
DECISION 2004/5
ON THE PRIORITIES, PROGRAMME OF WORK AND RESOURCES
UNDER THE CONVENTION FOR 2005-2006

The Conference of the Parties,

1. Sets the following priorities for its future activities:
 - (a) Provision, on a need-driven basis, of assistance to Parties in implementing the Convention and to other UNECE member countries in ratifying or acceding to it;
 - (b) Review of annex I to the Convention – categories of substances and preparations (part I) and named substances (part II) and their quantities for the purpose of defining hazardous activities under the Convention;
 - (c) Further progress in the identification of hazardous activities and especially their notification to neighbouring Parties;
 1. (d) Promotion of measures to prevent industrial accidents, including accidental water pollution;
 - 2.
 - (e) Promotion of bilateral cooperation under the Convention, in particular in implementing preparedness and response measures; and
 - (f) Improvement of the efficiency of the UNECE Industrial Accident Notification System;
2. Adopts the programme of work under the Convention, including the updated long-term programme of work as set out in appendix I, Part One, and the work plan for 2005-2006 as set out in appendix I, Part Two, to this decision;
3. Requests the Parties and invites Governments of other UNECE member countries to actively participate in the implementation of the work plan for 2005-2006 and invites Parties to take the lead in specific projects within the work plan;
4. Decides that the Parties will contribute financially and/or in kind to the budget of the Convention on a voluntary basis and recommends them to make their contributions as soon as possible;
5. Invites other UNECE member countries to contribute to this budget as well;
6. Welcomes the contributions to the budget pledged by or received from the
Czech

Republic, Italy, Netherlands, Norway, Switzerland and the European Commission;

7. Endorses the secretariat's report on the use of financial resources under the Convention in 2000-2004 (CP.TEIA/2004/5);

8. Adopts the budget of the Convention for the 2005-2006 period as set out in appendix II to this decision;

9. Endorses the guiding principles for financial assistance to support the participation of experts and representatives from countries with economies in transition in meetings organized within its framework, depending on the availability of funds, as set out in appendix III to this decision;

10. Invites the Executive Secretary of UNECE, strengthened with additional extrabudgetary resources, to continue to provide secretariat support for the tasks outlined in the work plan for 2005-2006;

11. Requests the UNECE secretariat to manage the voluntary financial contributions in agreement with the donor countries/institutions;

12. Requests its Bureau to draw up, with the support of the UNECE secretariat, a budget for the next two-year period for adoption at the fourth meeting of the Conference of the Parties.

Appendix I

PROGRAMME OF WORK UNDER THE CONVENTION

The present appendix sets out the long-term programme of work (Part One) as well as the work plan for the years 2005-2006 (Part Two) under the UNECE Convention on the Transboundary Effects of Industrial Accidents. The Conference of the Parties agreed that when implementing the long-term programme of work and the work plan for 2005-2006 the work done by other international organizations should be duly considered with a view to developing synergies and avoiding duplication of efforts.

Part One

LONG-TERM PROGRAMME OF WORK

The following long-term programme of work contains the intergovernmental tasks either provided for in the Convention or proposed by the Conference of the Parties at its meetings.

PROGRAMME AREA 1: Monitoring of and assistance in the implementation of the Convention

1.1 Implementation of the Convention

Description: The Parties are to establish or designate one or more competent authorities for the purposes of the Convention (art. 17, para. 1). They also have to implement the Convention without undue delay and report on its implementation (art. 23). The Conference of the Parties will regularly review the implementation of the Convention (art. 18, para. 2 (a)). Other UNECE member countries are encouraged to ratify the Convention or accede to it as soon as possible and to report on its implementation using the same reporting format.

Work accomplished: With the assistance of the secretariat and based on individual country implementation reports, the Working Group on Implementation, established by the Conference of the Parties (ECE/CP.TEIA/2, annex III, decision 2000/2 on the implementation of the Convention), prepared the second report on the implementation of the Convention. The Conference of the Parties discussed the current status of the Convention's implementation and adopted a decision on strengthening the Convention's implementation at its third meeting.

Work to be undertaken: The UNECE secretariat will continue to maintain an up-to-date list of competent authorities (<http://www.unece.org/env/teia/authorities.htm>). The Working Group on Implementation will further monitor the implementation of the Convention. It will prepare further reports on the implementation of the Convention, draw conclusions from these reports, make draft recommendations to strengthen its implementation and submit these to the Conference of the Parties for discussion and adoption. The Working Group will organize a training session to share good practices on drawing up individual country implementation reports. The Working Group's reports on implementation will be publicly available on the Convention's web site and the individual country reports will be available only to competent authorities through a password-protected folder.

1.2 Assistance to Parties in implementing the Convention and to Signatories and other UNECE member countries wishing to become a Party in ratifying the Convention

Description: The Parties and other UNECE member countries are invited to report on the accession/ratification and implementation of the Convention and on the difficulties that they have encountered in this process. They will do this within the framework of their individual country implementation reports. The Conference of the Parties will identify obstacles in the implementation of the Convention and in the accession/ratification processes and provide the necessary assistance wherever possible and requested.

Work accomplished: A subregional workshop on the implementation of the Convention was held in Erevan on 13-15 March 2003. A background paper on key obstacles to acceding to and implementing the Convention by Caucasian and Central Asian countries was prepared for the workshop on the basis of their responses to a questionnaire. The workshop identified the needs of these countries and elements for an internationally supported assistance programme. The Conference of the Parties discussed the outcome of the subregional workshop and endorsed its report and conclusions. Taking into account the workshop's conclusions and the recommendations contained in the second implementation report, it also adopted an action-oriented document launching an internationally supported assistance programme to enhance the efforts of the East European, Caucasian and Central Asian (EECCA) countries as well as the South-East European (SEE) countries in implementing the Convention.

Work to be undertaken: The Bureau together with the Working Group on Implementation will continue to review the needs and difficulties of countries, in particular the EECCA and SEE countries. Further activities aimed at facilitating the implementation and/or accession/ratification of the Convention such as workshops, seminars, exchange of experts, study tours, training sessions, awareness raising activities aimed at local capacity-building will be organized within the framework of the internationally supported assistance programme. In addition, bilateral assistance projects will be further encouraged.

PROGRAMME AREA 2: Scope of the Convention

2.1 Hazardous substances

Description: Annex I to the Convention defines categories of substances and preparations (part I) and named substances (part II) and their quantities for the purpose of defining hazardous activities under the Convention.

Work accomplished: Expert work was completed at the European Community level, in cooperation with UNECE, to re-evaluate the threshold quantities of substances "dangerous for the environment".

Work to be undertaken: The Working Group on the Development of the Convention, established by the Conference of the Parties at its third meeting, will review annex I to the Convention and prepare possible amendments to it. The Conference of the Parties will discuss the recommendations of the Working Group at its fourth meeting. According to annex XII, paragraph 1 (c), to the Convention, information on hazardous substances including their relevant characteristics and information on how to deal with them will be made widely available. Furthermore, according to paragraph 1 (f) of the same annex, a list of hazardous substances covered by annex I, part I, will be established and made widely

available.

2.2 Hazardous activities

Description: According to article 4, paragraph 1, of the Convention, Parties are to identify any proposed or existing hazardous activities that are capable of causing transboundary effects in the event of an accident and to notify potentially affected Parties of such activities.

Work accomplished: In order to ensure that all Parties take the same approach when identifying hazardous activities, the Conference of the Parties adopted the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (ECE/CP.TEIA/2, annex IV, decision 2000/3), in accordance with article 18, paragraph 6. At the request of the Conference of the Parties, at its second meeting, the joint ad hoc expert group on water and industrial accidents reviewed the water-path-related location criterion for the purpose of identifying hazardous activities capable of causing transboundary effects on transboundary waters, and in cooperation with the Bureau proposed to amend it. The Conference of the Parties, at its third meeting, amended the Guidelines. A number of Parties identified their hazardous activities and reported them within their implementation reports but to a lesser extent notified them to neighbouring countries.

Work to be undertaken: Information on hazardous activities will be maintained by the Working Group on Implementation, with the assistance of the secretariat, on the basis of the individual country implementation reports and made available to competent authorities through a password-protected folder within the Convention's web site. A map showing the locations of the hazardous activities may be produced at a later stage.

PROGRAMME AREA 3: Prevention of industrial accidents

3.1 Prevention of industrial accidents

Description: According to article 6, paragraph 1, the Parties are required to take appropriate measures to prevent industrial accidents. According to paragraph 2 of the same article, they are also obliged to see that operators of hazardous activities take action to reduce the risk of industrial accidents and demonstrate the safe performance of such activities. The Parties to the Industrial Accidents and the Water Conventions agreed to cooperate closely on issues related to the prevention of accidental pollution of transboundary waters. Cooperation with the business sector will be strengthened, for instance by organizing joint workshops, seminars and study tours.

Work accomplished: The joint ad hoc group of experts on water and industrial accidents continued its work concentrating on the prevention of accidental water pollution, as jointly decided by the Conference of the Parties and the Meeting of the Parties to the Water Convention. The joint expert group reviewed the water-related location criterion contained in the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention. It also finalized a common reporting scheme on

the implementation of the conclusions and recommendations of the Hamburg seminar (CEP/WG.4/SEM.1/1999/3, annex I). The Conference of the Parties, at its third meeting, endorsed the joint expert group's oral report on progress in implementing its tasks.

Work to be undertaken: The Conference of the Parties, together with the Meeting of the Parties to the Water Convention, will review the implementation of the conclusions and recommendations of the Hamburg seminar with the assistance of the joint expert group. The joint expert group will evaluate the responses to a reporting scheme and prepare an overall implementation report for consideration by the Conference of the Parties and the Meeting of the Parties to the Water Convention in 2006. The joint expert group will also organize a series of workshops to draw up safety guidelines/best practices for pipelines. The Conference of the Parties, with the assistance of the joint ad hoc expert group, will promote policies and best practices aimed at increasing the safety of industrial operations, in particular hazardous activities, through the sharing of experience and will facilitate the provision of technical assistance, especially to countries with economies in transition.

PROGRAMME AREA 4: Points of contact and industrial accident notification

4.1 UNECE Industrial Accident Notification System

Description: According to article 17, paragraphs 2 and 3, the Parties are requested to designate or establish one point of contact for industrial accident notification and one for mutual assistance. These points of contact should preferably be the same. Parties are also to notify other Parties through the UNECE secretariat within three months of the date of entry into force of the Convention which bodies have been designated as points of contact.

According to article 17, paragraph 4, the Parties have to notify other Parties through the UNECE secretariat of any changes in the contact details of their points of contact within one month of such decision. Other UNECE member countries that have not yet designated or established a point of contact are invited to do so as soon as possible and notify the secretariat accordingly. An up-to-date list of points of contact is available with restricted access on the Convention's web site.

Work accomplished: In order to make the notification procedure between the points of contact as efficient as possible and in accordance with articles 10, 12 and 17 as well as annex XII, paragraph 1 (a), to the Convention, the UNECE Industrial Accident Notification System (UNECE IAN System) was accepted by the Conference of the Parties at its first meeting for notifying, at the national level, a major accident which causes or is capable of causing transboundary effects or an imminent threat thereof. The UNECE IAN System was last tested on 9 November 2003 by Slovakia. The first consultation and a training session for points of contact for the purpose of accident notification and mutual assistance designated within the UNECE Industrial Accident Notification System were held in Bratislava on 10-11 November 2003. Following a recommendation of the consultation, a task force on the procedures and reports within the UNECE IAN System was established and held its meeting in Geneva on 22 June 2004. A meeting between UNECE, the Joint UNEP/OCHA Environment Unit and the European Commission took place on 21 June 2004 with the aim of harmonizing reports for accident notification and assistance requests. Following a recommendation of the task force, the UNECE IAN System was amended by the Conference of the Parties at its third meeting

(ECE/CP.TEIA/12, annex III, decision 2004/3 amending the UNECE Industrial Accident Notification System). Thirty-seven UNECE member countries and the European Commission have so far designated points of contact. The UNECE secretariat maintained an up-to-date list of the points of contact, available on the Convention's web site (<http://www.unece.org/env/teia/contact.htm>) with restricted access.

Work to be undertaken: The UNECE secretariat will continue to update the list of points of contact and keep it available with restricted access on the Convention's web site. According to annex IX, paragraph 4, to the Convention, the UNECE IAN System will further be periodically tested on a subregional basis and reviewed to ensure that it is operational at all times. A task force to review the communication procedures under the UNECE IAN System was established at the third meeting of the Conference of the Parties. Furthermore, a manual for the points of contact will be developed. Cooperation with other institutions operating notification and alarm systems, in particular with systems developed and operational within the framework of the Water Convention, will be established to ensure the most effective flow of information and achieve better harmonization. Training of the personnel of points of contact will be continued, in accordance with annex IX, paragraph 4, to the Convention. The above tasks will be carried out as part of consultations of the points of contact. Reports on the consultations of the points of contact and on their work will be made available to the Conference of the Parties.

PROGRAMME AREA 5: Emergency preparedness, response and mutual assistance

5.1 Emergency preparedness and response

Description: According to article 8, paragraph 1, the Parties have to establish and maintain adequate measures to respond to industrial accidents and to mitigate the transboundary effects of such accidents. Furthermore, the Parties are required to prepare and implement on- and off-site contingency plans and provide information on them to each other in order to make the latter compatible, in accordance with article 8, paragraphs 2 to 4. Furthermore, according to article 10, paragraph 3, and article 11, paragraph 1, the Parties are required to activate response measures and contingency plans in the event of an industrial accident.

Work accomplished: The Conference of the Parties promoted cooperation between Parties, and, in particular, the sharing of experience in implementing preparedness and response measures. To this end, two response exercises were held: (i) International workshop and exercise on industrial safety and water protection in transboundary river basins - Tiszaújváros (Hungary), 3-5 October 2001; and (ii) Polish-Russian transboundary response exercise "Kotki 2002" and the international seminar on the preparedness for and response to industrial accidents and the mitigation of their transboundary effects – Ketrzyn (Poland), 13-15 June 2002.

Work to be undertaken: A response exercise will be organized by Germany, together with Poland, in 2005. Experience will be further shared and assistance provided in establishing and implementing preparedness and response measures. The organization of further bilateral and multilateral response exercises will be encouraged and supported.

5.2 Provision of mutual assistance

Description: According to article 12 of the Convention, Parties may ask for assistance from other Parties in the event of an industrial accident. A Party to whom a request is directed shall promptly decide whether it is in a position to render the assistance and inform the requesting Party accordingly.

Work to be undertaken: According to article 18, paragraph 2 (b), the Conference of the Parties shall facilitate the provision of technical assistance and advice at the request of Parties faced with industrial accidents. The Conference of the Parties may also decide to strengthen cooperation with other international organizations and institutions, and in particular with the Joint UNEP/OCHA Environment Unit, with a view to better coordinating and harmonizing assistance procedures.

PROGRAMME AREA 6: Responsibility and liability

6.1 Responsibility and liability regime

Description: According to article 13 of the Convention, Parties shall support appropriate international efforts to draw up rules, criteria and procedures in the field of responsibility and liability.

Work accomplished: In 2000, following the accident at Baia Mare (Romania), the delegation of Switzerland proposed to launch negotiations of a protocol on civil liability to both the UNECE Conventions on the Transboundary Effects of Industrial Accidents and on the Protection and Use of Transboundary Watercourses and International Lakes. At their joint special session, held at Geneva on 2-3 July 2001, the two governing bodies decided to launch an intergovernmental negotiation process to draw up a legally binding instrument for transboundary damage caused by hazardous activities within the framework of both Conventions. To this end, the Parties established an Intergovernmental Working Group on Civil Liability (ECE/MP.WAT/7 - ECE/CP.TEIA/5). The negotiation process to draw up the instrument was completed within seven meetings of the Working Group. The Parties to both Conventions adopted the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters at their second joint special session on 21 May 2003. The Protocol was signed by 24 UNECE member countries and so far ratified by one.

Work to be undertaken: Promotion of the early entry into force of the Protocol. Make preparations for a third joint special session, preferably in 2006, at which UNECE member countries would report on the steps that they have taken to ratify the Protocol. Set the thresholds, limits of liability and minimum limits of financial securities for pipelines referred to in article 29, paragraph 2, of the Protocol. Eventually, make preparations for the first meeting of the Parties to the Protocol.

PROGRAMME AREA 7: Scientific and technological cooperation

7.1 Facilitation of the exchange of information and safety technologies

Description: According to articles 14, 15 and 16 of the Convention, the Parties shall initiate and cooperate in research and development of technologies for the prevention of, preparedness for and response to industrial accidents; exchange reasonably obtainable information; and facilitate the exchange of the above technologies.

Work accomplished: The Conference of the Parties promoted the exchange of information, safety management systems and safety technologies between Parties and other UNECE member countries. At its second meeting, the Parties considered procedures to create more favourable conditions for such exchange, according to article 18, paragraph 5, of the Convention, and endorsed the conclusions drawn by participants of the workshop on the facilitation of the exchange of safety management systems and safety technologies.

Work to be undertaken: The Conference of the Parties will further promote multilateral and bilateral cooperation aimed at facilitating the exchange of information and safety technologies among the Parties to the Convention. It will also promote education and training on the application of preventive, preparedness and response measures by means of workshops, seminars and training sessions.

According to annex XII, paragraph 1 (d), to the Convention, a register of institutions and experts capable of providing assistance regarding preventive, preparedness and response measures will be established. The Conference of the Parties may take measures to inspect hazardous activities and provide assistance in organizing national inspections by these institutions and experts, at the request of a Party, in accordance with annex XII, paragraph 3 (b), to the Convention.

PROGRAMME AREA 8: Past industrial accidents

8.1 Reporting of past industrial accidents

Description: In accordance with annex XII, paragraphs 1 (b) and 2 (a), to the Convention, a databank for the reception, processing and distribution of information on past industrial accidents should be established and maintained.

Work accomplished: The Conference of the Parties established the UNECE Past Industrial Accident Reporting System to be used by Parties and other UNECE member countries when reporting past industrial accidents with transboundary effects. Furthermore, the Conference accepted the proposal of the European Commission to make available the UNECE Past Industrial Accident Reporting System and operate it within the framework of its existing EU-Major Accident Reporting System (MARS). To this end, the terms of reference for the cooperation between the United Nations Economic Commission for Europe and the European Commission's Directorate General – Joint Research Centre (DG-JRC) were adopted (ECE/CP.TEIA/2, annex V, decision 2000/4 on the reporting of past industrial accidents).

Work to be undertaken: The Parties to the Convention, as well as other UNECE member countries wishing to do so, will designate contact persons responsible for reporting on past industrial accidents. The necessary software support will be provided to them by the Major Accident Hazards Bureau of the DG-JRC. Parties and other UNECE member countries will report on industrial accidents with transboundary effects using the UNECE Past Industrial Accident Reporting System. The Conference of the Parties will periodically review the process of reporting past industrial accidents as well as the conclusions drawn and lessons learnt from these accidents on the basis of reports prepared by the Major Accident Hazards Bureau. Information on past industrial accidents will be made available to all UNECE member countries in order to strengthen the prevention, preparedness and response to industrial accidents.