

THE 17TH MEETING OF THE PARTIES AGREED TO DEFER CONSIDERATION OF THIS PROPOSAL UNTIL 2006, AND TO ASK THE SECRETARIAT TO POST THIS PROPOSAL FOR COMMENTS BY THE PARTIES.

COMMENTS ARE REQUESTED BY 15 MAY 2006

Discussion on Montreal Protocol issues: guidelines for disclosure of interests for groups such as the Technology and Economic Assessment Panel and its Technical Options Committees as submitted by Canada at the Seventeenth Meeting of the Parties to the Montreal Protocol

Canadian non-paper

Guidelines for TEAP, TOCs and TSBs for disclosure of interest

Canada proposes that the Parties adopt a decision on conflict interest relating to members of TEAP, TOCs and TSBs at the next Meeting of the Parties. A draft decision is attached for the consideration of the Parties.

The procedures to be established would be consistent with the code of conduct for TEAP, TOC and TSB members adopted as Annex V of the report of the Eight Meeting of the Parties. Paragraph 5 of the code of conduct requires TEAP, TOC and TSB Members to disclose activities, including business or financial interest in production of ozone-depleting substances, their alternatives, and products containing ozone depleting substances and alternatives, which might call into question their ability to discharge their duties and responsibilities objectively. Members must also disclose any financing from a company engaged in commercial activities, for their participation in TEAP, TOC or TSB.

It is proposed therefore that each member of TEAP, TOCs and TSBs be asked to declare any interests that could constitute a real, potential, or apparent conflict of interest, with respect to his/her involvement in the work of the TEAP, TOCs or TSBs.

Canada looks forward to further discussions or comments.

Annex 1

Further to decision VIII/19, the Meeting of the Parties decides that:

1. Each member of the TEAP, TOCs and TSBs shall complete an annual disclosure of interests as set out in the annex to this decision. A new member shall complete a disclosure of interests within 30 days of his or her appointment.
2. Without prejudice to the obligations incumbent upon the individual members of the TEAP, TOCs and TSBs as set out in paragraph 1, Parties shall exercise due diligence in order to prevent potential or actual situations of conflict of interest and a nominating Party shall inform the expert that he or she will be requested by the secretariat to fill in a disclosure of interests prior to submitting a nomination.
3. Subject to the provisions of decision VIII/19, the Secretariat to the Montreal Protocol shall take all necessary measures to safeguard the restricted character of the information provided in the disclosure of interest forms. To the extent necessary for the implementation of decision VIII/19 and decision XVIII/xx, this information may be provided to the Meeting of the Parties and its Bureau and subsidiary bodies, as deemed appropriate.
4. In accordance with Decision VIII/19, the Chairs of TEAP, TOCs and TSBs will be responsible for the implementation of this decision for their respective members and the TEAP shall report on the application of this decision and Decision VIII/9 to the Meeting of the Parties.
5. The Meeting of the Parties shall keep under review the implementation of the present decision and, not later than five years after its adoption, it will carry out a comprehensive assessment of its implementation with a view to making such amendments thereto as may be required.

Annex A

Disclosure of interests

Functioning by Members

The TEAP/TOCs/TSBs members function on a personal basis as experts, irrespective of the source of their nominations and accept no instruction from, nor function as representatives of Governments, industries, NGOs or others. (para. 3.5 of Annex V, Decision VIII/19)

What is conflict of interest?

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

Disclosure

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

Illustrative lists of categories of interest that should be disclosed:

1. Employment by an applicant.
2. Provided advice, for commercial gain, to an applicant on the application or participated in the preparation of the application.
3. Received or will receive a benefit if the application is approved or declined (e.g. will receive returns on patent rights).
4. A current proprietary interest in a substance, technology or process (e.g. ownership of a patent), to be considered in the meeting or work.
5. A current financial interest, e.g. shares or bonds, in a commercial entity with an interest in the subject matter of the meeting or work (except share holdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares).
6. An employment, consultancy, directorship, or other position during the past five years, whether or not paid, in any commercial entity which has an interest in the subject matter of the meeting or work, or an ongoing negotiation concerning prospective employment or other association with such commercial entity.
7. Payment or other support covering a period within the past five years, or an expectation of support for the future, from a commercial entity with an interest in the subject matter of the meetings or work, even if it does not convey any benefit to the expert personally but which benefits his/her employer.
8. Works for or receives financial assistance from a commercial enterprise promoting an alternative to the specific proposed use.
9. Works for an interest that could possibly be harmed by a decision to grant an essential or critical use exemption.
10. Provides advice to their Government on the positions of their national delegation to the Montreal Protocol.

11. Is engaged in research directly related to the specific proposed use on either the proposed use or an alternative.
12. Is or has been engaged in research developing or assessing potential alternatives for the proposed use, but which is not a candidate alternative for the specific proposed use at the time of evaluation.
13. Performance of any paid work or research during the past five years commissioned by a commercial entity with interests in the subject matter of the meetings or work.

INFORMATION FOR THE POTENTIAL MEMBER ON HOW TO COMPLETE THE DECLARATION OF INTEREST FORM

How to complete this declaration

Please complete this declaration form and submit it to the Secretariat. . Any financial or other interests that could constitute a real, potential or apparent conflict of interest should be declared: first, with respect to yourself or partner; and second, with respect to any entity with which you have an employment relationship. Only the name of the entity and the nature of the interest are required to be disclosed, no amounts need to be specified (though they may be, if you consider this information to be relevant to assessing the interest).

Assessment and outcome

The information submitted by you will be used by the TEAP, TOCs and TSBs chairs to assess whether the disclosed interests constitute an appreciable real, potential, or apparent conflict of interest in accordance with the provisions of decision VIII/19 and decision XVII/xx.

This completed form shall be reviewed by the Chairs of TEAP and the respective TOCs and TSBs chairs, and will kept on file with the Secretariat. The information may be made available to the Meeting of the Parties, its Bureau and subsidiary bodies, as deemed appropriate by the Meeting of the Parties.

DECLARATION OF INTEREST TO BE COMPLETED BY POTENTIAL MEMBERS

Declaration

- D.1. Have you or your partner any financial or other interests in the subject matter of the meeting or work in which you will be involved, which may be considered as constituting a real, potential or apparent conflict of interest? Yes/No (please circle one)

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

- D.2. Have you or your partner any interests in developing or advising national delegations in the positions that they should take in international negotiations in the subject matter or work in which you will be involved, which may be considered or constituting a real, potential or apparent conflict of interest? Yes/No (please circle one)

If yes, please give details below.

- D.3. Do you have, or have you had during the past four years, an employment or other professional relationship with any entity directly involved in the production, manufacture, distribution or sale of substances or directly representing the interests of any such entity? Yes/No (please circle one)

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

- D.4. Is there anything else that could affect your objectivity or independence in the meeting or work, or the perception by others of your objectivity and independence?

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

Name:

Date:

Signature:

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

Name:

Signature:
