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OPEN-ENDED WORKING GROUP OF THE PARTIES TO
THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER
Thirteenth meeting
Geneva, 26-29 August 1996

DRAFT RECOMMENDATIONS OF THE OPEN-ENDED WORKING
GROUP TO THE EIGHTH MEETING OF THE PARTIES
TO THE MONTREAL PROTOCOL

Proposals of the Secretariat

The Open-ended Working Group of the Parties to the Montreal Protocol

Recommends that the Eighth Meeting of the Parties decide:

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Recommendation VIII/1.
Replenishment of the Multilateral Fund

and three-year rolling business plan

1997-1999 (item 3 of the provisional
agenda)*

1. To note with appreciation the report of the Executive Committee on the three-year rolling business plan and the report of the Technology and Economic Assessment Panel (TEAP) on replenishment;
2. To adopt the budget for 1997-1999 of US\$.... for the Multilateral Fund for the Implementation of the Montreal Protocol;
3. To adopt the scale of contributions for the Multilateral Fund based on the United Nations scale of assessments approved by the Seventh Meeting of the Parties and the allocation of US\$... for 1997, US\$... for 1998 and US\$... for 1999;**

4. Option 1

To request the Treasurer to allocate each year's allocation among Parties not operating under Article 5, paragraph 1, as so classified on 1 January of that year and to calculate each Parties level of contributions using the United Nations scale of assessment applicable on that date;

Option 2

That the contributions to the Multilateral Fund fixed for each Party in accordance with paragraph 3 above shall be unchanged during the period 1997-1999, except that, if such a Party is reclassified as operating under Article 5, paragraph 1, for any year, its contribution to the Multilateral Fund will be disregarded for that year, in accordance with decision VI/5, paragraph (d), of the Sixth Meeting of the Parties;

5. To urge all Parties to pay outstanding contributions and their future contributions promptly and in full;

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1. To note with appreciation the action taken by the Executive Committee to improve the Financial Mechanism;
2. To take note of the report of the Executive Committee on the action taken to provide a final report on technology transfer;

* UNEP/OzL.Pro/WG.1/1.

** See also annex I of the note by the Secretariat on issues before the Open-ended Working Group at its thirteenth meeting (UNEP/OzL.Pro/WG.1/13/2).

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Recommendation VIII/3 on nominations for controlled
substances for 1997, 1998 and 1999
(item 5 of the provisional agenda)

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties and decisions VII/28 and VII/34 of the Seventh Meeting of the Parties;
2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary diseases and nasal dexamethasone, are authorized as specified in annex II to the note by the Secretariat on issues for consideration by the Open-ended Working Group (UNEP/OzL.Pro/WG/13/2), subject to the conditions established by the Seventh Meeting of the Parties;
3. To correct the errors introduced by the reports of Technology and Economic Assessment Panel and its Technical Options Committees in the United States MDI nomination of CFC-12 and CFC-114 for the production year 1997 and its nomination of methyl chloroform for the production years 1996, 1997, 1998, 1999, 2000 and 2001 and to adjust the total amounts exempted to take into account the withdrawal of the New Zealand MDI nomination of CFC-11 and CFC-12 for production years 1996 and 1997, as specified in annex III to the note by the Secretariat on issues for consideration by the Open-ended Working Group (UNEP/OzL.Pro/WG.1/13/2);
4. That for 1998, for Parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in Annex IV to report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;
5. To permit the transfer of essential-use authorizations among Parties to allow consolidation of CFC-based MDI production facilities;
6. To allow the production of CFCs for medical applications on a periodic "campaign basis" to satisfy estimated future needs, rather than producing small quantities each year. The excess quantities could be held "in bond" by national Governments pending use as authorized by the Parties, provided this was found acceptable in maintaining adequate product purity of CFCs;*
7. To request the Parties to discourage trade in MDIs containing CFCs if alternatives are available;

* Note by the Secretariat. This is the recommendation of TEAP. It does not specify how much production is to be allowed. The Working Group may perhaps consider a limit of two or three times the annual quantity permitted by a Meeting of the Parties.

8. To request Parties to halt regulatory approval of new CFC-based MDI products or brand names if alternatives are available;
9. To allow the Secretariat, in consultation with the Technical and Economic Assessment Panel, to authorize, as an emergency procedure, consumption of quantities not exceeding tonnes of ODS for essential uses on application by a Party prior to the next scheduled Meeting of Parties. The Secretariat should inform the Meeting of the Parties at its next meeting the details of such approvals;
10. To modify the timetable established in decisions V/18 and VII/34 for nominations for production and consumption exemption of controlled substances in Annexes A and B of the Protocol for 1999 and subsequent years, as follows:
 - (a) 31 January of each year is the last date for essential-use nominations for decision in that year for any subsequent year;
 - (b) TEAP and its relevant Technical Options Committees will develop recommendations on the nominations and submit their report through the Secretariat by 30 April of the same year;
11. To approve the format for reporting quantities and uses of ozone-depleting substances produced and consumed for essential uses, as set out in the Annex IV to the note by the Secretariat on issues for consideration by the Open-ended Working Group (UNEP/OzL.Pro/WG.1/13/2) and to request each of the Parties that have had essential-use exemptions granted for previous years, to submit their report in the approved format by 31 January of each year;
12. To report on compliance with an industry transitional Code of Conduct for MDIs as part of data-reporting for existing essential uses and for new nominations for essential uses of MDIs from 1997;
13. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committees to review this reporting as a part of the nomination process;

clarification of the definition of
substances" under decision I/12 A
(item 6 of the provisional agenda)

Recommendation VIII/4.

"bulk

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/7 of the Seventh Meeting of the Parties;
2. To clarify decision I/12 A of the First Meeting of the Parties to the Montreal Protocol, as follows:

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"Trade and supply of methyl bromide in cylinders or any other container in units greater than 2 kg net will be regarded as trade in bulk in methyl bromide."

Recommendation VIII/5.
Control of trade with non-Parties

with respect to methyl bromide

(item 6 of the provisional
agenda)

Option 1

To consider the issue of control of trade with respect to methyl bromide with non-Parties at the Ninth Meeting of the Parties to the Protocol, in 1997;

Option 2

That, as of 1 January [1998][1999], each Party shall ban the export of the controlled substance in Annex E to any State not party to the Protocol and as of January, each Party shall ban the import of this controlled substance from any State not party to the Protocol;

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/29 of the Seventh Meeting of the Parties;

2. Option 1

To modify paragraph 1 of decision IV/25 on essential uses, as indicated in **bold type** below:

"1. To apply the following criteria and procedure in assessing an essential use for the purposes of control measures in Article 2 of the Protocol:

"(a) That a use of a controlled substance should qualify as "essential" only if:

"(i) It is necessary for the health (**encompassing national food supply**), safety or is critical for the functioning of society (**encompassing economic**, cultural and intellectual aspects); and

"(ii) There are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health.

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"(b) That production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

"(i) All economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance;

"(ii) The controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances; and

"(iii) It is demonstrated that a concerted effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes."

Option 2

To allow a temporary emergency use by a Party after the year 2010 subject to review at subsequent meetings of Parties;

Option 3

To allow "global exemptions" for listed uses with periodic review of the list and to request the Technology and Economic Assessment Panel to prepare this list, and submit it to the Parties through the Secretariat before [date];

Option 4

To allow global exemptions for all uses not included on a list of prohibited uses and to request the Technology and Economic Assessment Panel (TEAP) to prepare this list and submit it to the Parties through the Secretariat before [date];

Guideline 7. Minimizing emissions of halons
(item 7 of the provisional agenda)

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Halons Technical Options Committee pursuant to decision VII/12 of the Seventh Meeting of the Parties;
2. To encourage Parties to follow, on a voluntary basis, the guidelines for minimizing emissions of halons, as specified in annex I below;
3. To urge Parties to make a programme for destruction of halon-1211, bearing in mind that some halon-1211 will be needed for critical applications, notably for aviation and military uses;
4. To encourage all Parties to calculate the potential quantities of

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halon-1301 available for destruction by collecting data on the quantities required for essential uses and for how long;

5. To submit this information to the Industry and Environment Programme Activity Centre of the United Nations Environment Programme;

Recommendation VIII/8.

List of products containing controlled substances

in Group II of Annex C of the Protocol

(item 8 of the provisional agenda)

1. To note the conclusion of the Technology and Economic Assessment Panel on the elaboration of a list of products containing controlled substances in Group II of Annex C of the Protocol;
2. To decide not to elaborate the lists referred to in Article 4, paragraphs 3 ter and 4 ter of the Montreal Protocol;

Recommendation VIII/9. Organization and functioning of TEAP

1. To note with appreciation the report of the Informal Advisory Group on the organization and functioning of the TEAP;
2. To approve the terms of reference for TEAP proposed by the Panel in its report of June 1996;

1. To note with appreciation the report of the Secretariat on illegal imports and exports of ozone-depleting substances;
2. To request each Party to introduce within its territory a system requiring it to approve the import of any used, recycled or reclaimed ozone-depleting substances before they leave the exporting ports. Importers should sufficiently demonstrate to approving authorities that the ozone-depleting substances have indeed been previously used;
3. To request each Party to report to the Secretariat, data on recycling and reclamation facilities and their capacities as provided under decisions IV/24, paragraph 2, and VI/19, paragraph 4;
4. To modify decisions V/25 and VI/14 A by requiring each Party exporting any controlled substance [instead of only substances in Annexes A and E] to any Party after 1 January 1996 to report, annually, details of such each export to the Secretariat;

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5. To request all importing Parties to report to the Secretariat by 30 September each year on the types, quantities and origins of their imports of ODS during the previous year;
6. To request Parties not to trade in ODS with Parties that do not either report information required under Article 7, paragraphs (c), (d) and (e) or comply with the control measures of the Protocol;
7. To request the Executive Committee of the Multilateral Fund to favourably consider requests for financial assistance by Parties operating under Article 5 of the Protocol to enable them increase border patrols and enforcement of the law prohibiting illegal trade in ozone-depleting substances; tracking of production and exports; purchase of pressure gauges for use at major entry ports to identify contents of containers which may be falsely labelled; and establishment of recycling and reclamation facilities by Parties without such facilities;
8. To request each Party:
 - (a) To patrol their borders vigilantly for the purpose of enforcing the law on illegal trade in ODS;
 - (b) To monitor closely imports and exports of ODS in transit until the final destination;
 - (c) To institute severe penalties for illegal trade in ODS; and
 - (d) To introduce at the border entries chemical analysis equipment needed to distinguish various chemical substances;
9. To request the Technology and Economic Assessment Panel to study the possibility of instituting a registration number for each ODS production facility around the world for the purpose of identifying illegal trade in virgin ODS through applying such registration numbers to each container leaving a facility. The registration numbers of such facilities would be publicized so that imports and exports of ODS containers without registration numbers would not be allowed into the territories of the Parties;
10. To authorize the Technology and Economic Assessment Panel to inspect and report on any specific recycling facilities as and when requested by a Meeting of the Parties to the Protocol;

Recommendation VIII/11.
Issues relating to ratification of the Protocol
by non-Parties (item 10 (d) of the provisional
agenda)

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Recommendation VIII/12.
Proposed revised formats for the reporting
of data under Article 7 of the Protocol
(item 10 (e) of the provisional agenda)

- To approve the revised data formats as set out in annex V to the note by the Secretariat on issues for consideration by the Open-ended Working Group (UNEP/OzL.Pro/WG.1/13/2).

Annex I

GUIDELINES FOR MINIMIZING EMISSIONS OF HALONS

1. The essential-use criteria defined in decision IV/25, paragraph 1 (a), provide an appropriate and suitably stringent basis for assessing critical applications. In meeting these criteria, applications are confirmed to be:

- (a) Necessary; and
- (b) Reliant on the use of halon to achieve acceptable levels of fire safety, and are thus justifiable uses of recovered halon.

2. The Parties should encourage the use of suitable alternative approaches instead of halon systems, wherever possible.

3. The Parties should remove regulatory impediments that restrict use of halons for critical applications which meet the stringent criteria referred to in paragraph 1 above, and avoid the indiscriminate mandatory decommissioning of halon systems that are currently reliant on the use of halon-1301 to achieve acceptable levels of fire safety.

4. A significant level of decommissioning is already taking place on a voluntary basis for halon-1211 and 1301. Experience from countries that have implemented early decommissioning programmes indicates that the key contribution for success has been a consultative process with important stakeholders, as has been undertaken in several countries. This has enabled programmes to be designed to minimize the risk of premature emissions.

5. Applications which are not critical have (by definition, in accordance with the essential-use criteria) technically viable alternative approaches available. Such installations will, in due course, be decommissioned when the protected asset or its fire system reach the end of their life. The question thus becomes one of the periodic review of the economic feasibility of earlier retrofitting.

6. For halon-1211 in portable extinguishers, suitable alternatives are generally available. The problem becomes how small quantities widely dispersed can effectively be collected.

7. In the case of halon-1301, decommissioning will depend on various factors, including:

- (a) The remaining useful life of the protected asset and its fire system;
- (b) The cost of the alternative to be adopted;
- (c) The benefit obtained by the owner through demonstrable

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sensitivity to environmental issues; and

- (d) The market value obtainable for the halon removed.

Measures open to the Parties to encourage more widespread early retrofit would relate to items (b) – possibly by offering financial or fiscal incentives, (c) – perhaps by some form of recognition for users implementing voluntary decommissioning, and (d) – by acting to maintain an asset value for halon. These and other considerations, including safety, should be borne in mind in the decommissioning process.

8. Ensuring that halons are effectively recovered involves two steps. First, halon removed from systems must be captured and retained for potential recovery. To this end, it is desirable that the market price for recoverable halon is maintained at a level that ensures that financial as well as regulatory incentives encourage responsible behaviour. Secondly, the recovery and recycling process itself must be reliable and result in high quality material, preferably in accordance with ISO 7201, part 1, ASTM D 5632-94a or equivalent. Various measures meriting consideration to achieve this end are set out in the 1994 report of the Halons Technical Options Committee.

9. The use of halon in testing and training has already been dramatically reduced, and is now largely confined to instances where existing safety regulations demand such procedures. An example is the certification of fire protection systems for aircraft engines in accordance with international airworthiness regulations. Parties should bring pressure to bear, at a national and international level, on the regulatory bodies responsible for these codes, to encourage them to adapt the codes to allow the use of substitutes and stimulants as far as is possible without compromising safety.

10. A variety of measures can be adopted to ensure that environmental considerations are taken into account when selecting substitutes and replacements for halon. The United States Significant New Alternatives Program (SNAP) is an example of a regulatory programme intended to achieve this. The United Kingdom, on the other hand, has adopted a Voluntary Code of Practice on HFCs and PFCs, agreed between the fire industry and the Government. This non-regulatory approach is attracting considerable interest for potential application to the rest of the European Union. These forms of industry self-regulation ensure that the emission minimization strategies already developed for halon will continue to be applied for the alternatives and replacements which could have environmental impact. The final choice of agent is controlled by fire suppression effectiveness, personnel safety, cleanliness, speed of suppression, space, weight and cost, as well as environmental requirements.

11. The Halons Technical Options Committee has asked a number of national halon banks to assess the adequacy of recycled halon stocks to meet existing critical uses. The poll indicates an apparent excess of halon-1211 but no excess of halon-1301. In the case of halon-1301, it is not clear at present how much could be set aside for destruction and still meet the future needs for critical applications. Destruction is only advisable when a clear excess

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of halon is identified.

Annex II

FINAL REPORT OF THE MEETING OF THE INFORMAL
ADVISORY GROUP WITH THE TECHNOLOGY AND
ECONOMIC ASSESSMENT PANEL (TEAP)
GENEVA, 22 MARCH 1996

1. As authorized by the paragraph 5 (e) (iii) of decision VII/34 of the Seventh Meeting of the Parties to the Montreal Protocol, held in Vienna from 5 to 7 December 1995, the Secretariat appointed a small Informal Advisory Group (IAG) to meet with the Technology and Economic Assessment Panel (TEAP) and report back to the Parties on the progress made by TEAP with regard to its organization and functioning in accordance with paragraphs 5 (e) (i) and (ii) of the same decision. The Advisory Group consists of Burkina Faso, Colombia, Germany, Malaysia, Norway, Poland, Switzerland and Zimbabwe.

2. The Secretariat had informed all the Parties of the appointment and the meeting of the Advisory Group with TEAP on 22 March 1996 and had invited suggestions with regard to the organization and functioning of the Panel. Hungary, India, Pakistan, Poland, United Kingdom and the United States responded with suggestions. Poland's suggestions were elaborated taking into account comments made by Eastern European countries that were consulted on this matter. The Co-Chairs of the Technology and Economic Assessment Panel communicated a paper containing a list of issues to be discussed and the terms of reference for the operations of the TEAP to the Secretariat and to all the members of IAG.

3. The meeting of IAG with TEAP was held on 22 March 1996 in the International Conference Centre, Geneva, and started at 10.45 a.m. A list of participants is attached. The Executive Secretary of the Ozone Secretariat welcomed all the participants and explained that the countries chosen for the IAG were among those not currently represented in the TEAP and had expressed their interest in the assessment process. Two Parties were chosen from Africa, as Africa is least represented in the TEAP and the Technical Options Committees (TOCs). He introduced the paper communicated by the Secretariat to the participants earlier, which enumerated all the suggestions made and the various issues and options revealed by these suggestions.

4. The meeting elected Mr. Janusz Kozakiewicz of Poland as its Chair and approved the following agenda:

(a) Presentation by the TEAP Co-Chairs on the organization and functioning of the TEAP;

(b) Comments by the participants;

(c) Summary of the meeting presented by the Chair.

5. The Co-Chairs of TEAP made their presentation on the organization and functioning of the Panel and its terms of reference. They mentioned the

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following points:

(a) As approved by the Seventh Meeting of the Parties, TEAP has proceeded with efforts to improve the geographical and expertise balance. As a result, the 17 members of the Panel are now from 14 countries, compared to the nine countries previously. Five members are from Article 5 Parties at present and one from a country with an economy in transition (CEIT). The total number of members of TOCs has been brought down from 328 to 224 in order to streamline their functioning. Out of these, 49 are from Article 5 Parties and one from a country with an economy in transition;

(b) The non-Article 5 Party phase-out (except for several CEITs) is virtually complete and hence the needs of Article 5 and CEIT Parties should be the top priority for the TEAP in future. Hence, TEAP aims at a 50 per cent membership for these Parties in the Panel at the time of the Eighth Meeting of the Parties, mainly by the appointment of Co-Chairs from Article 5 or CEIT Parties for each TOC, and at increasing membership of Article 5 Parties on TOCs;

(c) TEAP needs help to promote and financially support the continued participation of the non-Article 5 experts, as some non-Article 5 Parties and industries are reducing the resources made available, compared to the past, for their ozone personnel in view of their completed phase-out;

(d) The participants from Article 5 and CEIT Parties in TEAP will need support not only for travel to meetings but also for the discharge of their duties as members of the Panel;

(e) The core values of the TEAP are harmony and consensus, independence and credibility. The Panel's mandate is to deal with technological choices and not political or policy issues;

(f) The TEAP is facing new challenges through increasing requests by the Parties for it to prepare more and more reports and to keep the reports objective and balanced, despite increasing attempts to influence them politically;

(g) TEAP requires support in protecting its core values and guidance. It also requires help in finding the best stakeholders and technology experts from Article 5 and CEIT Parties to participate in the assessment process;

(h) The continued encouragement and support by the Parties is an important motivator for TEAP and helps in producing excellent work.

6. The IAG members expressed their appreciation for the presentation by the Co-Chairs. They agreed that the effectiveness of the Panel has been a key element in the universally acclaimed success of the Protocol. They felt that this effectiveness should continue to be cherished and preserved. They noted with appreciation the progress made by TEAP in achieving geographical balance.

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7. The meeting then discussed the suggestions made on various issues with regard to the organization and functioning of TEAP and developed the following options for the consideration of the Open-ended Working Group:

(a) Organization:

- (i) TEAP should have a membership of about 18-22 to allow it to function effectively. It should consist of the Panel Co-Chairs, the Co-Chairs of all the TOCs and between four and six senior experts for specific expertise or geographical balance not covered by the TEAP or TOC Co-Chairs. Each TOC should have two, or if appropriate three Co-Chairs. The positions of TOC Co-Chairs, as well as those of the senior experts, must be filled so as to promote a balance in geographical distribution and expertise, including Article 5 and CEIT Parties. The overall aim should be to give a representation of about 50 per cent for Article 5 and CEIT Parties in TEAP and adequate representation of Article 5 and CEIT Parties in all the TOCs, subject to the availability of experts;
- (ii) The Meetings of the Parties to the Protocol should appoint all TEAP members, including its Co-Chairs. Normally, the procedure will involve a confirmation by the Parties of appointment proposals put forward by TEAP;
- (iii) Once appointed, the Co-Chairs and the TEAP members will continue until they relinquish their membership or become unable to function, unless a Meeting of the Parties decides otherwise for good reasons;
- (iv) Each TOC should have about 20-35 members unless a greater number is justified. The TOC members may be appointed by the TOC Co-Chairs in consultation with the Panel;
- (v) Nominations to TEAP, TOCs and subsidiary bodies should be based on technical expertise and geographical balance;
- (vi) If a TOC Co-Chair/senior expert resigns or is unable to function, TEAP can appoint a replacement and seek ratification of the appointment from the next Meeting of the Parties;
- (vii) Where there is a need for appointing subsidiary technical bodies to the TEAP/TOCs to report on specific issues, these can be constituted for limited duration. The Open-ended Working Group may wish to consider whether: (a) TEAP may appoint and dissolve (when no longer necessary) such subsidiary bodies of technical experts; or (b) whether the Meeting of the Parties alone may appoint or dissolve such subsidiary bodies;
- (viii) The TEAP/TOCs will draw guidelines for nominating experts by the Parties or others and place them before the next Meeting

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of the Parties. The TEAP/TOCs will publicize a matrix of expertise available and gaps in expertise in the TEAP/TOCs so as to facilitate the submission of appropriate nominations;

(b) Functioning:

- (i) The TEAP/TOCs meetings will be held in English only;
- (ii) The place and time of the TEAP/TOC meetings will be fixed by the Co-Chairs;
- (iii) The rules of procedure for meetings of the Parties to the Montreal Protocol will be followed in conducting the meetings of the TEAP/TOCs, unless otherwise stated in the terms of reference for TEAP/TOCs approved by a Meeting of the Parties;
- (iv) No observers will be permitted at the TEAP or TOCs meetings. However, anyone can present information to the TEAP/TOCs with prior notice and can be heard personally if the TEAP/TOCs consider it necessary. Any such information given to the TEAP should be sent to the relevant TOCs for consideration, if it pertains to the subject matter under consideration by these TOCs. No individual statement or presentation can be taken into account by the TEAP in its deliberations before consideration and evaluation by the relevant TOCs;
- (v) The TEAP/TOC members should serve in their personal capacity as experts, irrespective of the source of their nominations, and should accept no instructions from, nor function as representatives of, Governments, industries, NGOs or others;

(c) Reports:

- (i) The TEAP/TOCs reports will be developed through a consensus process or, if a consensus cannot be achieved, through a two-thirds majority. If an issue is decided upon by the TEAP/TOCs through a voting procedure, the reports should appropriately reflect the minority views;
- (ii) Access to materials and drafts considered by the TEAP/TOCs will be available only to TEAP/TOCs members or others designated by TEAP/TOCs;
- (iii) The reports of TOCs will be reviewed by the TEAP but will be forwarded by the TEAP to the Meeting of the Parties without modification. The Open-ended Working Group may wish to decide whether the same procedure will apply to the reports of subsidiary bodies or whether the TEAP can review and amend these reports, as necessary;
- (iv) Any member of the public can comment to the Co-Chairs of TOCs with regard to their reports, and they must respond as early

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as possible. If there is no response, these comments can be sent to the TEAP Co-Chairs for consideration by TEAP;

(d) Code of conduct:

- (i) The TEAP members should not be paid employees or consultants of firms manufacturing ODS or alternatives or products containing these substances;
- (ii) A code of conduct should be followed by the members of TEAP/TOC to avoid conflict of interest in the performance of their duties. In the event of a violation of the code of conduct by a member, the TEAP/TOC can dismiss that member by a two-thirds majority vote. The dismissed member of TEAP has the right of appeal to the next Meeting of the Parties through the Secretariat. A dismissed member of a TOC can appeal to TEAP; TEAP can decide on such issues by a two-thirds majority vote;

(e) Financial issues:

- (i) The Secretariat mentioned an indicative figure of about US\$ 350,000 per year as the additional allocation needed for both 1996 and 1997, (compared to US\$ 300,000 and US\$ 330,000, respectively, allocated at present in the budgets of the Trust Fund for the Montreal Protocol) to facilitate the participation of Article 5/CEIT experts, including the discharge of their duties as members of TEAP as and when membership of those Parties share is increased to 50 per cent. The Advisory Group recommends that the required amount should be provided for in the budget of the Trust Fund for the Montreal Protocol and should be made up through contributions from all the members, in accordance with the terms of reference of the Trust Fund;
- (ii) The IAG recommends that the TEAP members from Article 5/CEIT Parties should each be given US\$ 3,000 (three thousand dollars) per year to enable them to meet their expenditure in connection with their work for the TEAP/TOC, in addition to meeting their travel expenses. The necessary amount, i.e. about US\$ 30,000, should be provided for in the budget for the Trust Fund for the Montreal Protocol;
- (iii) The Article 5/CEIT Parties can be encouraged to nominate experts to the TOCs from their industries, and the industries may be encouraged to meet at least a part of the expenditure of the participation of their experts in the TOCs;
- (iv) Under its mandate, the Global Environment Facility (GEF) can meet the costs related to the protection of the ozone layer not met by the Multilateral Fund. GEF can be approached to promote the participation of Article 5/CEIT experts through financial assistance;

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- (v) The workshops of the UNEP Industry and Environment Programme Activity Centre under its programme financed by the Multilateral Fund and the TOC meetings can be coordinated so that the participation expenses of Article 5 Parties can be met by the Multilateral Fund;
 - (vi) The TOC meetings can be held in developing countries and can be used to promote information exchange for transfer of technologies. The Multilateral Fund can meet an appropriate part of the expenditure of the Article 5 participation in such meetings, if the Executive Committee permits, since such participation promotes the objectives of the Fund;
 - (g) General. It is necessary to continue and preserve the effectiveness of TEAP through support and allocation of more resources and to facilitate its continued independent functioning as an expert body.
8. The IAG requests the TEAP to consider these recommendations while preparing its terms of reference for consideration by the next meeting of the Open-ended Working Group.
9. The meeting ended with expressions of mutual regard.

Appendix

LIST OF PARTICIPANTS TO THE MEETING OF THE INFORMAL ADVISORY GROUP
WITH THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL
GENEVA, 22 MARCH 1996

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