

## ANNEX IX

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE  
MEDITERRANEAN REGIONAL TRUST FUND FOR THE  
PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION

1. The Mediterranean Regional Trust Fund for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as the Trust Fund) is established for an initial period of two years to provide financial support for the Mediterranean Action Plan.
2. The administration of the Trust Fund shall be entrusted to the Secretary-General of the United Nations and, at his discretion, to the Executive Director of UNEP. The Executive Director may delegate the administration of the Trust Fund to the head of the unit responsible for the Mediterranean Action Plan.
3. This Trust Fund shall be composed of two sections to cover expenditures under the following categories:
  - (i) SECTION I - Activities directly derived from the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols (hereinafter referred to as the Barcelona Convention and its related protocols).
  - (ii) SECTION II - Other activities agreed to as part of the Mediterranean Action Plan.

I PROVISIONS RELATED TO SECTION I OF THE TRUST FUND

4. Section I of the Trust Fund shall be composed of contributions made for the purpose of defraying the costs of activities directly derived from the Barcelona Convention and its related protocols.
5. The appropriations of this section shall be composed of:
  - (i) contributions determined by the Contracting Parties;
  - (ii) pledged contributions from those Mediterranean coastal States that are not contracting Parties;

(iii) voluntary contributions from other States not referred to in article 24 of the Barcelona Convention as well as from other non-governmental sources.

6. The contributions referred to in sub-paragraphs 5 (i) and 5 (ii) shall be voluntarily pledged to the Trust Fund according to a scale fixed by the Contracting Parties and other Mediterranean coastal States.
7. The Contracting Parties and other Mediterranean Governments that have contributed to the Trust Fund shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.
8. The Contracting Parties and other Mediterranean Governments that have contributed to the Trust Fund shall designate an auditor.

## II PROVISIONS RELATED TO SECTION II OF THE TRUST FUND

9. Section II of the Trust Fund shall be composed of contributions made for the purpose of defraying the costs of activities agreed to as part of the Mediterranean Action Plan which are not referred to in paragraph 4.
10. The appropriations of this section shall be composed of:
  - (i) pledged contributions from the Mediterranean coastal States and by the FEC;
  - (ii) voluntary contributions from other States not referred to in article 24 of the Barcelona Convention as well as from other non-governmental sources.
11. Contributions to this section of the Trust Fund may be pledged at any time, either on an annual basis or for a number of years. A cost-sharing scheme or schemes for the appropriations of this section may be agreed to by the Mediterranean coastal States.

## III COMMON PROVISIONS APPLICABLE TO BOTH SECTIONS OF THE TRUST FUND

12. The contributions from Governments and the FEC referred to in paragraphs 5 (i), 5 (ii) and 10 (i) shall be divided between section I and section II proportionally to the respective budgets of the two sections.
13. The financial period shall be for two calendar years beginning 1 January of an odd number calendar year and ending 31 December of the subsequent even number calendar year.

14. The budget estimates, covering the income and expenditures for each of the two calendar years constituting the financial period to which they relate, prepared in US dollars, shall be submitted to an intergovernmental meeting of the Contracting Parties and of the Mediterranean coastal States.
15. The estimates for each of the calendar years covered by the financial period shall be divided into sections and chapters as shown in the appendix to these terms of reference. shall be specified according to budget lines, shall include references to the programme of work to which they relate, and shall be accompanied by such information as may be required by, or on behalf of, the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable.
16. The draft budget shall be approved by all Governments contributing to the Trust Fund and by the EFC at an appropriate intergovernmental meeting of Mediterranean coastal States and the EFC.
17. Supplementary estimates may be submitted by the Executive Director of UNEP whenever necessary during the second calendar year of the financial period. Such estimates shall be prepared in a form consistent with the regular estimates.
18. The Executive Director of UNEP may make transfers from one chapter to another within the same section of the budget. At the end of the first calendar year of a financial period, the Executive Director may proceed to transfer any uncommitted balance of appropriations, to the same section in the second calendar year, provided that such transfers do not exceed 20 per cent of the smaller amount of the two annual appropriations for the sections concerned.
19. At the close of the calendar year to which they relate, the uncommitted appropriations shall be cancelled unless required for transfer or carry over. At the close of the financial period to which they relate, the uncommitted appropriations shall be cancelled, except those committed to programme activities of which the execution shall continue during the next financial period.
20. No transfer of appropriations between section I and section II of the budget is possible.
21. All contributions shall be paid in convertible currencies except those foreseen in paragraph 24.
22. Before the beginning of each calendar year, the Executive Director of UNEP shall:

- (i) inform the Contracting Parties and other Mediterranean coastal States of their expected contributions under the agreed scale, and of the amount of voluntary contributions or counterpart contributions that other Governments and non-governmental sources have pledged to pay:
  - (ii) inform Governments and non-governmental sources, which have pledged to pay voluntary contributions or counterpart contributions, of the budgetary situation of the calendar year.
- 23. When the contributions of the Mediterranean coastal States are calculated, adjustments shall be made in respect of income derived from voluntary contributions as provided in paragraphs 5 and 10.
- 24. Any extraordinary contribution made by the State hosting the Co-ordinating Unit to the co-ordinating costs shall be accounted for in the relevant chapter of section I of the Trust Fund.
- 25. At the end of the first calendar year of a financial period, the Executive Director of UNEP shall submit to the Parties contributing to the Trust Fund the accounts for the year. At the close of the financial period, he shall submit to them the audited accounts for the financial period.
- 26. These terms of reference shall be effective from the date of their approval by the Mediterranean coastal States.