



## Economic and Social Council

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### Economic Commission for Europe

#### Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents

##### **Seventh meeting**

Stockholm, 14–16 November 2012

Item 14 of the provisional agenda

##### **Possible amendment of the Convention**

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#### **Note by the Bureau**

##### *Summary*

Any Party may propose amendments to the Convention on the Transboundary Effects of Industrial Accidents (art. 26). The Conference of the Parties decided at its third meeting (Budapest, 27–30 October 2004) to establish the Working Group on Development of the Convention to keep under review the developments in other regulatory instruments concerning the prevention of, preparedness for and response to industrial accidents, including relevant legislation adopted by the European Union and other Parties, and assess their legal and practical implications for the Convention (ECE/CP.TEIA/12, annex IV, decision 2004/4).

The Bureau proposes to the Conference of the Parties that annex I to the Convention be revised to bring it into line with the revised United Nations Globally Harmonized System of Classification and Labelling of Chemicals, and in the light of amendments to corresponding European Union legislation, and that the Working Group be tasked with preparing the amendment.

The Bureau also proposes that the Conference of the Parties consider further amendments to the text of the Convention, as outlined in this document.

## **I. Possible amendment of annex I to the Convention**

1. Annex I to the Convention on the Transboundary Effects of Industrial Accidents identifies hazardous substances for the purposes of defining hazardous activities subject to provisions of the Convention. Article 26, paragraph 4, of the Convention provides a procedure for the adoption of amendments to annex I that is simpler than the procedure for other amendments.

2. In 2010, the United Nations Globally Harmonized System of Classification and Labelling of Chemicals was revised to include, inter alia, new hazard categories for chemically unstable gases and non-flammable aerosols; further rationalization of precautionary statements; and further clarification of some of the criteria to avoid differences in their interpretation (ST/SG/AC.10/30/Rev.4).

3. The Bureau and the Working Group on Implementation have agreed to propose to the Conference of the Parties to task the Working Group on the Development with carrying out a revision of the Convention's annex I to align it with the Globally Harmonized System. If the Working Group drafted a revised annex I in the intersessional period 2012–2014 and circulated it to the Parties 90 days before the next meeting in accordance with article 26, paragraph 2, of the Convention, and if agreement could be reached on the revision at the next meeting of the Conference of the Parties, expected to be held in autumn 2014, the amended annex I could enter into force by the end of 2015.

4. The cornerstone of European Union (EU) legislation addressing chemical accidents is Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso II Directive). The Directive was amended in 2003 by Directive 2003/105/EC. Annex I of the Directive is similar to annex I of the Convention in that it identifies hazardous substances for the purposes of identifying establishments subject to provisions of the Directive. In 2010, the European Commission decided to review the Directive following the adoption of rules to align the EU chemical classification system with the Globally Harmonized System. That review was completed in March 2012 with agreement on the Seveso III Directive, which will apply from 1 June 2015. By revising annex I to the Convention at the next meeting of the Conference of the Parties, a high degree of consistency might be maintained between the Convention and the EU legislation.

## **II. Other possible amendments to the Convention**

5. The Bureau also considered that the Working Group on Development might examine the possibility of undertaking further amendments to the Convention, but that such an examination should not delay possible work on amending annex I.

6. Topics for consideration by the Working Group on Development might include:

- (a) Revised and additional definitions (art. 1);
- (b) Revised scope (art. 2);
- (c) Strengthened public participation (art. 9);
- (d) Revised scope of mutual assistance (art. 12);
- (e) Clarified frequency of meetings (art. 18, para. 1);
- (f) Clarified or strengthened reporting obligations (art. 23);

- (g) Accession by other Member States of the United Nations (art. 29);
- (h) Application of amendments to new Parties (art. 29);
- (i) Provisions on land-use planning;
- (j) Provisions on the review of compliance;
- (k) Governance structures under the Convention.

7. The Bureau has identified the following three main approaches that the Working Group on Development might take for the further amendment of the Convention. The Bureau also observed that some combination of these approaches might also be possible:

(a) To evaluate the possibility to amend the Convention on other topics and to submit its evaluation to the next meeting of the Conference of the Parties, which could decide, in 2014, on whether the Working Group should draft an amendment in the intersessional period 2014–2016 and, if so, on which topics;

(b) To evaluate and then draft a possible amendment to the Convention addressing a limited set of topics for which text can be drafted quickly,<sup>1</sup> and to submit the draft amendment to the next meeting of the Conference of the Parties, in 2014, for its consideration and possible adoption (with the draft amendment having been circulated in advance in accordance with art. 26, para. 2);

(c) To evaluate and then draft possible amendments to the Convention addressing a wider set of topics, identified and perhaps prioritized by the Conference of the Parties at its present meeting, and to submit the draft amendment to the next meeting of the Conference of the Parties, in 2014, for it to decide on which, if any, amendments to adopt (with the draft amendment having been circulated in advance in accordance with art. 26, para. 2).

### **III. Conclusion**

8. In summary, the Conference of the Parties is invited to decide on whether to task the Working Group on Development with the amendment of annex I, and on whether and how to task the Working Group with evaluating and preparing further amendments to the text of the Convention.

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<sup>1</sup> For example, the secretariat has prepared draft text that might address topics (e), (f), (g), (h) and (j).