



**CHARTER
OF A PUBLIC INTEREST GROUP
MODIFIED JAN. 31, 2003**

OBSERVATOIRE FRANÇAIS DES DROGUES ET DES TOXICOMANIES

(FRENCH MONITORING CENTRE FOR DRUGS AND DEPENDENCIES)

The following entities:

- **The State represented by :**
 - The minister responsible for Employment and Solidarity, or their representative,
 - The minister responsible for Health, or their representative,
 - The minister responsible for Urban Issues, or their representative,
 - The minister responsible for Justice, or their representative,
 - The minister responsible for Defence, or their representative,
 - The minister responsible for Home Affairs, or their representative,
 - The minister responsible for Foreign Affairs, or their representative,
 - The minister responsible for Budget, or their representative,
 - The minister responsible for Youth and the Sports, or their representative,
 - The minister responsible for National Education, or their representative,
 - The minister responsible for Research, or their representative,
 - President of the Inter-Ministerial Mission to Fight Against Drugs and Dependencies, or their representative,

- **and legal persons established under public or private law mentioned below:**
 - The National Federation of Regional Health Monitoring Centres,
 - TOXIBASE, the National Network of Substance Abuse Documentation,

have established a public interest group under Art. 21 of the law 82-610 of 15 July 1982, and Art. 22 of the law 87-571 of 23 July 1987, and decrees 88-1034 of 7 November 1988 and 89-918 of 21 December 1989.

SECTION 1
CONSTITUTION

Article One: Name

The group shall be known as:

"THE FRENCH MONITORING CENTRE FOR DRUGS AND DEPENDENCIES "

Article Two: Goal

The goal of the public interest group shall be to:

- Monitor drug and dependency issues, collect, analyse, summarise and disseminate data as well as to improve it for quality and quantity,
- Collect, disseminate and boost awareness of findings and analyses in all areas of concern for drug and dependency issues; issue expert opinions and foster research in these areas.

Article Three: Seat

The seat shall be at 105, rue Lafayette - 75010 PARIS, France, which may be transferred to any other location upon the board of director's decision.

Article Four: Duration

The group's work shall be extended to March 4, 2005.

Article Five: Membership, Withdrawal, Exclusion

Membership

While this agreement is in force, new members may be admitted by decision of the general assembly. This procedure is applicable also in the event of structural modification of one or several such members; it also applies to total or partial merger resulting in establishing a legal person under public law.

Withdrawal

While this agreement is in force, any member may retire from the group for a legitimate reason at the expiry of a budgeted task, provided that they notify their intention three months before the end of task and that the financial and other modes of such withdrawal have been approved by the general assembly.

Exclusion

The general assembly may rule to exclude one or several group members in the event they fail to perform their obligation or due to gross negligence. A member's representative is given a hearing prior to such ruling. Financial and other provisions foreseen in the event of withdrawal apply to an excluded member.

**SECTION 2
FINANCIAL PROVISIONS**

Article Six: Equity

The group is chartered without equity.

Article Seven: Rights and Responsibilities

I – Statutory rights of the group’s founding members are as follows:

State: 22/25ths of the stake represented by:	
Minister responsible for Employment and Solidarity, or their representative	3/25 th
Minister responsible for Health, or their representative	3/25 th
Minister responsible for Urban Issues, or their representative	1/25 th
Minister responsible for Justice, or their representative	1/25 th
Minister responsible for Defence, or their representative	1/25 th
Minister responsible for Home Affairs, or their representative	3/25 th
Minister responsible for Foreign Affairs, or their representative	1/25 th
Minister responsible for Budget, or their representative	3/25 th
Minister responsible for Youth and the Sports, or their representative	1/25 th
Minister responsible for National Education, or their representative	1/25 th
Minister responsible for Research, or their representative	1/25 th
President of the Inter-Ministerial Mission to Fight Against Drugs and Dependencies, or their representative	3/25 th
Legal persons est. under public or private law: 3/25ths represented by:	
TOXIBASE	2/25 th
National Federation of Regional Health Monitoring Centres,	1/25 th

II In reciprocal relations, members are accountable for the group’s legal responsibilities in the share first above-mentioned. Before third parties, the group’s members do not have joint and several responsibilities. They are accountable for the group’s debt pro rata to their statutory rights.

Article Eight: Members Contributions

Members may provide their contribution in the form of:

- financial participation in the annual budget,
- making staff available free of charge who continue to be remunerated by one of the members,
- free-of-charge availability of premises,
- free-of-charge availability of physical resources which are the property of one of the members,
- any other form of cooperation or contribution to the group’s work.

Apart from in-kind or financial contributions, members provide intellectual and technical input to the group's work by means of relations which they have with their units or sections responsible for work corresponding to the group's goal. The group works in liaison with such units or sections on projects within their remit, depending on work programmes being coordinated. Such contributions shall be defined on a case-by-case basis at each project level, at its preparatory stage. Projects may result in co-production.

On a case-by-case basis, group members' participation in leading certain projects, be it stand-alone or in liaison with third parties may entail, albeit not always, specific contracts to be signed by the group, its member(s) and, possibly, external participants. Each contract may specify the nature of work, deadlines for delivery, funding and, if needed, provisions related to publication, property/ copyright and the use of deliverables.

Article Nine: Financial Participation of the State

Apart from contributions by the monitoring centre's partners, the functioning and the work is ensured by the State's financial contribution coming from inter-ministerial loans to fight dependencies. The contribution is disbursed twice: 70% at the beginning of a project/task and 30% on September 1st.

Article Ten: Availability of Staff

Staff made available to the group by its members shall retain their status held with the original employer. The original employer shall continue to be responsible for staff salaries, welfare provision, insurance and promotion. Such staff shall be under the functional authority of the group's director.

Such staff is made available to their original establishment or body:

- on board of director's decision put forth by the board's director,
- on request by the original establishment or body in the event the latter withdraws from the public interest group,
- in the even of bankruptcy, dissolution or absorption of such a body or establishment.

Staff shall be made available under rules applicable to original bodies and shall be subject to a specific agreement between each body and the public interest group.

Physical resources made available to the group by a member shall remain the latter's property.

Article Eleven: Secondment of Civil Servants or Public Authority Officers.

Officers of the State, local governments or public establishments may be made available or seconded in accordance with their statute and rules applicable to civil service.

Article Twelve: Recruitment of Group Staff

„To cater for exceptional needs and specific skill profiles, when duly substantiated, the group may recruit officers contracted under the public law and paid from public monies on contracts of limited duration which may solely be renewed subject to specific regulations. Staff thus recruited for a period at least equal to that of the group's duration does not acquire rights to subsequent employment in the group's participating establishments. With the exception of Art. 4 to 8, provision of the decree no. 86-83 of 17 January 1986 on provisions applicable to State officers not entitled to civil service status stipulated for the application of Art. 7 of the law 84-16 of 11 January 1984 setting forth statutory provisions on the state civil service are applicable».

Total annual staffing numbers for the group are communicated to State audit.

Conditions for recruitment and employment of such staff are regulated by the board of directors and subject to approval by State audit.”

Article Thirteen: Ownership of Equipment

Physical resources bought or developed together belong to the group. In the event of group dissolution, they are divested in conformity with rules set out in Art. 7.

Article Fourteen: Budget

The budget is approved each year by the general assembly following a proposal by the board of directors before Nov. 1st of the year preceding budget implementation. It covers all revenue and expenditure-related transactions foreseen for budget implementation.

The budget sets the amount of monies designed for implementing the group's specific objectives, broken down into:

- *Operating expenses:*
 - Staff expenses
 - miscellaneous operating expenses
- *Capital expenditure*
- *Revenue including:*
 - State contribution set forth in Art. 9 above
 - Other financial contributions of group members
 - Gifts, bequests and other subsidies
 - Consideration for services provided

Article Fifteen: Management

In the event the group does not generate or distribute profit, possible excess of revenue over corresponding cost in one budget implementation is carried over to the next budget. Should the expenses exceed revenue in budget implementation, the board of directors should rule on the deficit report in related to the following period's budget implementation.

In the event the accumulated deficit exceeds half of the expenditure in one budget implementation, continuation of operation should be subject to the general assembly's unanimous decision.

Article Sixteen: Accounting

The group's accounting is held and managed according to public accounting rules.

The group's accounts are held under provisions of the decree no. 62-1587 of 29 December 1962 on general public accounting rules, by an accountant designated by the order of the minister responsible for Budget.

The group's financial and accounting rules and regulations are decreed by the board of directors and subject to approval by the same authorities.

Article Seventeen: State Economic and Financial Inspection

The group is subject to inspection by the Audit Tribunal on conditions envisaged by Art. 6 bis of the law 67-48 of 22 June 1967. *Inter alia*, provisions of Section II of decree no. 55-733 of 26 May 1955 on codifying and structuring texts related to the State economic and financial inspection and, if needed, those of decree no. 53-707 of 9 Aug. 1953 on State control over national public enterprises and certain establishment designed to ensure economic or social order are applicable in this respect.

By the virtue of law and in consulting capacity, a state auditor designated for the group participates in decision-making bodies of the group.

Article Eighteen: Government Commissioner

A government commissioner is appointed by the Minister of Employment and Solidarity.

They are summoned to participate in all board of directors' meetings and have the right to inspect all the documents.

Inter alia, they have the right to veto with a view to suspend decisions or resolutions which impact the group's existence or good operation, especially those taken in breach of legislative or regulatory provisions, or those of this charter. In this case, the resolution or decision in question is subject to re-examination by the group's qualified bodies within 15 days.

SECTION III
ORGANISATION AND ADMINISTRATION

Article Nineteen: General Assembly

The general assembly is made up of all the group's members.

Subject to provision hereof stipulating unanimity, its decisions are taken by a two thirds majority of the members' statutory rights.

- Amendment of the group's charter in all its provisions and, specifically, extension of the duration or anticipated dissolution,
- Appointment of new members and amendment of rights and responsibilities vested with them,
- Change of group's name,
- Taking up participation in other legal entities,
- Approval of accounts for each budget implementation,
- Mode of member's voluntary withdrawal from the group,
- Member exclusion (with the member having been heard by the board of directors, however without the right to vote),
- Budget approval.

Article Twenty: Board of Directors

I – The group is administered by the board of directors consisting of one representative for each member.

Each member sets the duration of their representative's mandate, where duration may not exceed three years. Mandate is renewable.

The administrator shall exercise the mandate free of charge.

External persons may be appointed unanimously by administrators to be members of the board of directors for a period of no more than three years, subject to renewal. There may not be more than four such persons. Candidates are put forth by Ministers or their representatives.

II - Functioning

The board of directors is appointed by its president on his/her initiative or upon request of one third of the members. It convenes at least twice monthly and as frequently, as required by the group's interest.

Meetings are convened in writing; notice must be sent at least 15 days prior to the date of meeting. Yet, a board of directors may run its work in a valid fashion if convened verbally if all group members so agree.

The agenda is decided by the chair.

Board of directors' debate is taken down in minutes signed by the chair.

The minutes are kept in a register maintained at the group's seat. Decisions written down in the minutes are obligatory for all members, even the absent ones.

The board of directors may invite qualified persons who may sit on the board in a consultative capacity.

Decisions are taken by a simple majority of present and represented members and are valid only if at least half of the members is present or represented. Each administrator may mandate another administrator to be represented. In the even of a vote tie-in, the chair's vote prevails.

The decisions pertain specifically to:

- appointing and recalling the chair of the board of directors,
- appointing and recalling the group's director,
- defining the programme of activities and verifying its consistency as agreed by partners

Article Twenty One: Chair of the Board of Directors

From among its members, the board of directors shall elect e chair for a three-year terms. The chair of the board of directors:

- convenes the board as frequently as required by the group's interest, and at least twice per year: before April 30th to close prior year's accounts which will be submitted to the general assembly, and before December 1st to accept the draft budget;
- chairs board meetings;
- puts forth for the board to decide on appointing and recalling the group's director.

A vice-chair is appointed on the same terms as the chair.

In then event the chair is not available for performance of their duties, the vice-chair substitutes them in all their capacities.

Article Twenty Two: the Group's Director

Upon the chair's proposal, the board of directors appoints a director independent of the board members for a period of three years, subject to renewal.

The director ensures the operation and handling of the group's workings under the conditions and on terms set forth by the board of directors. They participate in consultative capacity in board meetings and take decisions that are neither in the general assembly's or board of directors' remit.

In third party relationships, the director shall engage in liability for all actions resting within the group's underlying goal.

Article Twenty Three: Scientific College

A scientific college consists of:

- members appointed statutorily: INSERM, Directorate for Research, Studies, Evaluation and Statistics of the Ministry for Social Affairs, Labour and Solidarity (DREES), OCRTIS, Health Services of the Uniformed Corps, INSEE, Statistical Service of the Justice Ministry, DGDDI and Technical Services for Legal Information of the National Constabulary shall designate a member to represent them.
- members appointed in person: persons renowned for competencies in areas relevant to the group's underlying goal shall be appointed by the board of directors upon proposal by its chair for a three-year mandate, subject to renewal. These persons do not represent the establishment from which they originate.

The scientific college is consulted on projects that constitute the group's work programme; it issues opinions on projects, their course of progress and output. On as needed basis, it may be vested by the chair with the execution of certain types of work.

From among its members, the scientific college shall appoint a chair for a three-year renewable term. In their consultative capacity, the chair assists the board of directors. The scientific college may co-opt temporary experts as needed.

The group's director shall participate in the work of the scientific college.

The scientific college meets when convened by its chair, but also as frequently as required by its work programme. It may also be convened by the group's president or on the request of one third of its members.

Article Twenty Four: General Rapporteur

Work of the scientific college's secretariat is ensured by the general rapporteur appointed by the board of directors, as proposed by its chair. The chairs ensure the monitoring of the college's work and, in their consultative capacity, assists meetings of the board of directors.

Article Twenty Five: Internal Rules and Regulations

Internal rules and regulations are established by the board of directors upon the director's proposal.

SECTION IV
MISCELLANEOUS PROVISIONS

Article Twenty Six: Dissolution and Liquidation

The group is dissolved:

- by way of repealing the original approval order,
- by the general assembly's decision taken with a majority of two thirds of members.

The group's decision entails its liquidation. The general assembly sets forth the mode of liquidation and appoints one or several liquidators. The group's property and rights are distributed among the State and legal entities established under public or private law pro rata to their contribution in membership.

Article Twenty Seven: Condition with a View to Suspension

This charter is established subject to approval by the Minister of Employment and Solidarity and the Minister responsible for Budget who ensure its publicity pursuant to Art. 21 of the law of 15 July 1982.