



OCCAR Management Procedure

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Record of changes

Date	Issue	Changes
19/05/05	1.1	Incorporation of document reference CO/200/624/0/7 of 1 August 2001 as annex to the OMP 3 – text revised to take account of the Programme Board Concept.
01/07/06	2	Converted to the OCCAR-EA graphical house style.
10/06/14	3	Overall structure modification and major revision taking into account all stakeholder inputs.
08/12/16	4	Introduction of the role of the BoS Chairperson and of the BoS members in the OCCAR whistle blowing policy.
27/01/17	4.1	Minor amendment to include Flowchart as Appendix OMP3-B-1.

Table of Contents

1. Composition and Chair	3
2. Tasks	3
3. Meetings	3
4. Assembly, Location and Secretariat	4
5. Agenda	4
6. Languages	4
7. Proceedings.....	4
8. BoS Decisions	4
8.1 In-Committee	5
8.2 Ex-Committee.....	5
9. Record of Meetings	5
10. The role of the BoS Chairperson and of the BoS members in the OCCAR whistleblowing policy	5
10.1 If the allegation is not related to a Programme.....	5
10.2 If the allegation is related to a Programme:	8
11. Final Provisions	9
12. Related Templates	9
13. Appendices.....	9
Appendix OMP 3-B-1 – Flowchart – Whistleblowing Policy	10

1. Composition and Chair

The representatives of the Member States in the BoS are the Ministers of Defence or their Delegates.

Each delegation shall be issued by the Minister of Defence or his / her duly authorised representative in writing and provided to the other representatives and to OCCAR-EA. OCCAR-EA will act as the depository of such delegations.

The BoS shall elect from amongst its members a chairperson who shall serve for a term of one year, renewable only once.

2. Tasks

The BoS, whose composition and functions are determined in Chapter IV of the OCCAR Convention, directs and supervises OCCAR-EA and all OCCAR Committees and decides on all matters concerning the implementation of the OCCAR Convention.

The tasks of the BoS are inter alia to:

- Define, with the support of the FTPC and the Director of OCCAR-EA, the OCCAR Mission, Vision, Values and Strategy;
- Approve all OCCAR Management Procedures (OMPs);
- Decide upon any deviation from OCCAR rules and regulations;
- Decide upon Programme's integration into OCCAR;
- Approve the OCCAR Business Plan;
- Approve the OCCAR-EA Administrative and Operational Budgets in accordance with the OCCAR financial regulations;
- Approve the end of year Financial Statement;
- Take note of the OCCAR-EA Corporate Reports addressed to it;
- Decide upon the OCCAR-EA Director's recommendations resulting from the above reports;
- Decide, in consultation, where appropriate, with the non-Member Participating States, upon all requests for Observer Status for OCCAR managed Programmes and all requests to observe OCCAR business coming from prospective members, in accordance with the policy set out at Annex OMP 3-A;
- Decide, in consultation, where appropriate, with the non-Member Participating States, upon the establishment or dissolution of OCCAR Committees.

3. Meetings

Except where the BoS is convening as a Programme Board, meetings will be considered valid only when all Member States are represented.

The BoS shall meet twice a year, and otherwise as required at the request of one or more Member States.

The Chairperson may decide, in agreement with the other BoS Members, to modify the date fixed for a meeting. The OCCAR-EA Director will be informed of such a decision.

The members of the BoS shall be entitled to be accompanied by staff.

The OCCAR-EA Director attends the meeting of the BoS. He may also designate other members of the organisation to attend the meeting.

4. Assembly, Location and Secretariat

The Chairperson will convene the BoS meetings, at his initiative, or at the initiative of one or more Member States. The call shall be made with at least 14 days notice.

The meetings will usually be held at the location of the Central Office. The BoS can decide to hold the meetings in other locations.

The BoS secretariat functions shall be performed by OCCAR-EA.

5. Agenda

The Chairperson of the BoS shall establish the provisional Agenda of each session. It will be issued along with other meeting documentation, to each member of the BoS by OCCAR-EA at least 14 days before the beginning of the session. The OCCAR-EA Director will establish the respective appropriate documentation.

The Agenda must be confirmed by the BoS at the beginning of each session. With the unanimous agreement of all BoS members, additional points may be added to the Agenda, as required.

6. Languages

The BoS may reduce the number of working languages to less than the four official languages. The cost of any linguistic services will be borne by the Member States.

7. Proceedings

The Chairperson ensures the correct application of the present rules of procedure as well as correct development of the discussions.

8. BoS Decisions

The decision making process will follow the provisions of the OCCAR Convention. It is based on the principles of unanimity, majority of the voting rights or reinforced qualified majority (Article 18 of the OCCAR Convention).

As a principle, decisions shall be taken by BoS Members unanimously. However in accordance with Annex IV of the OCCAR Convention, some decisions shall be taken by a reinforced qualified majority, which means that a decision cannot be taken if there are ten voting rights in opposition. Finally, in accordance with Annex IV of the OCCAR Convention, some decisions can also be taken by a majority of the voting rights.

All the BoS Decisions, which are the topics subject to vote, must be put precisely in a written form before voting.

8.1 In-Committee

The BoS carries out a vote at the initiative of its Chairperson or at the initiative of a BoS member.

Except where the BoS is convening as a Programme Board, the presence of all BoS members is required for the BoS to carry out a vote.

BoS Members shall normally vote by a show of hands.

The result of all votes shall be included in the Meeting Records.

8.2 Ex-Committee

Whenever deemed appropriate, BoS decisions can be taken ex-committee following the procedure set out at Annex OMP 3-J (section 6, paragraph 2).

9. Record of Meetings

Every meeting shall lead to a Decision Sheet approved and signed by all national official representatives normally at the end of the meeting. In the case where a Decision Sheet cannot be approved prior to the end of the meeting, the Decision Sheet should be submitted within 15 days for signature by using the ex-committee approval process. Decision Sheets are prepared by the secretariat.

Decision Sheets include, generally, for each point of the agenda:

- Decisions taken or conclusions adopted by the BoS;
- Declarations made by the BoS or the ones for which a member of the BoS has requested registration;
- Action items.

Decision Sheets shall be forwarded to relevant Committees and Working Groups. OCCAR-EA shall ensure appropriate communication of decisions and monitoring of resulting actions within OCCAR-EA and Committees.

10. The role of the BoS Chairperson and of the BoS members in the OCCAR whistleblowing policy

Where a concern regarding a possible case of fraud, malpractice or bribery is reported to the BoS Chairperson, the latter will order an investigation to check if the allegation is founded.

To that end:

10.1 If the allegation is not related to a Programme

10.1.1 The BoS Chairperson shall task an investigation team

The Investigation Team is composed of 3 investigators chosen among the list of investigator nominees by using Form OMP 3-B-1 – Tasking Letter.

10.1.2 The list of investigator nominees is established as follows

Each BoS member will designate their investigator nominee, which should not be OCCAR-EA staff, and inform OCCAR-EA accordingly.

Each BoS member will immediately request from the nominated individuals the signature of a Declaration of Confidentiality (Form OMP 3-B-2) applicable for the duration of their assignment and afterwards. These declarations of confidentiality will be promptly sent to OCCAR-EA for archive.

OCCAR-EA will:

- manage the list of nominees and their respective declaration of confidentiality,
- request updates every 3 years, and
- make it available to the BoS Chairperson on request.

BoS members shall ensure that nominated individuals are in principle available for that task and that changes in the nominees are reported to OCCAR-EA, as soon as it occurs.

Any breach of the obligations under the declaration of confidentiality shall lead to the withdrawn of the concerned investigator from the investigation team. The BoS Chairperson may additionally bring any issue which may require disciplinary action to the attention of the nominee's BoS member. However, it is understood that any decision to bring disciplinary action would remain the decision of the national authority. The falling nominee's BoS member shall replace him/her in the list of investigator nominees as soon as possible and inform OCCAR-EA accordingly.

The investigator nominees, whenever appointed, are allowed to access and investigate all OCCAR-EA Sections/Divisions, but will have no access to Programme sensitive information.

10.1.3 BoS Chair further actions

The BoS Chairperson will immediately inform the other BoS members and may inform whomever he considers appropriate in OCCAR-EA, including the Deputy Director (as long as it is compatible with the obligation to protect the confidentiality of the whistleblower if requested). When informing the OCCAR-EA Director, he may use Form OMP 3-B-3 – Information Letter.

He may also ask for a copy of the initial report of the investigation conducted by the OCCAR-EA Director if it exists.

Amongst the 3 investigators chosen in the investigation team, the BoS Chairperson will designate the Lead investigator. The Lead investigator will organise the investigation with the 2 other investigators and plan any investigation activity on site (if possible). Their duty travel costs and subsistence allowances (if any) will be paid from the OCCAR-EA CO Budget in accordance with OCCAR-EA rules in that matter.

10.1.4 The outcome of the investigation

The outcome of this investigation will be presented in a written report to be submitted directly by regular mail (with the caveats PRIVATE and PERSONAL FOR on the envelope) to the BoS Chairperson who will communicate it to the BoS members in order to decide whether the investigation is sufficient to decide on the case or if further investigations are necessary. The report shall entail a recommendation as to the appropriate disciplinary measures to be taken (if any), as well as an opinion on the necessity (if any) to report to national judicial authorities.

When a concern is raised anonymously to the BoS Chair, the investigation team may conclude that the allegation is not sufficiently detailed or that the identity of the whistleblower is necessary to conduct an efficient investigation and recommend not to proceed with the investigation.

10.1.5 As a result of the investigation(s), the BoS members will unanimously:

10.1.5.1 when the allegation concerns an OCCAR-EA Staff member or DNE:

- *decide that the allegation is unfounded:*
 - the BoS Chairperson will then inform the OCCAR-EA Director of the outcome and will present to him the report for archive in OCCAR-EA, and
 - The BoS Chairperson may instruct, if agreed by the BoS and on its behalf, the OCCAR-EA Director to take any appropriate action against the Staff member or DNE that has made an allegation frivolously, maliciously or for personal gain, or
- *decide that the allegation is founded:*
 - The BoS Chairperson will then present the original copy of the report to the OCCAR-EA Director for archive in OCCAR-EA, and
 - The BoS Chairperson may, if agreed by the BoS and on its behalf, instruct the OCCAR-EA Director to initiate appropriate disciplinary action against the OCCAR-EA staff member, or instruct him to report to the Nation of origin of the DNE, and
 - The BoS Chairperson will also, on behalf of the BoS, report to the judicial authorities if so recommended by the investigator team (in such event, the Director may preliminary need to waive the Staff member or DNE's immunity of jurisdiction), or
- *decide that the allegation raised anonymously cannot be processed.*

10.1.5.2 when the allegation concerns the OCCAR-EA Director:

- *decide that the allegation is unfounded:*
 - The BoS Chairperson will inform of the outcome whom ever in OCCAR-EA he considers has a need-to-know and present to the OCCAR-EA Legal advisor the original copy report for archive, and
 - The BoS Chairperson may, if agreed by the BoS and on its behalf, instruct the OCCAR-EA Director to take any appropriate action against the employee that has made an allegation frivolously, maliciously or for personal gain, or
- *decide that the allegation is founded:*
 - The BoS Chairperson will then inform of the outcome whom ever in OCCAR-EA he considers has a need-to-know and present to the OCCAR-EA Legal advisor the original copy report for archive;
 - The BoS Chairperson will then, on behalf of the BoS, with if needed the support of the OCCAR-EA Head of Human Resources or, if more appropriate, any CO Head of division implement the disciplinary actions decided by the BoS, and
 - If recommended by the Investigating team, the BoS Chairperson will, on behalf of the BoS, report to the judicial authorities (in such event, the Director's diplomatic immunity of jurisdiction may need to be waived by the BoS in accordance with the OCCAR Convention), or
- *decide that the allegation raised anonymously cannot be processed.*

10.2 If the allegation is related to a Programme:

The BoS Chairperson will immediately forward by mail the letter containing the allegation to the Programme Board Chairperson (with the caveats PRIVATE and PERSONAL FOR on the envelop), who will conduct the investigations in accordance with the procedure described in para. 10.1.1 and 10.1.3 to 10.1.4 of this Annex but under the PB/PB Chairperson rather than in a BoS/BoS Chairperson leadership.

The PB Chairperson should nominate 3 investigators in the Investigator list (referred to in para. 10.1.2) amongst the nominees of the concerned Programme Participating States, or, when impossible, ask for prior PB approval to validate the Investigation team composition. The investigator nominees, whenever appointed, are allowed to access and investigate all concerned programme related documents.

The outcome of this investigation will be presented in a written report to be submitted directly by regular mail (with the caveats PRIVATE and PERSONAL FOR on the envelope) to the PB Chairperson who will communicate it to the PB members to evaluate whether the investigation is sufficient to decide on the case or if further investigations are necessary.

The report shall entail a recommendation as to the appropriate disciplinary measures to be taken (if any), as well as an opinion on the necessity to report to national judicial authorities (if any).

Once the PB members have taken their decision on an unanimous basis, the PB Chairperson will then, in the name and on behalf of the PB members, inform the BoS Chairperson of the outcome and the associated recommended measures to be taken, and submit to him/her the original copy of the report by regular mail (with the caveats PRIVATE and PERSONAL FOR on the envelop). The BoS Chairperson will handle them in accordance with para. 10.1.5 of this Annex.

In a specific Programme where the PB is not formally established, the allegation shall be handled as if it is not related to a Programme in accordance with para. 10.1 of this Annex.

11. Final Provisions

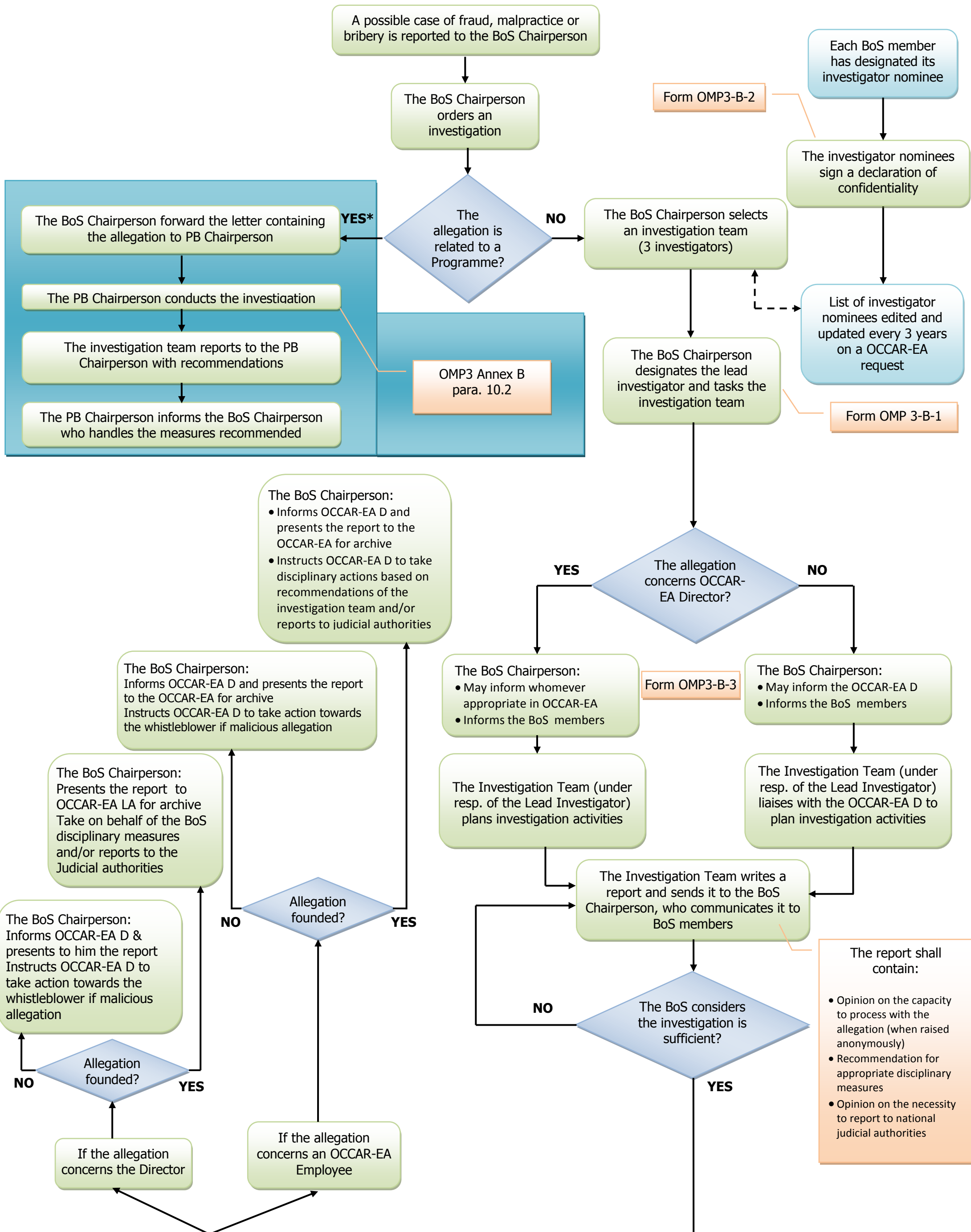
The present Rules of Procedure may be amended by BoS decision in accordance with Annex IV of the OCCAR Convention.

12. Related Templates

Form OMP3-B-1	Tasking Letter
Form OMP3-B-2	Declaration of Confidentiality to OCCAR for Investigator Nominees
Form OMP3-B-3	Information Letter

13. Appendices

Appendix OMP3-B-1	Flowchart – Whistleblowing Policy
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*In the case a PD has not a PB yet, the situation "the allegation is not related to a programme" applies