



director-general's bulletin

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“FAO Reference Centres”

Corporate Policy

Background

Article I 2-(a) of FAO's Constitution provides that *“the Organization shall promote and, where appropriate, shall recommend national and international action with respect to: scientific, technological, social and economic research relating to nutrition, food and agriculture”*.

With a view to effectively and efficiently carry out these functions, FAO has developed, over the years, a variety of relationships with academic/research institutions, laboratories, scientific or other similar organizations working in the Organization's areas of competence. Collaboration with such institutions has been formalized through appropriate exchanges of letters or other types of agreements and instruments in line with procedures laid down in DGB 99/9 - Policy Guidelines on Preparation, Clearance and Signature of Agreements, Memoranda of Understanding and Exchange of Letters. These collaborative arrangements, whether formalized or not, have worked well in certain cases and less so in others.

Inter-departmental consultations concluded that there is a need to establish a corporate policy in this area. The policy will underline the basic criteria and principles of such collaborative arrangements for the designation of **“FAO Reference Centres”**.

CORPORATE POLICY ON FAO REFERENCE CENTRES

FAO Reference Centres are institutions designated by the Director-General to provide specific, independent technical/scientific advice on issues related to FAO's mandate and its programme.

The institutions to be recommended for designation as a **“FAO Reference Centre”** should have demonstrated, through its previous collaboration with one or more of FAO's technical units, the following:

- active engagement in fields of expertise relevant to the work of the Organization and contribution to the implementation of its programme priorities and to strengthening capacities in countries and regions;

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- ability to carry out one or several of the following functions:
 1. standardization of technology, therapeutic and other substances, and of methods/procedures;
 2. provision of reference substances and services such as quality assurance;
 3. participation in collaborative research of a scientific, technical or policy nature;
 4. contribution to capacity development *inter alia* through the provision of training;
 5. coordination of activities carried out by other institutions;
 6. provision of information and advice of a scientific, technical and policy nature.

In essence, therefore, “**FAO Reference Centres**” agree to provide technical services/advice which the Organization is not equipped to provide itself.

In order to establish a corporate policy for granting recognition to an institution as a “**FAO Reference Centre**”, the following elements have been identified:

Basic principles and criteria for the selection of FAO Reference Centres

Principles

- The designation of an institution as a **FAO Reference Centre** will be for a specific period of time and for a defined purpose. The designation shall initially be for a maximum period of four years.
- The relevant technical unit of a Department of FAO remains responsible throughout for the management of the collaboration with the designated **FAO Reference Centre**.
- The designation would reflect the agreed terms of reference and the concrete areas for collaboration as laid down in a mutually agreed work plan.
- The collaboration would be subject to a joint mid-point review between the relevant technical unit and the **FAO Reference Centre**, with a final evaluation conducted at the end of the pre-determined period of collaboration. Upon positive review, a **FAO Reference Centre** could be redesignated with mutually agreed terms of reference and work plan for a specified period of time. Unless there has been any change in meeting the original criteria, this process of redesignation will be approved by the Assistant Director-General of the concerned Department.
- Institutions designated as **FAO Reference Centres** will, as long as this designation remains valid, draw a number of advantages from their partnership with FAO. In particular, they will:
 - (i) receive international and regional acknowledgement as to their standing and high quality of work in their field of specialization;
 - (ii) enjoy name recognition and association with a United Nations agency, including the possibility of using FAO’s name, emblem and other logos under set conditions (Annex 2 describes the conditions for the use of FAO’s name, emblem and other logos);

- (iii) have privileged access to the Organization’s policy and technical information resources and benefit from FAO’s experience and knowledge, at both global and country levels, in the agreed areas of collaboration;
- (iv) undertake with FAO joint activities aimed at the promotion and support of future research and related training activities;
- (v) conduct joint resource mobilization with FAO, where applicable; and
- (vi) have access to FAO’s extensive scientific and technical networks, with the possibility of broadening partnerships through collaborative efforts with other national, regional and international organizations including other **FAO Reference Centres**.

Criteria

Any institution recommended for designation as a **FAO Reference Centre** should have demonstrated, through its previous collaboration with the relevant technical unit, engagement and ability to undertake functions as described on the first page of this corporate policy document. It should also have demonstrated:

- attainment of scientific, technical and policy standing;
- commitment to strengthen capacity development in those areas relevant to FAO’s mandate; and
- prior successful collaboration with FAO for a minimum of two years (or less under special circumstances to be justified and demonstrated by the relevant technical unit) in carrying out, jointly, planned activities.

In addition, the institution should be willing to:

- use its own resources to implement collaborative activities with FAO, with the understanding that FAO is not a funding organization and limited in financial support it can provide;
- in the interest of transparency, agree to submit a statement of **Declaration of Interest**, for the institution and its staff, to be completed by the head of the institution (see Annex 1).

Procedures for designation of FAO Reference Centres

The designation of an institution as a **FAO Reference Centre** shall be made by the Director-General upon the recommendation of the Assistant Director-General of the concerned Department. The recommendation shall be based on a review in light of the above criteria and principles and will request the identified institution to submit a formal letter, expressing its interest in entering into a formal working relationship by being designated as a “**FAO Reference Centre**”.

The recommendation to the Director-General should set out:

- (i) the justification and rationale for the designation,
- (ii) the extent and experience of prior collaboration,
- (iii) the scope of the envisaged collaboration, and
- (iv) any financial and other implications for FAO.

Necessary background information will include the name, mandate and main activities of the institution, the name of its head and its source of financing.

The review would cover the legal status, competencies, operations, funding and governance arrangements of the institution. Furthermore, a prior understanding should be reached between the relevant technical unit and the institution on the areas of collaboration and functions expected to be performed in accordance with an agreed work plan. Should the institution under consideration be in any form associated directly with the private sector, it is understood that all the relevant procedures as laid down in DG Bulletin 2005/28 on the Private Sector Partnerships Advisory Committee (PSPAC) would have been applied prior to the recommendation to the Director-General.

Approval in principle

When a Department of FAO would find it to be in the Organization's interest to designate a **FAO Reference Centre**, upon completion of the above procedures the concerned Assistant Director-General should request the approval in principle of the Director-General.

In accordance with Rule XXXVIII of the General Rules of the Organization, consultation with the Government concerned on an intended designation of a national institution as a **FAO Reference Centre** is required. It is proposed that such consultation takes place after the Director-General's agreement in principle is given.

Preparation, clearances and signature

- (a) Once the Director-General's approval in principle has been obtained, the relevant technical unit prepares the draft letter of designation, in consultation with the Legal Office.
- (b) The draft letter of designation should be sent for clearance to the Assistant Director-General of the concerned Department.
- (c) The Legal Office gives clearance before the Office of the Director-General.
- (d) Once all clearances are obtained, the letter of designation should be submitted to the Director-General for approval and signature.

The letter of designation shall indicate the full title of the **FAO Reference Centre**, and clear and detailed terms of reference outlining the purpose and justification of the institutional relationship with FAO. It would:

- give evidence of past/existing working relationships in the area(s) of mutual interest, being priority areas of FAO's programme of work;
- indicate in detail the area(s) of collaboration including an agreed work plan;
- set forth the conditions for using FAO's name, emblem and other logos in line with Annex 2 to the present Corporate Policy;
- clearly stipulate a process for the review of the intended institutional relationship and resulting output, with a clear timeline, indicating conditions for termination;
- include a statement on the exclusion of any FAO legal liability for action undertaken by the **FAO Reference Centre**.

Disclaimer and other legal provisions

The letter of designation shall also include as an attachment a disclaimer (see Annex 3) informing, *inter alia*, that the **FAO Reference Centre** has been designated on the basis of its specific capacities and notable achievements on issues related to FAO's mandate, but that it remains a fully independent institution and that any liability which occurs during the implementation of the agreed terms of reference under the pertinent letter of designation rests with the **FAO Reference Centre**.

It also includes specific legal provisions on, *inter alia*, intellectual property rights, FAO privileges and immunities, applicable law and settlement of disputes.

Jacques Diouf
Director-General

**FAO REFERENCE CENTRES
DECLARATION OF INTEREST**

Name of the designated FAO Reference Centre:

Scientific, social and economic considerations relating to nutrition, food and agriculture are of primary importance in all FAO technical work. Proactive measures need to be taken to ensure that the best possible assessment of scientific evidence and in its practical application is achieved in an independent atmosphere free of either direct or indirect pressure. Thus, to assure the technical integrity, neutrality and transparency of FAO's work, it is necessary to avoid situations in which financial or other interests might affect the outcome of that work.

The head of the designated FAO Reference Centre is therefore requested, on behalf of the said Centre, to declare any interests of the Centre or its employees and/or partners that could constitute a real, potential or apparent conflict of interest with respect to its involvement in the agreed work plan with FAO.

In this Declaration, "Commercial entity" refers to any company, association (e.g. trade association), organization or any other entity with commercial interests of any nature whatsoever.

What is a conflict of interest?

A *conflict of interest* means that the Centre has a financial or other interest that could unduly influence the Centre's position with respect to the subject matter being considered or work being undertaken. An apparent conflict of interest exists when an interest would not necessarily influence the work of the Centre but could result in the Centre's objectivity being questioned by others. A potential conflict of interest exists when any reasonable person is uncertain whether an interest should be reported or not.

Different types of financial or other interests can be envisaged and the following list, which is not exhaustive, is provided for guidance. For example, the following types of situations should be declared:

1. A current proprietary interest in a substance, technology or process (e.g. ownership of a patent), to be considered in - or otherwise related to the subject matter of - the work being conducted;
2. a current financial interest, e.g. shares or bonds, in a commercial entity with an interest in the subject matter of the work;

3. a consultancy (or other form of employment) during the past 4 years, whether or not paid, in any commercial entity which has an interest in the subject matter of the work, or an on-going negotiation concerning prospective work or other association with such commercial entity;
4. performance of any paid work or research during the past 4 years commissioned by a commercial entity with interests in the subject matter of the work;
5. payment or other support covering a period within the past 4 years, or an expectation of support for the future, from a commercial entity with an interest in the subject matter of the work, even if it does not convey any benefit but which benefits the administration of the Centre, e.g. a grant or fellowship or other payment, e.g. for the purpose of financing a post or consultancy.

With respect to the above, an interest in a competing substance, technology or process, or an interest in or association with, work for or support by a commercial entity having a direct competitive interest must similarly be disclosed.

How to complete this Declaration

Please complete this Declaration and submit it (attach additional sheets if necessary) to the FAO technical unit with whom the Centre is in contact. Any financial or other interests that could constitute a real, potential or apparent conflict of interest should be declared. Only the name of the commercial entity and the nature of the interest are required to be disclosed, no amounts need to be specified (although they may be if this information is considered to be relevant to assessing the interest). With respect to items 1 and 2 in the list above, the interest should only be declared if it is current. With respect to items 3, 4 and 5, any interest during the past 4 years should be declared. If the interest is no longer current, please state the year when it ceased. With respect to item 5, the interest ceases when a financed post or fellowship is no longer occupied, or when support for an activity ceases.

Assessment and outcome

The information submitted by the Centre will be used to assess whether the information declared constitute an appreciable real, potential or apparent conflict of interest. Such conflict of interest will, depending on the situation, result in (i) the Centre being asked not to take part in the portion of the work or discussion affecting that interest, (ii) being asked not to take part in the work altogether, or (iii) if deemed by FAO to be appropriate to the particular circumstances and with the agreement of the Centre, taking part in the work and the Centre's interest being publicly disclosed.

Information disclosed on this form may be made available to persons outside of FAO only when the objectivity of the work has been questioned or when the Director-General of FAO considers it necessary in the best interests of the Organization, and then only after consultation with the Centre.

**FAO REFERENCE CENTRES
DECLARATION OF INTEREST**

Has the Centre any financial or other interest in the subject matter of the work in which it will be involved, which may be considered as constituting a real, potential or apparent conflict of interest?

Yes: No: If yes, please give details in the box below.

Type of interest, e.g. patent, shares, employment, association, payment (including details on any compound, work, etc.).	Name of commercial entity.	Belongs to the Centre?	Current interest? (or year ceased)

Is there anything else that could affect the Centre's objectivity or independence in this work, or the perception by others of its objectivity and independence?

I hereby declare, on behalf of the Centre, that the disclosed information is correct and that no other situation of real, potential or apparent conflict of interest is known to the Centre.

I undertake to inform FAO of any change in these circumstances, including if an issue arises during the course of the agreed work plan.

Signature

Date

Head of the Centre (print)

Seal of the Centre

Use of FAO name, emblem and other logos by FAO Reference Centres

FAO Reference Centres may use the FAO name, emblem and other logos in their paper documentation and electronic means of communication, in particular on their Website, under the conditions set forth below and only during the period when the designation of “FAO Reference Centres” remains valid:

1. The FAO name, emblem and other logos are to be used by the **FAO Reference Centres** solely for correspondence related to its activities as a **FAO Reference Centre**.
2. If the FAO name, emblem and other logos are used in the letterhead or the Centre’s Website, their size should be smaller than the size of those of the **FAO Reference Centre**.
3. The title of the **FAO Reference Centre** shall be “**FAO Reference Centre**” followed by a concise indication of the sphere of activity covered by the Centre such as “**FAO Reference Centre** *for research on...*”, “*...for standardization of procedures on...*”.
4. Any document issued by the Centre mentioning “**FAO Reference Centre**” shall include a reference to the letter of designation by FAO.
5. If the language used by the **FAO Reference Centre** in its communications is a language other than the languages of FAO (Arabic, Chinese, English, French and Spanish), one of the latter should also be included.
6. All other uses of FAO name, emblem and other logos require the prior written approval of FAO.

DISCLAIMER AND OTHER LEGAL PROVISIONS

FAO Reference Centres are designated by the Director-General of the Food and Agriculture Organization of the United Nations on the basis of their specific capacities and notable achievements on issues related to FAO's mandate, as well as their active involvement in fields of expertise relevant to the work of the Organization and their significant contribution to the implementation of FAO's programme priorities and strengthening capacities in countries and regions.

FAO Reference Centres will provide specific, independent technical/scientific advice on such issues which are of notable relevance for FAO and will facilitate the mobilization by FAO of a large range of scientific, technical and economic expertise.

FAO Reference Centres will maintain full independence from FAO both in carrying out their own activities and in providing advice to FAO, whilst FAO will not be responsible nor have liability whatsoever in such respect.

All intellectual property rights shall remain, in principle, with the originating party. Different clauses on intellectual property rights, such as joint property rights or the granting of specific licenses, will be agreed in writing on a case by case basis.

Neither party nor its personnel shall communicate to any other person or entity any confidential information made known to it by the other party in the course of the performance of the work under the letter of designation, nor shall it use this information to private or corporate/industry advantage. This provision shall survive the expiration or termination of the letter of designation.

Nothing in the letter of designation of the **FAO Reference Centre**, or in any document relating thereto, shall be construed as constituting a waiver of the privileges and immunities of the Food and Agriculture Organization of the United Nations, nor as conferring any privileges or immunities of the Organization to the **FAO Reference Centre**, or its personnel.

The letter of designation and any dispute arising therefrom shall be governed by general principles of law, to the exclusion of any single national system of law.

Any dispute between the parties concerning the interpretation and the execution of the letter of designation, or any document or arrangement relating thereto, shall be settled by negotiation between the parties. If the dispute is not settled by negotiation between the parties, it shall, at the request of either party, be submitted to one conciliator. Should the parties fail to reach agreement on the name of a sole conciliator, each party shall appoint one conciliator. The conciliation shall be carried out in accordance with the Conciliation Rules of the United Nations Commission on International Trade Law, as at present in force.

Any dispute between the parties that is unresolved after conciliation shall, at the request of either party, be settled by arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law, as at present in force.

The conciliation or the arbitration proceedings shall be conducted in the language in which the letter of designation is drafted provided that it should anyway be one of the five languages of the Organization (Arabic, Chinese, English, French and Spanish). In cases in which the language of the letter of designation is not a language of the Organization, the conciliation or the arbitration proceedings shall be conducted in English.

The parties may request conciliation during the execution of the letter of designation and anyway not later than twelve months after the expiry or the termination of the letter of designation. The parties may request arbitration not later than ninety days after the termination of the conciliation proceedings.

Any arbitration award rendered in accordance with the provisions of this Article shall be final and binding on the parties.

For acknowledgment:

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FAO Reference Centre