



Working Group on the International Code of Conduct Association (ICoCA Working Group)

26 June 2015

Chair's proposal on the interaction with the International Code of Conduct Association (ICoCA)

The following note sets out the Chair's proposal on how the Working Group could handle requests for advice by the ICoCA in a straight-forward manner. According to paragraph 12 of the Working Practices of the Montreux Document Forum (MDF), the mandate of the ICoCA Working Group is to provide advice to the Association on national and international policy and regulatory matters. Against this background, the ICoCA Working Group may wish to discuss what information and guidance it could give to the ICoCA with regard to specific legal obligations and good practices contained in the Montreux Document and how they are interpreted and implemented by Montreux Document participants.

It is understood that participation within the ICoCA Working Group is without prejudice to membership of the ICoCA and does not imply an endorsement by MD participants of the International Code of Conduct. As with the MDF, the ICoCA Working Group is an informal group with no authority to take binding decisions.

The following is the proposal on the interaction with the ICoCA:

1. The Chair of the Working Group may convene a meeting of the Working Group on the basis of a request for advice by the ICoCA, to have a discussion with those MD participants wishing to be involved and to collect possible views to be shared with the ICoCA. The ICoCA Working Group can also meet at the request of MD participants as well as immediately following a meeting of the MDF plenary. Attendance in Working Group meetings is, at all times, purely voluntary for MD participants. The Working Group may provide advice to the ICoCA through the Chair of the Working Group, either based on a request from the ICoCA or on its own initiative. The Working Group may also, through the Chair, request information from the ICoCA regarding its activities and processes.
2. The ICoCA transmits requests for advice to the ICoCA Working Group at any given time to the Chair of the Working Group. The Chair of the Working Group shares the requests with the Co-Chairs of the MDF and circulates them to all Montreux Document (MD) participants for their information. MD participants have the opportunity to provide comments, if they wish to do so, either orally during Working Group meetings or by writing to the Chair of the Working Group.

3. In order to provide updates on ICoCA priorities and activities, and to have an exchange on pending requests, the Chairman of the Board of Directors and/or the Executive Director of the ICoCA may be invited by the Working Group to any of its meetings, unless the Working Group decides otherwise.
4. The Chair of the Working Group will draft a Chair's summary after each meeting or after several meetings of the ICoCA Working Group to reflect the general view of attending MD participants. The Chair's summary will then be communicated to all MD participants for their information.
5. The views expressed *orally* by MD participants during meetings of the Working Group are reflected, without attribution, in the Chair's summary of the Working Group meetings, and if the Working Group agrees, may be shared with the ICoCA. The reflection of such views in the Chair's summary is undertaken with the clear understanding that they do not represent the unanimous or consensual view of MD participants or of the Working Group, and are simply a collection of the views expressed by individual MD participants during a particular Working Group meeting. In the spirit of transparency, the Chair's summaries will be made public on the MDF website, unless MD participants decide otherwise.
6. Individual *written* advice from a MD participant, if any, may also be sent to the Chair of the Working Group who will reflect the written advice in the Chair's summary unless the MD participant concerned wishes otherwise.
7. The Chair of the Working Group will report annually to the MDF plenary and may provide further communication as needed.
