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CONSOLIDATED REPORT OF THE WIPO AUDIT COMMITTEE FOR THE 2006-2007 BIENNIUM

Document prepared by the Secretariat

1. This document presents the Consolidated Report of the WIPO Audit Committee for the 2006-2007 biennium, prepared by the WIPO Audit Committee.

2. *The General Assembly is invited to take note of the Consolidated Report of the WIPO Audit Committee for the 2006-2007 biennium.*

[Attachment follows]

E

ATTACHMENT

CONSOLIDATED REPORT OF THE
WIPO AUDIT COMMITTEE
FOR THE 2006-2007 BIENNIUMA. Introduction

1. This is the first consolidated report of the WIPO Audit Committee (hereinafter referred to as “the Committee”), prepared on the initiative of the Committee. The report outlines the Committee’s main tasks and activities in 2006 and 2007. It also puts into context the concept, role and function of the Committee as an oversight body within the UN system.

B. Establishment and Terms of Reference

2. In a decision taken at its Forty-first session in 2005, the Assemblies of the Member States of WIPO approved the establishment of the WIPO Audit Committee, and its terms of reference as recommended by the Working Group of the Program and Budget Committee.¹

3. The last recommendation made by the Working Group of the Program and Budget Committee, subsequently included in document A/41/10, stipulated a review of the mandate, functioning and membership of the Committee at the end of two years, and an open-ended Working Group of the Program and Budget Committee was convened for this purpose.

4. In December 2006, the Working Group requested that the Committee review its terms of reference and propose to the Working Group any revisions it considered necessary.² The Committee conducted this review and presented its proposals to the Working Group at its meetings in April and September 2007.³

5. At its September 2007 meeting, following a recommendation by the Working Group, the Program and Budget Committee decided to recommend⁴ revised terms of reference of the Committee to the WIPO General Assembly for approval at its thirty-fourth session (September 24 to October 3, 2007).⁵

6. The Revised Terms of Reference of the WIPO Audit Committee, as recommended for approval by the Program and Budget Committee to the WIPO General Assembly, are attached as an Annex to this document.

¹ Documents A/41/17, paragraph 194(ii), and A/41/10.

² Document WO/PBC/WG/06/2.

³ Documents WO/PBC/WG/07/2 and WO/PBC/WG/2/07/2.

⁴ Document WO/PBC/12/9.

⁵ As contained in Annex I of document WO/GA/34/15.

C. Membership

7. Seven members of the Audit Committee were elected by the Program and Budget Committee at its tenth session (January 11 to 13, 2006) and shortly after, two additional members were selected by the seven elected members. As of February 9, 2006, the Committee membership has been as follows:

Mr. Khalil Issa Othman	Chair	(Jordan)
Mr. Pieter Zevenbergen	Vice Chair	(Netherlands)
Mr. Geoffrey Drage		(United Kingdom)
Mr. Gong Yalin		(China)
Mr. George Haddad		(Lebanon)
Mr. Akuetey Johnson		(Togo)
Mr. Akeem Oladele		(Nigeria)
Mr. Igor Shcherbak		(Russian Federation)
Mr. Gian Piero Roz		(Italy)

D. Working Methods and Procedures

8. The Committee held its first formal meeting from April 10 to 12, 2006. At that meeting, the Committee, *inter alia*, elected a Chair and a Vice Chair and decided on a quorum of five members. The Committee also agreed to meet on a quarterly basis, for four days on average, in synchronization with other WIPO meetings, especially those of the Program and Budget Committee.

9. The Committee subsequently held six formal meetings,⁶ with its seventh and final formal meeting for the 2006-2007 biennium scheduled to take place in early December.

10. Before or during its formal meetings, the Committee has met with WIPO officials, including the Director General, as well as other relevant parties, such as representatives of PricewaterhouseCoopers (Desk-to-Desk Review), and the external project manager (“the Pilot”) for the New Construction Project.

11. In addition, the Committee has met with other oversight representatives, including:

- the Audit Committee of World Meteorological Organization (WMO);
- the External Auditor of WIPO; and,
- WIPO’s internal auditor.

and continued to apprise itself of other external oversight bodies in the UN system, such as the newly created Audit Committees in the UN in New York (the Independent Audit Advisory Committee (IAAC)) and at UNESCO in Paris.

⁶ July 5 to 7, 2006 (second meeting); October 30 to November 2, 2006 (third meeting); March 26 to 29, 2007 (fourth meeting); July 9 to 12, 2007 (fifth meeting); and, September 3 to 5, 2007 (sixth meeting).

12. For each of its formal meetings, the Committee has produced a report containing the Committee's observations, conclusions and recommendations.⁷ These reports have been circulated to all Member States through the Director General of WIPO, and presented to, and discussed by, the Program and Budget Committee.

13. In addition to its formal sessions, Committee members have also attended a number of informal meetings. For example, Committee members met with a cross-section of Member States during the early days of the Committee, to understand fully the reasons and justification behind the creation of the WIPO Audit Committee, and to exchange views on Member States' understanding of the Committee's role and functions. The Committee came to understand that the internal audit was deficient in terms of availability of human and other resources; that the External Auditor's activities were related to financial rather than managerial auditing; and, that Member States wanted to have an expert advisory body to assist them in ensuring effective and efficient use of resources, as well as well-established and functioning internal management controls within the WIPO Secretariat. Hence, the need and creation for an external and independent advisory audit committee.

E. The WIPO Audit Committee as an Oversight Body within the UN System

14. Within the UN system, oversight is part of a system of governance that provides Member States with assurances that: (a) activities are carried out in accordance with legislative mandate; (b) funds are fully accounted for; (c) activities are conducted in the most efficient and effective manner, i.e., the most economical use of resources, both human and financial; and, (d) staff, including high officials, adhere to the highest standards of professionalism, integrity and probity.

15. The structure of oversight within the UN system differentiates between internal and external oversight mechanisms. The role of an internal audit and oversight division, such as WIPO's Internal Audit and Oversight Division, is to assist the executive head in fulfilling his/her managerial responsibilities, and to provide advice on the adequacy of internal control and management practices. Such a division is part of an organization, but is not part of the management.

16. By contrast, external oversight mechanisms such as Audit Committees are oversight bodies for Member States and are accountable to them. External oversight bodies provide advice, and recommendations on the operations and management of an organization.

17. The WIPO Audit Committee is an external *independent, advisory and review* oversight body. It is *independent* in that Committee members serve in a personal capacity; it is a *review* body in that it is non-operational (unlike, for example, the Joint Inspection Unit (JIU)); and, it is *advisory* in that it advises but does not make decisions—decision-making being the prerogative of Member States.

⁷ Documents WO/AC/1/2 (first meeting), WO/AC/2/2 (second meeting), WO/AC/3/2 (third meeting), WO/AC/4/2 (fourth meeting), WO/AC/5/2 (fifth meeting) and WO/AC/6/2 (sixth meeting).

F. Issues Reviewed by the Audit Committee

18. In selecting and prioritizing items for its Agenda, the Committee has been guided by its terms of reference, including those items of particular urgency, as stated in sub-paragraphs: “2(a)(v) *Overseeing the new construction project*” and “2(c)(v) *Overseeing the desk-to-desk review recommended by the JIU*”.⁸

19. Indeed, the weight given to these two major projects was underscored by Member States’ decision that the new construction project and the desk-to-desk review begin only after the Committee had been established.

20. Other items dealt with by the Committee have included:

- Internal Audit and Oversight Division;
- Follow-up on Oversight Recommendations;
- Financial Regulations and Rules;
- Procurement and the Procurement Manual;
- Review of the WIPO Internal Audit Charter; and,
- Review of the terms of reference of the Audit Committee

21. In reviewing these various items, the Committee has followed a standard methodology, that is: examining and reviewing relevant documents; hearing presentations by various WIPO officials and other relevant parties, followed by open discussion; and, Committee deliberations to reach consensus on the Committee’s conclusions and recommendations.

22. The main items reviewed by the Committee in the 2006-2007 biennium are summarized below, with a view to highlighting salient points and possible future directions. Specific conclusions and recommendations can be found in the Committee’s reports on its formal meetings, as referred to in paragraph 12.

(a) Desk-to-Desk Review

23. As referred to in paragraph 18, the Committee has been seized with the desk-to-desk Review since its inception, and has dealt with this item at each of its formal meetings, as well as at informal meetings.

24. In particular, the Committee reviewed and made recommendations on the draft terms of reference and subsequent revisions,⁹ as well as consultant selection and project progress.¹⁰ At its fifth and sixth meetings, the Committee reviewed the Final Report of PricewaterhouseCoopers (PwC) and finalized its views and recommendations.¹¹

25. Moreover, Committee members met informally with PwC in December 2006; participated in an informal session of Program and Budget Committee in December 2006;

⁸ Document A/41/10.

⁹ See, in particular, Committee reports on its first and second meetings (documents WO/AC/1/2 and WO/AC/2/2).

¹⁰ See, in particular, Committee reports on its third and fourth meetings (documents WO/AC/3/2 and WO/AC/4/2).

¹¹ Documents WO/AC/5/2 and WO/AC/6/2.

and attended, on January 22, 2007, an informal tripartite meeting between Committee representatives, PwC, and the WIPO Internal Project Steering Committee (IPSC).

26. With respect to the terms of reference for the Desk-to-Desk review, specific suggestions and recommendations made by the Committee, which were subsequently accepted by the Secretariat, included:

- (a) Sharpening the scope and objectives of the Review;
- (b) Assessing the adequacy of existing human and financial resources in WIPO, and not just future needs;
- (c) Taking advantage of best UN practice, as well as similar studies in other intellectual property offices worldwide;
- (d) Ensuring validation of the selected consultant's understanding of the expected environment with WIPO management;
- (e) Identifying synergies and overlapping, if any, between programs and a proposal for consolidation and streamlining of processes;
- (f) Examining the organizational structure of WIPO, to recommend changes that would provide a better framework for implementation of the work program; and,
- (g) Drawing different scenarios and expected costs implications of each scenario, with a view to providing a basis for the Secretariat to propose to Member States the optimal level of staffing required for addressing the strategic goals of the Organization.

27. Other recommendation made by the Committee included:

- (a) Identification of clear reporting lines within the project management team;
- (b) Organization of a pre-bidding conference to provide additional information to interested bidders;
- (c) Inclusion of a risk register by the WIPO Secretariat identifying risks entailed in this project and mitigating steps; and,
- (d) Ensuring proper accountability and effective oversight function, through regular forwarding by the Secretariat of progress reports, consultants reports and related comments to the Program and Budget Committee and the Audit Committee.

28. In reviewing PwC's Final Report, the Committee reflected on its previous meetings, and considered carefully the views expressed by various participants at its meetings, as well as the written reports it had received.

29. The Committee noted that the Secretariat had pointed to certain inaccuracies and inconsistencies in PwC's Final Report. The Committee discussed this issue with both the IPSC and PwC. On balance, the Committee concluded that, whereas there may have been inaccuracies, particularly in the potential headcount savings on the one hand, there may also have been a paucity of data upon which to base the Report within the allotted timescale, on the other hand. Looking into this issue in further detail would not change the major findings and conclusions of PwC's Final Report. Rather, it is the Committee's view that the broad thrust of PwC's Final Report, particularly in terms of its recommended actions, does provide a platform for introducing an integrated program for Organizational Improvement. This is in line with the welcome given to PwC's Final Report by the Secretariat (document WO/GA/34/12, paragraph 10) and by the Staff Council.

30. In its comments on PwC's Final Report (document WO/GA/34/12, paragraph 11), the Secretariat noted the endorsement by PwC of the initiatives already commenced by WIPO. In connection with these initiatives (Human Resources, Financial Rules and Regulations, Enterprise Resource Planning, Information Technology and Outsourcing) the Committee welcomed the fact that the Secretariat has undertaken to propose to Member States a mechanism and organizational arrangements to achieve an integrated program for Organizational Improvement (document WO/GA/34/12, paragraph 14).

31. The Committee made the following recommendations:

- (a) The Secretariat develops a comprehensive integrated program for Organizational Improvement along the lines and priorities recommended in PwC's Final Report, and as recognized by the Secretariat in its report (WO/GA/34/12). Because such a program will not only be complex but likely to extend over a period of years, it should be constructed on a SMART C basis (Specific, Measurable, Attainable, Realistic, Timely and Consistent);
- (b) The Secretariat should prepare a road map for the implementation of the program showing the organizational and resourcing requirements. This road map should be reviewed by the Committee at its meeting scheduled for the first week of December 2007; and,
- (c) The implementation of the program should be periodically reviewed by the Audit Committee.

32. The Committee's conclusions and recommendations were presented to the Program and Budget Committee at its twelfth session, held from September 11 to 13, 2007, and are contained in the Report of that session.¹²

33. At its forthcoming meeting in the first week of December, the Committee will review the proposed mechanism and organizational arrangements to achieve an integrated program for Organization Improvement prepared by the Secretariat, and report to the Program and Budget Committee accordingly.

(b) New Construction Project

34. As with the Desk-to-Desk Review, and as referred to in paragraph 18, the Committee has been seized with the New Construction Project since its inception. Throughout the 2006-2007 biennium, the Committee continued to review available documentation, and meet with WIPO officials and other relevant parties to discuss various aspects of the Project in detail.

35. In particular, the Committee looked into project costs and possible fluctuations arising from the time that has lapsed since Member States approved the project budget in 2005. In this connection, the Committee recommended that a detailed cost audit be undertaken by a party with the appropriate quantity surveying and engineering expertise. As a result of this recommendation, project costs have been revised more than once.

¹² Document WO/PBC/12/9.

36. Furthermore, the Committee suggested a number of changes to the draft Charter for the New Construction Project, and monitored implementation. Specific suggestions included: the addition of references to the External Management firm (subsequently named “the Pilot”); identification of responsibilities, accountability and reporting lines; preparation of risk registers by both the Secretariat and the Pilot, including mitigating steps; and, clarification of internal control mechanisms, such as the role of the Internal Audit and Oversight Division (IAOD), as well as external control mechanisms, such as the roles of the External Auditor and the Committee.

37. The Committee continued to review the selection process for the Pilot and the work of the Selection Board in that respect.

38. Following selection of the Pilot, the Committee met with Pilot representatives and WIPO Officials. It reviewed the two separate risk registers prepared by the Pilot and Secretariat, respectively, as well as mitigating steps therein, and continued to monitor further development of the registers.

39. In continuing to oversee project progress, specific issues to be dealt with at the Committee’s forthcoming meeting will include: the overall timetable; the status of the main pre-construction phases, including the work of the Pilot; the selection process for the general contractor; the selection process for the financing institutions and assurances of proper bidding procedures; and, the estimated cost and planned financing.

(c) Internal Audit and Oversight

40. Throughout the 2006-2007 biennium, the Committee continued to be concerned with the staffing situation in IAOD, and made its recommendations accordingly. These included an intensification of the recruitment process for vacant posts, with an outsourcing of skills urgently required in the interim, and the endorsement by Member States of additional posts stipulated in the draft Program and Budget for 2008/09. The Committee welcomed this endorsement by the Program and Budget Committee at its twelfth session.

41. The Committee also expressed concern at the lack of planning, in particular, for audit, inspection, investigation and evaluation, as well as the absence of investigation and inspection manuals, and weaknesses in the follow-up system for oversight recommendations. The Committee made a number of specific recommendations with a view to addressing lacunae and strengthening current weaknesses.

42. In view of the importance of this Division, its role in internal control and the difficulties encountered therein, the Committee will take up the subject of the Internal Audit and Oversight Division in its entirety at its forthcoming meeting in December 2007.

(d) Revised WIPO Internal Audit Charter

43. The Committee presented its comments on the WIPO Internal Audit Charter to a meeting of the Working Group of the Program and Budget Committee in December 2006.¹³

¹³ Document WO/PBC/WG/06/2, Annex IV.

44. In July 2007, the Secretariat presented a proposal for a revised WIPO Internal Audit Charter to the Committee at its fifth meeting, which the Committee subsequently recommended be presented to the Working Group at its meeting in September 2007.

45. At its September 2007 meeting, the Working Group recommended to the Program and Budget Committee a revised version of the WIPO Internal Audit Charter,¹⁴ which included the observations of the Audit Committee, and which the Program and Budget Committee subsequently decided to recommend for approval to the WIPO General Assembly at its thirty-fourth session (September 24 to October 3, 2007).¹⁵

(e) Financial Regulations and Rules

46. The Committee considered a draft version of the Revised Financial Regulations and Rules at its fourth meeting in July 2007. It noted with appreciation that the draft was based on the Financial Regulations and Rules recently approved by the UN General Assembly, thereby saving time and resources and contributing to further harmonization within the UN system. It also welcomed proposed measures to re-assign accountability to Program Managers. The Committee made five specific recommendations, relating in particular to the establishment of ethics-related and financial disclosure procedures; the ratification by Member States of conventions agreed upon in the General Assembly; the preparation of training plans for the new Financial Regulations and Rules; the development of a regulatory policy for short- and long-term investments; and, a review of the current dual financial management structure between the Controller's office and the Finance Department, which the Committee considers inefficient, with a view to establishing a unified system.

47. The Committee continued to review and monitor changes introduced to the draft Financial Regulations and Rules. At its sixth meeting in September 2007, it noted the Secretariat's plans to have the new Financial Regulations and Rules effective as of January 1, 2008 and that the recommended provisions moved a step further in the implementation of Results-Based Budgeting.

48. The Committee made ten recommendations at its sixth meeting, including the preparation of detailed plans for the training in the application of the new Financial Regulations and Rules, with attention being given to the ethics-related and financial disclosure procedures; the inclusion of indicators of achievement in the proposed Program budget; the designation of financial institutions post competitive bidding; copying the financial statement sent to the External Auditor to the Committee; and, that the Secretariat ensures implementation and monitors compliance with the revised Financial Regulations and Rules, and reports regularly thereon to Member States and to the Audit Committee. These recommendations were accepted by the Secretariat and presented by the Committee to the Program and Budget Committee at its twelfth session.

¹⁴ As contained in Annex III of document WO/PBC/WG/2/07/4.

¹⁵ As contained in Annex II of document WO/GA/34/15.

(f) Procurement

49. The Committee reviewed the WIPO draft Procurement Manual at its fourth meeting in July 2007. It noted that the Manual had been based on WIPO Office Instruction No. 21/2006 Rev., and other UN models, and recommended that the Internal Audit and Oversight Division monitor the actual implementation of Manual provisions.

50. The Committee also noted explanations provided by the Secretariat on methods of solicitation/threshold for tender procedure and the exemption clauses, and recommended that a log of all exemptions be maintained by the Procurement Division. It further observed that the procedures for appointing financial institutions for transactions of the Secretariat have not normally been subject to bidding, and recommended that normal bidding procedures apply for the selection of financial institutions for the Organization.

51. Finally, the Committee was informed that a risk register relating to procurement had not yet been prepared, and that its preparation was pending the report of the Internal Auditor on the review of the procurement process, undertaken in June and July 2007. In this connection, the Committee recommended that a risk register be developed for the risks affecting procurement, as well as a framework for managing identified risks.

G. Concluding Remarks

52. The information contained in this Report summarizes the Committee's main tasks and activities in the 2006-2007 biennium, and puts into context the concept, role and function of the Committee as an oversight body within the UN system. The Committee looks forward to a continued and beneficial interaction with Member States and the WIPO Secretariat. It believes oversight function is a shared responsibility among the three parties, and the Committee will continue to bear its responsibilities within the framework of its terms of reference.

[Annex follows]

ANNEX

REVISED TERMS OF REFERENCE
OF THE WIPO AUDIT COMMITTEE

A. PREAMBLE

1. In September 2005, the WIPO General Assembly approved the proposal of the Working Group of the Program and Budget Committee on the establishment of a WIPO Audit Committee in accordance with Annex II, A/41/10.

B. FUNCTIONS AND RESPONSIBILITIES

2. The Audit Committee of WIPO is an independent, expert advisory and external oversight body. It aims to assist Member States in their role of oversight and for better exercise of their governance responsibilities with respect to the various operations of WIPO. Its mandate is as follows:

(a) Promoting internal control by:

- (i) Systematic appraising of management's actions to maintain and operate appropriate and effective internal controls;
- (ii) Contributing, through its scrutiny function, to the maintenance of the highest possible standards of financial management and the handling of any irregularities;
- (iii) Reviewing the operation and effectiveness of the Financial Regulations;
- (iv) Reviewing management's assessment and approach to risk;
- (v) Reviewing arrangements for checks and balances in areas such as ethics, financial disclosure, fraud prevention and misconduct.

(b) Focusing assurance resources by:

- (i) Reviewing and monitoring the effectiveness of WIPO's internal audit function;
- (ii) Exchanging information and views with the external auditor, including his audit plan;
- (iii) Promoting effective coordination of activities between the internal and external audit function;
- (iv) Confirming audit and assurance arrangements have been conducted and delivered during the year to provide the necessary levels of assurance required by the General Assembly.

(c) Overseeing audit performance by:

- (i) Monitoring the timely, effective and appropriate responses from management with regard to audit recommendations;
- (ii) Monitoring the implementation of audit recommendations;
- (iii) Monitoring the delivery and content of financial statements in accordance with the requirements of the Financial Regulations.

(d) The Program and Budget Committee may from time to time request the Audit Committee to review or oversee particular activities and projects, such as:

- the New Construction Project,
- the WIPO desk-to-desk assessment, and
- any other major project.

(e) The Audit Committee shall make recommendations to the Program and Budget Committee on issues within the terms of reference of the Audit Committee, as it considers appropriate.

C. MEMBERSHIP AND QUALIFICATIONS

3. The Audit Committee shall have nine members elected by the Program and Budget Committee.

4. The nine members shall have an initial period of office of three years from appointment. The Program and Budget Committee will elect, as part of the renewal of the members, three new members effective 2009 with a third of the membership to be rotated annually thereafter bearing in mind the need for continuity and respect for geographical distribution. No member shall serve more than six years. Former members of the Audit Committee may be reappointed to the Audit Committee subject to not serving more than six years in aggregate.

5. The members of the Audit Committee shall select a Chair and Deputy Chair.

6. Member States in nominating candidates for election by the Program and Budget Committee shall ensure that the candidates possess relevant qualifications and experience, for example, in auditing, accounting, risk management, legal affairs, and other financial and administrative matters; expertise as well as geographical distribution and rotation should guide the selection process.

7. The Audit Committee should corporately possess the following competencies:

- (a) Technical or specialist knowledge of issues pertinent to the Organization's business;
- (b) Experience of managing similar sized organizations;
- (c) Understanding of the wider relevant environments in which the Organization operates, including its objectives, culture and structure;
- (d) Detailed understanding of the Organization's governance environment and accountability structures;
- (e) Oversight or management experience at senior level in the United Nations system.

8. New members should have or should acquire by a structured induction program organized by the WIPO Secretariat in consultation and with the participation of Member States an understanding of the objectives of the Organization, its structure and its culture, and the relevant rules governing it.

D. MEETINGS AND QUORUM

9. The Audit Committee will meet regularly every quarter in formal meeting.
10. A minimum of five members of the Audit Committee are required to be present for a meeting of the Committee to be quorate.
11. The Audit Committee may invite officials of WIPO Secretariat or others to attend meetings.

E. REPORTING AND REVIEW

12. The Audit Committee shall keep Member States informed of its work on a regular basis. In particular, following each of its formal meetings the Committee shall prepare a report for circulation to the Program and Budget Committee.
13. Member States will review, every three years, the mandate, functioning and membership of the Audit Committee. However, Member States retain the possibility to ask for this review to be put on the Agenda of any session of the Program and Budget Committee.

F. SUPPORT BY THE WIPO SECRETARIAT

14. Assistance shall be provided to the Audit Committee from the WIPO Secretariat. This assistance shall be outside of the Internal Audit and Oversight Division of WIPO, in accordance with the principles of accountability and transparency. Functions of such logistical and technical assistance shall include: (a) logistical and administrative support. This would entail preparing for and attending Audit Committee meetings and assisting with preparing draft reports; (b) substantive and technical work in preparation for Audit Committee meetings, which may include research and background position papers, and others, as may be requested by the Audit Committee.

G. BUDGET

15. In its biennial budget WIPO shall provide a specific budget allocation for the Audit Committee, providing for costs on an annual basis associated with the approved activities and related expenditures as provided in the terms of reference, namely four formal meetings of four days each, attendance by Audit Committee members to the Program and Budget Committee and other meetings as required, secretarial and substantive support, and external consultancies.
16. Expenses for members of the Audit Committee will be paid by WIPO in accordance with WIPO's financial rules and regulations.

H. INFORMATION REQUIREMENTS

17. Well in advance of each formal meeting, the WIPO Secretariat shall provide the Audit Committee with documents and information related to its Agenda, and any other relevant information.

[End of Annex and of document]