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**Ad hoc open-ended working group on a science-policy panel
to contribute further to the sound management of
chemicals and waste and to prevent pollution
Second session**

Nairobi, 11–15 December 2023
Item 4 of the provisional agenda*

**Preparation of proposals for the establishment of a science-policy
panel**

**Background document on procedures for addressing potential
conflicts of interest**

Note by the secretariat

The annex to the present note contains background information on procedures for addressing potential conflicts of interest. The ad hoc open-ended working group on a science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution may wish to consider the information provided.

* UNEP/SPP-CWP/OEWG.2/1.

Annex*

1. This document complements section V of document UNEP/SPP-CWP/OEWG.2/6. An overview of the conflict of interest policies from existing science-policy interfaces is presented below. This overview is further complemented by Appendix I which provides full text examples from existing science-policy bodies.

IPCC

2. The Intergovernmental Panel on Climate Change's (IPCC) [Conflict of Interest Policy](#) was approved at the 34th Session (Kampala, Uganda, 18-19 November 2011), amended at the 40th Session (Copenhagen, Denmark, 27–31 October 2014) and at the 44th (Decision IPCC/XLIV-3, Bangkok, Thailand, 17-20 October 2016).

3. Annex A to the document sets out the procedures for implementing the IPCC Conflict of Interest Policy. The Conflict of Interest (COI) Policy is overseen by a COI Committee that comprises “all elected members of the Executive Committee and two additional members with appropriate legal expertise appointed by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP)” (para.19, annex A). The Panel approved the [Methods of Work](#) of the COI Committee during its 35th Session (Geneva, June 2012) and amended it at its 44th Session (Bangkok, October 2016)*. The approved IPCC Conflict of Interest Policy is available in all UN languages [online](#).

4. A [code of conduct](#) for meetings and events of the IPCC applies to all participants who are attending IPCC meetings and events, including Panel sessions, lead author meetings, expert meetings and workshops as well as outreach events organized by the IPCC secretariat or the Working Group Technical Support Units. It notes the professional and respectful environment for all participants and lays out the zero-tolerance approach to discrimination, harassment, and sexual harassment, including what constitutes behaviour which can be described as such. Additionally, it lays out the designated point of contact and process for handling reports and allegations of breaches of the code. The policy applies not only to in-person meetings, but also to teleconferences, e-mail exchanges and other interactions.

IPBES

5. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services' (IPBES) [Conflict of interest policy and implementation procedures](#) were adopted by decision IPBES-3/3 (2015) and are contained in Annex II to the decision.

6. The policy explains the purpose and scope of the policy (including defining conflict of interest and bias), and the implementation procedures which set out ten rules “designed to ensure that relevant interests are identified and then disclosed to the Committee on Conflicts of Interest, which will identify potential and real conflicts of interest and manage them in order to avoid any adverse impact on the Platform and its deliverables while protecting the person or persons concerned and the public interest.”

7. The policy applies to the members of the Bureau, the Multidisciplinary Expert Panel and any other subsidiary bodies contributing to the development of deliverables, authors with responsibility for report content, review editors, professional staff, and secretariat.

GEO

8. The Global Environment Outlook (GEO) [procedures](#) include a conflict of interest policy (section 13) that applies to senior leadership within the GEO process, such as members of the Intergovernmental and Multistakeholder Advisory Group (IMAG), Multidisciplinary Expert Scientific Advisory Group (MESAG), and other subsidiary bodies involved in deliverable development, as well as authors, review editors, and staff hired by collaborating centers or technical support units. The policy defines a conflict of interest as any current interest that could significantly impair objectivity in carrying out one's duties for the GEO process and create an unfair advantage for any person or organization. This includes financial interests, employment relationships, consulting arrangements, intellectual property interests, and sources of research support. Additionally, associations with

* The annex has not been formally edited.

advisory groups linked to private sector organizations or non-profit/advocacy boards should be disclosed if significant and relevant.

9. To prevent potential conflicts of interest, individuals involved in drafting GEO deliverables should avoid being in a position where they must approve or accept the text they were directly involved in creating. Nominees for senior leadership positions must submit a conflict of interest disclosure form before appointment, and any changes in disclosed information should be promptly communicated to the secretariat. If the secretariat determines that a conflict of interest cannot be resolved, the individual may be deemed ineligible for the position. All conflict of interest forms and related records will be securely archived by the secretariat for five years after the individual's involvement in the role, treated as confidential, and only used for considering conflict of interest issues under the current procedures with the individual's consent.

Montreal Protocol Assessment Panels

10. Guidelines for conflict of interest, as well as code of conduct, and disclosure of interest, for the Technology and Economic Assessment Panel (TEAP) of the Montreal Protocol are set out in section 5 of the [annex to decision XXIV/8](#) (2013). The code of conduct is “intended to protect Members of TEAP, the technical options committees (TOCs) and the temporary subsidiary bodies (TSBs) from conflicts of interest in their participation.” No such decision has been taken for the other assessment panels (the Scientific Assessment Panel and the Environmental Effects Assessment Panel) or the secretariat of the Montreal Protocol.

11. All TEAP/TOC/TSB members must complete annually Disclosure of Interest (DOI) forms which are made available on the Ozone Secretariat website, through the [TEAP portal membership pages](#).

Appendix I

IPCC

12. The detailed conflict of interest policy of IPCC reads as follows:

| | Purpose of the policy |
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| 1 | The role of the IPCC as stated in paragraph 2 of the Principles Governing IPCC Work is to assess on a comprehensive, objective, open and transparent basis the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts and options for adaptation and mitigation. IPCC reports should be neutral with respect to policy, although they may need to deal objectively with scientific, technical and socio-economic factors relevant to the application of particular policies. |
| 2 | The role of the IPCC demands that it pay special 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 the IPCC is not compromised by any conflict of interest for those who execute it. |
| 3 | The overall purpose of this policy is to protect the legitimacy, integrity, trust, and credibility of the IPCC and of those directly involved in the preparation of reports, and its activities. This policy is principles-based and does not provide an exhaustive list of criteria for the identification of such conflicts. The Panel recognizes the commitment and dedication of those who participate in IPCC activities. The policy should maintain the balance between the need to minimise the reporting burden, and to ensure the integrity of the IPCC process. In this way, it seeks to encourage participation and to ensure that the representativeness and geographic balance of the Panel is not impaired whilst continuing to build and maintain public trust. |
| 4 | The IPCC Conflict of Interest Policy is designed to ensure that conflicts of interest are identified, communicated to the relevant parties, and managed to avoid any adverse impact on IPCC balance, products and processes, thereby protecting the individual, the IPCC, and the public interest. The individual and the IPCC should not be placed in a situation that could lead a reasonable person to question, and perhaps discount or dismiss, the work of the IPCC simply because of the existence of a conflict of interest. |
| 5 | Identifying a potential conflict of interest does not automatically mean that a conflict of interest exists – the purpose of the policy is to enable individuals to provide the relevant information necessary for each particular situation to be evaluated. |
| | Scope of the Policy |

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| 6 | This policy applies to senior IPCC leadership (the IPCC Chair, Vice Chairs, Working Group and Task Force Co-Chairs), other members of the IPCC Bureau and members of the Task Force Bureau, authors with responsibilities for report content (Coordinating Lead Authors, Lead Authors), Review Editors and the professional staff of the Technical Support Units (TSUs). |
| 7 | The policy applies to the development of all IPCC products including but not limited to: assessment reports; special reports; methodology reports and technical papers. |
| 8 | The professional staff members of the IPCC Secretariat are employees of WMO and/or UNEP and are subject to their disclosure and ethics policies, which include conflict of interest. |
| 9 | The policy will be executed to reflect the various roles, responsibilities and levels of authority, of participants in the IPCC process. In particular, consideration should be given to whether responsibility is held at an individual level or shared within a team; to the level of influence held over the content of IPCC products. |
| 10 | The application of the conflict of interest policy to those elected to positions within the IPCC should reflect their specific responsibilities. |
| | Conflict of Interest |
| 11 | A “conflict of interest” refers to any current professional, financial or other interest which could: i) significantly impair the individual’s objectivity in carrying out his or her duties and responsibilities for the IPCC, or ii) create an unfair advantage for any person or organization. For the purposes of this policy, circumstances that could lead a reasonable person to question an individual’s objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. These potential conflicts are subject to disclosure. |
| 12 | Conflict of interest policies in scientific assessment bodies typically make a distinction between “conflict of interest” and “bias,” which refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. In the case of author and review teams, bias can and should be managed through the selection of a balance of perspectives. For example, it is expected that IPCC author teams will include individuals with different perspectives and affiliations. Those involved in selecting authors will need to strive for an author team composition that reflects a balance of expertise and perspectives, such that IPCC products are comprehensive, objective, and neutral with respect to policy. In selecting these individuals, care must be taken to ensure that biases can be balanced where they exist. In contrast, conflict of interest exists where an individual could secure a direct and material gain through outcomes in an IPCC product. Holding a view that one believes to be correct, but that one does not stand to gain from personally is not a conflict of interest. |
| 13 | The conflict of interest requirements in this policy are not designed to include an assessment of one's behavior or character or one's ability to act objectively despite the conflict of interest. |
| 14 | This policy applies only to current conflicts of interest. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it 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. |
| 15 | Professional and other non-financial interests need to be disclosed only if they are significant and relevant. If in doubt about whether an interest should be disclosed, individuals are encouraged to seek advice from the appropriate IPCC body as defined in Annex A. Significant and relevant interests may include, but are not limited to, senior editorial roles, advisory committees associated with private sector organizations, and memberships on boards of non-profit or advocacy groups. However, not all such associations necessarily constitute a conflict of interest. |
| 16 | Financial interests need to be disclosed only if they are significant and relevant. These may include, but are not limited to, the following kinds of financial interests: employment relationships; consulting relationships; financial investments; intellectual property interests; and commercial interests and sources of private-sector research support. Individuals should also disclose significant and relevant financial interests of any person with whom the individual has a substantial business or relevant shared interest. If in doubt about whether an interest should be disclosed, individuals are encouraged to seek advice from the appropriate IPCC body as defined in Annex A “Implementation”. |
| 17 | To prevent situations in which a conflict of interest may arise, individuals directly involved in or leading the preparation of IPCC reports should avoid being in a position to approve, adopt, or accept on behalf of any government the text in which he/she was directly involved. |

13. Annex A to the document sets out the procedures for implementing the IPCC Conflict of Interest Policy.

IPBES

14. The detailed [conflict of interest policy](#) of IPBES reads as follows:

| A. Purpose of the policy | |
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| 1 | The objective of the Platform as stated in paragraph 1 of the “Functions, operating principles and institutional arrangements of the Platform” is to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development. According to the operating principles of the Platform, in carrying out its work the Platform must be scientifically independent and ensure credibility, relevance and legitimacy through peer review of its work and transparency in its decision-making processes and use clear, transparent and scientifically credible processes for the exchange, sharing and use of data, information and technologies from all relevant sources, including non-peer-reviewed literature, as appropriate. |
| 2 | The role of the Platform requires that it pay special 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 the Platform not be compromised by any conflict of interest on the part of those who execute it. |
| 3 | The overall purpose of this policy is to protect the legitimacy, integrity and credibility of the Platform and its deliverables as well as confidence in its activities and in individuals who are directly involved in the preparation of its reports and other deliverables. The policy is based on principles and does not provide an exhaustive list of criteria for the identification of conflicts of interest. The Platform recognizes the commitment and dedication of those who participate in its activities and the need to maintain a balance between minimizing the reporting burden and ensuring the integrity of the Platform and its deliverables while continuing to build and maintain public trust. |
| 4 | The conflict of interest policy is designed to ensure that potential conflicts of interest (see sect. C below) are identified, communicated to the Committee on Conflicts of Interest and managed in order to avoid any adverse impact on the Platform’s independence, deliverables and processes, thereby protecting the person or persons concerned, the Platform and the public interest. Any duly reasoned request relating to a potential conflict of interest may be sent to the Bureau of the Platform. |
| 5 | It is essential to avoid a situation in which a reasonable person could question, discount or dismiss the work of the Platform owing to the perception of a conflict of interest. It is recognized that the privacy and professional reputation of individuals must be respected. Identifying a potential conflict of interest does not automatically mean that a conflict of interest exists. The policy is intended to enable individuals to provide the information necessary for the evaluation of a given situation. |
| 6 | At its first session, held in Bonn, Germany, in January 2013, the Plenary of the Platform requested the Multidisciplinary Expert Panel to develop its own code of practice for the performance of its scientific and technical functions. This code of practice was duly developed and at the first joint meeting of the Multidisciplinary Expert Panel and the Bureau, held in Bergen, Norway, in June 2013, the Bureau reviewed and revised the code of practice with a view to adopting it ¹ . |
| B. Scope of the policy | |
| 7 | This policy applies to the senior leadership of the Platform, namely, members of the Bureau, the Multidisciplinary Expert Panel and any other subsidiary bodies contributing to the development of deliverables, authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors), review editors and the professional staff to be hired to work in a technical support unit established by the Platform. |
| 8 | The professional staff members of the secretariat are employees of the United Nations Environment Programme (UNEP) and are subject to the Programme’s disclosure and ethics policies, which include conflicts of interest. Likewise, the professional staff of any technical support unit who are employees of a United Nations entity are subject to the conflict of interest policy of that entity. Technical support units that are not hosted by the United Nations are expected to comply with the Platform’s policy. |
| 9 | The policy applies to the development of any and all deliverables of the Platform. |
| 10 | The application of the conflict of interest policy to persons elected to or selected for positions in the Platform should reflect their specific responsibilities. |
| C. Definition of “conflict of interest” and “bias” | |
| 11 | For the purposes of this policy, any circumstances that could lead a reasonable person to question either an individual’s objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. A “conflict of interest” refers to any current interest of an individual that could: (a) Significantly impair the individual’s objectivity in carrying out his or her duties and responsibilities for the Platform; (b) Create an unfair advantage for any person or organization. |

¹ The Bureau and Multidisciplinary Expert Panel, at their 14th meetings, approved the following code of practice, which can be found in [IPBES/8/INF/22](#).

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| 12 | A distinction is made between “conflict of interest” and “bias”. “Bias” refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. In the case of author and review teams, bias can and should be managed through the selection of authors and reviewers with a balance of perspectives. It is expected that the Platform’s author teams will include individuals with different perspectives and affiliations. Individuals or teams of individuals involved in selecting authors should strive for an author team composition that reflects a balance of expertise and perspectives to ensure that the Platform’s products are comprehensive and objective and remain neutral with respect to policy. In selecting these individuals, care must be taken to ensure that biases can be balanced, where they exist. In contrast, a “conflict of interest” refers to a situation as described in paragraph 11. Holding a view that one believes to be correct, but that one does not stand to gain from personally, does not necessarily constitute a conflict of interest but may be a bias. |
| 13 | The conflict of interest requirements in this policy are not designed to include an assessment of an individual’s behaviour or character or his or her ability to act objectively despite the conflict of interest. |
| 14 | This policy applies only to current conflicts of interest and does not apply to past interests that have expired. Professional and other non-financial interests need only be disclosed on the conflict of interest form if they are significant and relevant. If in doubt about whether an interest should be disclosed, individuals are encouraged to contact the secretariat, which, in turn, will seek advice from the Committee on Conflicts of Interest. Significant and relevant interests may include, but are not limited to, membership of advisory committees associated with private sector organizations and of the boards of non-profit or advocacy groups. Such associations do not necessarily constitute a conflict of interest, however. |
| 15 | Financial interests need only be disclosed on the conflict of interest form if they are significant and relevant. Such interests may include, but are not limited to, employment relationships, consulting relationships, financial investments, intellectual property interests, commercial interests and sources of research support. Individuals should also disclose the significant and relevant financial interests of any person with whom the individual has a substantial business or relevant shared interest, such as a close family member. If in doubt about whether an interest should be disclosed, individuals are encouraged to contact the secretariat, which, in turn, will seek advice from the Committee on Conflicts of Interest. |
| 16 | In order to prevent situations in which a conflict of interest may arise, individuals directly involved in or leading the preparation of deliverables of the Platform should avoid being in a position in which they are required to approve, adopt or accept on behalf of any Government the text that he or she was directly involved in drafting. |

15. The Implementation procedures are set out in section II of the [Conflict of interest policy](#) and implementation procedures document.

GEO process

16. The detailed [conflict of interest policy](#) of the GEO process reads as follows:

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| | This procedure applies to the senior leadership of the GEO process, namely, members of the IMAG, the MESAG and any other subsidiary bodies contributing to the development of deliverables, authors with responsibility for report content (including co-chairs/ vice-chairs of the assessment, coordinating lead authors, lead authors and contributing authors), review editors, collaborating centres and the professional staff to be hired to work in a collaborating centre or technical support unit established by the GEO process. The procedure applies to the development of any and all deliverables of the GEO. The application of the conflict-of-interest policy to persons elected to or selected for positions in the GEO process should reflect their specific responsibilities. |
| | For the purposes of this procedure, any circumstances that could lead a reasonable person to question either an individual’s objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. A “conflict of interest” refers to any current interest of an individual that could: |
| | (a) Significantly impair the individual’s objectivity in carrying out his or her duties and responsibilities for the GEO process; and (b) Create an unfair advantage for any person or organization. |
| | Significant and relevant interests to be disclosed may include but are not limited to: membership of advisory groups associated with private sector organizations and of the boards of non-profit or advocacy groups. Such associations do not necessarily constitute a conflict of interest, however, financial interests should be disclosed if significant and relevant, and may include, but are not limited to: employment relationships, consulting relationships, financial investments, intellectual property interests, commercial interests and sources of research support. Individuals should also disclose the significant and relevant financial interests of any person with whom the individual has a substantial business or relevant shared interest, such as close family members. |

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| | In order to prevent situations in which a conflict of interest may arise, individuals directly involved in or leading the preparation of deliverables of the GEO process should avoid being in a position in which they are required to approve, adopt or accept, on behalf of any Member State, the text that he or she was directly involved in drafting. |
| | Nominees for senior leadership positions of the GEO process, as defined above, should all submit the conflict of interest disclosure form which can be found here , prior to their appointment. At the same time as conflict of interest is disclosed, agreement on the copyright and confidentiality provisions of the GEO process can also be provided, in the same form. The Secretariat will review the forms and may request additional information and advice as appropriate. If the Secretariat determines that a nominee has a conflict of interest that cannot be resolved, the nominee will not be eligible for appointment. |
| | Everyone holding senior leadership positions in GEO process should inform the Secretariat of any changes in the information provided in their previously submitted conflict of interest disclosure forms as they arise. The Secretariat will review the updated information and together with the Executive Director, with the advice of the IMAG and MESAG, in their specific roles and responsibilities, determine whether the relevant individual has a conflict of interest that cannot be resolved, in which case the individual will no longer be eligible for the position. |
| | All conflict of interest forms will be submitted to the Secretariat, which will securely archive such forms, together with any records of the deliberations and/ or decisions of the Secretariat, the Executive Director and the IMAG or MESAG and retain them for a period of five years after the end of the individual's participation in the role that required the review, after which such information will be destroyed. Subject to the requirement to notify the existence of a conflict of interest to others, the forms will be considered confidential and will not be disclosed or used for any purpose other than the consideration of conflict of interest issues under the current procedures without the express consent of the individual providing the information and a decision of the Secretariat, the Executive Director and the IMAG or MESAG. |

Montreal Protocol Assessment Panels

17. The detailed conflict of interest policy of the Technology and Economic Assessment Panel is set out in the [Code of conduct for Members of the TEAP and its bodies](#) as follows:

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| 5 | Code of conduct for Members of the Technology and Economic Assessment Panel and its bodies |
| | Code of Conduct |
| | Members of TEAP, the TOCs and the TSBs have been asked by the parties to undertake important responsibilities. As such, a high standard of conduct defined in accordance with the principles of transparency, predictability, accountability, trustworthiness, integrity, responsibility and disclosure is expected of members in discharging their duties. In order to assist members, the following guidelines have been developed as a Code of Conduct that must be followed by the members of TEAP, the TOCs and the TSBs. |
| 1 | This Code of Conduct is intended to protect Members of TEAP, the TOCs and the 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 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: |
| | (a) Establishing clear guidelines respect to conflict of interest and disclosure while and after serving as a member; and (b) 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: |
| | (a) 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 TEAP, the TOCs and the TSBs are conserved and enhanced; (b) 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; (c) Act in good faith for the best interest of the process; (d) Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; (e) Not give preferential treatment to anyone or any interest in any official manner related to TEAP, the TOCs or the TSBs; (f) Not solicit or accept significant gifts, hospitality or other benefits from persons, groups or organizations having or likely to have dealings with TEAP, the TOCs or the TSBs; |

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| | <p>(g) 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;</p> <p>(h) Not represent or assist any outside interest in dealings before TEAP, the TOCs or the TSBs;</p> <p>(i) Not knowingly take advantage of, or benefit from, information that is obtained in the course of their duties and responsibilities as a member of TEAP, the TOCs and the TSBs, and that is not generally available to the public; and</p> <p>(j) Not act, after their term of office as members of TEAP, the TOCs or the TSBs in such a manner as to take improper advantage of their previous office.</p> |
| 4 | To avoid the possibility or appearance that members of TEAP, the TOCs or the 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 TEAP, the TOCs or the TSBs. |
| 6 | Conflict of Interest and Disclosure Guidelines for the Technology and Economic Assessment Panel, Its Technical Options Committees and Temporary Subsidiary Bodies |
| | Definitions |
| 1 | For the purposes of these Guidelines: |
| | <p>(a) "Conflict of interest" means any current interest of a member, or of that member's personal partner or dependant which, in the opinion of a reasonable person does or appears to:</p> <p>(i) Significantly impair that individual's objectivity in carrying out their duties and responsibilities for TEAP, the TOC or the TSB; or</p> <p>(ii) Create an unfair advantage for any person or organization;</p> <p>(b) "Member" means member including co-chairs of TEAP, the TOCs and/or the TSBs;</p> <p>(c) "Recusal" means that a member does not participate in particular elements of TEAP, TOC or TSB work because of a conflict of interest; and</p> <p>(d) "Conflict resolution advisory body" means the body appointed under paragraph 22.</p> |
| | 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. |
| 3 | The role of the TEAP, TOCs and TSBs demands that they pay special attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, their products and processes. It is essential that the work of TEAP and its TOCs and TSBs is not compromised by any conflict of interest. |
| 4 | Written agreement to comply with these Guidelines is a condition for service as a Member. |
| 5 | <p>These Guidelines are to enhance public confidence in the process, while encouraging experienced and competent persons to serve on the TEAP, TOC and/or TSB, by:</p> <p>(a) Establishing clear guidance with respect to disclosure and conflict of interest while serving as a Member;</p> <p>(b) Minimizing the possibility of conflicts of interest arising with respect to Members, and by providing for the resolution of such conflicts, in the public interest, should they arise; and</p> <p>(c) Finding the balance between the needs:</p> <p>(i) To identify the appropriate disclosure requirements, and</p> <p>(ii) To ensure the integrity of the TEAP process.</p> |
| 6 | These Guidelines are principle-based and do not provide an exhaustive list of criteria for the identification of conflicts. |
| 7 | TEAP, the TOCs, the TSBs and their members should not be in a situation that could lead a reasonable person to question, and perhaps discount or dismiss, their work because of the existence of a conflict of interest. |
| | Disclosure |
| 8 | Members are to disclose annually any potential conflicts of interest. They must also disclose the source of any funding for their participation in the work of the TEAP, TOC and/or TSB. An illustrative list of other interests that should be disclosed is provided in Annex A to these Guidelines. |
| 9 | Members are to disclose any material change to previously submitted information within 30 days of any such change. |
| 10 | <p>Notwithstanding 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:</p> <p>(a) Defence, national security or imminent public safety;</p> <p>(b) The course of justice in prospective or current court cases;</p> <p>(c) The ability to assign future intellectual property rights; or</p> <p>(d) The confidentiality of commercial, government, or industrial information.</p> |
| 11 | Members who decline to disclose information under paragraph 10 must declare that they are doing so in their disclosure of interest under paragraphs 8 or 9 and must be completely excluded from discussions and decisions on related topics. |
| | Conflict of interest |

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| 12 | A member's strong opinion (sometimes referred to as bias), or particular perspective, regarding a particular issue or set of issues does not create a conflict of interest. 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. |
| 13 | 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 conflict of interest. |
| | Procedures |
| 14 | All of the bodies involved in advising on and deciding conflict of interest issues under these Guidelines should consult the relevant member where the body has concerns about a potential conflict of interest and/or where it requires clarification of any matters arising out of a member's disclosure. Such bodies should ensure that the relevant individuals and, where appropriate, the nominating Party, have an opportunity to discuss any concerns about a potential conflict of interest. |
| 15 | In the event that an issue regarding a potential conflict of interest arises, the relevant member and co-chairs should attempt to resolve the issue through consultations, including consultations with the advisory body. If the consultations reach an impasse, TEAP could request the Executive Secretary to select an outside mediator to assist in resolving the matter. The mediator should not be a member and should not otherwise have any current affiliation with the relevant individuals, bodies or issues. |
| 16 | At any point, the conflict resolution advisory body may be consulted by members or potential members regarding issues related to: (a) Member disclosures; (b) Potential conflicts of interest or other ethics issues; or (c) Potential recusal of members |
| 17 | The conflict resolution advisory body must promptly inform a member if it has been asked to advise on an issue regarding the member. Any information provided to and any advice provided by the conflict resolution advisory body will be considered confidential and will not be used for any purpose other than consideration of conflict of interest issues under these Guidelines without the express consent of the individual providing the information or requesting the advice, as appropriate. |
| 18 | If an issue under these Guidelines cannot be resolved through the procedures in paragraphs 14 through 17: (a) A TEAP member, including TEAP and TOC co-chairs, may be recused from a defined area of work only by a three-fourths majority of TEAP (excluding the individual whose recusal is at issue). (b) A TOC or TSB member, excluding TEAP and TOC co-chairs, may be recused from a defined area of work by the co-chairs of the relevant TOC or, upon appeal, by a three-fourths majority of TEAP. |
| 19 | In the event of the procedure under the previous paragraph taking place, the Member whose recusal is at issue may not participate. In the event that the matter is brought to the TEAP consistent with paragraph 18, the Member whose recusal is under discussion, should be excluded from those discussions. |
| | Recusal |
| 20 | When a conflict of interest is determined to exist with respect to a particular Member, the Member should, depending on what is appropriate in the circumstances, be: (a) Excluded from decision-making and discussions related to a defined area of work; (b) Excluded from decision-making but may participate in discussions related to a defined area of work; or (c) Excluded from participation in the matter in any other manner deemed appropriate. |
| 21 | 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. |
| | Conflict resolution advisory body |
| 22 | The conflict resolution advisory body is not envisioned as a body that will meet on any regular basis but will come together, physically or virtually, as needed to provide advice to members or potential members and assist with resolving issues. It shall consist of Co-Chairs of the Open-Ended Working Group and the President of the Bureau of the Meeting of the Parties, with the Ozone Secretariat providing logistical, technical legal and administrative support and advice to the body. No additional travel support or other financial support will be provided to members serving on the body. |