

UNECE Convention on the Transboundary Effects of Industrial Accidents

**7th Meeting of the Conference of the Parties
Stockholm 14 – 16 November 2012**

Sixth report on the Convention's implementation

Gunnar Hem, Norway

Chairman

Working Group on Implementation



Outline of presentation

- WGI composition and activities
- Process of the sixth reporting round
- Quality of reporting
- Overall assessment of the Convention's implementation with conclusions and recommendations, focusing on the following central elements of the Convention
 - Policies and legislation
 - Enforcement and national cooperation
 - Identification and notification
 - Prevention
 - Emergency Preparedness
 - Information to the public and public participation
 - Scientific and technological cooperation and exchange of information
 - Siting and land use
- Areas of concern for next WP



Working Group on Implementation

- Elected members from Armenia, Belarus, Croatia, Italy, Norway, Republic of Moldova, Romania, Slovakia, Sweden and United Kingdom
- 5 meetings (4 as Joint meetings with Bureau)
- Chairman of WG also attended the Bureau meetings by invitation and also led a Task Force to review the first round of self assessments under the Assistance programme
- Main task: Preparation of the 6th Implementation report
- Additional task: Consideration of conclusions and recommendations from workshops etc. in order to identify priority areas for possible inclusion in next WP
- Adjustment of reporting questionnaire and guidelines with reference to indicators and criteria, approved by Bureau



6th reporting round on implementation - general

- Initiated by Secretariat with letters of 09.09.11 to Parties and other UNECE member countries with deadline for reporting 31 January 2012
- Focus on progress and developments since last reporting
- 39 UNECE Member Countries and the EU have ratified the Convention
- WGI's report is based on the reporting made by 37 Parties (one report received too late to be considered)
- The Russian Federation was the only Party that did not report (3rd consecutive round!)
- 6 committed countries under the Assistance Programme did not report (Bosnia and Herzegovina, Georgia, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan)



WGI's concerns about non-reporting

The WGI

- invites the Conference of the Parties to stress the issue of timely and qualitative reporting by Parties and committed countries.
- expresses concern that one Party and 6 committed countries, did not report for the current round.
- invites the Conference of the Parties to remind these countries about their commitment to reporting and to mandate the Bureau to explore reasons and solutions for the situation.



Quality of reporting – general observations

- General observation: Quality of reporting has continued to improve on completeness and readability
- Those countries that did not present a fully satisfactory report in the previous round, now delivered comprehensive and high quality contributions
- Improvements may be due to different reasons, like
 - Activities under the Assistance Programme
 - Better and more comprehensive guidance document
 - Side-effect of first round of self assessments based on indicators and criteria
- Misunderstandings do occur and some countries still seem to be unfamiliar with central issues of the Convention
- Incomplete information by a number of countries on competent authorities and focal points



Quality of reporting – points of concern

The WGI

- advocates a more extensive use of the reporting guidelines in future reporting rounds to avoid misunderstandings and secure a more correct reporting
- sees a need for more work to be carried out towards a better understanding of the contents and implications of the Convention, especially in the case of countries with economies in transition
- calls on Parties to ensure that the contact details of Competent Authorities and of focal points are constantly updated through the secretariat
- recommends that countries with advanced level of implementation, even if they do not have installations under the Convention describe their systems so that good practices may be disseminated towards the entire UNECE Region
- recommends that consideration be given on how the Working Group and the secretariat may identify issues of common interest and facilitate dissemination of good practice
- encourages countries beneficiaries to the Assistance Programme to use the indicators and criteria and the result of their self-assessment in preparing the implementation reports
- recommends all UNECE reporting countries to use the indicators and criteria when assessing the effectiveness of the policies implemented



Policies and legislation – formal implementation

- Level of formal implementation through policies and legislation is satisfactory and steadily improving
- Policies are seldom directed at transboundary issues as such, but rather at chemical accidents prevention, preparedness and response in general.
- Contributing factors to positive trend:
 - Ample time for implementation
 - Assistance programme/strategic approach/self assessment exercise
 - Alignment to EU policies and legislation
 - Assistance by other actors than UNECE
- Difference between Eastern and Western countries is less visible, but some countries still face challenges in effective implementation and need support.
- How can we meet this challenge?



Recommendations

- Countries with an advanced implementation level and international organizations should continue to explore possibilities to engage in or finance projects with countries in transition aiming at an enhanced implementation level in these countries.
- They should further engage in activities aiming at improvement of existing policies, legislation and guidelines, and seek new solutions to problem areas that they identify.
- Results from such activities should be disseminated through appropriate channels and mechanisms, including activities under the Assistance Programme.



Enforcement and national cooperation

- Also in this reporting round a number of countries have pointed out that enforcement is a difficult challenge and that improvement potential exists
- A number of countries point out that national cooperation between authorities is not at the desired level
- The WGI acknowledges these challenges. Further improvement of enforcement and cooperation mechanisms for existing policies, legislation and control systems must therefore be given special attention in the elaboration of the coming Work Programmes, including activities under the Assistance Programme.
- All countries should make an effort to identify and take note of good experiences and practices in other countries, and consider adapting them to their own national conditions.



Identification and notification

- It is a fundamental requirement of the Convention that countries shall establish and maintain an operational system for identification of hazardous activities, including review and revision.
- Most countries report on having identification mechanisms, and changes in numbers of installations in many countries seem to indicate that this is the case
- The identification of a hazardous activity capable of causing transboundary damage should automatically lead to a notification to neighbouring countries about the existence of such an activity.
- But: only 12 out of 25 countries have notified! So there is little improvement in this regard compared to previous reporting rounds.
- Some countries confuse this pre-accident notification with notifications in case of accidents!
- The WGI must therefore reiterate its recommendation from the previous round that efforts be made to improve the situation through among others exchange of good practice or in projects under the Assistance Programme.



Prevention

- Overall the WGI noted an improvement in the implementation of preventive measures and a number of good descriptions of measures were given
- A number of countries are still in their early stages of establishing an effective major hazards prevention system and stress a continued need for assistance
- Dissemination of good practices is essential and the WGI again encourages advanced countries to give clear descriptions and evaluation of preventive measures applied in order to communicate best practices to countries in need of assistance
- Countries with less advanced systems should be active in strengthening prevention and to engage in preparing relevant capacity building activities and advisory sessions, particularly within the Assistance Programme



Emergency Preparedness

- Emergency preparedness is in general adequate, particularly at national level
- Most countries report of having on- and off-site emergency plans which are coordinated between operators and authorities and regularly tested in a national context.
- A number of countries report that they plan for more extensive activities in the coming years
- Shortcomings reported by a number of countries with economies in transition (incompleteness, lack of legislation etc.)
- But also this time: A majority of countries do **not** test, review and update plans in cooperation and coordination with neighbouring countries
- Further work should therefore be pursued to improve cross-border emergency preparedness, and the WGI again calls on Parties to continue performing tests and excercises in a cross border context



Scientific and technological cooperation

- All reporting countries state having bi- or multi-lateral agreements and arrangements in the field of information exchange, mutual assistance, emergency preparedness, excersises and inspections
- Countries participating in the Assistance programme show more awareness on the importance of cooperation
- The WGI reiterates its satisfaction with the continued and increasing cooperation between countries bilaterally or multilaterally, and encourages countries to continue such activities
- In order to enhance dissemination of good practice future reporting should also contain information of such cooperative activities, even if not directly related to the implementation of the convention



Information to and participation by the public

- Most countries have implemented the provision relating to public participation in decision making processes also for the public of neighbouring states
- Increased use of new technological opportunities to reach the public, as well as a broad spectrum of alternative methods (open days, risk maps, local consultation committees, special target information etc.)
- Despite existing opportunities, the public in general still do not make extensive use of their rights
- The WGI therefore encourages Parties to work together on the identification of ways for involving the public to a greater extent, including organizing seminars, workshops or other relevant activities
- Possible cooperation with the EU following the adoption of Seveso III?



Siting and land use

- Policies and procedures for siting and land use are steadily improving, and this round saw a marked improvement in descriptions
- The WGI has positively noted that many countries report on the creation of new and improved legislation, guidelines and criteria
- But: Practical follow is still a problematic area for many countries, including those at an advanced level
- Further assistance on this topic and development of mechanisms for further competence building and transboundary cooperation is essential
- Also in this field the possibilities of joint activities with the EU should be explored



Areas identified by reporting countries for possible follow up under the Convention

- Enhanced transboundary cooperation (exercises/testing)
- Exchange of information and public participation
- Land use planning and siting (guidance, good practice, exchange of experience)
- Establishment of safety culture in enterprises
- Establishment of major hazards control system with legislation, enforcement mechanisms and cooperation procedures
- Risk management in general and methodologies for risk assessment
- Enhancement of awareness of basic elements of the Convention, working areas and clarification of terms
- Performance of self assessments and establishment of action plans under the Assistance programme
- Exploring suitable ways to ensure exchange of good practices

