

COMAR

MEMORANDUM

OF

UNDERSTANDING

June 2005

FOREWORD

Considering the importance of Certified Reference Materials (CRMs) for

- performing quality control,
- ensuring reliability and comparability,
- establishing traceability

in chemical analysis, bioanalysis, and materials testing, the setting up of COMAR as the world database of CRMs was recommended by the ISO Committee on Reference Materials (ISO-REMCO) and received support from the main national organisations responsible for the CRM activities in their country.

This Memorandum of Understanding (MoU) updates and replaces the first MoU signed by seven national institutes on 16 May 1990.

CHAPTER I

This Memorandum of Understanding sets general rules according to which the various member bodies collaborate together on a voluntary basis and administer an international database on Certified Reference Materials (CRMs) known as COMAR.

The aim is to facilitate the dissemination of information about CRMs among COMAR members and, in particular, to CRM users, CRM producers and interested parties worldwide, in order to

- provide easily accessible information on available CRMs via the internet,
- enhance cooperation of CRM developers,
- reduce unnecessary duplication of effort.

Member bodies are national or international institutes or organisations competent in issues concerning CRMs and having the authority and capability for cooperation in COMAR. They are willing to contribute to COMAR's aims.

CHAPTER II

The establishment, maintenance and operation of COMAR is based on the following organisational structure:

- 1) Council
- 2) Central Secretariat (CS)
- 3) Coding Centres (CC)

Council

Constitution

The Council is the decision making body.

The Council consists of one delegate from each CC; the CC in charge of the CS provides the convener.

The Council

- formulates the general policy,
- designates the CS and new CC,
- provides guidance to the CS.

Council decisions are binding for CS and CC.

Meetings

Ordinary sessions are scheduled once a year. Notices calling meetings are to be sent out by the CS. The meeting can be cancelled if a simple majority of CCs decides, that the draft agenda does not justify holding a meeting.

As a rule, Council meetings take place at CS offices. However, other meeting venues may be considered if they are more appropriate or convenient for the business considered.

Council decisions are based on simple majority of CC votes unless otherwise defined in the following chapters.

Members unable to attend the meeting can express their vote by mail addressed to CS before the meeting.

Central Secretariat

- 1) The functions of the Central Secretariat (CS) are carried out by one of the cooperating Coding Centres (CC) having the necessary expertise, experience and resources to manage and carry out the necessary tasks.

The CS executes the following functions on behalf of the Council:

- secretarial work
- hosting and administration of the COMAR database
- publishing, hosting and administration of the COMAR internet home page
- provision of help for database users
- promotion of the COMAR database
- development of the database software and catalogues
- selection and input of CRM data from producers in countries without CC
- initiation of applications for CC in countries without a CC, but with potentially interesting CRM producers

The CS has to regularly inform the Council about its activities, the development of the amount and the scope of CRM data in the COMAR database, and of the database utilization.

- 2) The CS can delegate part of its functions to a CC or to any other competent collaborator.

The conditions relating to such delegated functions are to be stated in a bilateral agreement between the CS and the collaborator. The purpose of these bilateral agreements is to carry out specific, well-defined tasks.

The CS has to regularly inform the Council about the status of any current delegated functions.

Should the delegation of a function be declared as being in conflict with COMAR's interests by Council decision, the CS must either terminate the arrangement or change its terms within six months.

- 3) The ownership of software acquired, commissioned or developed by the corresponding CS will, in any case, remain with the institution having provided for the named CS.

Coding Centres

Coding Centres (CC) are responsible for:

- identifying CRMs of international interest, produced in their own or assigned countries and complying with the relevant quality criteria defined by ISO-REMCO, or by the COMAR Council
- input of these CRM data into COMAR, following procedures laid down by the CS and approved by the Council
- undertaking permanent update of their CRM data in the COMAR database
- promotion of the COMAR database in their country

CC should have an arrangement with the affiliated CRM producers to be informed about changes in their encoded CRMs and about new CRMs of interest for COMAR.

CC keep CS informed of their procedures for CRM selection and data input and update, and amend them if at variance with COMAR policy or practices.

Only one CC is permitted per country.

In order to share burden the CC can delegate data input to specific CRM producers on the basis of bilateral agreements. Nevertheless the CC remains responsible for the selection of appropriate CRMs and the handling of national update rights.

CHAPTER III

Financial aspects

Cooperation as defined in this Memorandum is based on a separate expenses – separate profits basis.

CS is not remunerated by the CC for the various tasks which it undertakes.

CC are not remunerated by CS for their contribution to COMAR.

Access to COMAR via internet is free of charge for any user.

The tasks of the CC and CS, concerning provision of general information about CRMs and COMAR, provision of help for database users, and data input into COMAR database are expected to be covered by the objectives and duties of the COMAR member bodies as national or international CRM institutes or organisations.

Nevertheless CC or CS may offer special services in connection with COMAR in their assigned countries on a commercial basis. This includes

- performing extensive or regular search orders,
- special counselling,
- extensive input of CRM data into the COMAR database (in particular for commercial producers)

These general rules do not preclude the Council from taking decisions, by a 2/3 majority, to improve COMAR and its distribution or application.

CHAPTER IV

Designation, resignation and termination of collaboration

1) Central Secretariat

CS designation

The designation of the CS will be renewed every four years. Each CC may apply, irrespectively of any previous term of office. Applications have to be sent to the acting CS with three months notice.

Designation will be decided by Council vote. If the number of candidates is greater than two, two candidates will be selected for a final vote by preliminary vote(s).

CS resignation

When the CC in charge considers that it cannot or does not wish to continue the CS task, it will inform the Council, giving one year's notice. The Council will then endeavour to find another competent CC to be designated as CS.

If any CC judges that the CC in charge of the CS acts in a way that may inflict a prejudice to COMAR, it can have this included in the Council agenda. If, after consideration by the Council, the prejudicial activity is confirmed by the majority, the CS will have to tender its resignation. The Council will then designate another CC to take charge of the CS.

The previous CS could nonetheless keep its CC status, provided that it still meets the criteria defined in Chapter II.

2) Coding Centres

CC designation

A CC may be designated if justified by the expected contribution to COMAR, taking into account:

- the potential number of CRMs of international interest that the CC could encode
- the difficulties of encoding (e.g. language problems)
- the previous experience of the CC in the field of CRMs

Applications by new centres are reviewed beforehand by the CS. If the candidate centre has the required qualifications, the CS commissions it as probationary CC for a year, on a renewable basis. During this year, the candidate centre is expected to demonstrate its contribution to COMAR by encoding CRMs.

At the end of the probation period, CS proposes the candidate centre to the Council for decision on designation.

CC resignation

Termination of a CC's activities will be under the conditions, described in this chapter for CS resignation.

3) Termination of COMAR collaboration

If the Council decides by a 2/3 majority vote that the COMAR cooperation is no longer viable, this cooperation will be declared terminated by the Council after a period of 1 year.

The Council has to decide (by simple majority voting) on all further utilization of data and data files collated in COMAR.

Institutes or organisations wishing to establish new collaborative links with similar aims can take any initiative they will consider appropriate, but these may not be designated as "COMAR" collaborations.

CHAPTER V

Modifications and amendments to the Memorandum

This Memorandum is liable to be modified and/or amended by written addenda. Prior notice of each proposed addendum will be given by including it in the agenda to be discussed and decided by the Council.

New members joining the COMAR collaboration after adoption of addenda will have to accept both the Memorandum and addenda.

CHAPTER VI

Status

COMAR has no legal status. Signing this Memorandum does not entail any obligation or deed of legal status. It is a voluntary declaration of intent to cooperate along defined general rules for the benefit of each signatory and the benefit of the international reference material community.

Amendment to the COMAR Memorandum of Understanding (MoU)

The COMAR version launched in March 2008 has a revised structure of update rights. In addition to the update right level, that is assigned to COMAR coding centres and has country wide validity, there has been established a new update right level, that can be assigned to single RM producers and allows only access to entries of that specified producer. Both update right level are clearly segregated.

The new update right level has been introduced in order to involve RM producers directly in the COMAR data input and update process. This disburdens COMAR coding centres and allows to accelerate the COMAR update process for the benefit of COMAR users worldwide.

The clause "Coding Centres" in chapter II of the MoU is revised as follows in order to account for above mentioned changes:

Coding Centres

Coding Centres (CC) are responsible for:

- identifying CRMs of international interest, produced in their own or assigned countries and complying with the relevant quality criteria defined by ISO-REMCO (ISO Guides 31, 34 and 35), or by the COMAR Council
- manage the input and continuous update of these CRM data into COMAR, following procedures laid down by the CS and approved by the Council, either by
 - performing CRM data input and update themselves or
 - notify COMAR secretariat of RM producers which have agreed to enter and update their CRM into COMAR (CS will contact these producers, assign update rights, and provide necessary information)
- promotion of the COMAR database in their country

CC should co-ordinate all COMAR related matter with the RM producers in their country.

CC should arrange to get informed by the affiliated CRM producers about changes in their encoded CRMs and about new CRMs of interest for COMAR.

CC keep CS informed of their procedures for CRM selection and data input and update.

Only one CC is permitted per country.

Berlin, July 2008