



联 合 国



环 境 规 划 署

Distr.
GENERAL

UNEP/OzL.Pro/ExCom/51/45
5 March 2007

CHINESE
ORIGINAL: ENGLISH

执行蒙特利尔议定书
多边基金执行委员会
第五十一次会议
2007年3月19日至23日，蒙特利尔

与基金秘书处 2007 年预算有关的问题
(根据第 50/45 号决定采取的行动)

执行蒙特利尔议定书多边基金执行委员会的会前文件不妨碍文件印发后执行委员会可能作出的任何决定。
为节省经费起见，本文件印数有限。请各代表携带文件到会，不索取更多副本。

1. 在其第五十次会议上，执行委员会核准了基金秘书处的预算，包括 2007 年 500,000 美元的财务管理收费 (第 50/45(a)号决定)。

2. 委员会在同一决定中指出，在核准 2007 年 500,000 美元财务管理收费的同时，扣发 200,000 美元的金额，秘书处并被要求就与作为司库的环境规划署的合同的条款征询法律咨询意见，并特别集中考虑第 42/42 号决定所规定的 P-5 职位的问题，第 42/42 号决定确定了环境规划署的财务管理收费 (第 50/45(b)和(c)号决定)。此外，执行委员会主席也被要求致函环境规划署执行主任，通知他执行委员会第五十次会议作出的决定，并说明扣发 200,000 美元金额的原因。

3. 作为根据第 50/45 号决定所采取的行动，本文件述及财务管理收费的问题，并包括了关于核准在 2007 年预算中开列额外的资金作为行政费用研究费用的要求。

财务管理收费

4. 作为根据第 50/45 号决定所采取的行动，执行委员会主席于 2006 年 12 月 13 日致函环境规划署执行主任 Achim Steiner 先生，将委员会的决定通知他 (此函副本附上)。此外，主任为解决这一问题与执行主任以及其他环境规划署的代表有过数次的来往和会晤。

5. 本文件撰稿时，仍在期待执行主任发来信函。

法律咨询意见

6. 关于法律咨询意见问题，纽约联合国法律事务厅通知主任，法律事务厅不能提出意见，原因是这样做可能涉及要代表环境规划署处理委员会提出的进一步行动。法律事务厅一般法律事务司司长还告知，应由执行委员会考虑如何获得所需法律咨询意见。一种选择办法是由一缔约方代表委员会设法寻求法律咨询意见。

行政费用研究

7. 执行委员会第五十次会议授权秘书处“对 2009—2011 三年期所需行政费用作一全面的独立评估，并将评估的结论报告给执行委员会 2008 年举行的第一次会议” (第 50/27 号决定)。UNEP/OzL.Pro/ExCom/51/44 号文件提供了供委员会审议的职权范围草案，并提出了供通过的建议。

8. 文件中的建议是根据执行委员会第五十二次会议收到的符合资格的顾问的投标提出可能的费用。然而，为确保能够招标，正在请执行委员会拨出款项进行研究，第五十次会议核准的关于就销毁无用的消耗臭氧层物质进行研究便是如此。随后将进行招标，但有一项谅解，即将根据向第五十二次会议提交的费用估计最后选中某一投标。

建议

9. 谨建议执行委员会考虑：

- (a) 执行委员会成员是否应就作为财务服务扣发环境规划署的资金问题进一步征询法律咨询意见；并
- (b) 核准 2007 年预算的一笔额外资金用作对 2009—2011 三年期所需行政费用进行全面独立评估的费用。



MULTILATERAL FUND
FOR THE IMPLEMENTATION OF THE MONTREAL PROTOCOL

Executive Committee

13 December 2006

Dear Mr. Steiner,

I have reference to your letter dated 12 October on issues related to the provision of the treasury services and to the 50th Meeting of the Executive Committee that took place in New Delhi on 6-10 November 2006 and its deliberations on this issue.

I am writing to you in my capacity as Chair of the Executive Committee to advise you of the adoption by the Executive Committee of decision 50/45 which addresses *inter alia* the approval of the fee for the provisions of treasury services by UNEP in 2007.

In the context of the agenda item on the Revised 2007, 2008 and proposed 2009 budgets of the Fund Secretariat, the Executive Committee considered the release of funding for the Treasurer's fees pursuant to the agreement between UNEP and the Executive Committee on the provision of treasury services, and addressed the issue of the P5 position as a follow-up to decision 49/39.

Following a discussion, the Committee adopted decision 50/45, by which it approved, *inter alia*, the revised 2007 budget of the Fund Secretariat, covering the amount of US \$500,000 for the 2007 treasury fee. The Executive Committee also decided:

- (b) *To further note that while approving the 2007 treasury fee of US \$500,000, a sum of US \$200,000 is withheld, pending legal advice;*
- (c) *To request the Secretariat to seek legal advice in respect of the terms of the contract with UNEP as Treasurer, specifically focusing on the issue of the P5 post;*
- (d) *To request the Chair of the Executive Committee to write to the Executive Director of UNEP advising him of the Executive Committee's decisions taken at the 50th Meeting and outlining the reasons for withholding the sum of US \$200,000; [...]*

Mr. Achim Steiner
Executive Director
UNEP
P.O. Box 30552
United Nations Avenue, Gigiri
Nairobi, Kenya

The report of the meeting, specifically the narrative paragraphs preceding the text of the decision, outline the reasons for the decision to withhold the sum of US \$200,000. An extract of the text of the report is reproduced in Annex I.

I am hopeful that, thanks to the efforts being made by UNEP, the issue of the P5 position for the provision of treasury services to the Multilateral Fund will be resolved and the recruitment process completed in the near future.

Sincerely yours,



Khaled Klaly
Chair of the Executive Committee of the
Multilateral Fund

c.c. Ms. Maria Nolan
Chief Officer
Multilateral Fund Secretariat

Annex I – Extract of the Report of the 50th Meeting of the Executive Committee

AGENDA ITEM 15: REVISED 2007, 2008 AND PROPOSED 2009 BUDGETS OF THE FUND SECRETARIAT

1. The Executive Committee considered the revised budget of the Fund Secretariat for 2007, the budget for 2008 and the proposed budget for the salary component for 2009 contained in document UNEP/OzL.Pro/ExCom/50/61, which were presented by the Secretariat.
2. The representative of the Secretariat said that the 2007 budget had been revised to introduce the Secretariat's operational costs and maintain them at the same levels as in previous years. It also included the US \$500,000 to cover the Treasurer's fees pursuant to the agreement between UNEP and the Executive Committee on the provision of treasury services by UNEP. As a follow-up to decision 49/39, the issue of the P5 position would be addressed in the context of consideration of the release of funding for 2007 treasury fees. The 2008 budget had been approved at the 48th Meeting to cover staff costs only and remained unchanged. The proposed 2009 budget reflected staff costs for 2009 to enable extension of staff contracts based on the proposed 2008 staff salary component, using the standard 5 per cent inflation rate against the 2008 staff cost level, based on previous practice.
3. In response to a request from one representative for clarification of the last line of the budget, entitled "Percentage increase/decrease", the representative of the Secretariat said that the line was misleading and would be deleted as there had actually been no increase in cost to the Fund. In response to a request for clarification on the amount included for rental of office premises, the representative of the Secretariat explained that a new property tax had raised the cost of living in Montreal and the estimated amount in the budget for that item had therefore been increased.
4. It was noted that the Chair had sent a letter to the Executive Director of UNEP pursuant to decision 49/39 with regard to the appointment of a P5 officer to provide treasury services to the Fund, and that the Executive Director had replied that he would request the UNEP team to make special efforts to deliver the treasury services at the required level and to coordinate with the Fund Secretariat in preparing a job description to enable the recruitment process to begin. One representative expressed the view that, although the reply had been encouraging, the Fund and the Executive Committee were being shortchanged. He suggested that the Committee should either request a refund of US \$600,000, representing three years' worth of services of the P5 officer that had not been provided or withhold payment of US \$200,000 for the year 2007. Several representatives considered that a legal opinion might be required in order to determine whether such actions were permissible under the terms of the contract with UNEP.
5. One representative expressed some concern at the late submission of the reconciliation of the 2005 accounts (UNEP/OzL.Pro/ExCom/50/60/Add.1) which prevented due consideration being given to this document. It was also noted that there was no detailed comparison between the provisional and audited accounts in the document on the final 2005 accounts of the Fund

(UNEP/OzL.Pro/ExCom/50/59). These omissions provided an example of the shortfall in treasury services that might have been expected to be covered by the P5 officer.

6. In response to those concerns, the Treasurer said that UNEP had provided treasury services free of charge for a number of years and that it had been performing in accordance with the terms of reference of its contract with the Executive Committee. He drew attention to the difficulty of creating the proposed P5 post, given the undergraded structure of staffing at the United Nations Office in Nairobi. As for the reconciliation of the 2005 accounts, it had been submitted late because of the detailed negotiations with the implementing agencies and the Secretariat. The status of contributions presented earlier in the Meeting had been fully updated to reflect the latest deposits and encashment of promissory notes. There had been no change between the provisional and final accounts of the Fund as included in UNEP's financial statement. He noted the request for a full update of the supporting schedules to financial statements and those would be provided in future.

7. Following a discussion, the Executive Committee decided to approve the revised 2007, 2008 and proposed 2009 budgets of the Fund Secretariat (Annex XVII to the present report) as follows:

- (a) To approve the amount of US \$2,426,000 in the revised 2007 budget of the Fund Secretariat totalling US \$5,264,261 to cover the 2007 salary component already approved at the 48th Meeting of the Executive Committee, the 2007 operational costs of the Secretariat and the amount of US \$500,000 for the 2007 treasury fee;
- (b) To further note that while approving the 2007 treasury fee of US \$500,000, a sum of US \$200,000 is withheld, pending legal advice;
- (c) To request the Secretariat to seek legal advice in respect of the terms of the contract with UNEP as Treasurer, specifically focusing on the issue of the P5 post;
- (d) To request the Chair of the Executive Committee to write to the Executive Director of UNEP advising him of the Executive Committee's decisions taken at the 50th Meeting and outlining the reasons for withholding the sum of US \$200,000;
- (e) To note the amount of US \$2,980,174 for the salary component in 2008 already approved at the 49th Meeting;
- (f) To approve the proposed 2009 salary component of the budget totalling US \$3,129,183; and
- (g) To approve an additional amount in the 2007 budget to cover the cost of the study on destruction of unwanted ODS.

(Decision 50/45)