

STATUTES OF THE SECRETARIAT OF THE UNION FOR THE MEDITERRANEAN

The participants at the Paris Summit for the Mediterranean on 13 July 2008 agreed that the Union for the Mediterranean (UfM) will build on the Barcelona Declaration of 28 November 1995, promote its goals which were further emphasised in Marseille meeting of Ministers of foreign affairs on 3-4 November 2008, and reinforce the *acquis* of the Barcelona Process by upgrading their relations, incorporating more co-ownership in their multilateral cooperation framework, strengthening equal footing governance and translate it into concrete projects, thus delivering concrete benefits for the citizens of the region.

The Paris summit also agreed to establish new institutional structures to contribute to achieving the political goals of the initiative *inter alia* through the setting up of a Secretariat with a key role within the institutional architecture of the UFM;

On the basis of the mandate given in the Paris Declaration, and by the Ministers of Foreign Affairs in their meeting in Marseille on 3-4 November 2008, the Statutes of the Secretariat of the Union for the Mediterranean have been drawn up and adopted by the Senior Officials of the participants in the UfM.

I. NAME, LOCATION AND LEGAL PERSONALITY

1. The Secretariat of the Union for the Mediterranean is hereby established.
2. The Secretariat will bear the name of Secretariat of the Union for the Mediterranean.
3. The Secretariat will have its headquarters in Barcelona.
4. A Headquarters Agreement between Spain and the Secretariat will grant the Secretariat the privileges and immunities for carrying out its activities. The other participating States to the UfM may also on a voluntary basis grant the Secretariat, if appropriate, the privileges and immunities necessary for carrying out its activities.

II. MANDATE AND TASKS

1. The mandate of the Secretariat is of a technical nature with a focus on the projects. The Secretariat will have a key role within the institutional architecture.
2. The Secretariat will:
 - a) work in operational liaison with all structures of the process, particularly with the co-presidencies, including by preparing working documents for the Senior Officials, and through them for the other decision making bodies: Summits, the Conference of Ministers of Foreign Affairs and respective Sectoral Ministerial Meetings of the UfM;
 - b) give an impulse to this process in terms of follow-up, promotion of new projects and the search for funding and for implementation partners in accordance with point VII;
 - c) work as the focal point for multi-source funding of projects in the framework of the UfM;
 - d) inform the Joint Permanent Committee and report to the Senior Officials concerning the above mentioned activities.

III. COMPOSITION OF THE SECRETARIAT

1. The Secretariat, which will have a lean structure, will act under the direction of a Secretary General, assisted by six Deputy Secretaries General.
2. The term of office of the Secretary General and Deputy Secretaries General will be for 3 years, which may be renewed once for a maximum of three years.
3. The Secretary General and Deputy Secretaries General will not hold any public office or be engaged in any business, whether remunerated or not.
4. In case of absence of the Secretary General, his tasks will be assumed, on a temporary basis, by the Senior Deputy Secretary General.
5. In the performance of their duties, the Secretary General, the Deputy Secretaries General and the staff of the Secretariat will not seek or receive instructions from any government or from any other external authority. Each participant in the UfM undertakes to respect the exclusively international character of the responsibilities of Secretary General and Deputy Secretaries General and the staff of the Secretariat and undertakes not to seek to influence them in the discharge of their responsibilities.
6. The staff of the Secretariat will be appointed by the Secretary General after consultations with the Deputy Secretary General responsible for the concerned field on the basis of merit and geographical balance.
7. The international staff of the Secretariat will consist of seconded officials from participants in the UfM, and of internationally contracted experts. Seconded officials

will be remunerated by their respective administrations, taking into account the principle that seconded officials with equal responsibilities will receive equal allowances irrespective of their country of origin. Internationally contracted experts will be recruited by the Secretariat to perform professional functions related to project management.

8. The international staff will include a Senior position held by European Commission/European External Action Service seconded official, acting as advisor to the Secretary General.
9. The local staff may be recruited by the Secretariat to perform administrative and technical functions.

IV. SECRETARY GENERAL

1. The Secretary General will be selected among candidates from Mediterranean partner countries, appointed or dismissed by consensus by Senior Officials.
2. The Secretary General will be the legal representative of the Secretariat and will sign the Headquarters Agreement.
3. The Secretary General will be responsible for the overall running of the Secretariat and will have full executive authority over its functioning, subject to the powers reserved to the Summit, the Foreign Affairs Ministers Conference, the appropriate Sectoral Ministerial Meetings or Senior Officials.
4. The Secretary General will:
 - a) prepare the annual work programme of the Secretariat and its annual budget in consultation with the deputies concerned;
 - b) appoint the staff of the Secretariat within the organisational structure in accordance with point VI(b);
 - c) ensure the stability of the structure of the Secretariat and the compliance with the Secretariat's objectives and mandate;
 - d) maintain the links with the other bodies of the Union for the Mediterranean;
 - e) execute the budget;
 - f) submit annual activity reports and financial accounts to the Senior Officials;
 - g) maintain transparent procedures and correct circulation of information concerning all activities carried out by the Secretariat, including his /her obligation in accordance with point II (2)(d);
 - h) establish rules of procedure of the Secretariat.

V. DEPUTY SECRETARIES GENERAL

1. The tasks and responsibilities of the Deputy Secretaries General will be proposed by the Secretary General and approved by Senior Officials, in accordance with the project priorities defined in the Summit Declarations. One Deputy Secretary General from a Member State of the European Union will be designated by the Secretary General to serve as the Senior Deputy Secretary General.
2. The Deputy Secretaries General will be selected three by and from EU member States and three by and from Mediterranean Partner Countries, in close consultation with one another, and appointed “en bloc” by consensus by the Senior Officials¹.
3. They will be selected taking into consideration geographical balance, experience and technical expertise in their respective areas of work. All the Euro-Mediterranean partners are eligible for these posts on a rotating basis.

VI. FUNCTIONS OF THE SENIOR OFFICIALS IN RELATION WITH THE SECRETARIAT

The Senior Officials, acting by consensus, will, in particular:

- a) select, appoint and have the power to dismiss the Secretary General and the Deputy Secretaries General;
- b) approve the organizational structure of the Secretariat, staff regulations, and the description of posts and functions, submitted by the Secretary General;
- c) adopt the annual work programme and the annual budget of the Secretariat;
- d) adopt the Annual Activity Report and give a discharge to the Secretary General in respect of the implementation of the budget of the Secretariat on the basis of the financial accounts;
- e) approve and amend the guidelines for project selection, processing and funding;
- f) consider and approve reports and recommendations by the Secretariat on examination and screening of project initiatives in accordance with point VII(3)(b);
- g) adopt and amend these Statutes.

¹ This provision shall be subject to a review at the end of the third term of office; without prejudice to the right of the UfM members to propose amendments to the statutes whenever it is viewed necessary

VII. PROJECTS

1. The Secretariat will work on the basis of guidelines for project selection, processing and funding approved by Senior Officials.
2. In submitting project proposals, the Secretariat shall uphold the principle of sustainable development and that every project must:
 - a) strive to contribute to stability and peace in the whole Euro-Mediterranean region;
 - b) not jeopardise the legitimate interest of any member of the Union for the Mediterranean;
 - c) take account of the principle of variable geometry;
 - d) respect the decision of member countries involved in an ongoing project when it is subject to further development.
3. The Secretariat will:
 - a) gather, within the project priorities identified by the decision-making bodies regional, sub-regional or trans-national project initiatives (from various sources such as sectoral ministerial meetings, national or regional authorities, regional groupings, private sector, civil society);
 - b) examine and screen project initiatives; inform the Joint Permanent Committee and report/make recommendations to Senior Officials after close coordination with concerned States and funding partners;
 - c) propose upon instructions by the Summit, the Foreign Affairs Ministers Conference, the appropriate Sectoral Ministerial Meetings or the Senior Official meetings the necessary follow-up in terms of initiating the promotion of the projects and the search for partners for their implementation;
 - d) ensure appropriate co-ordination with, and provide assistance to, the various interested partners with respect to funding, implementation, monitoring and evaluation of projects.

VIII. FUNDING

1. The running costs of the Secretariat, including local staff and equipment, will be funded from grants provided by the participants in the UfM on a voluntary and balanced basis, as well as from the European Union's budget. Any funding by the European Union will come from existing resources within the European Neighbourhood and Partnership Instrument ("ENPI") and other relevant instruments, within the Multiannual Financial Framework ceilings, and will follow the rules and procedures laid down in the Financial Regulation applicable to the general budget of the European Union and the ENPI Regulation.
2. The host country will provide appropriate premises for the Secretariat free of charge.
3. Senior Officials will adopt the annual budget of the Secretariat upon proposal of the Secretary General together with the concerned Deputy Secretary General (revenue and expenditure of the Secretariat including allocations of staff) before the end of the preceding calendar year, in accordance with point IX(2).
4. Funding should aim at ensuring the uninterrupted and regular working of the Secretariat and reflect the European Union Member States' and Mediterranean partners' shared responsibility for the UfM. The Secretary General will provide Senior Officials with a statement of expenditure for the current year before contributions for the next year can be agreed.

IX. BUDGET OF THE SECRETARIAT

1. The financial year of the Secretariat shall be the calendar year.
2. Before 1st October of each year, the Secretary General and together, with the concerned Deputy Secretary General, will submit to Senior Officials the draft annual budget for the revenue and the expenditure of the Secretariat including allocations of staff. Senior Officials will adopt the annual budget with any amendments and return the budget for execution to the Secretariat by 1st December of that same year.
3. If, at the beginning of a financial year, the budget has not yet been adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month.
4. Any funds remaining uncommitted at the end of each financial year shall be carried over to the budget for the following year and thereby reduce the required budgetary allocation in that following year.
5. The functions of the Secretary General or Deputy Secretaries General and the accounting officer will be separate and mutually incompatible.

X. FINANCIAL PROCEDURES

1. Financial control and audit mechanisms of the Secretariat will be ensured in full compliance with the principles of good financial management and in accordance with internationally recognised standards.
2. Annual financial reports will be provided to the Senior Officials on the Secretariat's administrative costs and expenditures in the format and detail required by Senior Officials.
3. An annual audit by an external auditor approved by the Senior Officials will be conducted of the Secretariat's expenditures and related financial activities. The results of the audit will be reported to Senior Officials within 30 days after completion.
4. Every three years an external evaluation report of the Secretariat's activities will be drawn up and submitted to the Senior Officials and the Secretary General.

XI. SETTLEMENT OF DISPUTES

The Senior Officials shall be responsible for discussing any dispute between members of the UfM relating to the functioning of the Secretariat, as well as with respect to the implementation of projects. If the Senior Officials are unable to resolve the dispute, it will be referred to the Conference of Ministers of Foreign Affairs.

XII. TRANSITORY PROVISIONS

1. For the first term of office, the six Deputy Secretaries General will be from the following Euro-Mediterranean partners: Palestinian Authority, Greece, Israel, Italy, Malta and Turkey.
2. For the first term of office, the Deputy Secretaries General will be responsible for the following areas within the framework of the UfM:
 - a) Italy: project funding co-ordination, Small and Medium sized Enterprises / business development;
 - b) Turkey: transport;
 - c) Greece: energy including renewable energy sources;
 - d) Palestinian Authority: environment and water including de-pollution;
 - e) Israel: higher education, research including EMUNI;
 - f) Malta: social and civil affairs including civil protection.
3. The annual budget of the Secretariat for the first year of its functioning will be adopted by Senior Officials, acting by consensus. Initial financial contributions will be made available as soon as the statutes are adopted so as to allow the secretariat to start functioning.

Done in Barcelona
4th December 2012