and processes for the provision, management, development and appraisal of staff are in accordance with OCCAR Personnel Regulations and any relevant national regulations and that all personnel related functions are exercised in a manner which conforms to European

regulations on equal opportunities, race relations, and other similar legislation (in accordance with the OCCAR Personnel Regulations, the OCCAR-EA Director should consult with the OCCAR Staff Committee where appropriate on personnel issues).

4.11 Sensitive Information

The OCCAR-EA Director is responsible for ensuring the protection of Sensitive Information, whether such information is originated within OCCAR-EA or is received from OCCAR Participating States or from non-OCCAR sources.

4.12 Classified information

The OCCAR-EA Director is responsible for ensuring protection of classified information generated by or transmitted to OCCAR-EA. He will issue appropriate internal security instructions to be applied by OCCAR-EA in accordance with the OCCAR Security Regulations.

4.13 National Secretariat Considerations

In exercising his responsibilities, the OCCAR-EA Director:

- Must keep himself aware of the political context in which he is operating;
- Is responsible for the accuracy of information provided to the BoS, Programme Committees or other national staff in response to national parliamentary enquiries.

4.14 Other delegation matters.

The delegations contained within these ToR or in OMPs are designed to provide the OCCAR-EA Director with the necessary authority to deliver the programmes managed by OCCAR-EA.

If a subject is not covered by the delegations, then the OCCAR-EA Director shall inform the BoS or the FTPC where appropriate. Otherwise, the BoS expects him to ensure the availability and accuracy of information necessary to monitor and manage the overall performance of the organisation, as well as to make proposals if he considers they might improve the operation of the delegations contained in these ToRs or the organisation as a whole;

In the event of an urgent requirement or action which requires the BoS to be informed or requires their advice, the OCCAR-EA Director shall notify the BoS of his intended course of action and may request any contrary advice or instructions to be provided by a given timescale.

5. **Attendance at Meetings**

The OCCAR-EA Director is entitled to attend meetings of the BoS (Article 15 of the OCCAR Convention), the PBs and the Committees.

6. **Amendments**

These ToR may be amended by the BoS as and when necessary.

7. Acceptance by the OCCAR-EA Director

The BoS will normally provide the OCCAR-EA Director with a Mission Letter detailing his personal objectives. In addition, the present ToR shall be an integral part of the OCCAR-EA Director's personal contract.