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CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE TRANSBOUNDARY
EFFECTS OF INDUSTRIAL ACCIDENTS

Fifth meeting
Geneva, 25–27 November 2008
Item 6 of the provisional agenda

IMPLEMENTATION OF THE CONVENTION

Fourth report on the Convention's implementation (2006–2007)

Report by the Working Group on Implementation

INTRODUCTION

1. According to article 23 of the Convention on the Transboundary Effects of Industrial Accidents, Parties have an obligation to report on the Convention's implementation. Furthermore, in accordance with article 18, paragraph 2 (a), the Conference of the Parties shall review the Convention's implementation.
2. To assist it in reviewing the Convention's implementation, the Conference of the Parties at its first meeting established the Working Group on Implementation and adopted its terms of reference (ECE/CP.TEIA/2, annex III, decision 2000/2, para. 4 and appendix).
3. At its fourth meeting, the Conference of the Parties adopted the third report on the Convention's implementation, prepared by the Working Group on Implementation. Taking into account this report and its conclusions and recommendations, the Conference of the Parties took decision 2006/1 on strengthening the implementation of the Convention (ECE/CP.TEIA/15/Add.1).

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4. The Conference of the Parties at its fourth meeting elected Mr. Pavel Forint (Czech Republic), Mr. Leo Iberl (Germany), Ms. Judit Mogor (Hungary), Mr. Massimo Cozzone (Italy), Ms Ausra Sablinskiene (Lithuania), Mr. Gunnar Hem (Norway), Mr. Francisc Senzaconi (Romania), Ms. Anna Balakireva (Russian Federation), Mr. Tomas Trcka (Slovakia) and Ms. Helena Nasslander (Sweden) to serve as members of the Working Group on Implementation.

5. The secretariat initiated the fourth reporting round on the Convention's implementation on 22 August 2007 with a letter accompanied by the reporting format. Parties and those UNECE member countries that adopted the commitment declaration at the High-level Commitment Meeting (Geneva, 14–15 December 2005) were required – and other UNECE member countries were invited – to submit up-to-date information on their implementation of the Convention.

6. Furthermore, Parties and other UNECE member countries that had been ranked in group “c” according to paragraph 59 of the third report on implementation (ECE/CP.TEIA/2006/2), those countries that had not reported yet or had not submitted their reports in due time for the evaluation by the Working Group on Implementation in the last reporting round were asked to provide detailed information using the reporting format. Parties and UNECE member countries ranked in groups “a” and “b” according to paragraph 59 were encouraged to provide only information representing an update of previous reports.

7. The deadline for the submission of national implementation reports was set for 31 January 2008. Countries that did not meet this deadline and did not indicate that the report was under preparation were sent e-mail reminders by the secretariat. Albania and the Russian Federation were the only two Parties that had not provided a report by the end of March 2008, in time for the eighth meeting of the Working Group. The Convention secretariat and the Chairman of the Working Group addressed reminder letters to competent authorities of Albania and the Russian Federation on 25 April 2008, urging them to comply with their reporting obligation and to submit their reports before 16 May 2008. After receiving the letter, Albania sent its report within the specified deadline.

8. Among the countries that had expressed their commitment to implement the Convention under the Assistance Programme, Tajikistan was the only one that had not submitted a report. The competent authorities in Tajikistan were also addressed a letter on 25 April 2008.

9. The Working Group held four meetings in the biennium 2007–2008. Three meetings were organized jointly with the Bureau of the Conference of the Parties and were aimed at discussing most of all activities under the Assistance Programme (Geneva, 15–16 February 2007; Tonsberg, Norway, 23–24 October 2007; Karlstad, Sweden, 17 April 2008). At the first of its meetings the Working Group elected Mr. Gunnar Hem as its chairman. A separate meeting of the Working Group was held to discuss the evaluation of the national implementation reports (Karlstad, 15–16 April 2008).

10. The Working Group took note of the fact that its member Ms. Sablinskiene had left the Lithuanian Ministry of Interior's Fire and Rescue Department in the second half of 2007 and since that time had no longer been available to continue her work. Similarly, Ms. Mogor had left the National Directorate General for Disaster Management in Hungary, and therefore in her place

Ms. Katalin Gorog had supported the Working Group's work on evaluating the national implementation reports. It should also be stressed that the elected representative of the Russian Federation to the Working Group did not take part in any of Group's meetings.

I. REPORTING

11. At the time of the Working Group's eighth meeting, 36 UNECE member countries and the European Community had ratified, accepted or acceded to the Convention.

12. The Working Group based its fourth report on the Convention's implementation on reports from the following 35 Parties to the Convention: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the European Community.

13. The Working Group also took into account seven reports that had been submitted by countries from Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE) in accordance with the commitment contained in the declaration adopted by the heads of delegation of the countries of EECCA and SEE at the High-level Commitment Meeting (Geneva, 14–15 December 2005; CP.TEIA/2005/12, annex). These reports were from Bosnia and Herzegovina, Georgia, Kyrgyzstan, Serbia, The former Yugoslav Republic of Macedonia, Ukraine and Uzbekistan. The Working Group also evaluated the report received from Turkey.

14. The Working Group expressed serious concern regarding the fact that the Russian Federation, as the only Party to the Convention not to do so, and Tajikistan, which had committed itself to reporting on implementation, had not delivered their national implementation reports. The Working Group noted that the competent authorities designated by the Russian Federation under the Convention had also not provided a report in time to be assessed during the second and third round of reporting.

15. The Working Group on Implementation appreciates the contributions which 35 Parties and eight other countries have made to the process of monitoring and assessing the Convention's implementation by submitting their national reports and thus meeting their reporting obligations or commitments. The Working Group recommends that the Governments of the Russian Federation and Tajikistan, which did not provide their reports, should be reminded by the Conference of the Parties of their obligations or commitments to do so.

II. ANALYSIS OF THE RESPONSES TO THE QUESTIONS IN THE REPORTING FORM

A. Section II: Competent authorities (question 1)

16. With the current reporting round, all Parties¹ confirmed the designation of competent authorities. In addition, those EECCA and SEE countries that were not yet Parties¹ confirmed that they had identified authorities responsible for implementation of the Convention.

17. Most Parties used the reporting to communicate the most up-to-date contact information of their competent authority or authorities. In some cases, there were also modifications in the names of institutions reported. Some EECCA and SEE countries not yet Parties to the Convention reported either having moved the responsibilities for Convention's implementation between authorities (e.g. Kyrgyzstan, Georgia) or having identified additional institutions as relevant authorities (e.g. Serbia).

18. The Working Group requests Parties to communicate changes relating to the contact details of competent authorities without delay to the other Parties through the Convention secretariat. It also invites other UNECE member countries to share the contact details of relevant authorities for the Convention's implementation with others through the secretariat.

B. Section III: Implementation of the Convention (questions 2–6)

1. Question 2: Legislation and other measures adopted to implement the Convention

19. Most of the Parties, as well as most of the other UNECE member countries that responded, provided relatively comprehensive listings of legislation. However, as the descriptions of relevant legislation in most reports were quite general and only a few countries provided references to the specific articles of the Convention², it was not possible to fully evaluate the completeness and quality of this legislation. In fact, this was a general problem that did not relate specifically to any single country or groups of countries, even though it might be argued that Western and Central European countries that have implemented the Seveso II Directive³ have a fairly advanced legislation vis-à-vis fulfilling the Convention's requirements. However, formal transposition and practical implementation are not the same, and a mere reference to the Seveso II legislation is not fully adequate, especially considering the differences in the scope of the Directive and the Convention. It may also be noted that the referenced legislation mostly seemed to relate to hazardous industry in general and not particularly to its transboundary aspects.

¹ Except for the Russian Federation. This exception will not be mentioned in the rest of the analysis. The same goes for Tajikistan as other UNECE members countries.

² Only eight countries (Belarus, Czech Republic, Lithuania, Moldova, the Netherlands, Serbia, Switzerland and Sweden) provided, as requested by the Working Group (ECE/CP.TEIA/2006/2, para. 20), referenced the articles of the Convention covered by legislation

³ Council Directive 96/82/EC of the European Commission, extended by the Directive 2003/105/EC.

20. A number of countries specified long lists of legislation, many of which would seem somewhat outside of the Convention's core areas. The extensive listings of legislation may indicate that lack of legislation in itself is not the main problem, but in fact it is the practical implementation of this legislation. This assumption is based on the extensive listings of problems, obstacles to implementation and the needs for support identified by a number of countries, particularly those in EECCA and SEE, and is also supported by the findings made during the fact-finding missions. In a few reports, some clearly irrelevant legislation was included, which was also the case in the previous reporting round.

21. In the light of the considerations given above, the Working Group has, in line with previous reports, concluded that legislation seems to be fully in place and in force in most Parties in Western and Central Europe and also Bulgaria and Romania. Judging from the reports of the countries of EECCA and SEE, the extent to which appropriate legislation is in place in these countries still differs significantly. In Belarus and Serbia it seems that legislation is to a significant degree adequate. In The former Yugoslav Republic of Macedonia, legislation seems to be well under way. In others, however, while some appropriate legislation seems to be in place, much remains to be done.

22. Even if it may be assumed that legislation in many countries is adequate, the Working Group nevertheless would like to encourage Parties and other UNECE member countries to provide a clearer and more complete description of their legislation in their future reporting, stating both objectives and control mechanisms. Only in this way can a more thorough assessment of the degree of formal and practical implementation of the Convention be undertaken. The Working Group also reiterates its request regarding the inclusion, to the extent possible, of references to the specific articles of the Convention covered by the legislation, which would help to avoid the listing of irrelevant legal acts. As in the previous report, the Working Group would like to remind the countries having transposed the Seveso II Directive that they should include in the list that part of their national legislation which transposes the Convention into fields not covered by the Directive. To facilitate this undertaking, a list of the differences between the Convention and the Directive should be elaborated.

2. Questions 3–6: Problems and obstacles in implementing or ratifying/acceding to the Convention

23. Similarly to the previous reporting round, countries from Western and Central Europe reported having no problems in implementing the Convention, whereas most of the countries of EECCA and SEE identified different difficulties encountered in implementing or acceding to the Convention as well as specified needs for assistance.

24. Generally, these problems and needs were relatively well described, and the problems listed largely match the needs specified. Nevertheless, there were differences between responses. Some countries provided fairly specific and clear lists of problems or needs for assistance, whereas others provided very general responses, e.g. requests for good practice on implementation of the Convention without any further specifications.

25. The Working Group sorted the listed problems and the assistance needs of EECCA and SEE countries by working area under the Convention. Working areas were distinguished by the capacity-building activity aiming to initiate further strengthening of the legal and institutional frameworks in EECCA and SEE countries (Kyiv, 5–7 December 2007)⁴. The participating EECCA and SEE countries analysed their legal and institutional frameworks with respect to shortcomings and identified future actions to improve the situation. These working areas, together with cross-cutting areas⁵, were also distinguished in the draft strategic approach for the Assistance Programme's implementation phase (ECE/CP.TEIA/2008/5).

26. The table in the annex to this document shows that the countries which participated in the above-mentioned capacity-building activity provided more specific information on their problems and needs. This leads to the conclusion that assistance activities focused on analysis are very helpful, as without them problems are identified too generally. Therefore, consideration should be given to organizing similar activities for the countries which could not participate in the Kyiv meeting.

27. The Working Group noted with satisfaction that The former Yugoslav Republic of Macedonia had benefited from the awareness-raising mission organized in November 2007, which had allowed that country to draw up an action plan for implementing basic tasks under the Convention. It is expected that the country, while implementing the action plan, may identify problems on complex tasks and request assistance in this regard.

28. The Working Group also noted that Bosnia and Herzegovina was in an initial phase of implementing the Convention and would seek to benefit from an awareness-raising mission after the country was ready to host it.

29. The Working Group encourages countries to perform analysis linked to the working areas under the Convention, as this approach allows for the identification of specific shortcomings and challenges and facilitates defining assistance needs and ways to address these needs. The analysis mechanism is considered by the Working Group as strategically important and it is contained in the draft strategic approach on how EECCA and SEE countries should work on strengthening the Convention's implementation. Furthermore, the Working Group recognizes the added value of the capacity-building activity in Kyiv and supports the organization of similar activities in the future.

30. The Working Group also recognizes the need to provide EECCA and SEE countries with the assistance requested. It supports the aforementioned strategic approach aimed at strengthening the Convention's implementation and at ensuring funding, and thus calls for endorsement of the strategic approach and for continuous commitment from Western and Central European countries and other donors to work under the strategic approach of the Assistance Programme and to provide relevant support.

⁴ Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Moldova, Romania, Serbia and Ukraine were the countries invited to participate in the Kyiv meeting, as they had been accepted to the implementation phase of the Assistance Programme prior to December 2007.

⁵ The working areas were: (a) identification of hazardous activities; (b) notification of hazardous activities; (c) prevention; (d) preparedness; (e) response; and (f) public participation. The cross-cutting areas were: (a) legislation; and (b) institutional frameworks.

C. Section IV: Identification of hazardous activities (questions 7–8)⁶

31. Except for Spain, all Parties and all other UNECE member countries submitted information on their hazardous activities and bilateral cooperation. This information is contained in the table below.

32. The Working Group urges the competent authorities of Spain to carry out the verification if hazardous activities are present within the country's jurisdiction.

33. The Working Group noted that, compared to the previous reporting round, the number of hazardous activities reported had changed (increased or decreased) in several countries. On the one hand, this may be an effect of difficulties faced by a number of EECCA and SEE countries in identifying hazardous activities in accordance with the provisions of the Convention. An interesting example is Moldova, which in the reporting period 2004–2005 reported on 18 hazardous activities, while this number has been reduced to four in the current reporting round.⁷ On the other hand, installations are changing over time, and consequently so are the nature and quantities of hazardous substances used in them. So some installations may not be considered hazardous anymore, whereas other new ones can be identified.

34. The Working Group also noted that some countries, mainly from EECCA and SEE, provided lists of hazardous activities that seemed to have been based on different criteria than annex I of the Convention, or that they might have had problems applying annex I. For example, Armenia reported many installations that made use of ammonia, but very few others. This could be due to difficulties in applying the classification criteria in annex I. Kyrgyzstan, on the other hand, clearly stated that its national legislation defined hazardous activities differently, and therefore the country had difficulties when applying annex I. Such difficulties were also reported by Ukraine.

35. A positive development observed by Working Group over the previous reporting round was an apparent increase in number of Parties stating that bilateral cooperation to identify hazardous activities had been undertaken. Nevertheless, it is rather unclear whether all countries properly interpreted the question regarding bilateral cooperation aimed at identification of hazardous activities. It is the Working Group's impression that some countries, in particular in EECCA, referred to general bilateral agreements, which may be more related to cooperation regarding notification and mutual assistance in case of accidents rather than focusing on identification of hazardous activities.

36. Some of the countries provided detailed answers with respect to the status and the procedures of identification and notification (e.g. Belgium, Germany, Hungary, Kazakhstan, Netherlands) as well as clear information on bilateral undertakings aiming at identifying hazardous activities (e.g. Austria, Germany and Hungary). The Working Group especially appreciated the detailed information prepared by Germany, which gave a good overview of that country's cooperation with neighbouring countries regarding the identification and notification of German hazardous activities capable of causing transboundary effects.

⁶ Does not pertain to the European Commission.

⁷ This could be an effect of fact-finding mission to Moldova, during which the fact-finding team explained the basis for identifying hazardous activities; nevertheless, the country is still looking for further assistance in this area.

Table. Evaluation of questions 7 and 8⁸

Parties	Hazardous activities			Number of hazardous activities identified	Bilateral activities established
	Present	Identified	Notified		
Albania	No	n/a	n/a	n/a	Partly. Only agreements listed.
Armenia	Yes	Yes	Yes	38	Partly
Austria	Yes	Yes	Yes	31	Yes
Azerbaijan	Yes	Yes	No	12	No
Belarus	Yes	Yes	Yes	8	Yes
Belgium	Yes	Partly	Partly	28	Yes
Bulgaria	Yes	Yes	Partly	1	No clear answer
Croatia	No	n/a	n/a	n/a	n/a
Cyprus	No	n/a	n/a	n/a	n/a
Czech Republic	Yes	Yes	Yes	58	Partly
Denmark	No	n/a	n/a	n/a	n/a
Estonia	No	n/a	n/a	n/a	n/a
Finland	Yes	Yes	No clear answer	4	Yes
France	Yes	Yes	Yes	55	No answer
Germany	Yes	Yes	Partly	No information because of reasons of security	Yes
Greece	No	n/a	n/a	n/a	n/a
Hungary	Yes	Yes	Partly	10 + 14	Yes
Italy	No	n/a	n/a	Two installations are subject to review	No
Kazakhstan	Yes	Yes	Yes	10	Partly
Latvia	No	n/a	n/a	n/a	Partly. Answer refers to questions 18 and 21.
Lithuania	Yes	Yes	Yes	1	Partly. Answer refers to question 18.
Luxembourg	No	n/a	n/a	n/a	n/a

⁸ Some countries gave inconsistent answers to question 7a–c: If question 7a was answered by “no”, the answer to question 7b and question 7c should be “not applicable” as opposed to “no”; this was changed accordingly. The Working Group also added comments where it felt they were needed.

Parties	Hazardous activities			Number of hazardous activities identified	Bilateral activities established
	Present	Identified	Notified		
Moldova	Yes	Yes	Yes	4	Answer refers to questions 18 and 21. Only agreements listed.
Monaco	No	n/a	n/a	n/a	n/a
Netherlands	Yes	Yes	No	10	Yes
Norway	No	n/a	n/a	n/a	Yes
Poland	Yes	Yes	Yes	30	Yes
Portugal	No	n/a	n/a	n/a	n/a
Romania	Yes	Yes	Yes	5	No
Russian Federation	No report				
Slovakia	Yes	Yes	Yes	12	Partly
Slovenia	Yes	Yes	Yes	16	Yes
Spain	No answer	No answer	No answer	No answer	Only agreements are listed.
Sweden	Yes	Yes	Yes	1	Yes
Switzerland	Yes	Yes	Yes	31	Yes
United Kingdom	Yes	Yes	Yes	3	Yes
Other UNECE countries					
Bosnia and Herzegovina	Yes	Yes	No	4	Partly
Georgia	Yes	Yes	No	7	Partly/No concrete answer
Kyrgyzstan	Yes	Partly	No	6	Answer refers to questions 18 and 21.
Serbia	Yes	Yes	No	9	No
Tajikistan	No report				
The former Yugoslav Republic of Macedonia	Under investigation	No	No	No answer	No answer
Turkey	No	n/a	n/a	n/a	No
Ukraine	Yes	No	No answer	Not identified	No
Uzbekistan	Yes	Yes	Yes	3	Answer refers to questions 18 and 21. Only agreements are listed.

37. The Working Group, stressing the importance of the identification and notification on hazardous activities, encourages countries to properly maintain information on hazardous activities (i.e. to continuously review the data on hazardous substances, their quantities and location) and to notify all potentially affected Parties. It invites those countries that still have not done so to initiate cooperation with all their neighbours on the identification and notification of hazardous activities. The Working Group also strongly supports the organization of a training session on the identification of hazardous activities for EECCA and SEE countries under the Assistance Programme, as many of them face difficulties with respect to this important task.

D. Section V: Prevention of industrial accidents (question 9)

38. The specificity of replies on prevention of industrial accidents differs between countries. Similarly to the previous reporting round, the Working Group was able to identify a few reports providing a thorough description of preventive measures including: verification of safety documentation, facility inspections, issuance of numerous guidelines for operators (safety management system and risk management) and/or organization of workshops or training sessions (Norway, Poland, Switzerland, United Kingdom). On the other hand, the Working Group again found reports where only references to the Seveso II Directive were given (Denmark, France, Italy, Turkey and, in part, Austria) as well as reports which listed legislation rather than measures (Belarus, Croatia, Portugal). In addition, in a number of cases, especially with EECCA and SEE countries, only general information on measures was provided, without any specification as to what those measures were, and no mention of any attempt to assess the efficiency and effectiveness of the measures' implementation.

39. Taking into account the only general replies of EECCA and SEE countries to question 9, in addition to information on problems and obstacles as well as needs for assistance, prevention remains the area where EECCA and SEE countries continue to struggle, despite the actions undertaken to improve the situation. This was to be expected, as introducing effective preventive measures is a long and demanding process. While the Working Group appreciates the actions undertaken with the participation of certain EECCA and SEE countries aiming to strengthen prevention⁹, it also urges an intensification of activities in this area.

40. The Working Group encourages Western and Central European countries to provide clear descriptions and evaluations of the preventive measures adopted, as this may be helpful for EECCA and SEE countries when looking for good practice information. The Working Group invites the EECCA and SEE countries to take an active role on strengthening prevention, and to this end urges them to cooperate with the Bureau and the Working Group in preparing relevant capacity-building activities as well as advisory sessions.

⁹ Workshop on strengthening the safety measures at hazardous activities (Vadul-lui-Voda, Moldova, 13–14 December 2007).

E. Section VI: Industrial accident notification (questions 10–18)

1. Questions 10 –17: Points of contacts for industrial accident notification and mutual assistance

41. At the time of reporting, the network of points of contact, comprised 43 UNECE member countries and the European Commission. This is an increase by one point of contact (Portugal) since the issue of the previous implementation report. Of all of these points of contact, only two (Portugal and Turkey) reported not being operational at all times.

42. Two countries (Serbia and The former Yugoslav Republic of Macedonia) reported that they had established institutions responsible for industrial accidents notification but that they were not yet officially designated as points of contact under UNECE Industrial Accident Notification (IAN) System. In addition, Albania needed to officially designate its point of contact under IAN System.

43. As compared to the previous reporting round, two countries (Azerbaijan and Uzbekistan) had changed the institutions nominated for industrial accident notification and mutual assistance within the IAN System. Other countries indicated modifications in contact details (e.g. telephone, fax or e-mail address) or their institutions' names. Except for a few cases, most of the modifications were only indicated with the implementation reports.

44. The results of the eighth subregional tests on the IAN System performed in 2006 and 2007, which were discussed by the Third consultation of points of contact (Sibiu, Romania, 1–3 April 2008), showed that in a number of cases communication failed because of outdated contact details. The Working Group therefore urges the points of contact to keep their contact details up-to-date, bearing in mind that with the introduction of the Web-based application under the IAN System, the points of contact are now able to introduce any changes in the contact details themselves.

45. The Working Group fully supports the conclusions and recommendations of the Third consultation and training of points of contact, in particular that the points of contact should regularly test if their contact details are up to date by using the Web-based application as well as by performing comprehensive exercises based on scenarios for accidents, which would simulate use of IAN System and approximate real cases. The Working Group also welcomes the implementation of the Web-based application for the IAN System and encourages points of contact to use the application periodically for exercises to maintain operational capability.

2. Question 18: Establishment of a regional/local industrial accident notification system

46. Twenty four Parties and four other UNECE member countries reported that they had established industrial accident notification systems at regional/local levels with neighbouring countries, representing an increase from the last reporting round. Nevertheless, in a number of cases it was unclear whether such systems had really been established or whether there were only general bilateral agreements concerning cooperation in case of accidents. Similarly to previous reporting round, the Working Group noted that replies from neighbouring countries are

sometimes contradictory, which may signal that there is lack of information flow between authorities at different levels and therefore out-of-date information was reported. It may also reflect a misinterpretation of what the establishment of notification systems at regional or local levels entails in practice.

47. The Working Group encourages those countries that have not already done so to set up industrial accident notification systems at the regional/local level, as such systems will present for them a valuable supplement to the UNECE IAN System. The Working Group invites countries to continue sharing good practice in establishing or enhancing the regional or local notification systems within the forum of the consultation of points of contact, especially in view of conducting comprehensive exercises with the application of accidents scenarios.

F. Section VII: Emergency preparedness (questions 19–20)

48. The level of detail of the information provided by countries regarding emergency preparedness varied widely. As in previous reporting rounds, there were countries that thoroughly described their preparedness for emergencies, including testing and exercises of emergency plans (Norway, Poland, Serbia, Slovenia). Other countries (Denmark, Portugal) only referenced implementation of Seveso II Directive or did not provide any information at all. In a number of cases, the Working Group identified partly irrelevant information.

49. When replying to the questions on emergency preparedness, most of the Parties made reference to on-site and off-site emergency planning and inspections; however, only a few of them provided information regarding revision of the plans or testing procedures (e.g. Belgium, Bulgaria, Latvia, Lithuania, Moldova, Poland, Slovenia). Other UNECE member countries mentioned contingency planning, but only in case of Serbia was information on testing and revising the plans specified.

50. In most of the reports, the Working Group found references to cross-border cooperation. Nevertheless, as with the previous reporting rounds, it was unclear in a number of cases whether countries undertook joint activities aimed at harmonizing contingency plans or whether such activities were stipulated in the bilateral agreements but had yet to take place. The lack of replies referring to the efficacy of harmonizing cross-border contingency plans, as well as differences in reporting between neighbouring countries, suggested that cross-border cooperation was still relatively limited, or nearly non-existent, in a number of UNECE member countries.

51. The Working Group encourages Parties to focus on the efficiency and effectiveness of implemented measures when reporting on emergency preparedness. It also calls on countries to undertake practical activities aimed at harmonizing contingency plans in a transboundary context and to report on results achieved. Furthermore, the Working Group invites EECCA and SEE countries to look for possibilities to test and revise their contingency plans, and urges them to seek assistance in this regard within the framework of the Assistance Programme.

G. Section VIII: Scientific and technological cooperation and exchange of information (question 21)

52. Similarly to previous reporting round, a majority of the Parties (22) stated that they were participating in bilateral and/or multilateral programmes and concrete projects to exchange information, experience or technology and to improve industrial safety standards. Nevertheless, in some cases the bilateral and multilateral agreements were mentioned without specifying their practical implementation.

53. In the cases that were detailed in some degree, reference was made to activities related to the Convention under information on the Seveso II Directive, the Danube River Protection Convention and the Nordic Council as well as under the auspices of the Inter-State Council of the Commonwealth of the Independent States on Industrial Safety. A number of Parties also reported on their bilateral cross-border cooperation (Slovakia and Hungary, Poland with Belarus and Lithuania, Moldova and Romania). Some Parties mentioned their assistance projects (Germany, its projects on the Kura and Neman Rivers, and Italy, the TEIAMM¹⁰ II project with Romania). Some countries (Italy, Switzerland) reported that they were continuing to provide organizational and financial support to EECCA and SEE countries. Information was also provided on conferences and meetings organized with the aim of exchanging knowledge and good practices, e.g. the International Conference on the Implementation of the Water Framework Directive in the Oder River Basin held in Poland and the UNECE workshop on the safety of tailing management facilities (TMFs) held in Armenia, both of which took place in November 2007. Of the other UNECE countries, Bosnia and Herzegovina reported on a European Union (EU) project with Greece, although it seemed that the focus of this project was the normal operation of industrial installations rather than hazardous transboundary effects.

54. The Working Group also took note of the work carried out by the Joint Ad Hoc Expert Group on Water and Industrial Accidents which, with the assistance of a specially established steering group, had drawn up safety guidelines and good practices for tailing management facilities. This document was expected to be endorsed by the governing bodies of the Convention and of the Water¹¹ Convention at their upcoming meetings. In the process of drawing up the guidelines, as noted above, a UNECE workshop on the safety of TMFs was organized. Its aim was allow for the exchange good practices and knowledge on safety of TMFs and provide a forum for all major stakeholders – governmental authorities, TMF operators and non-governmental organizations – to provide input to the document.

55. The Working Group reiterates its satisfaction, already expressed in the previous report, that a majority of Parties and other UNECE member countries are engaged in bilateral and/or multilateral cooperation under the Convention, and invites them to continue this work.

H. Section IX: Participation of the public (questions 22–24)

56. The Working Group found, similarly to the previous reporting round, fairly clear responses regarding the public participation and access to information. It also noted with

¹⁰ Transboundary Effects of Industrial Accidents Management Model.

¹¹ Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

satisfaction that a number of countries that had provided incomplete replies in the previous round had improved this time. Nevertheless, the Working Group again wished to stress that it was not sufficient just to list adopted legislation when answering question 22: information should be provided on how this legislation was applicable. In addition, when referring to the Aarhus Convention¹², countries should report on how this Convention was implemented rather than simply reporting that it has been ratified. Countries were also reminded to report not only on information made available to the public, but also how they ensured public participation.

57. Most Parties seemed to have implemented the main provisions of the Convention with regard to public participation. From the reports of the Parties, there was a general understanding that provisions to inform the public and to involve representatives of public institutions in establishing and implementing measures for prevention, preparedness and response were in place. This was mainly done through environmental impact assessment (EIA) procedures prior to issuing permits for establishment of new or for modifications to existing installations. The need remained to create more possibilities for the public to achieve greater involvement, and thereby contribute more actively to the decision-making process.

58. With regard to the question of whether it was possible for the potentially affected public of neighbouring countries to participate in the decision-making process in the same way as a given country's own public, the Working Group noted that Azerbaijan, contrary to the previous reporting round, had reported this time that it provided such a possibility. Belarus, Lithuania and Monaco, as reported earlier, did not do so. The Netherlands, reporting for the first time, also indicated that it did not provide for such a possibility.

59. Concerning access to relevant administrative and judicial procedures by persons capable of being affected by an industrial accident in the territory of another Party, the Working Group also noted that Azerbaijan had reported this time as having provided such access, whereas Kazakhstan now stated, contrary to previous round, that this was not possible. Among Parties, as reported earlier, Monaco and Moldova do not grant this type of access. This is also the case for all the UNECE member countries still not Parties that had reported negatively on this point two years ago. Bosnia and Herzegovina, reporting for the first time, informed that such access is provided partially.

60. The Working Group reiterates its conclusion from the previous round that countries which do not yet ensure adequate public participation (by their own citizens as well as those of neighbouring countries) could benefit from many existing good examples in this area. They are also encouraged to work under the Assistance Programme in this regard.

I. Section X: Decision-making on siting (questions 25–26)

61. The Working Group is aware that the matter of land-use planning and decision-making regarding siting of hazardous activities is one of the most difficult requirements of the Convention due to its complexity, diversity and economic impact. Consequently, the Working Group noted that the answers regarding the introduction of decision-making procedures for the siting of hazardous activities were quite general and, with the exception of a few countries

¹² Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

(Norway, Sweden, United Kingdom, Hungary, Slovenia), did not allow the Working Group to assess in detail the introduction of good practices in the reporting UNECE member countries.

62. Most countries stated that they had established policies with respect to the siting of hazardous activities and significant modifications to existing activities. Most referred to laws on land-use and spatial planning, licensing procedures and EIA procedures. EU Member States referred to the requirements of the Seveso II Directive, though in general no specifics were given. However, based on the reporting, there also seemed to be countries that had no satisfactory land-use planning system for hazardous activities, even if “yes” had been ticked off in the questionnaire (Bosnia and Herzegovina, Croatia, Greece, Kyrgyzstan, The former Yugoslav Republic of Macedonia, Turkey, Uzbekistan). A number of replies were also so vague that it was questionable whether the legislation and systems referred to were in fact relevant in the context. The Working Group also noted that the land-use planning and decision systems applied in UNECE member countries may differ significantly, even in countries that have implemented the Seveso II Directive.

63. No countries mentioned specific risk acceptance or decision criteria or defined scenarios in this regard, although some countries made reference to risk assessment (both probabilistic and deterministic) as an important tool in the land-use decision making process.

64. Many countries, especially those in EECCA and SEE, referred to EIA procedures in national and transboundary contexts (e.g. the Convention on EIA in a Transboundary Context).

65. The Working Group reiterates the conclusions of its previous report that information exchange between the UNECE countries on this topic should be intensified. Also in this context, guidance material is available which could be of great value for countries that do not have adequate land-use planning systems, e.g. the European Commission document, “Land-use planning in the context of Seveso II Directive”.

J. Section XI: Reporting on past industrial accidents (questions 27–28)

66. A pipeline accident with a threat of transboundary effects was reported by Belarus. In addition, Albania and Kazakhstan mentioned accidents that had occurred within the territories of their countries, but without any transboundary consequences.

67. Uzbekistan, as it had in the previous reporting round, reported on an installation located in Tajikistan that had since 1979 been causing severe air pollution affecting Uzbek territory.

III. QUALITY OF NATIONAL IMPLEMENTATION REPORTS

68. The Working Group considered the overall quality of reporting to be very similar to the previous reporting round. As was the previous round, the vast majority of national implementation reports contained sufficient information to draw fairly good conclusions regarding the Convention’s implementation, even if further descriptions and evaluations of the Convention’s areas of work and cross-cutting areas, and how they are interlinked, would have established a somewhat more complete picture. To this end, the Working Group requests that

countries take into account the suggestions provided in the concluding paragraphs for each of the sections in chapter II of this report, and in particular those regarding the legislation (para. 22) as well as preventive and preparedness measures (paras. 40 and 51).

69. The Working Group affirms its evaluation of the better-quality reports as contained in the third implementation report (ECE/CP.TEIA/2006/2). At the same time, noting some improvements in the quality of reporting by EECCA and SEE countries, the Working Group sees the need to further enhance their reporting. Most of all, this improved quality could be achieved by further improving the collection of data presented in the reports. To accomplish this, countries should, inter alia, continue strengthening cooperation and coordination, including the provision of adequate data for the reports, between authorities working on different tasks under the Convention.

70. An instrument allowing for the possibility of collecting proper data and making a self-evaluation of the level of coordinated implementation manner is contained in the draft strategic approach for the implementation phase of the Assistance Programme. The Working Group calls for the adoption of the draft strategic approach, and invites EECCA and SEE countries as well as other countries to apply the approach.

71. The Working Group also expresses its willingness to work together with the countries of EECCA and SEE, if so requested under the Assistance Programme, on collecting and analysing the available data related to Convention's areas of work, which should also contribute to achieving a better quality of reporting.

IV. OVERALL ASSESSMENT OF THE CONVENTION'S IMPLEMENTATION

72. Continuing its assessment of the degree of implementation of the Convention, the Working Group tried to focus on evaluating the progress made by Parties and other UNECE member countries since the previous reporting round. This proved a rather difficult task, however, since only in a few cases was it possible to find information specifically referring to work carried out to further strengthen the Convention. It should also be noted that many Parties from Western and Central Europe were already so advanced in terms of legislation and practical implementation measures that – as was concluded from previous assessments – further strengthening is a lengthy process and therefore difficult to measure within a two-year period.

73. The Working Group considered that adequate legislation had been introduced by the majority of the Parties, including those from EECCA and SEE countries. Nevertheless, for the EECCA and SEE countries the practical enforcement of legislation often constitutes a problem, and therefore efforts need to be continuously taken to strengthen legislation. EECCA and SEE countries are encouraged to continue and intensify their work under the implementation phase of the Assistance Programme in this area, and to make, where needed, concrete requests for assistance.

74. Parties from Western and Central Europe are encouraged to continue properly maintaining data on hazardous activities and to further ensure that their neighbours were well informed.

75. In addition, the Working Group encourages the Parties from Western and Central Europe to engage actively in the Assistance Programme for EECCA and SEE countries so as to enable the latter countries to further strengthen their efforts with respect to the identification and notification of hazardous activities.

76. Prevention seemed to remain a challenge for EECCA and SEE countries. Therefore, the Working Group encourages EECCA and SEE countries to take advantage of existing good practices and to intensify their work in this area. The Western and Central European countries are also invited to share good practice through comprehensive reporting and the establishment of cooperation mechanisms.

77. Bilateral cooperation related to contingency planning and notification systems in the event of accidents should be further pursued and, where possible, enhanced. The Working Group encourages Parties and other UNECE member countries, following up the recommendation of Third consultation of points of contact, to perform comprehensive analytical exercises aimed at further improving their preparedness and the proper use of the IAN System. Parties are also invited to carry out, in cooperation with the Joint Expert Group, response exercises of simulated industrial accidents with effects on waters. EECCA and SEE countries should actively participate in these exercises and, when needed, should request the necessary support.

78. The Working Group invites Parties and other UNECE member countries to continue their efforts to strengthen the Convention's implementation and to report on these efforts. It encourages the Parties from Western and Central Europe that are well advanced vis-à-vis implementation to report in the future reporting rounds on further progress and new developments. The countries from EECCA and SEE are invited to further intensify their work in applying the Convention, building on the framework of the Assistance Programme, under which they could request and receive support tailored to the needs expressed. In doing so, they should apply the strategic approach, the adoption of which is supported by the Working Group.

79. Taking into account the conclusions above, the Working Group agreed that the current reporting procedure had served its purpose well so far in terms of evaluating the level of implementation. At the same time, taking into account the advanced implementation in many Parties and the mechanisms proposed for EECCA and SEE countries to assist them in further strengthening the Convention, the Working Group takes the position that introducing a different reporting procedure should be investigated. Such a procedure should allow for straightforward communication of the level of implementation, progress achieved and provisions identified for improvement. The Working Group would like to recommend and volunteer, with relevant support, to perform the evaluation of reporting procedure in order to identify how to change it: on one hand, to get the most relevant information on implementation status and progress made, and on the other, to ensure that reporting would allow EECCA and SEE countries to learn from good practices of other countries. This is recommended with the understanding that no additional burden would be imposed on reporting Parties and or on other UNECE member countries.

Annex

Areas in which countries request assistance in overcoming problems and obstacles encountered in implementing or acceding to the Convention

Working areas	Problems	Needs
I. Identification of hazardous activities	<ul style="list-style-type: none"> - Insufficient expertise in identifying hazardous activities applying annex I of the Convention, location criteria and risk analysis (Albania, Azerbaijan, Georgia, Kyrgyzstan, Serbia) 	<ul style="list-style-type: none"> - Training and materials on the identification of hazardous activities (Albania, Azerbaijan, Georgia, Kyrgyzstan, Serbia)
II. Notification of hazardous activities	<ul style="list-style-type: none"> - Insufficient information exchange with neighboring countries (Belarus, Moldova, Serbia) 	<ul style="list-style-type: none"> - Facilitation of exchange of information, assistance in strengthening the cross-border cooperation (Belarus, Moldova, Romania, Serbia)
III. Prevention	<ul style="list-style-type: none"> - Insufficient cooperation and coordination between authorities responsible for ensuring safety at hazardous activities (Azerbaijan, Moldova, Serbia) - Insufficient know-how on risk assessment methodologies, risk management and safety standards (Albania, Armenia, Bulgaria, Georgia, Moldova, Romania) - Contact with operators (Serbia) - Insufficient legal basis for prevention (Kazakhstan, Kyrgyzstan) - Inadequate insurance system for liabilities arising from industrial accidents (Armenia, Ukraine) 	<ul style="list-style-type: none"> - Good practices with respect to well-functioning integrated administrative systems for ensuring safety at hazardous activities, and their development (Azerbaijan, Moldova, Serbia) - Training and materials on application of risk assessment methodologies and risk management, (Albania, Armenia, Bulgaria, Georgia, Moldova, Romania) - Guidelines and manuals on effective preventive measures (Armenia, Moldova) - Legal assistance, materials to improve the legal basis for prevention (Kazakhstan, Kyrgyzstan) - Assistance in strengthening dialogue between authorities and operators (Serbia) - Legal assistance to draw up legal basis requiring appropriate insurance systems (Armenia)

Working areas	Problems	Needs
IV. Preparedness	<ul style="list-style-type: none"> - Insufficient contingency planning (Albania, Georgia, Kyrgyzstan, Serbia) - Insufficient compatibility between contingency plans in a transboundary context (Serbia) - Lack of a common position vis-à-vis contingency planning with neighbouring countries in a transboundary context (Kyrgyzstan) 	<ul style="list-style-type: none"> - Training and materials on drawing up contingency plans (Albania, Georgia, Kyrgyzstan, Serbia) - Drills and exercises to test contingency plans (Georgia, Kyrgyzstan, Serbia) - Drills and exercises in a transboundary context (Serbia) - Assistance in working out a common position among neighbouring countries with respect to contingency planning (Kyrgyzstan)
V. Response and mutual assistance	<ul style="list-style-type: none"> - Insufficient know-how and expertise in managing emergency situations, including functioning of points of contact and difficulties in coordinating the work of the authorities involved (Armenia, Azerbaijan, Moldova, Kyrgyzstan) - Insufficient legal basis for emergency response (Azerbaijan, Kazakhstan) - Insufficient implementation of IAN System (Serbia) - Inadequate emergency response equipment (Albania, Armenia, Belarus, Georgia, Moldova, Serbia) 	<ul style="list-style-type: none"> - Good practices with respect to well-functioning administrative systems and their development, (Azerbaijan, Kyrgyzstan) - Drills and exercises to test the administrative system (Armenia, Azerbaijan) - Legal assistance, materials to improve the legal basis for emergency response (Azerbaijan, Kazakhstan) - Training on strengthening the IAN System (Serbia) - Modern equipment and presentations on modern equipment (Armenia, Belarus, Georgia, Moldova, Serbia)
VI. Public participation and information to the public	<ul style="list-style-type: none"> - Insufficient public information (Armenia, Georgia, Moldova) 	<ul style="list-style-type: none"> - Assistance in raising public awareness regarding safety of hazardous activities (Armenia, Georgia, Moldova)

Cross-cutting-areas relevant for all working areas	Problems	Needs
1. Legislation	<ul style="list-style-type: none"> - Shortcomings in national legislation (Azerbaijan, Georgia, Kyrgyzstan, Ukraine) - Legislation on prevention, preparedness and response under development (Bosnia and Herzegovina) - Difficulties in enforcing legislation (Albania) - Lack of common position with neighbouring countries with respect to key provisions of the Convention: identification and notification on hazardous activities, cross-border contingency planning, public information, liability (Kyrgyzstan) 	<ul style="list-style-type: none"> - Legal assistance, materials to improve the legal basis (Albania, Azerbaijan, Georgia, Kyrgyzstan, Ukraine) - Assistance in working out common position with neighbouring countries (Kyrgyzstan)
2. Institutional framework	<ul style="list-style-type: none"> - Insufficient cooperation and coordination between authorities involved in prevention, preparedness and response (Albania, Georgia) - Inadequate administrative system for prevention, preparedness and response (Kyrgyzstan) - Difficulties in setting an efficient administrative system due to frequent administrative changes (Ukraine) - Lack of appropriate administrative structure (Bosnia and Herzegovina) - Lack of human capacity (Albania) 	<ul style="list-style-type: none"> - Good practices with respect to well-functioning integrated administrative systems and their development (Georgia, Kyrgyzstan)
