

and Technological Advice and the Subsidiary Body for Implementation of the Protocol. Their functioning with respect to the Convention shall apply *mutatis mutandis* to this Protocol.²

2. Parties to the Convention that are not parties to this Protocol may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies exercise their functions as the subsidiary bodies of this Protocol, decisions under the Protocol shall be taken only by those of its members that are, at that time, Parties to this Protocol.

3. When the subsidiary bodies exercise their functions with regard to matters concerning this Protocol, any member of the Bureau of the subsidiary bodies representing a Party to the Convention but, at that time, not a party to this Protocol, shall be substituted by an additional member to be elected by and from amongst the Parties to this Protocol.

Article 17

The Meeting of the Parties to this Protocol shall, as soon as practicable, consider the application to this Protocol of, and modify as appropriate, the multilateral consultative process referred to in Article 13 of the Convention in the light of any relevant decisions that may be taken by the Conference of the Parties to the Convention.

Article 17 bis

The Meeting of the Parties shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any binding penalties for non-compliance under the procedures and mechanisms established under this Article shall be...³

Article 17 ter

The provisions of Article 14 of the Convention shall apply *mutatis mutandis* to this Protocol.

2 Proposal for 1 bis "Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Protocol shall be held in conjunction with the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention."

3 The Group of 77 and China stated that this matter is linked with the issue of a Clean Development Fund. Cross referencing may be introduced once the actual place for the text on a Clean Development Fund is proposed. The Group of 77 and China reserves the right to revert to this Article.