

**MONTREAL PROTOCOL  
ON SUBSTANCES THAT DEplete  
THE OZONE LAYER**



**UNEP**

**REPORT OF THE  
TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL**

**MAY 2012**

**VOLUME 3**

**DECISION XXIII/10 TASK FORCE REPORT**

**UPDATING THE NOMINATION AND OPERATIONAL PROCESSES OF THE  
TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL AND ITS SUBSIDIARY  
BODIES**



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On Substances that Deplete the Ozone Layer**

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The opinions expressed are those of the Panel and its XXIII/10 Task Force and do not reflect the reviews of any sponsoring or supporting organisation.

The TEAP and its XXIII/10 Task Force thank the Bundesministerium fuer Umwelt, Naturschutz und Reaktorsicherheit in Berlin, Germany, for hosting the TEAP meeting, 26-30 March 2012, where this report was first discussed and proposals were made for a next revised draft to be circulated to all TEAP members for initial comments. The Task Force also thanks the U.S. Environmental Protection Agency Region 5 (Great Lakes) Office Chicago, USA for hosting its second meeting, to conduct further discussion, address comments, and finalise the report. The final draft report was then again reviewed and approved by the entire TEAP membership via e-mail.

## **Foreword**

### **The May 2012 TEAP Report**

The May 2012 TEAP Report consists of three volumes:

**Volume 1:** May 2012 TEAP Progress Report

**Volume 2:** May 2012 TEAP XXIII/9 Task Force Report

**Volume 3:** May 2012 TEAP XXIII/10 Task Force Report

#### **Volume 1**

Volume 1 contains the MTOC essential use report, progress reports, the MB CUN report, and TEAP-TOC issues as requested by Decision XXIII/10.

#### **Volume 2**

Volume 2 is the Assessment Report of the TEAP XXIII/9 Task Force on additional information on alternatives to ozone-depleting substances.

#### **Volume 3**

Volume 3 of the TEAP Progress Report contains the report of the Task Force responding to Decision XXIII/10 (this report).

**DECISION XXIII/10 TASK FORCE REPORT  
 UPDATING THE NOMINATION AND OPERATIONAL PROCESSES OF THE TECHNOLOGY AND  
 ECONOMIC ASSESSMENT PANEL AND ITS SUBSIDIARY BODIES**

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# 1 Report Structure

This report consists of nine Chapters and five Annexes as follows:

*Chapter One* provides a description of the contents of the report and how they are organized

*Chapter Two* presents an introduction to the report, including relevant issues identified by the task force in the course of its work and a description of the scope of work as mandated by Decision XXIII/10. It also includes information on the composition of the task force and on how the task force addressed its work.

*Chapter Three* addresses the issue of “Expertise and Balance” in the different TOCs presently composing TEAP. It presents current composition of the TEAP and its TOCs and updates the matrix of needed expertise for each TOC.

*Chapter Four* addresses nominations and appointments to TEAP, TOCs and TSBs. It includes information on how nominations can be made for each of these bodies, plus relevant matters that should be considered when a Party wishes to submit a nomination. The reader is further directed to Annex C for a standardised nomination form. The chapter further addresses appointments to TEAP and its subsidiary bodies and the length (and possible renewal) of such appointments. It finally addresses information that should be given to all new members joining the bodies for the first time.

*Chapter Five* separately addresses guidelines for the appointment of TEAP co-chairs.

*Chapter Six* presents proposed revisions to current membership numbers and balance (geographical and A5/ non-A5) in the TOCs and TSBs composing TEAP, as mandated by Decision XXII/10. Each TOC is addressed in a separate section.

*Chapter Seven* addresses the approach used to consider amendments and updates to the Terms of Reference of the TEAP. The reader is directed to Annex D of this report for a specific proposal in this respect.

*Chapter Eight* considers issues associated with the development of recusal guidelines for consideration by the Parties.

*Chapter Nine* describes a way forward as envisioned by the Task Force on the basis of its work.

The report further includes five Annexes as follows:

*ANNEX A* contains the full text of Decision XXIII/10

*ANNEX B* presents matrices of expertise of current TOC membership (separately for each TOC)

*ANNEX C* provides a draft standardised nomination form for consideration by the Parties

*ANNEX D* presents a draft update of the Terms of Reference of the TEAP

*ANNEX E* proposes draft recusal guidelines for TEAP, TOC and Task Force members.



## 2 Introduction

Decision XXIII/10 anticipates changes to TEAP procedures and this report provides information requested by Parties that can inform any decisions. In preparing this response to Decision XXIII/10, TEAP has found cause to reflect on the fact that there have been a number of changes in its working environment over its twenty-three year existence. Some of the changes have been abrupt, but a number have been gradual and might even have passed unrecognized at the time. As the Montreal Protocol has matured in its implementation, there have been changes in both emphasis and focus, particularly over the last ten years. The shift from a mix of transition activities by Non-Article 5 and Article 5 Parties to transition activities predominantly by Article 5 Parties has had a particular bearing on the issues that TEAP has been asked to address. In order to meet the continuing needs of the Parties, there is a growing need to refresh TEAP and TOC memberships as old issues have been resolved and new ones have emerged. TEAP will need to continue to address the same challenges in the near term and, therefore, welcomes the opportunity provided by Decision XXIII/10 to address some of the procedures required to respond to this changing environment.

In responding to the specific requests of Decision XXIII/10, TEAP has identified additional operating procedures that could benefit from being better defined. This is particularly the case where TEAP and some TOC memberships have become more focused around the assessment of technology solutions for developing countries or are otherwise concentrated on the remaining issues being dealt with under the Protocol. This then places additional pressures on, for example, the disclosure and management of interests of members in the review of CUEs and EUEs, the clarification and enforcement of recusal and the rules for submission of minority views. There is also a need to take advantage of new communication technologies that can reduce the cost of TEAP, TOC, and Task Force operations, but this requires accompanying procedural innovation. Where these issues have not been addressed directly in the response to Decision XXIII/10, they have been noted in Chapter 9 of this Report.

### 2.1 Mandate and Scope of the Report

Decision XXIII/10 requests the Technical and Economic Assessment Panel (TEAP) to,

*“1... compose its technical options committees and its temporary subsidiary bodies to reflect a balance of appropriate expertise so that their reports and information are comprehensive, objective, and policy neutral and to provide a description in reports by temporary subsidiary bodies on how their composition was determined;*

*“2... update its matrix of needed capabilities calling for expertise on the Panel, its technical options committees and its temporary subsidiary bodies twice a year and to publish the matrix on the Secretariat website and in the Panel’s annual progress reports; this matrix should include the need for geographic and expertise balance;*

*“3... ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise and that information on the nomination process, the selection process, the Panel’s terms of reference and the operation of the Panel and its subsidiary bodies is published on the Secretariat website in an easily accessible format;*

*“4... standardize the information required from potential experts for all nominations to the Panel, its technical options committees and its temporary subsidiary bodies in line with section 9.5.4 of the (TEAP) 2011 progress report, and to prepare a draft nomination form for consideration by the OEWG at its thirty-second meeting;*

*“5... ensure that all nominations for appointments to the Panel, including co-chairs of the technical options committee, are agreed to by the national focal points of the relevant party;*

*“6... ensure that all nominations to its technical options committees and its temporary subsidiary bodies have been made in full consultation with the national focal points of the relevant party;*

*“16... ensure that all new technical options committee members are properly informed of the Panel’s terms of reference, its code of conduct contained in the Panel’s terms of reference, relevant decisions of the parties and Panel operational procedures and are requested to abide by that guidance;*

*“17... revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group at its thirty-second meeting for consideration by the Parties;*

*“18... prepare guidelines, for the appointment of the co-chairs of the Panel and to provide them to Open-ended Working Group at its thirty-second meeting for consideration by the Parties;*

*“19... consider the number of members of each of its subsidiary bodies to ensure that their membership is consistent with each of the subsidiary bodies’ workload and to propose revision to their numbers to the Open-ended Working Group at its thirty-second meeting for the consideration of the Parties, taking into account the need for geographical balance in accordance with decision VII/34;*

*“20... update its terms of reference in accordance with this decision and submit it to the Open-ended Working Group at its thirty-second meeting for consideration by the Parties;*

and,

*“21... not to apply the guidelines mentioned in paragraphs 17 and 18 until they are approved by the Parties;*

The full text of the Decision appears in Annex A.

## **2.2 Organisation of Work**

In response to Decision XXIII/10, TEAP set up a balanced Task Force (TF) of nine members, which included members of all TOCs plus two TEAP senior experts and an ex-officio co-chair, as follows:

### **Co-chairs**

<i>Alistair McGlone, UK</i>	<i>Task Force co-chair (non-A5)</i>
<i>Bella Maranion, USA</i>	<i>TEAP Senior Expert (non-A5)</i>
<i>Marta Pizano, Colombia</i>	<i>MBTOC and TEAP co-chair (A5)</i>

### **Members**

<i>Paul Ashford, UK</i>	<i>FTOC co-chair (non-A5)</i>
<i>Roberto Peixoto, Brazil</i>	<i>RTOC co-chair (A5)</i>
<i>Helen Tope, Australia</i>	<i>MTOC co-chair (non-A5)</i>
<i>Dan Verdonik, USA</i>	<i>HTOC co-chair (non-A5)</i>
<i>Masaaki Yamabe, Japan</i>	<i>TEAP Senior Expert (previous CTOC co-chair) (non-A5)</i>
<i>Shiqiu Zhang, China</i>	<i>TEAP Senior Expert (A5)</i>

Task Force work was conducted initially by electronic communication. A draft was circulated to all TF members, and the work was discussed and reviewed during the TEAP meeting held in Berlin, March 26-30, 2012. The TF met during and for one day immediately after the TEAP meeting to make further progress in the preparation of the report. Following further TF consultation via e-mail and telephone, a revised draft was subsequently circulated to all TEAP members for initial comments. The TF once again met in April 25-27, 2012 in Chicago, USA, to conduct further discussion, address comments, and finalise this report. The report was reviewed and approved by TEAP via e-mail.

### 3 TOC Expertise and Balance

#### 3.1 Balance

Paragraphs 1-4 of Decision XXIII/10 give instructions to TEAP on the composition, balance and size of its TOCs and TSBs, which takes into consideration,

*“... a balance of appropriate expertise so that their reports and information are comprehensive, objective, and policy neutral and to provide a description in reports by temporary subsidiary bodies on how their composition was determined:*

Decision XXIII/10 requests TEAP to

*“... consider the number of members of each of its subsidiary bodies to ensure that their membership is consistent with each of the subsidiary bodies’ workload and to propose revision to their numbers to the Open-ended Working Group at its thirty-second meeting for the consideration of the Parties, taking into account the need for geographical balance in accordance with decision VII/34;*

As discussed in its report in response to Decision XXII/22 (TEAP, 2011), TEAP considers that there are many possible ways to determine the proper balance of members of its TOCs and TSBs. The TEAP recommended a “balance” of members from Article 5 and non-Article 5 Parties and also a need for adequate regional distribution. TEAP believes that this still holds in relation to recent instructions received from the Parties and contained in Decision XXIII/10. The current balance of TEAP and its TOCs is provided in Table 3-1.

**Table 3-1: Regional Distribution of TEAP and TOCs in May 2012**

	Non-A5	A5	Regional Distribution*							
			NAM	LAM	E	AF	MEA	EE**	A	O
<b>TEAP***</b>	<b>15</b>	<b>7</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>1</b>		<b>1</b>	<b>4</b>	<b>3</b>
<b>TOCs</b>										
CTOC	8	6	3	1	1	1	1	1	5	1
FTOC	13	5	6	2	5	1			3	1
HTOC	13	7	4	1	6	1	2	2	4	
MTOC	18	11	7	3	8	1	1		7	2
MBTOC	22	13	7	4	10	4	1	1	5	3
RTOC	20	7	6	3	12		1	1	4	
<b>TOC Total</b>	<b>94</b>	<b>49</b>	<b>33</b>	<b>14</b>	<b>42</b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>28</b>	<b>7</b>

\* NAM: North America, LAM: Latin America, E: Europe, AF: Africa, MEA: Middle East Asia, EE: Eastern Europe, A: Asia, and O: Oceania

\*\* Includes Countries with Economies in Transition (CEIT)

\*\*\* **TEAP Members** (as of 2012): **Co-chairs:** Stephen O. Andersen, Lambert Kuijpers, Marta Pizano; **Senior Expert Members:** Bella Maranion, Shiqiu Zhang, Masaaki Yamabe; **TOC Co-chairs:** **CTOC:** Ian Rae, Keiichi Ohnishi, Jiang Biao; **FTOC:** Paul Ashford, Miguel Quintero; **HTOC:** David Catchpole, Sergey Kopylov; Daniel Verdonik; **MTOC:** Jose Pons, Helen Tope, Ashley Woodcock; **MBTOC:** Mohamed Besri, Michelle Marcotte, Marta Pizano, Ian Porter; **RTOC:** Lambert Kuijpers, Roberto Peixoto; **TSB Co-chair:** Alistair McGlone.

## 3.2 Expertise

Decision XXIII/10 requests TEAP,

*“... to update its matrix of needed capabilities calling for expertise on the Panel, its technical options committees and its temporary subsidiary bodies twice a year and to publish the matrix on the Secretariat website and in the Panel’s annual progress reports; this matrix should include the need for geographic and expertise balance;*

Information provided in the matrix should be clear and sufficient to allow for thorough understanding of the expertise required and should include information on the nomination and selection processes, in accordance with TEAP TOR.

Tables depicting current and needed expertise for each TOC, where applicable, have been included in Annex B at the end of this report.

### 3.2.1 Update of Matrix of Needed Expertise

Currently, the TEAP and TOC ‘call for experts’ is managed through updates of a simple matrix that is publicized through the annual TEAP Progress Report and the Ozone Secretariat website at [http://ozone.unep.org/Assessment\\_Panels/TEAP/TEAP-Nominations.shtml](http://ozone.unep.org/Assessment_Panels/TEAP/TEAP-Nominations.shtml). This matrix is updated regularly by TEAP.

Decision XXIII/10 requests the TEAP “... to standardize the information required from potential experts for all nominations to the Panel, its technical options committees and its temporary subsidiary bodies”

The updated matrix (as of May 2012) appears in Table 3-2.

**Table 3-2: TEAP/TOC current openings for qualified experts valid to 2012**

<b>Body</b>	<b>Required Expertise</b>	<b>Position(s)</b>
<b>Methyl Bromide TOC</b>	<p>Quarantine and pre-shipment</p> <p>Issues related to the validation of alternatives to MB for certification of nursery plant materials related to movement across state and international boundaries and related risk assessment</p> <p>Expert in economic assessment of alternatives to MB</p> <p>Postharvest entomologist</p>	<p>A5 particularly for QPS from Asia</p> <p>Alts for Soil preplant fumigation expertise</p> <p>Economist</p> <p>A5</p>
<b>Halons TOC</b>	<p>Aviation User - Latin America and/or China Airframe manufacturer; Airline from other highlighted regions</p> <p>General Fire Protection New Chemical Alternatives – China and/or India</p> <p>Banking Inventories - Particularly China and other Asia; Northern Africa also helpful</p> <p>China - Regional knowledge (ties to Inventories and New Chemicals)</p> <p>Defense / Space Users - Europe</p> <p>Environmental Regulatory / Policy - One A5 or if two 1 A5 and 1 non-A5</p>	<p>A5 and non-A5</p> <p>A5</p> <p>A5</p> <p>A5</p> <p>Non-A5 non-A5 (and A5)</p>
<b>Foams TOC</b>	<p>Additional polyurethane foam expertise from North America (both in appliances and PU Spray Foam)</p> <p>XPS representation from Europe</p> <p>South Asia representation on PU and/or XPS foam representation</p> <p>Japan PU and/or XPS representation</p> <p>South East Asian representation on PU foams representation</p> <p>Sub-Saharan Africa representation on PU representation foams</p>	<p>Members, from North America particularly from CEIT countries, Asia, Japan and Africa</p> <p>From Europe</p> <p>From South Asia</p> <p>From Japan</p> <p>From South East Asia</p> <p>From Sub Saharan Africa</p>
<b>Refrigeration TOC</b>	<p>Additional experts not currently required (since committee is being reorganised and needs to look at 10 new nominations during May 2012)</p>	
<b>Medical TOC</b>	<p>Additional experts not currently required.</p>	
<b>Chemicals TOC</b>	<p>Experts in destruction technologies</p> <p>Experts in industrial chemistry or chemical engineering</p>	<p>A5 and non-A5</p> <p>A5 and non-A5</p>





## 4 Nominations and Appointments

Table 4-1 summarizes how TEAP, TOCs, and TSB members are nominated and appointed, taking into account Decision XXIII/10:

**Table 4-1: Summary of Nomination, Appointment, and Reappointment Processes**

POSITIONS		Recommended by	Nomination* by:	Appointment through:	Reappointments
<b>TEAP</b>	Co-chair	Parties/TEAP	Parties	Decision of Parties	Same as appointment
	Senior Expert	Parties/TEAP	Parties	Decision of Parties	Same as appointment
	TOC co-chair	Parties/TEAP	Parties	Decision of Parties	Same as appointment
	TSB co-chair	Parties/TEAP	TEAP co-chairs/TOC co-chairs	TEAP co-chairs/TOC co-chairs	Parties to confirm if TSB exists more than 1 year
<b>OTHER</b>	TSB member	Parties/TEAP/TOC	TSB co-chairs	TSB co-chairs	Parties to confirm if TSB exists more than 1 year
	TOC member	Parties/TEAP/TOC	Parties/TOC Co-chairs	TOC Co-chairs	Same as appointment. Parties to review list of TOCs every four years

\* Nomination refers to both first-time nominations and re-nominations.

### 4.1 Nominations

Decision XXIII/10 requires the following with regard to nominations or re-nominations:

3. ...to request the Panel to ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise and that information on the nomination process, the selection process, the Panel's terms of reference and the operation of the Panel and its subsidiary bodies is published on the Secretariat website in an easily accessible format;
4. Further to request the Panel to standardize the information required from potential experts for all nominations to the Panel, its technical options committees and its temporary subsidiary bodies in line with section 9.5.4 of the 2011 progress report, and to prepare a draft nomination form for consideration by the Open-ended Working Group at its thirty-second meeting;
5. To request the Panel to ensure that all nominations for appointments to the Panel, including co-chairs of the technical options committee, are agreed to by the national focal points of the relevant party;
6. To request the Panel to ensure that all nominations to its technical options committees and its temporary subsidiary bodies have been made in full consultation with the national focal points of the relevant party;

8. That members of the Panel or of the technical options committee may be re-nominated for additional periods of up to four years each;

9. That the terms of all the members of the Panel and its technical options committees shall otherwise expire at the end of 2013 and 2014, respectively, in the absence of reappointment by the parties prior to that time, except for those experts that have already been nominated for four-year periods in past decisions;

10. That parties may revisit the status of the Panel and its technical options committee membership at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively if more time is needed by the parties to submit nominations;

11. To invite the parties having co-chairs and members currently serving on the Panel and its technical options committees to submit re-nominations for those experts in line with paragraphs 7, 8 and 9 of the present decision for consideration at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively;

Paragraphs 3 and 4 regarding nomination information and a standardised form are discussed in section 4.1.1 below. Paragraphs 5 and 6 (ensuring that the national focal points of the relevant party are involved in nominations) and paragraphs 8 and 9 (covering the re-nomination of members with expiring terms) are requirements that have been incorporated into the amended TOR (see Annex D). Paragraphs 10 and 11 cover nominations by Parties. Further information is provided in section 4.1.2 below as guidance to Parties on this process.

#### **4.1.1 Nomination information**

In accordance with paragraph 3, information on the nomination process will be made available on the Ozone Secretariat website along with the matrix of needed capabilities for TEAP, TOCs, and TSBs. As requested by paragraph 4, this section discusses the standard information required for all nominations, and provides a draft nomination form in Annex C to this report.

Relevant information for a nomination includes the following:

- Cover letter. The nomination should explain the nominee's experience, qualifications and competence.
- Formal education and other qualifications. An advanced academic degree is desirable but not necessary when a combination of experience and specialization may offer sufficient qualification.
- Employment and other relevant work experience as an expert. This would include Montreal Protocol experience; policy and regulatory experience on a national or international level; academic, government, consultancy or industry experience related to ODS phase-out which could relate to a specific region; direct experience with ODS transition in sectors of use, including evaluation of alternatives and their commercial adoption, design and/or manufacturing of equipment using ODS alternatives; international experience and description of any work performed in an international group/environment; experience in a multidisciplinary environment, preferably but not necessarily in an international context; and communication skills based on teaching experience, public presentations, active participation in meetings, publications, and preparation of reports.
- Past performance conducting similar or related work. For example, the applicant's ability to prepare reports, participate on committees, manage diverse and opposing views, resolve conflict, and meet deadlines. Information provided by the applicant and also relevant information from other sources will be considered.

- *Affiliated country and/or world region* (i.e., *Europe, North America, Africa, Latin America, Asia, Middle East Asia, Eastern Europe, and Oceania*). This is where the nominee resides or has experience.
- *English and other language proficiency*. Good command of the English language, both written and verbal, is required. The TEAP and its TOCs work and write only in English as per TEAP TOR paragraph 3.1. Language(s) in addition to English are often required to access the technical literature, communicate with Parties, and to appreciate the special circumstances of Parties seeking CUEs, EUE, and other actions.
- *Relevant professional references*. This may include recommendations by colleagues or peers and others.

Additional information or qualifications that would aid the selection process include but are not limited to:

- *Relevant publications*. These may support the applicant's experience and/ or qualifications.
- *Professional memberships and/or awards*. These may be an indication of competence or access to important networks.
- *Source of funding or support for position*. Article 5 candidates receive funding for travel and other meeting expenses from the Ozone Secretariat, but non-Article 5 members must identify and organize their own funding of travel and other meeting expenses and compensation. Lack of funding can make participation difficult or even impossible.
- *Disclosure of interest*. Disclose specific interests that may not already be included in other supporting information and which could have bearing on matters likely to be considered by the relevant TOC.
- *Confirmation of review and agreement*. Agreement to abide by Panel's terms of reference, its code of conduct contained in the Panel's terms of reference, relevant decisions of the parties and Panel operational procedures.

For a draft standardised nomination form, see Annex C.

#### **4.1.2 Nominations to TEAP**

Paragraph 5 of Decision XXIII/10 requires that “all nominations for appointments to the Panel, including co-chairs of the technical options committee, are agreed to by the national focal points of the relevant party.” This has been incorporated into the amended TOR (see Annex D).

As indicated in Table 4-1, TEAP members include the positions of Co-chair, Senior Expert Member, TOC Co-chair, and TSB Co-chair. Members are nominated by Parties, with the exception of TSB Co-chairs, and the TEAP may make recommendations to the relevant Party for consideration. It is desirable that TEAP be consulted before recommendations for appointment are made. Guidelines for the appointment of the co-chairs of the Panel are provided in section 5 of this report.

In the case of a TSB Co-chair, when the current TEAP membership does not have the expertise required for a TSB, the TEAP co-chairs may recommend to the TEAP membership that a non-TEAP member be assigned as a TSB co-chair and hence becomes a temporary TEAP member for the period of the TSB assignment, typically for one year until the MOP where the report is submitted to Parties. TSB co-chairs are recommended by Parties or TEAP and nominated by TEAP co-chairs or TOC co-chairs.

### **4.1.3 Nominations to TOCs**

Paragraph 6 (ensuring that the national focal points of the relevant party are involved in nominations) and paragraphs 8 and 9 (covering the re-nomination of members with expiring terms) are requirements that have been incorporated into the amended TOR (see Annex D). Paragraphs 10 and 11 cover nominations by Parties. Further information is provided below as guidance to Parties on this process.

As indicated in Table 4-1, TOC positions include co-chairs and members. TOC co-chairs are also members of TEAP and are nominated by the Parties. TOC members are nominated by Parties or the TOC co-chairs.

TOC co-chairs are continually reviewing and recruiting new members to satisfy TOC requirements for expertise and balance. Appointments can happen throughout the year, particularly when existing members retire from a TOC, or when a lack of expertise is identified. More commonly, this review of TOC membership balance is done after the completion of a TEAP progress report or task force report. The TOC co-chairs refresh their TOC membership in preparation for Assessment Reports undertaken every four years by managing the addition or removal of experts as assessment needs change.

Throughout this process, the TOC co-chairs strive for a 50/50 balance between experts from A5 and non-A5 Parties and the need for underlying geographic balance as well.

TOC co-chairs recruit widely for new members. Parties are an important source of nominations, and TOC co-chairs also look for qualified candidates through recommendations from existing TOC members, including those from other TOCs, recommendations from persons they have worked with in the recent past, professional and academic organizations, and other sources.

### **4.1.4 Nominations to TSBs**

When there is a need to report on specific issues of limited duration, TEAP and TOCs have the option of forming TSBs. In some instances, decisions of the Parties will specifically request the formation of a TSB. TSB membership may consist of existing members of the TEAP or relevant TOC but may also include experts outside of either the TEAP or the TOCs based on the identified, needed expertise to meet the needs of the Parties for the particular issue.

As indicated in Table 4-1, TSB positions include co-chair and member. Section 4.1.2, above, on nominations to TEAP provided information on the nominations of TSB co-chairs, who become temporary members of TEAP if not already serving on TEAP, TSB members are nominated by the TSB co-chairs. In this regard they are similar to TOC members in that the Parties do not confirm appointments, although in line with Paragraph 6 consultation with the national focal point of the relevant party is anticipated. As with the TOC make-up, the TSB co-chairs also consider balance between A5 and non A5 Parties for appointment of TSB members.

The need to consult national focal points requires prompt coordination between TEAP and the national focal points in question, since the timescale to set up and commence operation of a TSB can be less than two months following the Meeting of the Parties at which the decision was taken. Given the current reporting deadline of 10 weeks prior to the meeting of the OEWG, any delays in commencement of a TSB has significant impact on the timeline for completion of its work and meeting this deadline.

## **4.2 Appointments**

Appointment procedures are dealt with separately for TEAP, its TOCs and its TSBs in this section.

### **4.2.1 Appointments to TEAP**

Paragraphs 7, 9, and 12 of Decision XXII/10 covering appointments to the Panel are requirements that have been incorporated into the amended TOR (see Annex D). Paragraph 18 on guidelines for the appointment of co-chairs is provided in chapter 5 below.

As indicated in Table 4-1, appointments to TEAP Senior Expert Member and TOC co-chair, as well as the appointment to a TEAP co-chair, are made through Decisions of the Parties. Appointments to TSB co-chair, who becomes a temporary member of TEAP if not already serving on TEAP, are made by the TEAP co-chairs or TOC co-chairs.

### **4.2.2 Appointments to TOCs**

Paragraphs 7 and 9, also apply to the appointment of the members of TOCs. As indicated in Table 4-1, appointments to TOC co-chairs are made through Decisions of the Parties. Appointments of TOC members are made by the TOC co-chairs.

In addition to continually reviewing the need for new members to meet the TOC requirements for expertise and balance, TOC co-chairs need to consider the four-year period of appointment of members and adopt a process that minimizes disruption and ensures the continuity of the work of the TOC to address the needs of the Parties.

### **4.2.3 Appointments to TSBs**

Appointment of TSB members are made by the TSB co-chairs after consultation with the national focal points of the relevant parties. As noted under the nomination section (4.1.4), the existence of a TSB needs to be reconfirmed by the Parties if it exists for more than one year (see Table 4-1). In some instances, TSBs may be reconstituted periodically to perform updates on earlier work (e.g., assessment of Destruction Technologies). Where this is the case, each occurrence is to be treated as the formation of a new task force, since this is consistent with the reality that participation will change with time.

## **4.3 Induction of new TOC members**

Paragraph 16 of Decision XXIII/10 requests the TEAP “... to ensure that all new technical options committee members are properly informed of the Panel’s terms of reference, its code of conduct contained in the Panel’s terms of reference, relevant decisions of the parties and Panel operational procedures and are requested to abide by that guidance;

In addition to the updated matrices on current and required capabilities, the TEAP website could be updated to include the above information for new TOC members in the form of an on-line handbook with links to the relevant information. Given the extensive work involved in preparing an online handbook, TEAP would need support from the Ozone Secretariat.



## **5 Guidelines for the Appointment of TEAP Co-chairs**

Paragraph 18 of Decision XXIII/10 requests the Panel “to prepare guidelines, for the appointment of the co-chairs of the Panel and to provide them to Open-ended Working Group at its thirty-second meeting for consideration by the parties”.

The Panel’s proposals are in two parts. First, there are proposals that might require amendments of the TEAP terms of reference (TOR). Second there are more general guidelines.

### **5.1 Proposals that Might Require Amendment of the TOR**

The TOR are not clear on precisely how TEAP co-chairs are appointed. In preparing this report, the TEAP have worked on the basis that co-chairs may be recommended by the TEAP but are nominated by Parties and appointed by a Decision of the Parties. If this is the common understanding, then the TOR need to be amended to reflect this. The TEAP is ready to propose wording if the Parties are content.

The second, and more specific, issue relates to paragraph 5 of Decision XXIII/10, which provides that all nominations for appointments to the Panel are to be agreed by the national focal points of the relevant Party. It would be natural for this to apply to both nominations for all Panel appointments, including the appointment of co-chairs. Therefore, Parties may wish to consider the advantages of the TOR expressly specifying that the nomination of co-chairs be subject to national focal point agreement. Again, the TEAP is ready to propose wording if the Parties are content.

Third, the TEAP would ask that Parties consult the TEAP as fully as is practicable before nominating TEAP co-chairs.

### **5.2 General Guidelines**

The TOR contain general guidelines relating to the size and balance of the TEAP, which require, for example the promotion of a geographical and expertise balance. TEAP co-chairs should be appointed with this in mind.

More significantly, the co-chairs should be familiar with the business of the TEAP and have the required expertise fully to participate in its affairs. Ideally a co-chair would be appointed from within the TEAP. A mix of the following is essential –

- leadership skills; in particular the social influence required to enlist the help and support of the TEAP in the implementation of the mandate given to the Panel by the Parties;
- interpersonal skills; in particular the capacity to facilitate interaction with and within the Panel to achieve consensus;
- the management skills required to unite the TEAP to accomplish its goals using whatever resources that are to hand efficiently and effectively; and
- the organisational skills to coordinate meetings and format and deliver reports within strict timelines.

If and when consulted by the Parties on a potential nominee for TEAP co-chairs, the TEAP would seek to form a consensus view on whether the person had the necessary qualifications for co-chair.





## **6 Proposed Revision to Membership Numbers in Subsidiary Bodies**

Paragraph 19 of Decision XXIII/10 requests TEAP “...to consider the number of members of each of its subsidiary bodies to ensure that their membership is consistent with each of the subsidiary bodies’ workload.” A revision to such numbers is to be submitted. Other membership considerations, such as considering geographical balance, are also established in as required in Decision VII/34, which reads:

*(e) With regard to its organization and functioning:*

*(i) Proceed with efforts to increase participation of Article 5 country experts, subject to budgetary constraints, and to improve geographical and expertise balance;*

Members of the TF who are TOC co-chairs have drawn up proposed plans of reorganization – when considered necessary – which are presented in the following section for the consideration of the Parties.

### **6.1 Structure and Membership of TOCs**

Some members reported intermittent or continuous funding problems, and there has already been experience of some members (from non-A5 Parties) being unable to attend meetings due to a lack of funding. Some members unable to attend meetings participate in data gathering and assessment tasks and offer comment on draft reports via e-mail.

#### **6.1.1 CTOC**

CTOC has 7 members from A5 Parties including CEIT and 7 from non-A5 Parties; 4 women and 10 men. Members are from North and South America, East and South Asia, Middle East, Western and Eastern Europe, Africa and Australia. The members have qualifications and experience in chemistry and/or chemical engineering, and are employed by one or more of the following sectors: industry, academia, research, and consultancy. At the recent CTOC meeting, members were asked to indicate whether they wished to be re-nominated for the CTOC, following the prescription of Decision XXIII/10. Non-attending members answered the same question by email. Most indicated that they wished to continue with just a few opting to not continue. The CTOC needs new members from A5 Parties.

#### **6.1.2 FTOC**

The FTOC currently has 18 members with 13 from non-A5 and 5 from A5 Parties including two from China. The representation from A5 Parties reflects the focus of continuing ODS use in foams to an extent, although gaps exist in South Asia and the Middle East. Individuals have been identified in both regions and have confirmed their interest in participation. In addition, a new member in Latin America has been identified. Concerns over the level of XPS representation on the Committee continue and there is a need for such a member from Europe and, ideally from Japan. It would be particularly valuable if at least one XPS member was from a smaller, independent enterprise. In addition, the FTOC would welcome any governmental or regulatory expert with a particular interest in foams.

The FTOC plans to put forward its whole membership for re-appointment in 2012, although it is anticipated that not all members will be able to commit for a full four year period, in some cases because of funding constraints. The co-chairs will therefore assess the level of additional staggering that may be necessary to ensure continuity within the Committee leading into the 2014 Assessment.

#### **6.1.3 HTOC**

The HTOC is getting its members re-appointed and currently has 20 members: 11 from non-A5 Parties, 7 from A5 Parties, and 2 from CEIT. The HTOC is organizing its re-appointment process for existing non-retiring members and trying to add additional members to fill the vacancies such as aviation airframe fire protection from A5 Parties, commercial airline fire protection from non-A5

Parties, European military fire protection, regional information from Northern Africa, new chemicals production from China/India, inventory expertise/knowledge in Asia, and regulatory / policy expertise for halons and alternatives from both A5 and non-A5 Parties. New alternatives continue to be developed while some large legacy uses continue to rely on banked halons for the foreseeable future (Oil and Gas fire protection in Cold Climates, Military, and Civil Aviation).

#### **6.1.4 MBTOC**

MBTOC presently has 35 members, 22 from non-A5 Parties and 13 from A5 Parties (one from former CEIT). Membership from A5 Parties needs to be strengthened, and downsizing the committee to 20-25 members whilst improving balance and geographic distribution is envisioned.

While the number of CUNs from non-A5 Parties have diminished greatly (from over 115 in 2004 to eight in 2012), it is unknown how many, if any, CUNs will be submitted by A5 Parties in 2013, or 2014 and thereafter, for use of methyl bromide under the critical use exemption process after the 2015 phaseout. Owing to this it is difficult to predict the workload at this time. In spite of this, however, it is important that some existing and any additional membership has significant expertise in the remaining non A5 CUNs and A5 issues and those members are aware of the phase-out efforts already conducted in the A5 countries submitting CUNs. In addition, MBTOC co-chairs consider it is still necessary to retain expertise in Soils, Quarantine and Pre-shipment (QPS) and Structures and Commodities (SC) for both non-A5 and A5 Parties.

As tasks and workload become clearer, TEAP and MBTOC will continue to refine this reorganization process in order to respond to this requirement from the Parties to the best extent possible. This could include consolidating the committee once again into two sub-committees that meet together, although lack of funding for members from non-A5 Parties influences this option.

#### **6.1.5 MTOC**

The following describes MTOC's current expertise requirements:

Metered dose inhalers requires:

- Physicians, medical researchers, healthcare professionals, regulators, and patient advocacy experts specialising in respiratory care;
- Pharmaceutical industry expertise, specialising in research and development, manufacturing, regulatory affairs and marketing.

Sterilants requires:

- Sterilization technology expertise, specialising in research, and development and global marketing, sterilisation standard setting, regulatory affairs.

Medical Aerosols requires:

- Pharmaceutical and aerosol industry expertise, specialising in topical aerosols and alternative technologies

Current membership provides coverage across all of these expertise areas, thereby achieving adequate technical balance, and also provides adequate balance geographically and in the number of members from Article 5 Parties (11) and from non-Article 5 Parties (18) members. MTOC expertise requirements are currently met by the present membership, for which MTOC is commencing the process of re-appointment. MTOC does not consider membership reorganization is necessary at this time. Its membership is acceptable in terms of technical and geographic balance, and the number of members from A5 Parties (11) and non-A5 (18) Parties. Of these, 4 members from non-Article 5 Parties provide global expertise in the sterilisation sector. MTOC aims to maintain its current membership to provide consistency and experience for its technical assessments during the final stages of ODS phase-out.

Meetings of the MTOC MDI sub-group on MDI issues have historically proven to be valuable in reaching consensus on difficult issues, and in the exchange of complex technical details. One or two more MTOC MDI sub-group meetings are considered necessary to consider essential use nominations (2013 and 2014). However, it should be noted that the China CFC MDI transition allows for essential use nominations up until the end of 2015.

The MTOC Sterilants sub-group has operated as a corresponding group for many years. The technical issues in this sector are slow moving.

An entirely corresponding committee may be feasible when essential use nomination assessments and detailed MDI reports are no longer required.

The next MTOC Assessment Report, due at the end of 2014, is planned to be brief compared with previous Assessments. There may be limited value in further detailed assessments after 2014.

After 2014 the MTOC MDI sub-group may be able to operate largely as a corresponding group, meeting only when required, depending on the requests of Parties on MDI issues. The MTOC Sterilants sub-group can continue to operate and prepare reports as a corresponding member group, as it has done for many years.

### **6.1.6 RTOC**

The RTOC consists of experts from 10 subsectors each with specific expertise. In 2011, there were 27 members, of which 7 are from A5 Parties. Finding experts from A5 Parties is a goal, but can prove to be challenging. RTOC is organised in subsectors or chapters with a Chapter Lead Author (CLA) per chapter. Other members (non-CLAs) can participate in the drafting and internal reviewing of 2-3 chapters. The entire RTOC is, of course, involved in semi-final and final reviews.

Still most of the new technology developments are coming from a limited number of countries, mostly non-A5 Parties. RTOC strives for geographical balance within the limitation of available expertise. Where RTOC identifies expertise gaps, it seeks to identify appropriate experts principally through RTOC members but also from outside sources. Interested experts willing to serve ask the relevant party to nominate them.

RTOC continues to re-consider membership after each assessment. Proposals for reorganisation of the RTOC membership have recently been completed resulting in a "adjusted" membership of the RTOC in light of the work needed to complete its 2014 Assessment Report. This reorganisation is under discussion at the TOC level, and these discussions will be completed before June 2012. No further reorganisation is considered necessary at this time, apart from the usual replacements in the case of retirement, resignation of members or other similar circumstances. RTOC will submit the existing, continuing members for re-nomination in 2012. New members selected will be nominated in 2012.

## **6.2 Structure and Membership of TSBs**

Composition of Task Forces is defined by TEAP co-chairs in agreement with the relevant TOC co-chairs, and in accordance with the particular tasks and goals of the given TF.



## **7 Amendments to TOR**

Paragraph 20 of Decision XXIII/10 mandated the TEAP

*“...to update its terms of reference in accordance with this decision and submit it to the Open-ended Working Group at its thirty-second meeting for consideration by the parties”*

With this in mind, a first draft of an updated draft TOR is attached at Annex D. For the sake of convenience, draft recusal guidelines, mandated by paragraph 17 of the Decision, have been prepared separately; although it is possible that the recusal text, once agreed, could be incorporated into the TOR.

The draft TOR have the bare minimum of amendments necessary to fulfill the specific mandate given to the TEAP in Decision XXIII/10. The amendments are marked up for the sake of convenience. Footnotes indicate the provenance of draft amendments or expose policy issues for the consideration of the OEWG.

The draft is for consideration by the thirty-second OEWG. Naturally the TEAP would be happy to consider further updating in the light of comments from the Parties at the OEWG.



## 8 Recusal Guidelines

Decision XXIII/10 requests TEAP “...to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums...” and to present the revised version at the OEWG for consideration of the Parties

### 8.1. Mandate

In paragraph 17 of Decision XXIII/10 the Parties requested the TEAP

*...to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group at its thirty-second meeting for consideration by the Parties.*

What is the scope of paragraph 17 of Decision XXIII/10?

On one view – albeit a very narrow one – “guidelines on recusal” might simply be taken to mean guidelines relating to the extent to which members of the Panel, and the related bodies, might be excluded from work on the grounds of conflict of interest.

But it is difficult sensibly to discuss recusal without considering related topics, for example conflict of interest and the procedures for recusal. Indeed the recusal guidelines set out in the May 2011 Progress Report (to which paragraph 17 referred) did precisely that, proposing guidance on a number of matters related to recusal. So that is the approach adopted in this paper and the attached draft.

### 8.2. The Subject Matter

Recusal/conflict of interest guidelines/policies will typically deal with a number of issues that relate to substance and to governance. One way or another, the TEAP will need to address these issues during the current exercise.

Issues of substance: should the guidelines –

- impose any obligations on participants with respect to **their behaviour**<sup>1</sup>?
- relate only to **financial** conflicts? Or should they extend to **non-financial** conflicts?
- distinguish between **strong points of view** (sometimes referred to as bias) and conflicts?
- address **apparent** conflicts of interest as well as “**objective**” conflicts?
- cover **past** and/or **potential future** interests? and
- address the interests of an individual’s **family and other related persons and organisations**?

Governance issues: how should the guidelines determine -

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<sup>1</sup> For the time being, the TOR relate to the behavior of TEAP, TOC and TSB members and no changes to the relevant provisions have been proposed.

- whether an individual should disclose **all potential interests** or just ones they consider relevant?
- **when** information must be disclosed?
- **who** reviews the disclosed information?
- **what to do** in the case of a conflict? and
- **whether and how disclosures** should be kept confidential or selectively disclosed outside of the organization?

All these questions were addressed in the preparation of the draft guidelines.

### **8.3. The Approach**

It would be feasible to write a long analytical essay on conflict of interest, pulling out all possible options from a range of precedents and creating a large number of policy choices.

It may, however, prove more useful to set up a working draft for consideration. So that is what has been done – see the draft decision in Annex E to this report. The draft in that annex draws from a range of documents including in particular the current TEAP TOR and the associated code of conduct; and recent work under the aegis of the Intergovernmental Panel on Climate Change (IPCC).

### **8.4. The Structure**

For the time being, this draft has been prepared on the assumption that it will substitute most of the Code of Conduct that is set out in part 5 of the TEAP's TOR. For the time being the guidelines are drafted as an annex to a MOP Decision because that seems the most likely form they will take. There is no particular magic in that approach and, once the substance of the draft has been worked through it may be helpful to discuss whether there would be a better way to adopt the guidelines.

Footnotes to the draft expose policy issues for the Parties to consider.

### **8.5. The Annex to the draft Decision**

For the time being the Annex to the draft Decision, which is intended to contain an illustrative list of interests, has been left blank. There are many potential sources that could be used to write items for this list, in particular the Annex to the current TOR, the Annex to last May's draft guidelines and any continuing work under the aegis of the IPCC. It is proposed to settle the structure and substance of the main part of the guidelines first, and to complete the Annex later.



## 9 Moving Forward

As noted in the Introduction to this Report (Chapter 2), there are a number of further issues which the TEAP is planning to address to ensure that TEAP continues to meet its obligations to the Parties. Most of these are likely to fall in a category that can be addressed through the development and/or updating of TEAP's operating procedures without the need for further changes to the Terms of Reference. Most often it is the lack of implementing norms relating to the existing Terms of Reference that have created difficulties for TEAP in the recent past rather than the inappropriateness of the Terms of Reference themselves. Nonetheless, as the work of the TEAP continues, it may be that some requirement to further revise the Terms of Reference will emerge, and in such cases, proposals would be submitted to the Parties for their consideration.

To illustrate the type of issue that might fall into the category requiring an update of TEAP's operating procedures, there has been increasing concern about the frequency and content of recent Minority Reports. The TEAP has always recognised that the TOR requires that "*reports must reflect any minority views appropriately.*" However, the use of Minority Reports as the means to appropriately reflect minority views is solely a TEAP creation. The original intent was that a Minority Report would be an exceptional occurrence in the rare event that consensus could not be achieved. This appears to no longer be the case. As membership in some TOCs has shifted towards those with interests in specific outcomes, there has been increasing pressure on disclosure, recusal and reporting procedures, making those TOCs increasingly difficult to manage. The Minority Report process, as it has recently become, can make the important messages to the Parties confusing by not reflecting appropriate balance. There is a growing view within TEAP that the objective to reflect minority views appropriately may be better served in the future through an alternative approach, which still meets the requirements of the TOR. TEAP will continue to work on refining these ideas in order to update its own operating procedures accordingly.

Other examples of issues that the TEAP has identified include the need to review decision-making processes, including development of consensus when Committees are meeting as subcommittees in separate locations or working via e-mail and telephone. As financial constraints on time and travel increase, there will be more pressure to work in this way and procedural innovations will be necessary, based on emerging communication technologies. That said, care will be needed to ensure that time zones are properly respected, such that no member is constantly required to be available at inconvenient local times. Over time, TEAP anticipates developing a Handbook of Operating Procedures to capture these innovations and provide appropriate guidance to the members of all Committees on the implementation of the Terms of Reference. TEAP would anticipate providing further updates to the Parties at regular intervals as this process continues.

## **Annex A - Text of Decision XXIII/10**

From *The Report of the combined ninth meeting of the Conference of the Parties to the Vienna Convention on the Protection of the Ozone Layer and the Twenty-Third Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer* (UNEP/OzL.Conv.9/7-UNEP/OzL.Pro.23/11):

### **XXIII/10: Updating the nomination and operational processes of the Technology and Economic Assessment Panel and its subsidiary bodies**

*Recalling* the terms of reference for the Technology and Economic Assessment Panel set forth in decision VIII/19 and amended by decision XVIII/19,

*Recalling also* decision VII/34 on the organization and functioning of the Technology and Economic Assessment Panel and specifically on efforts to increase the participation of experts from parties operating under paragraph 1 of Article 5 (Article 5 parties) and to improve geographical expertise and balance,

*Recalling* in particular section 2.1 of the terms of reference of the Technology and Economic Assessment Panel on the size and balance of the Panel, and the need to promote a membership that balances geography and expertise, including the overall goal of achieving a representation of about 50 per cent for experts from Article 5 parties in the Panel and its technical options committees,

*Recognizing* the need for the process and criteria for the appointment of experts to the Panel to be transparent and equitable,

*Recalling* sections 2.2 and 2.3 of the terms of reference of the Technology and Economic Assessment Panel, on nominations to the Panel and appointment of members to the Panel, and specifically the provision that any nominations made by the Panel are to be communicated to the relevant party for consultation before recommendations for appointment are made,

*Recognizing* the need for parties to receive from the Panel advice of the highest quality and to ensure that changes to the nomination process do not have an adverse effect on the expertise of the Panel or the quality of its advice,

*Taking note* of the information provided by the Panel in its 2011 progress report, in particular in response to decision XXII/22,

1. To request the Panel to compose its technical options committees and its temporary subsidiary bodies to reflect a balance of appropriate expertise so that their reports and information are comprehensive, objective, and policy neutral and to provide a description in reports by temporary subsidiary bodies on how their composition was determined;

2. To request the Panel to update its matrix of needed capabilities calling for expertise on the Panel, its technical options committees and its temporary subsidiary bodies twice a year and to publish the matrix on the Secretariat website and in the Panel's annual progress reports; this matrix should include the need for geographic and expertise balance;

3. Also to request the Panel to ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise and that information on the nomination process, the selection process, the Panel's terms of reference and the operation of the Panel and its subsidiary bodies is published on the Secretariat website in an easily accessible format;

4. Further to request the Panel to standardize the information required from potential experts for all nominations to the Panel, its technical options committees and its temporary subsidiary bodies in line with section 9.5.4 of the 2011 progress report, and to prepare a draft nomination form for consideration by the Open-ended Working Group at its thirty-second meeting;

5. To request the Panel to ensure that all nominations for appointments to the Panel, including co-chairs of the technical options committee, are agreed to by the national focal points of the relevant party;

6. To request the Panel to ensure that all nominations to its technical options committees and its temporary subsidiary bodies have been made in full consultation with the national focal points of the relevant party;

7. That all appointments to the Panel, and its technical options committees, including those of co-chairs, should be for a period of no more than four years;

8. That members of the Panel or of the technical options committee may be re-nominated for additional periods of up to four years each;

9. That the terms of all the members of the Panel and its technical options committees shall otherwise expire at the end of 2013 and 2014, respectively, in the absence of reappointment by the parties prior to that time, except for those experts that have already been nominated for four-year periods in past decisions;

10. That parties may revisit the status of the Panel and its technical options committee membership at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively if more time is needed by the parties to submit nominations;

11. To invite the parties having co-chairs and members currently serving on the Panel and its technical options committees to submit re-nominations for those experts in line with paragraphs 7, 8 and 9 of the present decision for consideration at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively;

12. That a decision of the parties is required to confirm any re-appointment to the Panel;

13. That a decision of the parties is required to confirm any temporary subsidiary body that exists for a period of more than one year;

14. That the parties should confirm, every four years, beginning in 2012, the list of technical options committees needed to meet the parties' requirements;

15. That the Ozone Secretariat should attend the meetings of the Panel whenever possible and appropriate to provide ongoing institutional advice on administrative issues when necessary;

16. To request the Panel to ensure that all new technical options committee members are properly informed of the Panel's terms of reference, its code of conduct contained in the Panel's terms of reference, relevant decisions of the parties and Panel operational procedures and are requested to abide by that guidance;

17. To request the Panel to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group at its thirty-second meeting for consideration by the parties;

18. To request the Panel to prepare guidelines, for the appointment of the co-chairs of the Panel and to provide them to Open-ended Working Group at its thirty-second meeting for consideration by the parties;

19. To request the Panel to consider the number of members of each of its subsidiary bodies to ensure that their membership is consistent with each of the subsidiary bodies' workload and to propose revision to their numbers to the Open-ended Working Group at its thirty-second meeting for the consideration of the parties, taking into account the need for geographical balance in accordance with decision VII/34;

20. To request the Panel to update its terms of reference in accordance with this decision and submit it to the Open-ended Working Group at its thirty-second meeting for consideration by the parties;

21. To request the Technology and Economic Assessment Panel not to apply the guidelines mentioned in paragraphs 17 and 18 until they are approved by the parties;



## Annex B – Current Matrices of Expertise

Current matrices (at May, 2012) are provided separately for each TOC.

### 1. CTOC – Chemical Technical Options Committee

<b>Member</b>	<b>Appointment</b>	<b>Expertise</b>
Fatemah Al-Shatti Kuwait	Member from 2006.	Chemist, Environmental chemistry
D.D. Arora, India	Original member when CTOC formed in late 2004.	Industrial Chemist
Joan Bartelt, USA	To be a Member from 2012	Chemistry, regulation, industrial application, solvents
Steve Bernhardt, USA	Original member when CTOC formed in late 2004.	Chemical engineer, fluorochemical manufacture and use
Olga Blinova Russian Federation	Original member when CTOC formed in late 2004.	Applied chemistry, especially fluorochemicals
Jiang Biao, China	Appointed as co-chair in 2006.	Organic chemistry, broad expertise
Jianxin Hu, China	Original member when CTOC formed in late 2004.	Regulatory and international issues
Koichi Mizuno, Japan	Original member when CTOC formed in late 2004.	Destruction technologies
Keiichi Ohnishi, Japan	Member from 2010, co-chair from 2012.	Chemical engineer, CTC, fluorochemicals, solvents
Claudia Paratori, Chile	Member from 2006.	Consultant on chemicals including POPs, POPs management
Hans Porre, Netherlands	Original member when CTOC formed in late 2004.	Analytical and technical industrial chemistry
Ian Rae, Australia	Original appointee as co-chair when CTOC formed in late 2004.	Chemistry, laboratory, industrial, and regulatory
John Stemniski, USA	Original member when CTOC formed in late 2004.	Chemical consultant, especially on solvents
Robert Yve, Mauritius	Member from 2006.	Analytical and physical chemistry

## 2. FTOC – Foams Technical Options Committee

Region	INDUSTRY					ACADEMIA	CONSULTANTS	REGULATORY/ POLICY
	BA Suppliers	PU Systems	PU Machinery	Foam Manufacturers				
				PU	XPS			
Europe	Christoph Meurer	Francesca Pignagnoli	Terry Armitt		<i>Miguel Munoz*</i>		Paul Ashford	
	Ulrich Schmidt						Mike Jeffs	
North America	Dave Williams				Chris Bloom			
	Helen Walter-Terrinoni							
	<i>Joseph Lynch*</i>							
Japan				Kyoshi Hara				
RODW		Roy Choudhury						
CEIT								
MENA					<i>Ilhan Karaagac*</i>			
Latin America		<i>Heberto Moreno*</i>		Candido Lomba			Miguel Quintero	
				<i>Mario José Godinho*</i>				
North East Asia		Enshan Sheng			Allen Zhang			
South East Asia								
South/Central Asia				<i>Samir Arora*</i>				
Sub-Saharan Africa								

*\*Identified prospective member*





### 3. HTOC – Halons Technical Options Committee

		Europe	North America	Japan	CEITs	Latin America	China	Other Asia	India	Middle East	Australia	So. Africa	No. Africa
Aviation	Crash Fire Rescue	□r											
	Fire Training	□i											
	User	□											
	Regulatory / Policy	□e				□							
General Fire Protection	New Chemical Alternatives	□	□□		□		□	□					
	Fire Science / R&D	□	□i	□	□	□	□				□		
	Commercial Users	□□□□ □		□				□					
	Defense Space Users / R&D	□□□□ □□		□				□					
	OEMs and Distributors	□OEMs											
	Policy	□□□□ □	□□		□				?	?			
Environmental	Emissions		□□	□□						□			
	Regulatory / Policy		□							□			
Banking	Trans-boundary / Basel		□							□			
	Collection, Storage, Transport		□	□□					□	□		□	
	Leak Detection		□							□			
	Inventory	□□□□ □□	□	□			□	□		□			
	Carbon Credits		□	□□									
Regional Issues	L America					□							
	Mid East									□□			
	India								□				
	China	□h											
	South East Asia							□□					
	No. Africa							□					
	So. Africa							□				□	
	CEIT				□								

- Members □e
- Consulting Expert □o
- Vacancy □□ Departing Member - looking to fill vacancy
- Departing Member - Not looking to fill vacancy

Aviation User - Latin America and/or China Airframer; Airline from one of the other highlighted regions  
 General Fire Protection New Chemical Alternatives - China and/or India  
 Defense / Space Users – Europe  
 Environmental Regulatory / Policy - One A5 or if two 1 A5 and 1 non-A5  
 Banking Inventories - Particularly China and other Asia; Norther Africa also helpful  
 Banking Carbon Credits from A5 / CEIT  
 China - Regional knowledge (ties to Inventories and New Chemicals)  
 Northern Africa Region Knowledge

As many as 9 areas that could be filled but would prefer to keep it 6-7 positions to keep HTOC around 25

#### 4. MBTOC – Methyl Bromide Technical Options Committee

MBTOC table of current expertise:

<b>Names</b>	<b>Affiliation</b>	<b>Expertise</b>	<b>Country</b>	<b>Article 5 status</b>
<b>A – MBTOC SOILS</b>				
<b>Co-Chairs</b>				
1. Mohamed Besri	Institut Agronomique et Vétérinaire Hassan II (Academia)	Researcher, particularly MB alts for vegetables. Pathologist (PhD)	Morocco	A5
2. Ian Porter*	Department of Primary Industries (Government research) La Trobe University (Academia)	Researcher, soils MB use and alts, particularly fungal pathogens and IPM. Pathologist (PhD)	Australia	Non-A5
<b>Members</b>				
3. Antonio Bello	Sociedad Española de Agricultura Ecológica (Academia, consultant)	Non-chemical alternatives, nematology Pathologist. (PhD, Prof.)	Spain	Non-A5
4. Aocheng Cao	Chinese Academy of Agricultural Sciences (Government research)	Researcher, soil alternatives, particularly (A5) context. Pathologist. (PhD)	China	A5
5. Peter Caulkins	Associate Director, Special Review & Re-registration Division US EPA (Government regulatory)	Registration of alternatives, regulatory issues (PhD)	US	Non A-5
6. Raquel Ghini	EMBRAPA (Government Research)	Non- chemical alternatives. Pathologist (PhD)		A5
7. George Lazarovits	A & L Biologicals (Private research, consultant)	Researcher, non chemical control of soilborne pathogens (PhD)	Canada	Non-A5
8. Andrea Minuto	CERSAA (Government Research)	MB and alternatives in soils. Biocontrol. Pathologist (PhD)	Italy	Non-A5
9. Sally Schneider	United States Department of Agriculture (Government research)	Researcher in soils alts, particularly replant problems and propagative nursery material . Nematologist. PhD)	US	Non-A5
10. JL Staphorst	Consultant	Soil Microbiologist (DSc)	South Africa	A5
11. Akio Tateya	Syngenta Japan K.K.	Application of MB and alts, particularly in Japan	Japan	Non-A5
12. Alejandro Valeiro	Instituto Nacional de Tecnología Agropecuaria (Government research)	Introduction/use of soils alts, including tobacco. Agronomist (MSc).	Argentina	A5
13. Nick Vink	University of Stellenbosch (Academia)	Agricultural economics (PhD, Prof.)	South Africa	A5
14. Janny Vos	CABI	IPM specialist	Netherlands	Non A5

15. Jim Wells	Environmental Solutions Group, LLC (Consultant)	Registration and regulatory - MB and alternatives, soil uses	US	Non-A5
16. Suat Yilmaz	West Mediterranean Agricultural Research Institute BATEM (Government Research)	Alternatives to MB in horticulture and flowers. Pathologist (PhD)		A5
<b>Sub-Totals</b>				<b>9 Non A5 6 A5</b>
<b>B – MBTOC QPS</b>				
<b>Co-chair</b>				
1. Marta Pizano **	Consultant	Consultant, MB alts, cut flower production, horticulture and IPM. Pathologist (MSc)	Colombia	A5
<b>Members</b>				
2. Jonathan Banks***	Consultant	Consultant, postharvest, particularly nonchemical and gas technologies (fumigants, CA) (PhD)	Australia	Non A5
3. Tom Batchelor	Consultant	Alternatives to ODS, QPS specialist. Entomologist (PhD)	Belgium	Non A5
4. Ken Glassey***	Ministry of Agriculture and Forestry (Government regulatory, research)	Phyto-sanitary treatments, QPS inspection	New Zealand	Non A5
5. Takashi Misumi	MAFF (Government research)	QPS expert	Japan	Non A5
6. David Okioga	Ministry of Environment and Natural Resources (Government regulatory)	Postharvest and QPS MB alts (PhD)	Kenya	A5
7. Ken Vick***	Collaborator -United States Department of Agriculture	Research in MB alternatives, incl. QPS (PhD)	US	Non A5
8. Eduardo Willink	Estación Experimental Agroindustrial Obispo Colombrés (Government research)	Quarantine treatments, systems approach, pest host status	Argentina	A5
<b>Sub-Totals</b>				<b>5 Non A5 3 A5</b>

<b>C- MBTOC SC</b>				
<b>Co-chair</b>				
1. Michelle Marcotte	Consultant	Consultant, particularly food processing, regulations and irradiation	Canada	Non A5
<b>Members</b>				
2. Chris Bell	Consultant, formerly Central Science Laboratory (Government research)	Postharvest technologies, particularly fumigants, phosphine; sulfuryl fluoride, controlled atmospheres and heat (PhD)	UK	Non A5
3. Fred Bergweff	EcO2 BV, research and development director (industry)	Controlled atmospheres, postharvest and QPS services	Netherlands	Non A5
4. Ricardo Deang	Consultant	Regulatory and registration. Entomologist (PhD)	Philippines	A5
5. Alfredo (Didi) Gonzalez	Fumigator	Phosphine, QPS and non-QPS treatments	Philippines	A5
6. Darka Hamel	Centre for Agriculture, Food and Rural Affairs (Government)	Postharvest and structural treatments, regulations	Croatia	A5
7. Christoph Reichmuth	Professor, Humbolt University	Researcher, MB alts in postharvest/structures (PhD)	Germany	Non A5
8. Jordi Ruidavets	IRTA-Department of Plant Protection. (Government Research)	IPM for stored products and horticultural crops (PhD)	Spain	Non A5
9. John Sansone	SCC Products (Fumigator)	Fumigator, particular expertise in structures	US	Non A5
10. Robert Taylor	Consultant	Postharvest technology, specifically A5 uses	UK	Non A5
11. Chris Watson	Fumigator, consultant	Phosphine and other fumigants, IPM, heat treatments	UK	Non A5
<b>Sub-Totals</b>				<b>8 Non A5 3 A5</b>

\* Also serves as member of QPS subcommittee

\*\* Also serves as member of soils subcommittee

\*\*\* Also serve as corresponding members of SC subcommittee



## 5. MTOC – Medical Technical Options Committee

<b>Co-chairs</b>	<b>Affiliation</b>	<b>Country</b>	<b>A5/Non-A5</b>	<b>Expertise</b>
Jose Pons Pons	Spray Quimica	Venezuela	A5	Executive of multinational aerosol company, with experience in development, manufacture, marketing of aerosol products, A5 issues under the Montreal Protocol, and as past co-chair of TEAP.
Helen Tope	Energy International Australia	Australia	Non-A5	Consultant to government, industry and other NGOs, on ODS, climate change and other environmental issues, with career experience in environmental regulatory and policy development, and consultation processes.
Ashley Woodcock	University Hospital of South Manchester	UK	Non-A5	Academic, clinical physician and researcher in respiratory medicine.
<b>Members</b>	<b>Affiliation</b>	<b>Country</b>	<b>A5/Non-A5</b>	<b>Expertise</b>
Emmanuel Addo-Yobo	Kwame Nkrumah University of Science and Technology	Ghana	A5	Paediatrician with special interest in pulmonary medicine; academic in paediatrics; researcher into childhood asthma epidemiology.
Paul Atkins	Oriel Therapeutics Inc.	USA	Non-A5	Executive of pharmaceutical company developing DPIs, with extensive career experience in MDI and DPI product development and commercialisation.
Sidney Braman	Mount Sinai School of Medicine	USA	Non-A5	Academic, and previously practising physician, of pulmonary medicine
Nick Campbell	Arkema SA	France	Non-A5	Regulatory, policy and technical expertise relating to production of ODS and their alternatives for MDIs.
Hisbello Campos	Instituto Fernandes Figueira, FIOCRUZ, Ministry of Health	Brazil	A5	Physician, academic, and researcher with special interest in pulmonary and respiratory medicine.
Jorge Caneva	Favaloro Foundation	Argentina	A5	Academic, researcher and physician in pulmonary and respiratory medicine, with experience in therapeutic research.
Christer Carling	Private Consultant	Sweden	Non-A5	Pharmaceutical consultant with career experience in DPI and MDI development for asthma and COPD. Has provided assistance to UNEP in the Asia Pacific region with Montreal Protocol MDI activities.
Guiliang Chen	Shanghai Institute for Food and Drug Control	China	A5	Pharmacist assessing safety, efficacy and quality of inhalation products for governmental institute for drug quality control.

Co-chairs	Affiliation	Country	A5/Non-A5	Expertise
Davide Dalle Fusine	Chiesi Farmaceutici	Italy	Non-A5	Executive of international commercial operations for multinational pharmaceutical company developing, manufacturing, marketing MDIs and DPIs. Expertise in industrial development of inhalation products, and business development in East Europe, Latin America, Asia Pacific, Middle East and North Africa.
Charles Hancock	Charles O. Hancock Associates	USA	Non-A5	Medical device sterilization consultant with experience in ensuring safety and efficacy of sterilization processes in healthcare applications.
Eamonn Hoxey	Johnson & Johnson	UK	Non-A5	Executive of regulatory affairs for manufacturer of healthcare products, including medical device sterilization, and experience in international standards for sterilization of healthcare products.
Javaid Khan	The Aga Khan University	Pakistan	A5	Academic of pulmonology, public educator on asthma and COPD, with experience in international medical professional initiatives for respiratory diseases.
Katharine Knobil	GlaxoSmithKline	USA	Non-A5	Executive of China division of multinational pharmaceutical company involved in, <i>inter alia</i> , research and development of MDIs and DPIs, and physician. Experience in respiratory clinical development and development of treatments for respiratory diseases.
Suzanne Leung	3M	USA	Non-A5	Regulatory affairs manager for multinational company developing, manufacturing, supplying sterilization assurance products, with experience in standards for sterilization and healthcare products.
Nasser Mazhari	Sina Darou Laboratories Company	Iran	A5	Pharmacist and executive of pharmaceutical company manufacturing MDIs.
Gerald McDonnell	STERIS	UK	Non-A5	Executive of research and technical affairs for company supplying products and services in infection and contamination prevention/control and surgical support, with experience in standards for sterilization of healthcare products.
Hideo Mori	Private Consultant	Japan	Non-A5	Consultant to pharmaceutical company in Japan manufacturing MDIs and DPIs, with experience in organising industry-wide CFC MDI phase-out in Japan. Has provided assistance to UNEP in the Asia Pacific region with Montreal Protocol MDI activities.

Co-chairs	Affiliation	Country	A5/Non-A5	Expertise
Tunde Otulana	Boehringer Ingelheim Pharmaceuticals Inc.	USA	Non-A5	Executive of respiratory clinical development and regulatory affairs with multinational pharmaceutical company developing, manufacturing and marketing MDIs and DPIs, and respiratory physician. Career experience in governmental regulatory development of CFC MDI phase-out strategy in the United States.
John Pritchard	Philips Home Healthcare Solutions	UK	Non-A5	Technology expert in respiratory drug delivery group of multinational company developing, manufacturing, supplying products to treat respiratory illness, and career experience in MDIs and DPIs.
Rabbur Reza	Beximco Pharmaceuticals	Bangladesh	A5	Executive of multinational pharmaceutical company developing, manufacturing and marketing MDIs and DPIs, with experience in MDI product and business development, particularly in the Asia Pacific region.
Raj Singh	The Chest Centre	India	A5	Clinical respiratory physician, with experience in international medical professional initiatives for respiratory diseases.
Roland Stechert	Boehringer Ingelheim	Germany	Non-A5	Technical expertise in respiratory research for development of CFC-free MDIs, clinical trials, with multinational pharmaceutical company developing, manufacturing, marketing MDIs and DPIs.
Ping Wang	Chinese Pharmacopoeia Commission	China	A5	Pharmacist and executive of governmental agency making standards for drugs sold in China, including products for treatment of asthma and COPD.
Adam Wanner	University of Miami	USA	Non-A5	Clinical physician and researcher with special interest in aerosol therapy for obstructive lung disease.
Kristine Whorlow	National Asthma Council Australia	Australia	Non-A5	Executive of national not-for-profit organisation that promotes and coordinates asthma healthcare communication among professionals and the community, and facilitation in standards development for asthma care and management.
You Yizhong	Journal of Aerosol Communication	China	A5	Pharmacist and physician in hospital setting, with experience in promoting inhalation therapy in China, phasing out CFCs from general aerosols, and developing drugs for asthma treatment.



6. RTOC - Refrigeration, Air Conditioning, and Heat Pumps Technical Options Committee

<b>Members</b>	<b>Affiliation</b>	<b>Country</b>		
Lambert Kuijpers	Technical University Eindhoven	Netherlands	NA5	General
Roberto de A. Peixoto	Maua Institute of Technology , IMT, Sao Paulo	Brazil	A5	General/ Commercial
Radhey S. Agarwal	IIT New Delhi	India	A5	Chillers
James M. Calm	Engineering Consultant	USA	NA5	Data
Radim Cermak	Ingersoll Rand	Czech Republic	NA5	Transport
Guangming Chen	Inst. For Refrigeration and Cryogenic Eng., Shanghai	China	A5	Chillers
Denis Clodic	Consultant	France	NA5	Commercial
Daniel Colbourne	Consultant	UK	NA5	AC unitary
Sukumar Devotta	Consultant	India	A5	AC unitary
Martin Dieryckx	Daikin Europe	Belgium	NA5	Heat pumps
Dennis Dorman	Trane	USA	NA5	Chillers
Kenneth E. Hickman	Consultant	USA	NA5	Chillers
William Hill	Consultant	USA	NA5	MAC
Martien Janssen	Re/genT	Netherlands	NA5	Domestic, Commercial
Makoto Kaibara	Panasonic, Research and Technology	Japan	NA5	Heat pumps
Michael Kauffeld	Fachhochschule Karlsruhe	Germany	NA5	Transport
Fred Keller	Consultant	USA	NA5	AC unitary
Jürgen Köhler	University of Braunschweig	Germany	NA5	MAC
Holger König	Ref-tech consultancy	Germany	NA5	Large size
Edward J. McInerney	Consultant	USA	NA5	Domestic
Petter Nekså	SINTEF Energy Research	Norway	NA5	Heat pumps
Horace Nelson	Manufacturer	Jamaica	A5	AC unitary
Alexander C. Pachai	Johnson Controls	Denmark	NA5	Large size
Andy Pearson	Star Refrigeration Glasgow	UK	NA5	Large size
Per Henrik Pedersen	Danish Technological Institute	Denmark	NA5	Commercial
Sulkan Suladze	Consultant	Georgia	A5	Commercial
Paulo Vodianitskaia	Consultant	Brazil	A5	Domestic
			7A5	
			20NA5	

## Annex C - Draft Standardised Nomination Form\*

### TEAP: Nomination Form

This form is to be completed by:

- i) nominated experts to the TEAP, Technical Options Committees (TOCs), or Temporary Subsidiary Bodies (TSBs) and
- ii) the national focal point for the relevant party.

Position:  TEAP Co-chair  Senior Expert Member  TOC Co-chair  
 TOC Member  TSB Co-chair  TSB Member  
If applicable indicate which TOC or TSB: \_\_\_\_\_

### Expert Information

Please provide full names rather than only acronyms or initials

Title:  Ms.  Mr.  Other: \_\_\_\_\_  
 Professor  Dr.

Name (underline family name):

Employer / Organization:

Job Title:

Address:

Telephone:

Facsimile:

Email:

Web Site:

Date of Birth:

Gender:  Male  Female

Nationality/ies:

Country of residence:

\*The form is adapted from the International Plant Protection Convention (IPPC) Roster of Experts: Nomination Form, short version.

## Education

Formal education and other qualifications:

## Employment History

Main Countries or Regions Worked or Experience in:

If relevant to the nomination, please give details of previous employment beginning with current employer.

## Publications

If relevant to the nomination, please give a list of publications

## Awards and Memberships

If applicable and relevant, please list scientific awards, professional societies, honorary memberships, and membership in advisory committees/panels:

## Language Knowledge

Note: All meetings, correspondence and report writing are conducted in English so good command of English is essential

Language <i>List mother tongue first</i>	Speak				Read				Write			
	Excel- lent	Good	Fair	Slight	Excel- lent	Good	Fair	Slight	Excel- lent	Good	Fair	Slight
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**References**

Please give name and contact information for key professional references.

Reference 1: \_\_\_\_\_

Reference 2: \_\_\_\_\_

**Confirmation and Agreement**

I hereby confirm that the above information is correct and agree for review by the TEAP. I have no objection to this information being made publicly available. I also confirm that, if appointed, I will review and agree to abide by TEAP’s terms of reference, its code of conduct, operational procedures, and relevant decisions of the Parties.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Confirmation by Nominating Government**

This section must be completed by the national focal point of the relevant party.

Government: \_\_\_\_\_

Name of Government Representative: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RETURN COMPLETED FORM TO: THE OZONE SECRETARIAT**

## Annex D - Updated TEAP Terms of Reference

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 presents technical and economic information relevant to policy. Furthermore, the TEAP does not judge the merit or success of national plans, strategies, or regulations.

### 2. Organisation 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 per cent for Article 5(1) Parties in the TEAP and TOCs.

The TEAP, through its TOC co-chairs<sup>2</sup>, shall compose its TOCs and, through the TEAP and TSB co-chairs, shall compose its TSBs to reflect a balance of appropriate expertise so that their reports and information are comprehensive, objective, and policy neutral<sup>3</sup>.

The TEAP, acting through TSB co-chairs, shall provide a description in reports by TSBs on how their composition was determined.<sup>4</sup>

#### 2.2 Nominations

Nominations of members to the TEAP and TOCs may be made by individual Parties to the Secretariat through their relevant government organization. Such a nomination will be forwarded to the TEAP for consideration and, in the case of nominations of the TEAP for recommendation to the Meeting of the Parties. Any nominations made by the TEAP will be communicated to the relevant Party for consultation before recommendations for appointment are made.

The TEAP co-chairs shall ensure that any potential nominee identified by TEAP<sup>5</sup> for appointment to the Panel, including co-chairs of the TOCs, are agreed to by the national focal points of the relevant party<sup>6</sup>.

The TEAP, working through the relevant co-chairs, shall ensure that all nominations to its TOCs and its TSBs have been made in full consultation with the national focal points of the relevant party<sup>7</sup>.

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<sup>2</sup> A reference to co-chairs is added, here and elsewhere in the text, to clarify who within the TEAP is responsible for implementing this obligation.

<sup>3</sup> Paragraph 1 XXIII/10

<sup>4</sup> Paragraph 1 XXIII/10

<sup>5</sup> The TEAP assumes that this paragraph is intended to relate only to TEAP nominations because the TEAP would not have the authority to control how Parties make nominations.

<sup>6</sup> Paragraph 5 Decision XXIII/10

<sup>7</sup> Paragraph 6 Decision XXIII/10

### 2.3 Appointment of Members of TEAP

In keeping with the intent of the Parties for a periodic review of the composition of the assessment panel, the Meeting of the Parties shall appoint the members of the TEAP for a period of no more than four years<sup>8</sup> to be determined by the Parties. Members of the Panel may be re-nominated for additional periods of up to four years each<sup>9</sup> subject to re-endorsement by the Parties. In appointing or re-endorsing members of the TEAP, the Parties should ensure continuity as well as a reasonable turnover.

### 2.4 TOC Co-chairs

The Co-chairs of a TOC should not normally act as Co-chairs of another TOC.

### 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, for a period of no more than four years<sup>10</sup>. TOC members may be re-nominated for additional periods of up to four years each<sup>11</sup>.

### 2.6 Termination of Appointment by Dismissal

TEAP/TOC Co-chairs can dismiss a member by a two-thirds majority vote. A dismissed member has the right to request a vote of its relevant Panel, Committee or TSB and will be restored if supported by one third of the members of that body. A dismissed member of the TEAP has the right to 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.

### 2.6 Bis Termination by effluxion of time

The terms of all the members of the TEAP and its TOCs who have not been appointed for four year periods shall expire at the end of 2013 and 2014 respectively, in the absence of reappointment by the Parties prior to that time<sup>12</sup>.

A decision of the Meeting of the Parties is required to confirm reappointments to the Panel<sup>13</sup>.

### 2.7 Replacement

If a TOC Co-chair/Senior Expert relinquishes or is unable to function, the TEAP after consultation with the nominating Party can temporarily appoint a replacement from amongst its bodies for the time up to the next Meeting of the Parties, if necessary to complete its work. For the appointment of a new member at the Meeting of the Parties, the procedure set out in paragraph 2.2 should be followed.

### 2.8 Subsidiary Bodies

Temporary Subsidiary Technical Bodies (TSBs) can be appointed by the TEAP/TOCs to report on specific issues of limited duration<sup>14</sup>. 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

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<sup>8</sup> Paragraph 7 Decision XXIII/10

<sup>9</sup> Paragraph 8 Decision XXIII/10

<sup>10</sup> Paragraph 7 Decision XXIII/10

<sup>11</sup> Paragraph 8 Decision XXIII/10

<sup>12</sup> Paragraph 9 of Decision XXIII/10

<sup>13</sup> Paragraph 12 Decision XXIII/10

performance of their duties. For issues which cannot be handled by the existing TOCs and are of substantial and continuing nature TEAP should request the establishment by the Parties of a new TOC.

A decision of the Meeting of the Parties is required to confirm any TSB that exists for a period of more than one year<sup>15</sup>.

### *2.9 Guidelines for Nominations*

The TEAP/TOCs will draw up guidelines for nominating experts by the Parties. The TEAP/TOCs will publicize a matrix<sup>16</sup> of expertise available and the expertise gap in the TEAP/TOCs so as to facilitate submission of appropriate nominations by the Parties. The matrix should include the need for geographic and expertise balance<sup>17</sup>.

The TEAP/TOCs, acting through their respective co-chairs, shall ensure that the matrix is updated at least twice a year and shall publish the matrix on the Secretariat website and in the Panel's annual progress reports<sup>18</sup>. The TEAP/TOCs shall also ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise<sup>19</sup>.

## **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.

### *3.2 Scheduling of Meetings*

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

### *3.2 bis Secretariat*

The Ozone Secretariat should attend the meetings of the TEAP whenever possible and appropriate to provide ongoing institutional advice on administrative issues when necessary<sup>20</sup>.

### *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*

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<sup>15</sup> Paragraph 13 Decision XXIII/10.

<sup>16</sup> There is some inconsistency between the way the current TOR and Decision XXIII/10 relates to the matrix. In the TOR, the TEAP/TOCs are responsible for the matrix, which relates to the TEAP/TOCs. In Decision XXIII/10 however the Panel are responsible for the matrix, which relates to the TSBs as well. In this draft, the approach adopted in the TOR prevails.

<sup>17</sup> Paragraph 2 Decision XXIII/10.

<sup>18</sup> Paragraph 2 Decision XXIII/10.

<sup>19</sup> Paragraph 3 Decision XXIII/10.

<sup>20</sup> Paragraph 15 Decision XXIII/10.

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 Procedures*

The TEAP/TOCs/TSBs will be developed through a consensus process. The reports must reflect any 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 final reports of TOCs and TSBs will be reviewed by the TEAP and will be forwarded, without modification (other than editorial or factual corrections which have been agreed with the Co-chairs of the relevant TOC or TSB) by the TEAP to the Meeting of the Parties, together with any comments the TEAP may wish to provide. Any factual errors in the reports may be rectified through a corrigendum following publication, upon receipt by TEAP or the TOC of supporting documentation.

##### *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.

#### **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 significant gifts, hospitality, or other benefits from persons, groups or organizations having or likely to have dealings with the TEAP, TOCs or TSBs;
- 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.

[The provisions of the TOR relating to conflict of interest and recusal have been omitted for the time being, because their subject matter is addressed by draft guidelines on recusal prepared by the TEAP pursuant to paragraph 18 of Decision XXIII/10]

## **Annex E - Draft Decision on Revised Recusal Guidelines**

### **Decision XXIV/xxx: Recusal guidelines for the Technology and Economic Assessment Panel, its technical options committees and temporary subsidiary bodies.**

The *Twenty Fourth Meeting of the Parties* decided in Decision **XXIV/xxx**

*Noting* paragraph 17 of Decision XXIII/10 in which the Parties requested the TEAP to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group at its thirty-second meeting for consideration by the Parties;

*Taking into account* [the deliberations of the OEWG, the work of the TEAP];

*Noting also* the Terms of reference of the Technology and Economic Assessment Panel as set out in Annex V of the report of the Eighth Meeting of the Parties, as amended by Decision XVIII/19;

*Bearing in mind* that the role of the Technology and Economic Assessment Panel makes it essential to avoid even the appearance of any conflict between individual members' interests and their duties as Panel members;

*Bearing in mind also* that it is in the interest of Panel members to maintain public confidence in their integrity by rigorous compliance with these guidelines;

[To substitute paragraphs xx to xxx in the code of conduct in the Terms of reference with the recusal guidelines in the Annex to this decision.]

## **Annex E - Recusal Guidelines for the Technology and Economic Assessment Panel, Its Technical Options Committees and Temporary Subsidiary Bodies**

### **Definitions**

1. For the purposes of these Guidelines –
  - a. “conflict of interest” means any current professional, financial, self or other interest of a member, or of that member’s personal partner or dependent, which, in the opinion of a reasonable person might appear –
    - i. significantly to impair that individual’s objectivity in carrying out their duties and responsibilities for the TEAP, or
    - ii. to create an unfair advantage for any person or organization<sup>21</sup>;
  - b. “member” means member of the TEAP, TOCs and/or TSBs;
  - c. “recusal” means the process by which a member voluntarily removes them self, or is removed, from particular TEAP, TOC or TSB work because of a conflict of interest;
  - d. “the ethics advisory body ” means the body appointed under paragraph 29.

### **Purposes**

2. The overall purpose of these Guidelines is to protect the legitimacy, integrity, trust, and credibility of the TEAP, TOCS and TSBs and of those directly involved in the preparation of reports and activities<sup>22</sup>.
3. Any Assessment Panel must pay particular attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, its products and processes. It is essential that the work of TEAP and its TOCs and TSBs is not compromised by any conflict of interest<sup>23</sup>.
4. Compliance with these Guidelines is a condition for continuing to serve as a member.
5. These Guidelines are to enhance public confidence in the process while encouraging experienced and competent persons to accept TEAP, TOC and/or TSB membership by:
  - a. establishing clear rules of conduct with respect to the prevention and management of conflict of interest while and after serving as a member;
  - b. minimizing the possibility of conflicts arising between the interests and public duties of members, and by providing for the resolution of such conflicts, in the public interest, should they arise; and

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<sup>21</sup> This definition is central: drawn from the IPCC work it makes clear that the test is whether a reasonable person would perceive there to be a conflict. Conflict is defined with reference to two concepts: first, impairment; and second, an unfair advantage.

<sup>22</sup> Stronger wording, taken from IPCC work, stressing package of legitimacy, credibility, integrity and trust.

<sup>23</sup> New IPCC-derived text that explains why it is necessary to focus on conflict of interest and bias.

- c. balancing the needs -
  - i. to minimise any reporting burden, and
  - ii. to ensure the integrity of the TEAP process<sup>24</sup>.
- 6. These Guidelines are principle-based and do not provide an exhaustive list of criteria for the identification of conflicts<sup>25</sup>.
- 7. The TEAP, its TOCS, TSBs and its members should not be in a situation that could lead a reasonable person to question, and perhaps discount or dismiss, their work simply because of the existence of a conflict of interest<sup>26</sup>.

## Disclosure of Interest

- 8. Members shall annually disclose any activities and interests, which might call into question their ability to discharge their duties and responsibilities objectively. They must also disclose any funding, making clear the original funding source, for their participation in the work of the TEAP, TOC and/or TSB<sup>27</sup>. An illustrative list of interests<sup>28</sup> is provided in Annex A to these Guidelines.
- 9. Members shall disclose a material change in their activities, interests and funding within 30 days of any such change.
- 10. In the previous paragraph, “interests” includes, but is not limited to, business, government or financial interests in ozone-depleting substances, their alternatives, and products made with or containing ozone depleting substances or their alternatives<sup>29</sup>.
- 11. Notwithstanding the obligations in paragraphs 8 and 9, a member may decline to disclose information related to activities, interests and funding where its disclosure would adversely and materially affect –
  - a. international relations, defence, national security or imminent public safety;
  - b. the course of justice in prospective or current court cases;
  - c. the ability to assign future intellectual property rights;
  - d. the confidentiality of commercial or industrial information; or.
  - e. personal confidentiality.
- 12. A member who declines to disclose information under paragraph 11 must declare that they are doing so in their disclosure of interest under paragraphs 8 or 9.

## Conflict of Interest

- 13. A member’s strong opinion (sometimes referred to as bias), or particular perspective, regarding a particular issue or set of issues does not necessarily create a conflict of interest

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<sup>24</sup> Introduction of an element of balance between reporting and the necessity to ensure the integrity of the process.

<sup>25</sup> Makes express that any lists of criteria are not exclusive.

<sup>26</sup> Provides that perception is key; the key test is whether a reasonable person might challenge work because of a conflict, regardless of whether that conflict actually affected the work.

<sup>27</sup> Drawn from the current TOR.

<sup>28</sup> It is worth noting, in passing, that as with the current TOR the illustrative list of interests will identify examples of interests that should be disclosed, not interests that would give rise to a conflict.

<sup>29</sup> Again, drawn from the current TOR; but with two minor amendments (to make it clear that the provision is not exclusive), and to delete “production” from the old text (which related to financial interests in *the production of* ozone-depleting substances).

but it may do so. It is expected that the TEAP, TOCs and TSBs will include members with different perspectives and affiliations which should be balanced so far as possible<sup>30</sup>.

14. These Guidelines apply only to current conflicts of interest. They do not apply to past interests that have expired, no longer exist, and cannot reasonably affect current assessment. Nor do they apply to possible interests that may arise in the future but that do not currently exist, as such interests are inherently speculative and uncertain. For example, a pending application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest<sup>31</sup>.
15. The ethics advisory body may be consulted by
  - a. Anyone considering whether to declare an interest under paragraphs 8 or 9; or
  - b. Anyone seeking to avoid a conflict of interest.

## **Recusal**

16. Depending on what is appropriate in the circumstances, a member's recusal may be complete or partial.
17. Where a member's recusal is complete, that member is recused from decision making and discussions related to a defined area of work.
18. Where a member's recusal is partial, that member is recused from decision making but may participate in discussions related to a defined area of work.
19. A member who is recused completely or partially from an area of work may nevertheless answer questions with respect to that work at the request of the TEAP, TOC or TSB.
20. A member who declines to disclose information under paragraph 11 must completely recuse themselves from discussions and decisions on related topics.
21. A member may recuse himself from a defined area of work where he believes that he has a conflict of interest.
22. A member may be recused from a defined area of work by the co-chairs, of the relevant TEAP, TOC or TSB, by a simple majority acting on their own initiative or at the initiative of another member.
23. Where TOC or TSB co-chairs are unable to act by simple majority on the recusal of a member, that member may be recused by a simple majority of the co-chairs of the TEAP.
24. Where the TEAP co-chairs are unable to act on the recusal of a member, or where a member proposes that a TEAP co-chair should be recused, the TEAP should debate the recusal fully, unless that is not reasonably practicable, with a view to ensuring the balance of opinion is taken into account. Only if there is such a debate may the TEAP take the matter to a vote. The TEAP may, by a two thirds majority of those voting, make a decision either way on the recusal.

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<sup>30</sup> This is distilled from the IPCC work. The paragraph acknowledges that it is inevitable that members will come to TEAP work with strong, sometimes publicly stated, opinions and perspectives. Those opinions and perspectives should be balanced, but will not necessarily create a conflict of interest.

<sup>31</sup> Drawn almost entirely from the IPCC work this text should help to determine what potential interests are too remote to be declared.

25. Where the TEAP votes under paragraph 24, the person whose recusal is at issue may not vote.
26. Where the TEAP are unable to make a decision on recusal under paragraph 24, the final decision on recusal shall be made by the President of the Meeting of the Parties, who should immediately be alerted to the issue by the TEAP.
27. The ethics advisory body may be consulted by anyone considering whether to-
  - a. take the initiative to refer a recusal to a co-chair under paragraph 22;
  - b. propose that a co-chair should be recused under paragraph 24; or
  - c. recuse under paragraphs 21 to 26.
28. Where the ethics advisory body is consulted under paragraphs 15 or 27, they must always inform the person whose recusal is at issue when someone else consults them.

### **The ethics advisory body**

29. The ethics advisory body shall comprise three persons appointed by the TEAP by consensus.
30. Subject to paragraph 31, each of those persons shall be appointed for terms of three years.
31. When those persons are first appointed, the term of one of them shall be for one year, and the term of another will be for two years.
32. The term of any person appointed may be renewable once only for one further term.
33. The advice of the ethics advisory body shall be confidential, provided the person subject to the inquiry complies with the advice of the ethics advisory body on issues of critical importance to the reputation of TEAP.
34. The confidentiality provided for in paragraph 33 may be waived by the person subject to the inquiry.

### **Annex: Illustrative list of interests**

[To be completed between OEWG and MOP]

[Consider the current list in the TOR]

[Should include government employment/remuneration/salary]