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EIGHTH MEETING OF THE PARTIES
TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete THE
OZONE LAYER

San José, 25-27 November 1996

TERMS OF REFERENCE OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL

Note by the Secretariat

As provided for at the thirteenth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol, held in Geneva from 26 to 29 August 1996 (see UNEP/OzL.Pro/WG.1/6, para. 144), the Secretariat is forwarding herewith for the consideration of the Eighth Meeting of the Parties the revised terms of reference of the Technology and Economic Assessment Panel (TEAP), as prepared by the Panel following the Working Group's discussion of the subject in Geneva.

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Annex

DRAFT TERMS OF REFERENCE OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL
(TEAP)

Parties have requested that the Technology and Economic Assessment Panel (TEAP) annually update the status of technical feasibility and the phase-out progress.

1. Scope of Work

The tasks undertaken by the TEAP are those specified in Article 6 of the Montreal Protocol in addition to those requested from time to time at Meetings of the Parties. The TEAP analyses and presents technical information. It does not evaluate policy issues and does not recommend policy. The TEAP only presents a consensus of technical information relevant to policy. Furthermore, the TEAP does not judge the merit or success of national plans, strategies, or regulations.

2. Organization of Technology and Economic Assessment Panel (TEAP),
Technical Options Committees (TOCs) and Temporary Subsidiary Bodies
(TSBs)

2.1 Size and Balance

The membership size of the TEAP should be about 18-22 to allow it to function effectively. It should consist of the Co-Chairs of the TEAP, the Co-Chairs of all the TOCs and 4-6 Senior Experts for specific expertise or geographical balance not covered by the TEAP Co-Chairs or TOC Co-Chairs. Each TOC should have two or, if appropriate, three Co-Chairs. The positions of TOC Co-Chairs as well as of the Senior Experts must be filled to promote a geographical and expertise balance. The overall goal is to achieve a representation of about 50% for Article 5(1) Parties in the TEAP and TOCs, subject to the availability of experts and financing.

2.2 Nominations

Nominations to TEAP, TOCs, and Temporary Subsidiary Bodies (TSBs) are based on technical expertise and geographical balance. Nominations may be submitted by Parties or from TEAP.

2.3 Appointment of Members of TEAP

The Meetings of the Parties to the Protocol appoint the members of the TEAP, including its Co-Chairs. The TEAP may put forward appointment proposals and recommendations to the Meeting of the Parties. TEAP may appoint members to temporarily fill openings between Meeting of the Parties if necessary to complete the work.

2.4 TEAP Continuance

Once appointed, the Co-chairs and the members of the TEAP continue until they relinquish or are unable to function, unless a Meeting of the Parties decides otherwise.

2.5 Appointment of Members of TOCS

Each TOC should have about 20-35 members. The TOC members are appointed by the TOC Co-Chairs in consultation with the TEAP.

2.6 Termination of Appointment

TEAP/TOC can dismiss a member for violation of the Code of Conduct by two-thirds majority vote. A dismissed member of TEAP or TOC 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, which can decide on such issues with a two-thirds majority vote, and can appeal to the next Meeting of the Parties through the Secretariat.

2.7 Replacement

If a TOC Co-Chair/Senior Expert relinquishes or is unable to function, the TEAP after consultation of the Nominator can appoint a replacement and seek concurrence from the next Meeting of the Parties.

2.8 Subsidiary Bodies

Temporary Subsidiary Technical Bodies (TSBs) can be appointed by the TEAP/TOCs to report on specific issues of limited duration. The TEAP/TOCs may appoint and dissolve, subject to review by the Parties, such subsidiary bodies of technical experts when they are no longer necessary. The Code of Conduct must be followed by the members of TSBs to avoid conflict of interests in the performance of their duties.

2.9 Guidelines for Nominations

The TEAP/TOCs will draw up guidelines for nominating experts by the Parties or others and place them before the Eighth Meeting of the Parties. The TEAP/TOCs will publicize a matrix of expertise available and the expertise gap in the TEAP/TOCs so as to facilitate submission of appropriate nominations.

3. Functioning of TEAP/TOCs/TSBs

3.1 Language

The TEAP/TOCs/TSBs meetings will be held and reports and other documents will be produced only in English.

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3.2 Scheduling of Meetings

The place and time of the TEAP/TOCs/TSBs meetings will be fixed by the Co-chairs.

3.3 Rules of Procedure

The rules of procedure of the Montreal Protocol will be followed in conducting the meetings of the TEAP/TOCs/TSBs, unless otherwise stated in the terms of reference for TEAP/TOCs/TSBs approved by a Meeting of the Parties.

3.4 Observers

No observers will be permitted at the TEAP, TOC or TSB 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.

3.5 Functioning by Members

The TEAP/TOCs/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, NGOs or others.

4. Report of TEAP/TOCs/TSBs

4.1 Procedure

The TEAP/TOCs/TSBs 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 must reflect the minority views appropriately.

4.2 Access

Access to materials and drafts considered by the TEAP/TOCs/TSBs will be available only to TEAP/TOCs members or others designated by TEAP/TOCs/TSBs.

4.3 Review by TEAP

The reports of TOCs and TSBs will be reviewed by the TEAP and will be forwarded by the TEAP to Meetings of the Parties.

4.4 Comment by Public

Any member of the public can comment to the Co-Chairs of TOCs and TSBs with regard to their reports and they must respond as early as possible. If there is no response, these comments can be sent to the TEAP Co-Chairs for consideration by TEAP.

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5. CODE OF CONDUCT BY MEMBERS OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL

Code of Conduct

Members of the TEAP, TOCs and the TSBs have been asked by the Parties to undertake important responsibilities. As such, a high standard of conduct is expected of Members in discharging their duties. In order to assist Members, the following guidelines have been developed as a Code of Conduct.

1. This Code of Conduct is intended to protect Members of the TEAP, TOCs and TSBs from conflicts of interest in their participation. Compliance with the measures detailed in these guidelines is a condition for serving as a Member of the TEAP, the TOCs or the TSBs.
2. The Code is to enhance public confidence in the integrity of the process while encouraging experienced and competent persons to accept TEAP, TOC and/or TSB membership by:
 - . establishing clear rules of conduct with respect to conflict of interest while and after serving as a Member, and
 - . by minimizing the possibility of conflicts arising between the private interest and public duties of Members, and by providing for the resolution of such conflicts, in the public interest, should they arise.
3. In carrying out their duties, Members shall:
 - . perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the TEAP, TOCs and TSBs are conserved and enhanced;
 - . act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law of any country;
 - . act in good faith for the best interest of the process;
 - . exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
 - . not give preferential treatment to anyone or any interest in any official manner related to the TEAP, TOCs or TSBs;
 - . not solicit or accept gifts, hospitality, or other benefits from persons, groups or organizations having or likely to have dealings with the TEAP, TOCs or TSBs;

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- . not accept transfers of economic benefit, other than incidental gifts, customary hospitality, or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the Member;
 - . not step out of their role as a Member to assist other entities or persons in their dealings with the TEAP, TOCs or TSBs where this act would result in preferential treatment to any person or group;
 - . not knowingly take advantage of, or benefit from, information that is obtained in the course of their duties and responsibilities as a Member of the TEAP, TOCs and TSBs, and that is not generally available to the public; and
 - . not act, after their term of office as a Member of the TEAP, TOCs or TSBs in such a manner as to take improper advantage of their previous office.
4. To avoid the possibility or appearance that Members of the TEAP, TOCs or TSBs might receive preferential treatment, Members shall not seek preferential treatment for themselves or third parties or act as paid intermediaries for third parties in dealings with the TEAP, TOCs or TSBs.
 5. TEAP Members shall disclose activities including business or financial interest in 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 members must annually disclose such activities.
 6. The TEAP/TOC/TSB Members are responsible for interpretation and application of this Code of Conduct.
