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#### Report of the Bureau on the activities under the Convention on the Transboundary Effects of Industrial Accidents since the fifth meeting of the Conference of the Parties

### Activities of the Bureau since the fifth meeting of the Conference of the Parties

#### Report by the Bureau Chair

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## Introduction

1. This report summarizes the work of the Bureau of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents on the tasks entrusted to it by the fifth meeting of the Conference of the Parties (CoP-5), held in Geneva from 25 to 27 November 2008 (ECE/CP.TEIA/19, para 78 (n)). It includes the outcomes of the three joint meetings of the Bureau with the Working Group on Implementation (WGI) held in The Hague (Netherlands) on 26 and 27 January 2010, in Geneva (Switzerland) on 13 and 14 July 2009 and in Bratislava on 27 and 28 January 2010, as well as the Bureau meeting held in Harstad (Norway) on 14 and 15 June 2010.

2. The following Bureau members attended all four meetings: Mr. Chris Dijkens (Netherlands), Chair; Mr. Cristiano Piacente (Italy) and Mr. Bernard Gay (Switzerland) Vice-Chairs; Ms. Irma Gurguliani (Georgia); Mr. Gerhard Winkelmann-Oei (Germany); Mr. Altynbek Yegizbayev (Kazakhstan); and Ms. Suzana Milutinovic (Serbia). Ms. Jasmina Karba (Slovenia) and Mr. Tobias Biermann (European Commission) participated in all meetings except the one in Geneva. Mr. Loic Malgorn (France)<sup>1</sup> participated in the meetings in Bratislava and Harstad. The Convention secretariat serviced all four meetings.

## I. Reporting under the Convention

3. CoP-5 decided that the procedure for reporting on the implementation of the Convention should be evaluated and possibly modified prior to the fifth round of reporting to be initiated in the second half of 2009. It therefore entrusted WGI to make the relevant assessment of the procedure and to suggest modifications to it, in particular making the reporting more focused on the progress achieved between subsequent reporting rounds. The Bureau was requested to decide on the modifications, once proposed by WGI.

4. At The Hague meeting the Bureau, jointly with WGI, established a task force to evaluate the reporting procedure and to suggest modifications. The following members of WGI joined the task force: Mr. Gunnar Hem (Norway), Chair of WGI; Ms. Sandra Ashcroft (United Kingdom of Great Britain and Northern Ireland); and Mr. Francisc Senzaconi (Romania). From the Bureau, Mr. Bernard Gay, Vice-Chair of the Bureau and former Chair of WGI, joined the task force.

5. The evaluation of the reporting procedure carried out by the task force led to the elaboration of a modified format for reporting on the implementation of the Convention. The task force also elaborated guidelines on reporting to further clarify the questions contained in the format for reporting and the kind of answers expected.

6. The Bureau welcomed the modified format and the guidelines at its Geneva meeting and approved it for use in the fifth round of reporting.

7. At the Harstad meeting, when discussing the draft report on implementation, the Bureau decided that it would not recommend to the sixth meeting of the Conference of the Parties (CoP-6) to make any further modifications in the reporting format for the sixth reporting round. Instead, it would recommend that CoP-6 invite WGI to review the reporting guidelines before the sixth round of reporting and adjust them as necessary to improve their clarity. Also, to lessen the burden on Parties and other United Nations

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<sup>1</sup> Mr. Loic Malgorn replaced Ms. Cathy Bieth in her function as member of the Bureau, following her change of position in the French Government.

Economic Commission for Europe (UNECE) countries that provided complete reports in the fifth reporting round, it would be suggested that in the sixth round they should only report on the questions regarding further progress achieved and, for other questions, provide only updates as necessary.

## **II. Assistance Programme**

### **A. Preparatory phase**

8. The Bureau and WGI were requested by CoP-5 to provide guidance, as appropriate, in helping countries participating in the Assistance Programme in the implementation of the basic tasks required under the Convention. When necessary, awareness-raising missions were to be organized.

#### *Completion of the implementation of the basic tasks*

9. The Bureau and WGI, taking into account the lack of progress in implementing the basic tasks under the Convention by Kyrgyzstan, Tajikistan and Uzbekistan, decided at the Geneva meeting to visit the three countries with the aim of rekindling their commitment to work under the Assistance Programme and to encourage them to complete the implementation of the basic tasks.

10. On 18 and 19 January 2010, Mr. Dijkens, Mr. Gay and Mr. Viktor Novikov from Zoï-Environment Network, an international non-profit organization cooperating with the Convention secretariat, visited Uzbekistan and met with representatives of the Ministry of Emergency Situations. During the visit, Uzbekistan expressed its commitment to work on strengthening the implementation of the Convention and demonstrated that it had accomplished the basic tasks. Uzbekistan also confirmed its interests in the Assistance Programme and the implementation of the basic tasks by its letter of 16 February 2010. The Bureau subsequently invited Uzbekistan to join the implementation phase of the Assistance Programme.

11. Tajikistan was visited on 16 February 2010 by Mr. Dijkens, Mr. Massimo Cozzone (Italy), member of the WGI, Mr. Novikov and the secretariat. The visit showed that the country had implemented the basic tasks and that the representatives of the Committee of Emergency Situations were very interested in joining the Assistance Programme's implementation phase. Tajikistan was requested during the visit to send the secretariat a letter confirming the implementation of the basic tasks. Although the letter had not been received before the submission of the present report, the Bureau was informed by the Ministry of Emergency Situations that it was holding a consultation with the Ministry of Foreign Affairs, following which the letter would be sent.

12. Kyrgyzstan was visited on 18 February 2010 by Mr. Dijkens, Mr. Yegizbayev, Mr. Cozzone, Mr. Novikov and the secretariat. Although the country representatives expressed general interest in the Assistance Programme, they did not demonstrate to the visiting team that the basic tasks had been implemented. Kyrgyzstan was requested to include that information in a report on implementation to be sent to the secretariat; however, due to the political instability in the country it was not known when such a report would be sent.

#### *Awareness-raising mission to Albania and Bosnia and Herzegovina*

13. At the request of Albania and Bosnia and Herzegovina, the Bureau and WGI decided at The Hague meeting to organize awareness-raising missions to both countries and

to provide them with the necessary guidance for implementing the basic tasks under the Convention. Ms. Karba was the team leader for both missions.

14. The awareness-raising mission to Albania was held on 21 and 22 May 2009. As a result of the mission, the country submitted a report identifying the gaps in its implementation of the basic tasks and an action plan with the steps to be taken to fill those gaps. The Bureau, supported by WGI, welcomed both documents and the efforts taken by Albania in strengthening the implementation of the Convention and decided to invite Albania to join the implementation phase of the Assistance Programme.

15. The awareness-raising mission to Bosnia and Herzegovina was held on 22 and 23 September 2009. During the mission the representatives of the country agreed to prepare a report assessing the situation vis-à-vis the implementation of the Convention. In addition, an action plan on application of the basic tasks was to be prepared and submitted to the secretariat, together with the report, by the end of 2009. Unfortunately Bosnia and Herzegovina had not been able to prepare both documents and the chances were slim that they would be ready in the near future, as the unit responsible for environmental agreements within the Ministry of Trade and Economic Relations had been encountering difficulties in coordinating the inputs from the different entities involved.

16. The Bureau would continue monitoring the situation in Central Asian and South-Eastern European countries and provide further guidance when it deemed necessary.

## **B. Implementation phase**

### *Capacity-building activities*

17. The Bureau and WGI, according to the mandate from CoP-5, accepted for implementation the following capacity-building activities in 2009 and 2010:

(a) A training session on integrated approaches to major hazard prevention, held in Prague from 11 to 13 February 2009;

(b) A project for Bulgaria, Romania and Serbia on the joint management of transboundary emergencies from spills of hazardous substances into the Danube River, which was implemented from 17 March 2009 through 18 November 2009;

(c) A project on evaluation of safety reports for Croatia, Serbia and the former Yugoslav Republic of Macedonia, which was implemented from 16 November 2009 to 31 May 2010;

(d) A national training session on identification of hazardous activities for the Republic of Moldova, held in Chisinau on 9 and 10 March 2010;

(e) A national training session on identification of hazardous activities for the former Yugoslav Republic of Macedonia, held in Skopje on 23 and 24 March 2010;

(f) A national training session on identification of hazardous activities for Azerbaijan, which was planned for October 2010;

(g) A project on strengthening the legal framework for Georgia, which was planned to start in the second half of 2010;

(h) A project for improving on-site inspection in Croatia, Serbia and the former Yugoslav Republic of Macedonia, planned to start in October 2010; and

(i) A project for the Republic of Moldova, Ukraine and Romania on hazard and crisis management in the Danube Delta region, which was planned to start in January 2011.

(The outcome of the activities listed in subparagraphs (a) to (e) is contained in the progress report on the Assistance Programme (ECE/CP.TEIA/2010/5)).

18. The Bureau and WGI also decided to organize a workshop to assist Programme-participating countries in applying the indicators and criteria, should they be adopted by CoP-6 (see below). The workshop was planned for the first quarter of 2011.

#### *Indicators and criteria*

19. CoP-5 entrusted the Bureau and WGI to support the Programme-participating countries in applying the cyclic mechanism of the Strategic Approach by preparation of a form for data collection within the cyclic mechanism and the development of performance indicators and criteria for self assessment on progress made in the implementation of the Convention.

20. During their joint meeting at The Hague, the Bureau and WGI established a task force to elaborate the form and the indicators and criteria. It was agreed that the indicators and criteria would detail each of the six areas of work described in the Strategic Approach. The task force members were Ms. Karba (Chair); Ms. Gurguliani; and Ms. Svetlana Stirbu (Republic of Moldova), member of WGI; also joining on behalf of the Bureau and the WGI although not members, were Mr. Giorgio Matiello (Italy); and Mr. Peter Westerbeek (Netherlands).

21. At their Geneva and Bratislava meetings, the Bureau and WGI reviewed the progress made by the task force and provided further guidance on their work. At the Harstad meeting, the Bureau agreed that the sets of indicators and criteria, together with a guiding document explaining their application, would be submitted to CoP-6 for adoption. (The document, "Benchmarks for the implementation of the Convention on the Transboundary Effects of Industrial Accidents" is contained in document ECE/CP.TEIA/2010/6.)

22. Following adoption of the document, Programme-participating countries would have to start to use the form and the indicators and criteria for self-evaluation under the Assistance Programme, including for carrying out an analysis on needs for assistance activities.

### **III. United Nations Economic Commission for Europe Industrial Accident Notification System**

23. CoP-5 entrusted the Points of Contact to test the UNECE Industrial Accident Notification (IAN) System, to carry out analytical exercises and to discuss the results at their next consultation. The Points of Contact were also requested by the Conference of Parties to evaluate the compatibility between the IAN System and the Common Emergency Communication and Information System (CECIS) of the European Union and to make recommendations in that respect.

24. The Bureau at The Hague meeting requested that a task force be established of representatives of Points of Contact to: (i) ensure the organization of a number of analytical exercises in 2009; (ii) collect and make a preliminary evaluation of the results of the analytical exercises to discuss them at a fourth consultation for Points of Contact; (iii) organize the fourth consultation for Points of Contact; and (iv) make an evaluation on the compatibility of the IAN and CECIS Systems and to prepare recommendations in that regard for consideration by the Bureau. Representatives of Points of Contact from Austria, Croatia, France, Italy, the Netherlands, Romania and Switzerland joined the task force.

25. At its Geneva and Bratislava meetings, the Bureau reviewed the progress of work carried out by the task force. At the Harstad meeting, the Bureau discussed the outcome of the fourth consultation for Points of Contact and its recommendations, as contained in document ECE/CP.TEIA/2010/7.

26. In particular, the Bureau considered the recommendation arising from the discussion comparing the IAN and CECIS systems, suggesting a process of standardization for notification systems on chemical emergencies. The Bureau agreed that the Convention was not the right framework to lead such a process; the lead should be taken by one of the organizations operating notification systems that were more frequently used. The Bureau decided it would not recommend to CoP-6 that it take any steps leading to the elaboration of common standard for notification systems. However, should any other organization or country wish to take the lead in that process, the Bureau would recommend that the Points of Contact under the Convention contribute to it within their capacities.

27. The Bureau did support the recommendation of continuing the communication tests and analytical exercises under the IAN System, though not including full-scale drills or exercises to review the provision and receipt of mutual assistance. The Bureau would advise CoP-6 to invite the Points of Contact to continue basic testing and exercising under the IAN System.

#### **IV. Joint Ad Hoc Expert Group on Water and Industrial Accidents**

28. At CoP-5 the Bureau was entrusted to develop and implement, in cooperation with the Bureau of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), a strategy to improve the functioning of the Joint Ad Hoc Expert Group on Water and Industrial Accidents (JEG), which would also include a mechanism for steering by the two Bureaux.

29. The Bureau made a proposal to the Bureau of the Water Convention to establish a joint task force for the elaboration of the strategy for the JEG and nominated Mr. Piacente, Mr. Westerbeek and Mr. Winkelmann-Oei to work in the task force on its behalf.

30. The strategy was elaborated in the first half of 2009 and presented to the Bureau at its Geneva meeting. The Bureau adopted the strategy. The Bureau of the Water Convention also recommended the strategy for endorsement, which was done by the Fifth Meeting of the Parties to the Water Convention (Geneva, 10–12 November 2009).

31. In accordance with the JEG strategy and in order to identify priority needs of UNECE member countries in the area of accidental water pollution, the Bureau decided to organize under the auspices of the Convention a workshop on joint management of transboundary emergencies involving international waterways. The workshop was held in Slubice, Poland, from 8 to 10 September 2009. The outcome of the workshop was a recommendation that a sound methodology for crisis management involving international waterways in a transboundary context should be developed.

32. The Bureau invited the Bureau of the Water Convention to consider the Slubice workshop's recommendation and to jointly decide on future steps for the elaboration of the recommended methodology, including the participation of JEG in that activity.

33. The Bureau of the Water Convention decided, however, that it would perform a survey on priority needs of the Parties to the Water Convention before taking any decision. The result of the survey showed contingency planning along international waterways was a priority need.

34. At the time of preparation of the present report it was expected that by end-August 2010 both Bureaux would discuss and plan further steps to call for JEG to work on a sound methodology for crisis management involving international waterways.

## **V. Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters**

35. The Bureau, together with the Bureau of the Water Convention, communicated with the European Commission (EC) on the legal review of the compatibility between the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters and the respective European Union (EU) legislation. The information on the legal review was received in June 2009 and discussed at the Geneva meeting, taking into account the feedback of the Bureau of the Water Convention.

36. The Bureau agreed with the Bureau of the Water Convention that the information provided had not exhaustively showed the incompatibility between the Protocol and EU legislation. Nonetheless, it decided not to follow the suggestion from the Bureau of the Water Convention to continue a formal communication with the EC. Following on the recommendation made by the EC, the Bureau agreed to consider the organization of activities on the Protocol for UNECE member countries outside the EU, if requested.

37. At the Bratislava meeting, the Bureau reiterated that the focus under the Protocol would be to support UNECE member countries outside the EU, through assistance projects, towards ratification of the Protocol. Such projects, if requested, could be combined with performing an analysis on the differences in practical application of the Protocol and the relevant EU legislation.

38. At the time of preparation of the present report both Bureaux were expected to discuss further steps regarding the Protocol, as well as a project relating to the Protocol that had been requested by the Republic of Moldova and Ukraine.

## **VI. Long-term strategy for the Convention**

39. CoP-5 entrusted the Bureau to review the long-term programme of work for the Convention. To that end, at its Geneva meeting, the Bureau, supported by WGI, discussed the existing long-term programme of work and the modalities for its review. It was concluded that there was a need for a basic strategic document that would build on successes and address the challenges the Convention could face in its second decade. The long-term programme of work was not considered to be suited to serve such a purpose, especially after the adoption of the Strategic Approach of the Assistance Programme.

40. The Bureau decided to establish a task force to elaborate a proposal for the structure and the content of a long-term strategy for the Convention, whose final version would be presented at CoP-6. The task force comprised the following persons: Mr. Dijkens, Mr. Gay, Mr. Hem and Mr. Cozzone.

41. The Bureau reviewed an advanced version of the long-term strategy at its Harstad meeting, welcomed the document and agreed that it should be submitted to CoP-6 for discussion and adoption. The Bureau also agreed that the document should be circulated to Parties for consultation before CoP-6.

42. The Bureau decided that it would prepare the 2011–2012 workplan following the strategic areas of the long-term strategy.

## **VII. Seminar on land use planning and industrial safety**

43. Further to its mandate to organize activities aiming at facilitating the implementation of the Convention by Parties, and following on the recommendation of WGI from the fourth report on implementation that exchange of information with regard to safety and land use planning should be intensified, the Bureau decided at its Geneva meeting to hold a seminar on that subject.

44. At the request of the Bureau, the task force for the long-term strategy elaborated the programme for the seminar, with the objective of facilitating a dialogue at the international level aimed at building better understanding between authorities working on industrial safety and land use planning for ensuring safe neighbourhoods around major hazardous industrial facilities.

45. It was agreed that the seminar would be held back to back with CoP-6.

## **VIII. Funding**

46. The Bureau together with WGI actively participated in raising the necessary funds to implement the workplan for 2009–2010, as adopted by CoP-5. In addition, at the Harstad meeting, the Bureau established a task force consisting of Mr. Dijkens, Mr. Gay, Mr. Winklemann and Mr. Hem to work out a proposal for a robust financing mechanism under the Convention during the second half of 2010.

47. The Bureau took note of the secretariat's reports on the use of financial resources presented at the Geneva, Bratislava and Harstad meetings.

## **IX. Other business**

48. The Bureau and WGI decided at the Geneva meeting to strengthen efforts aimed at increasing the visibility of the results achieved under the Convention. To that end, the Convention's website was redesigned and launched in December 2009. Also, an internal paper was drafted outlining the possibilities for strengthening the promotion of the Convention and to make it better known in both the public and private sectors. The internal paper was taken into consideration while elaborating the long-term strategy for the Convention.

49. The Bureau, together with the Bureau of the Water Convention, welcomed the suggestion from Germany to organize in 2011 a seminar "Sandoz 25 years after" to review the progress achieved in prevention of accidental water pollution in the period since the accident in 1986.

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