

RESOLUTION 7.2**FUNCTIONAL STRUCTURE AND PERSONNEL OF THE ACCOBAMS PERMANENT SECRETARIAT**

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area:

Considering that, under Resolution 1.2, the Meeting of the Parties accepted the offer of the Government of the Principality of Monaco to host the Permanent Secretariat and agreed with the terms of reference, as annexed to the said Resolution,

Recalling Resolution 6.2, amending the Headquarters Agreement with the Host Country,

Conscious that there is a need to formally establish a functional structure for the Permanent Secretariat and its personnel,

Recalling Resolution 6.3, requesting the Executive Secretary, on the basis of a functional assessment of the ACCOBAMS Permanent Secretariat, and in consultation with the Host Country and the Bureau, to develop a proposal on the structure of the Permanent Secretariat of ACCOBAMS and a mechanism to implement the proposal to be submitted to the Seventh Meeting of the Parties,

Having entrusted the Permanent Secretariat to hire a specialized consultant to carry out a functional assessment of the personnel needs of the ACCOBAMS Permanent Secretariat and the associated costs,

Taking note of the recommendations listed in the report of the functional assessment of the ACCOBAMS Permanent Secretariat,

1. *Adopts* the Functional Structure and Personnel of the ACCOBAMS Permanent Secretariat, as in the [Annex](#) to the present Resolution;
2. *Charges* the Executive Secretary, without prejudice to any acquired rights, to implement the present Functional Structure;
3. *Decides* that the present Resolution replaces Resolutions 5.6 and 6.3.

ANNEX: FUNCTIONAL STRUCTURE AND PERSONNEL OF THE PERMANENT SECRETARIAT OF THE AGREEMENT ON THE CONSERVATION OF CETACEANS OF THE BLACK SEA, MEDITERRANEAN SEA AND CONTIGUOUS ATLANTIC AREA (ACCOBAMS)

PREAMBLE

At their First Meeting in 2002, Parties to the ACCOBAMS adopted Resolution 1.2 creating a Permanent Secretariat whose functions are defined in Article IV of the Agreement.

A Headquarters Agreement, signed between the Government of the Principality of Monaco and the ACCOBAMS Permanent Secretariat on the 11th November 2010 and adopted by Parties at their 4th Meeting under Resolution 4.2, provided the Permanent Secretariat with a legal personality, allowing to act as an employer as per the Monegasque legislation. An Amendment to the Headquarters Agreement was adopted by Parties in November 2016 at their 6th Meeting, through Resolution 6.2.

1- DEFINITION OF THE POSITIONS AT THE ACCOBAMS PERMANENT SECRETARIAT

At the Permanent Secretariat, the positions include those supported by the Host Country under the Headquarters Agreement, as well as positions funded through the Agreement Trust Fund or through specific projects, and those seconded by Parties, as described in documents ACCOBAMS-MOP7/2019/Doc22 and ACCOBAMS-MOP7/2019/Doc23 related to the position profiles and salary scales.

1.1 Positions under the Headquarters Agreement

These positions, core of the Permanent Secretariat, include those listed in the amended Headquarters Agreement and financially supported by the Host Country, namely:

- ✓ Executive Secretary
- ✓ Assistant to the Executive Secretary

1.2 Positions under the Agreement Trust Fund

These positions ensure the remaining scientific, technical and administrative functions.

1.3 Positions funded under specific projects and/or seconded by Parties

These positions ensure specific scientific, technical or administrative functions. They are supported by external funds or seconded by Parties and their duration is limited to the extent of the specific project or activity.

2- RULES GOVERNING THE PERMANENT SECRETARIAT PERSONNEL

The Permanent Secretariat of ACCOBAMS is registered with the Monegasque Employment Service as an employer. Its employees are subject to the laws in force that regulate the conditions of hiring and dismissal in the Principality of Monaco (Law No. 629 of July 1957) and set, in particular, the following points:

- ✓ Weekly working time;
- ✓ Duration of annual leave;
- ✓ Official public holidays observed being the legal holidays envisaged in the Principality of Monaco by the Law No. 798 of 18 February, 1966.

3- FUNCTIONAL ORGANISATIONAL STRUCTURE OF THE PERMANENT SECRETARIAT

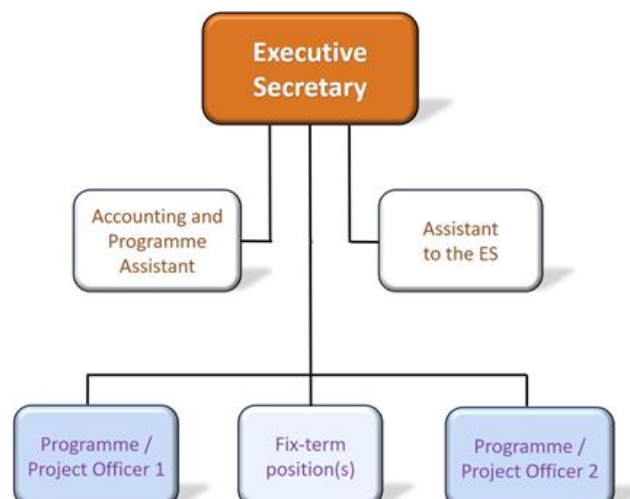
The functional organizational structure of the Permanent Secretariat is supported by documents ACCOBAMS-MOP7/2019/Doc22 and ACCOBAMS-MOP7/2019/Doc23. It is as follows:

- ✓ Executive Secretary, in charge of leading and managing the Permanent Secretariat, the personnel and the Agreement budget;
- ✓ Assistant to the Executive Secretary, providing direct secretariat support and general office assistance to the Executive Secretary; general communication / information assistance; logistical, operational and administrative support for institutional meetings, including travel arrangements and translation of documents;
- ✓ Programme and Project Officer (1), developing and implementing the Programme of Work on assigned topics; in charge of identifying, developing and managing specific co-funded projects and preparing and presenting documents for institutional meetings and conferences;
- ✓ Programme and Project Officer (2), developing and implementing the Programme of Work on assigned topics; in charge of identifying, developing and managing specific co-funded projects and preparing and presenting documents for institutional meetings and conferences;
- ✓ Accounting and Programme Assistant performing the accounting of the ACCOBAMS Funds and providing administrative support related to human resources and to the implementation of the Programme of Work and projects, including workshops and meetings;
- ✓ Staff recruited on a fix-term basis, according to the duration of a specific project or activity or provided through secondment by a Contracting Party to support Work Programme implementation.

The Executive Secretary is the supervisor of the personnel of the Permanent Secretariat and all of them report to her/him. However, the Executive Secretary may request a Programme and Project Officer to oversee the work of a staff recruited, on a fix-term basis, for a specific project or activity.

The positions, other than those included in the Headquarter Agreement, are not permanent and depend on the workload and the available financial resources. The personnel are contracted accordingly and in compliance with legislation of the Principality of Monaco.

The functional organizational chart of the ACCOBAMS Permanent Secretariat is as follows:



4- SALARIES AND OTHER REMUNERATIONS

The Monegasque legislation stipulates that the classification of employees in the various occupational categories is determined by the employer or his representative, under the supervision of the labor inspector¹.

Salaries and other remuneration shall be paid in Euros. The minimum amount of wages is fixed by Ministerial Decree².

- ✓ The salary of the Executive Secretary position is provided by the Host Country through its allowance for the functioning of the Permanent Secretariat. A ceiling amount is set as per the provisions of the Headquarters Agreement which specifies the equivalent grade in the Monegasque civil services and the corresponding salary scale (Resolution 6.2 Appendix 1, para. 4, b). The ACCOBAMS Permanent Secretariat salary scale for this position is identified as A5, step 3 of the A5 salary scale corresponding to the above-mentioned ceiling amount, as referred in Annex 2 of Resolution 7.3. In addition, a Housing Allowance is provided from the Trust Fund to the Executive Secretary if not a national from the Host Country.
Considering that the Executive Secretary is recruited for a limited period of maximum nine years, then he/she shall be appointed at step 1 of the salary scale and have a normal step increase every three years.
- ✓ The salary of the Programme and Project Officer positions is supported by the Trust Fund.
In addition, the two apartments provided to ACCOBAMS by the Principality of Monaco according to the provisions of the Headquarters Agreement, are allocated to these positions by the Executive Secretary, taking into account the income and the family quotient.
- ✓ The salary of the position of Assistant to the Executive Secretary is supported by the Host Country allowance for the functioning of the Permanent Secretariat. A ceiling amount is set as per the provisions of the Headquarters Agreement which specifies the equivalent grade and the corresponding salary scales (Resolution 6.2, Appendix 1, para. 5). The remuneration grid of the ACCOBAMS Permanent Secretariat for this position, inspired by salary scales used by the Monegasque Civil Services for B category employees, starts at B1 scale, continues with B2 scale and terminates at B3 scale (at the above-mentioned ceiling amount) as referred in document ACCOBAMS-MOP7/2019/Doc23.
The grade level at appointment shall normally begin at Step 1 of the lowest scale. However, under exceptional circumstances, the Executive Secretary might decide that the appointment is done at a higher step to reflect seniority and/or experience.
- ✓ The salary for the position of Accounting and Programme Assistant is supported by the Trust Fund.
- ✓ The salary of the personnel recruited over the life of a particular project or activity, with limited duration, is determined and supported under this project or this activity.

The performance of the personnel, other than the Executive Secretary, shall be assessed annually in January by the Executive Secretary.

5- RECRUITMENT PROCEDURES FOR THE PERSONNEL OF THE PERMANENT SECRETARIAT

¹ Article 11. 1 of Law n. 739 – March 1963 regarding the salary.

² Article 11: of Law n° 1.068 of December 1983: Except as otherwise provided by law, the minimum amounts of salaries, bonuses, allowances of any kind and supplements other than those provided for by the legislative provisions relating to hours of work may not be lower than those fixed by ministerial decree. Subject to the provisions of the following paragraph, they shall be at least equal to those prescribed under regulations or collective agreements, for identical working conditions, in the same occupations, businesses or industries of the neighbouring economic region.

5.1 Executive Secretary

The Executive Secretary is recruited according to the provisions of Resolution 7.3 “Procedure for the Recruitment of the Executive Secretary”.

5.2 Personnel other than the Executive Secretary

Personnel working in the Permanent Secretariat is recruited by the ACCOBAMS Permanent Secretariat acting as employer, namely by the Executive Secretary, in accordance with the Monegasque legislation (in particular Law No. 629 of July 1957 on the conditions of hiring and dismissing in the Principality of Monaco).³

Recruitment is carried out according to the qualifications required and according to the laws in force in Monaco. It is undertaken on the basis of a job offer submitted to the Employment Service of the Principality of Monaco and can be effective, for a foreign national, after obtaining a work permit⁴ only.

Personnel can also be seconded by Parties to support the implementation of the Programme of Work.

6- SEPARATION FROM SERVICE

- a. Personnel of the Permanent Secretariat, including the Executive Secretary, may resign at any time in accordance with the terms of the laws in force which regulate the conditions of hiring and dismissal in the Principality of Monaco (Law No. 629 of July 1957 and Law No. 729 of March 1963).
The Executive Secretary shall give a six months prior notice. A shorter period shall be approved by the Bureau.
- b. The Executive Secretary, or the Bureau in concertation with the Government of the Principality of Monaco in the case of the Executive Secretary, may terminate the appointment of staff members, upon prior written notice (period of notice set under Law No. 729 of March 1963), when this is deemed to be for the benefit of the operating efficiency of the Permanent Secretariat, due to the restructuring of the Permanent Secretariat as a consequence of budget shortage, or if it is considered that the staff member’s services are not satisfactory.
- c. In the event of the resignation of a staff member or the decision by the employer of termination of services, the corresponding indemnities are established in accordance with the Law in force in the Principality of Monaco (Law N° 845 of June 1968).

³ Article 5 of Law No. 1.091 of 26 December 1985;

For job candidates who have the qualification required for the post, and in the absence of candidates of Monegasque nationality, the authorization provided for in the preceding article (hiring or rehiring) shall be issued in the following order of priorities:

- 1) foreigners married to Monegasques who have kept the Monegasque nationality and are not legally separated, and non-Monegasques who have a Monegasque parent;
- 2) foreigners who are domiciled in Monaco and have already been in employment there;
- 3) foreigners who are domiciled in neighbouring communes and are authorized to work there.

⁴ Article 1: (Modified by Law No. 1.429 of 4 July, 2016) No foreigner may be employed in the private sector in Monaco unless that person has a work permit. He may not be employed in a trade or profession other than that stated on the permit. The work permit application mentions, where applicable, the exercise of a teleworking activity and the places where it is performed.