



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/MP.WAT/12  
ECE/CP.TEIA/10  
28 July 2003

Original: ENGLISH

---

**ECONOMIC COMMISSION FOR EUROPE**

**MEETING OF THE PARTIES TO THE CONVENTION ON  
THE PROTECTION AND USE OF TRANSBOUNDARY  
WATERCOURSES AND INTERNATIONAL LAKES**

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

**REPORT OF THE SECOND JOINT SPECIAL SESSION  
held at Kiev (Ukraine) on 21 May 2003**

At their second joint special session, the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Parties to the Convention on the Transboundary Effects of Industrial Accidents adopted the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the two Conventions.

## **Introduction**

1. The second joint special session of the governing bodies of the UNECE Conventions on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) took place at Kiev (Ukraine) on 21 May 2003, within the framework of the fifth Ministerial Conference “Environment for Europe”.
2. It was attended by the following Parties to the Industrial Accidents Convention and/or the Water Convention: Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and the European Community.
3. Representatives of other UNECE member countries, international governmental and non-governmental organizations participated as observers (see the Report of the fifth Ministerial Conference “Environment for Europe” – ECE/CEP/96).
4. The United Nations Economic Commission for Europe was represented at the meeting by Ms. Brigita Schmögnerová, Executive Secretary, and Mr. Kaj Bärlund, Director of the Environment and Human Settlements Division, as well as Mr. Rainer Enderlein and Mr. Sergiusz Ludwiczak, Secretaries of the Water and Industrial Accidents Conventions, respectively.

## **I. OPENING OF THE JOINT SPECIAL SESSION**

5. The second joint special session was opened by Ms. Phani Daskalopoulou-Livada (Greece), Chairperson of the Intergovernmental Working Group on Civil Liability, and by Mr. Ernst Berger (Switzerland), Chairperson of the Conference of the Parties to the Industrial Accidents Convention.

## **II. ADOPTION OF THE AGENDA**

6. The Meeting adopted the agenda as contained in document ECE/MP.WAT/10 – ECE/CP.TEIA/8.

## **III. REPORT ON THE CREDENTIALS**

7. Ms. Daskalopoulou-Livada, also on behalf of Mr. Berger, reported that all 37 Parties to either one or both of the Conventions were present at the meeting. She also stated that an examination of the submitted credentials found them to be in order.

#### **IV. ELECTION OF OFFICERS**

8. The Meeting unanimously elected Mr. Philippe Roch, State Secretary, Swiss Agency for the Environment, Forests and Landscape, as Chairperson, and Mr. Vardin Ayvazian, Minister of Environment of Armenia, Mr. Miklós Persányi, Minister of Environment and Water of Hungary, and Mr. Gheorghe Duca, Minister of Ecology, Construction and Territorial Planning of the Republic of Moldova, as Vice-Chairpersons of the second joint special session.

#### **V. INTRODUCTION TO THE PROTOCOL**

9. Ms. Daskalopoulou-Livada introduced the draft protocol on civil liability and compensation for damage caused by the transboundary effects of industrial accidents on transboundary waters and briefly described the highlights of the negotiation process.

#### **VI. STATEMENTS**

10. Mr. Roch, Mr. Ayvazian, Mr. Persányi and Mr. Duca addressed the Meeting. They stressed the importance of this new legally binding instrument in setting the rules on civil liability for damage caused by the transboundary effects of major industrial accidents and on compensation for that damage. They also pointed out that the Protocol, once in force, should contribute to the prevention of industrial accidents. The speakers underlined the need for further efforts to facilitate the application and speedy entry into force of the new instrument.

11. Mr. Roch expressed his appreciation to Ms. Daskalopoulou-Livada for her able chairmanship of the negotiation process. He also thanked the representatives of UNECE member countries, industry, the insurance sector and non-governmental organizations, as well as the Secretaries of the two Conventions, for their valuable work, which had resulted in the successful completion of the negotiation.

12. Statements were then made by representatives of other Parties, namely by: Mr. Petru Lificiu, Minister of Waters and Environmental Protection of Romania, and Ms. Vasso Papandreou, Minister for the Environment, Physical Planning and Public Works of Greece, who spoke on behalf of the European Community. She informed the Meeting that the European Community, while fully supporting the adoption of the Protocol, had not concluded the appropriate procedure and was regrettably unable to sign the instrument here in Kiev.

13. The representatives of the Permanent Court of Arbitration, the Regional Environmental Center for Central and Eastern Europe and ECO-Forum also made brief statements.

## **VII. ADOPTION OF THE JOINT DECISION ON THE PROTOCOL**

14. The Parties to the Industrial Accident and/or to the Water Conventions present at the second joint special session unanimously adopted a joint decision on the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to both Conventions as contained in the annex to this report. By doing so, the Parties also unanimously adopted the Protocol itself. The final adopted text of the Protocol is contained in document ECE/MP.WAT/11-ECE/CP.TEIA/9.

## **VIII. CLOSING OF THE SECOND JOINT SPECIAL SESSION**

15. Mr. Roch announced that the Protocol would be open for signature from 21 to 23 May 2003 in Kiev and thereafter until 31 December 2003 at United Nations headquarters in New York.

16. The Meeting entrusted the secretariat, in consultation with the officers of the second joint special session, to prepare and finalize its report. The Chairperson thanked all the delegations present for their important input in the discussion and the decision-making process and closed the second joint special session.

**Annex**

**JOINT DECISION**

**ON THE PROTOCOL ON CIVIL LIABILITY AND COMPENSATION  
FOR DAMAGE CAUSED BY THE TRANSBOUNDARY EFFECTS  
OF INDUSTRIAL ACCIDENTS ON TRANSBOUNDARY WATERS**

**ADOPTED BY THE PARTIES TO THE  
UNECE WATER AND INDUSTRIAL ACCIDENTS CONVENTIONS  
AT THEIR SECOND JOINT SPECIAL SESSION  
ON 21 MAY 2003**

**The Parties,**

**Considering** that the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the 1992 Convention on the Transboundary Effects of Industrial Accidents, while being a tool for ensuring civil liability and compensation for damage caused by industrial accidents to transboundary watercourses, will also contribute to the practical application of effective safety measures at hazardous activities and thus help to prevent industrial accidents and limit their adverse effects on people and the environment,

**Expressing gratitude** to Switzerland for its initiative to launch a negotiation process with a view to drawing up the Protocol, following industrial accidents such as the accident at Baia Mare, Romania, in 2000, and to Greece for its chairmanship of the Intergovernmental Working Group on Civil Liability,

**Acknowledging** the constructive role played by the private sector, including industry and insurance, and intergovernmental and non-governmental organizations in the development of the Protocol,

**Promoting** policies for increasing industrial safety at hazardous activities to facilitate their insurability,

**Pledging** to consider taking the necessary steps to become Parties to the Protocol, including enhancing capacities within their judiciary to comply with its provisions and applying them to the maximum extent possible pending its entry into force,

**Strongly encouraging** all other UNECE member countries that have not yet ratified or acceded to the two Conventions to do so without further delay and moreover to accede to the Protocol,

1. Adopt the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the 1992 Convention on the Transboundary Effects of Industrial Accidents;

2. Decide to:

(a) Report on the steps taken to ratify the Protocol at a joint special session of the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, to take place preferably in 2006, and consider the possibility of scheduling such a meeting in the context of the next ministerial conference within the “Environment for Europe” process;

(b) Take the necessary steps to prepare the first meeting of the Parties to the Protocol;

(c) Promote the necessary action to enable the Parties to the Protocol at their first meeting to establish the thresholds, limits of liability and minimum limits of financial securities for pipelines, referred to in article 29, paragraph 2, of the Protocol.