



**United Nations  
Environment  
Programme**

Distr.: General  
22 September 2006

Original: English



**Eighteenth Meeting of the Parties  
to the Montreal Protocol on  
Substances that Deplete the Ozone Layer**  
New Delhi, 30 October–3 November 2006

**Item 9 of the provisional agenda  
of the high-level segment: \***  
**Adoption of decisions by the Eighteenth Meeting  
of the Parties to the Montreal Protocol**

## **Draft decisions and proposed adjustment**

### **Addendum**

#### **Revised proposal submitted by Canada on guidelines for the disclosure of interests for members of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies**

1. The annex to the present note contains a draft decision submitted by Canada on conflict of interests relating to members of the Technology and Economic Assessment Panel (TEAP) and its technical options committees and temporary subsidiary bodies.
2. The procedures to be established would be consistent with the code of conduct for members of TEAP and its technical options committees and temporary subsidiary bodies set forth in annex V of the report of the Eighth Meeting of the Parties<sup>1</sup>. Paragraph 5 of the code of conduct requires members of TEAP and its members to disclose activities, including business or financial interests in the production of ozone-depleting substances, their alternatives, and products containing ozone-depleting substances and alternatives, which might call into question their ability to discharge their duties and responsibilities objectively. Members must also disclose any financing from a company engaged in commercial activities which supports their participation in TEAP or its technical options committees or temporary subsidiary bodies.
3. It is proposed, therefore, that each member of TEAP or its technical options committees or temporary subsidiary bodies be asked to declare any interest that could constitute a real, potential or apparent conflict of interest with respect to his or her involvement in the work of TEAP or any of its technical options committees or temporary subsidiary bodies.

\* UNEP/OzL.Pro.18/1.

<sup>1</sup> UNEP/OzL.Pro.8/12.

## Annex

### **Decision XVIII/\_\_\_: Guidelines for disclosure of interest by members of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies**

*Recalling* decision VIII/19,

1. That, in nominating experts to the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies, Parties shall exercise due diligence in order to prevent real, apparent or potential conflicts of interest;

2. That each member of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies shall complete an annual disclosure of interests as set out in the annex to the present decision and shall promptly disclose any new interest that might arise between annual disclosures. Any new member shall complete a disclosure of interests within 30 days of his or her appointment;

3. That disclosures of interest should be made available to the co-Chairs, and to other members as appropriate, of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies, as well as to the Ozone Secretariat, and any Party so requesting;

4. That if any disclosure reveals a real, apparent or potential conflict of interest, the member in question should take mitigating measures in accordance with Annex B;

5. That, without prejudice to the obligations incumbent upon the individual members of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies as set out in paragraph 4, above, the Co-Chairs of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies should aim to prevent any adverse impact on the objectivity of the Panel and its and its technical options committees and temporary subsidiary bodies by raising issues of concern with the Parties for their consideration or by noting potential issues of concern in the Panel's reports. In so doing, the Co-Chairs should ensure that they are treating like cases alike and addressing broad conflicts issues applicable to all members;

6. That, subject to the provisions of decision VIII/19, the co-Chairs of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies, with the agreement of each member, shall publish in their reports accurate descriptions of the financial and other interests relevant to their deliberations pertaining to the Montreal Protocol and shall take all necessary measures to safeguard the restricted character of any additional confidential information provided in the disclosure of interest forms but not relevant to their deliberations. To the extent deemed appropriate and necessary for the implementation of decision VIII/19 and the present decision, such additional confidential information may be provided to the Secretariat of the Montreal Protocol;

7. That, in accordance with decision VIII/19, the co-Chairs of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies shall be responsible for the implementation of the present decision for themselves, holding themselves to the highest standards of strict technical objectivity, and their respective members and that the Technology and Economic Assessment Panel shall report annually to the Meeting of the Parties on the implementation of the present decision and decision VIII/9.

8. That, noting the TEAP Terms of Reference's requirement that TEAP not evaluate policy issues or recommend policy, the Co-Chairs evaluate all conflict of interest issues on a policy-neutral basis, and, noting that engagement in policy issues could be seen to impair the objectivity of panel members, the Co-Chairs and other TOC members should continue not to take part in the evaluation of policy issues or the recommendation of policy;

9. That the Parties shall keep under review the implementation of the present decision and, not later than five years after its adoption, shall decide whether to carry out a comprehensive assessment of its implementation with a view to making such amendments thereto as may be required.

## **Annex A**

### **Disclosure of interests by members of the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies**

#### *Functioning by members*

The members of the Technology and Economic Assessment Panel (TEAP) and its technical options committees (TOCs) and temporary subsidiary bodies (TSBs) members function on a personal basis as experts, irrespective of the source of their nominations, and accept no instruction from, nor function as representatives of, Governments, industries, non-governmental organizations or others. (para. 3.5 of annex V, decision VIII/19)

#### *What is a conflict of interest?*

A conflict of interest exists when a TEAP, TOC or TSB member or his/her business or personal partner, or the entity with which the expert has an employment relationship, has a financial or other interest that unduly influences the expert's position with respect to the subject matter being considered. An apparent conflict of interest exists when an interest would not necessarily influence the expert but could result in the expert's objectivity being questioned by others. A potential conflict of interest exists with an interest that any reasonable person could be uncertain whether or not it should be reported.

#### *Disclosure*

TEAP, TOC and TSB members shall disclose activities including government, business, financial or other interests in the production of ozone-depleting substances, their alternatives and products containing ozone-depleting substances and alternatives which might call into question their ability to discharge their duties and responsibilities objectively. TEAP, TOC and TSB members must annually disclose such activities. They must also disclose the source(s) of any financing from a company engaged in commercial activities which supports their participation in TEAP or any TOC or TSB (para. 5.5 of annex V, decision VIII/19).

#### *Annual publication of financial and other interests*

With the agreement of each member, a summary of the disclosed information relevant to the deliberations of TEAP and its TOCS and TSBs shall be published annually in conjunction with the TEAP, TOC and TSB reports, as appropriate.

#### *Illustrative list of interests*

The following is an illustrative list of the types of interests that should be disclosed:

- (a) A current proprietary interest you or an immediate family member may have in a substance, technology or process (e.g., ownership of a patent) to be considered in – or related to the subject matter of – any meeting or work of TEAP or any of its TOCs or TSBs;
- (b) A current financial interest you or an immediate family member may have, e.g., share of bonds in an entity with an interest in the subject matter of the meeting or work (except shareholdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares);
- (c) An employment, consultancy, directorship, or other position held by you or an immediate family member during the past five years, whether or not paid, in any entity which has an interest in the subject matter of the meeting or work, or an ongoing negotiation concerning prospective employment or other association with such commercial entity. This element of disclosure also includes

paid consultancy efforts performed on behalf of an implementing Agency to assist developing countries to adopt alternatives;

(d) The provision of advice to a Government by you or an immediate family member on the positions to be taken by that Government with respect to the Montreal Protocol within the past five years;

(e) Performance of any paid work or research during the past five years commissioned by an entity with interests in the subject matter of any meeting or work of TEAP or any of its TOCs or TSBs. Interests must also be disclosed where the person is engaged in research directly related to a specific proposed use or a specific proposed alternative to such use or has been engaged in developing or assessing a potential alternative for the proposed use that is not a candidate alternative for a specific proposed use at the time of evaluation;

(f) Payment or other support covering a period within the past five years, or an expectation of support for the future, from an entity with an interest in the subject matter of any meeting or work of TEAP or any of its TOCs or TSBs, even if it does not convey any benefit to an expert personally but does benefit his or her position or administrative unit, e.g., a grant or fellowship or other payment, e.g., for the purpose of financing a post or consultancy. In this context, a relevant interest is a competing substance, technology or process, or an interest in or association with, work for or support by an entity having a direct competitive interest must similarly be disclosed

#### **information for potential members on how to complete the disclosure of interest form**

Please complete this disclosure form and submit it to the Secretariat and co-chairs of TEAP and any relevant TOC or TSB. Any financial or other interests that could constitute a real, potential or apparent conflict of interest should be declared: 1) with respect to yourself, your business partner or personal partner; and 2) with respect to any entity with which you have an employment relationship.

Only the name of the entity and the nature of the interest are required to be disclosed. No amounts need to be specified (though they may be, if you consider this information to be relevant to assessing the interest).

#### *Assessment and outcome*

Your completed form will be reviewed and kept on file by the Co-Chairs of TEAP and the relevant TOCs and TSBs during your period of service. The information may be made available to the Secretariat, Parties, the Bureau and subsidiary bodies of the Montreal Protocol, as deemed appropriate. With the agreement of each member, a summary of the information relevant to the deliberations of TEAP and its TOCs and TSBs shall be published annually in conjunction with the TEAP, TOC and TSB reports, as appropriate.

#### **disclosure of interest to be completed by potential members**

D.1. Have you, your business partner or personal partner, or an immediate family member any financial or other interests in the subject matter of any meeting or work in which you will be involved which could be considered to constitute a real, potential or apparent conflict of interest? Yes/No (please circle one)

If yes, place a check mark next to the relevant matter to be disclosed:

1. A current proprietary interest in a substance, technology or process (e.g., ownership of a patent) to be considered in – or related to the subject matter of – any meeting or work of TEAP or any of its TOCs or TSBs;
2. A current financial interest, e.g., share of bonds in a commercial entity with an interest in the subject matter of the meeting or work (except shareholdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares);

3. Another interest which could be considered to constitute a real, potential or apparent conflict of interest that might call into question your ability to discharge your duties and responsibilities objectively.

If yes, please give details below (type of interest, e.g., patent, shares, employment, association, payment; name of commercial entity; whether the interests belong to you, your business partner or personal partner, or unit; current interest, or the year it ceased).

D.2. Have you, your business partner or personal partner, or an immediate family member had any interest in developing or advising national or regional delegations or other (e.g., business, association, or organizational) interests, or advising a government in its internal deliberative process, with regard to, the positions that they should take in international negotiations in the subject matter or work in which you will be involved that could be considered or constituting a real, potential or apparent conflict of interest? Yes/No (please circle one)

If yes, please place a checkmark next to the relevant matter to be disclosed:

1. Advising a government in its internal deliberative process on the positions to be taken with respect to the Montreal Protocol within the past three years;

Please give details below.

D.3. Do you, your business partner or personal partner, or an immediate family member have, or have they had during the past four years, an employment or other professional relationship with (such as directly representing) any entity directly involved in the production, manufacture, distribution or sale of substances listed under the Montreal Protocol, or their alternatives? Yes/No (please circle one)

If yes, please place a checkmark next to the relevant matter to be disclosed:

1. An employment, consultancy, directorship, or other position during the past five years, whether or not paid, in any commercial entity or entity, whether or not commercial, representing commercial interests which has an interest in the subject matter of the meeting or work, or an ongoing negotiation concerning prospective employment or other association with such commercial entity or entity, whether or not commercial, representing commercial interests. This element of disclosure also includes paid consultancy efforts performed on behalf of an implementing agency to assist developing countries to adopt alternatives;
2. An employment, consultancy, directorship, or other position during the past five years, whether or not paid, for any other entity, h has an interest in the subject matter of the meeting or work, or an ongoing negotiation concerning prospective employment or other association with such an entity. This element of disclosure also includes paid consultancy efforts performed on behalf of an implementing agency to assist developing countries to adopt alternatives;
3. Performance of any paid work or research during the past five years commissioned by an entity with interests in the subject matter of any meeting or work of TEAP or any of its TOCs or TSBs. Interests must also be disclosed where the person is engaged in research directly related to a specific proposed use or a specific proposed alternative to such use or has been engaged in developing or assessing a potential alternative for the proposed use that is not a candidate alternative for a specific proposed use at the time of evaluation;
4. 8. Payment or other support covering a period within the past five years from an entity with an interest in the subject matter of any meeting or work of TEAP or any of its TOCs or TSBs, even if it does not convey any benefit to an expert personally but does benefit his or her position or administrative unit, e.g., a grant or fellowship or other payment, e.g., for the purpose of financing a post or consultancy. In this context, a relevant interest is a competing substance, technology or process, or an interest in or association with, work for or support by an entity having a direct competitive interest.

5. 9. An expectation of payment or other support from an entity with an interest in the subject matter of any meeting or work of TEAP or any of its TOCs or TSBs, even if it does not convey any benefit to an expert personally but does benefit his or her position or administrative unit, e.g., a grant or fellowship or other payment, e.g., for the purpose of financing a post or consultancy. In this context, a relevant interest is a competing substance, technology or process, or an interest in or association with, work for or support by a commercial entity having a direct competitive interest.

If yes, please give details below (type of interest, e.g., patent, shares, employment, association, payment; name of commercial entity; whether the interests belong to you, your business partner or personal partner, or unit; current interest, or the year it ceased).

D.4. Is there anything else that could affect your objectivity or independence in any meeting or work in which you will be involved, or the perception by others of your objectivity and independence? If so, please provide details below.

I hereby declare that the disclosed information is correct and that no other situation of real, potential, or apparent conflict of interest is known to me. I undertake to inform you of any changes in these circumstances, including if any issue arises during any meeting or work in which I may be involved.

*Name:*

*Date:*

*Signature:*

I hereby declare that I shall regulate my conduct in accordance with the provisions of paragraphs 3 and 4 of Decision VIII/19 regarding the code of conduct by members of the Technology and Economic Assessment Panel.

*Name:*

*Signature:*

\_\_\_\_\_

**annex b mitigating actions for declared conflicts of interest**

Using the principal of self-disclosure, members must evaluate when it would be inappropriate for them to lend their expertise to assessment of an application or review of other technical matters before the committee. Depending on the degree of the potential conflict of interest, it may be appropriate for the member to completely abstain from the evaluation of a particular application, or alternatively to not actively participate in the evaluation of an application but to be present to comment if requested by another committee member.

Mitigating Actions:

- A. Takes no role in deliberation of relevant item (but may be silently present for discussion)
- B. Takes no role in deliberation of relevant item unless asked
- C. Fully participates

Application of mitigating actions to declared conflicts (see form for full description of each conflict)

Conflict	Action Taken		
	A	B	C
1. Proprietary interest by you/spouse			
2. Proprietary interest by other immediate family			

Conflict	Action Taken		
	A	B	C
3. Financial interest you/spouse			
4. Financial interest other immediate family			
5. Advise on Montreal Protocol within 3 years			
6. Advise on Montreal Protocol within 5 years			
7. Advise on Montreal Protocol by family member			
8. Commercial Employment/consultancy			
9. Non-commercial Employment/consultancy			
10. Employment/consultancy by family member			
11. Research for commercial entity			
12. Payment to organization			
13. Future payment to organization			