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**ECONOMIC COMMISSION FOR EUROPE**

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

Fourth meeting  
Rome (Italy), 15–17 November 2006  
Item 6 of the provisional agenda

**IMPLEMENTATION OF THE CONVENTION**

**Third Report on the Implementation of the Convention (2004–2005)**

Prepared 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 implementation of the Convention, 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 third meeting, the Conference of the Parties endorsed the second report on the implementation of the Convention, prepared by the Working Group on Implementation. Taking into account this report and its conclusions and recommendations, it took decision 2004/1 on strengthening the implementation of the Convention (ECE/CP.TEIA/12, annex I).

4. The Conference of the Parties at its third meeting elected Ms. Anahit Aleksandryan (Armenia), Mr. Armin Heidler (Austria), Mr. Nikolai Savov (Bulgaria), Mr. Pavel Forint (Czech Republic), Mr. Leo Iberl (Germany), Ms. Judit Mogor (Hungary), Mr. Massimo Cozzone (Italy), Mr. Dmitri Y. Poletaev (Russian Federation), Mr. Tomas Trcka (Slovakia) and Mr. Bernard Gay (Switzerland) to serve as members of the Working Group on Implementation.

5. The secretariat initiated the third reporting round on the Convention's implementation on 22 June 2005 via a letter accompanied by the reporting format (CP.TEIA/2005/4). As previously, the Parties were requested, and other UNECE member countries were invited, to submit responses which contained all the information needed to assess the current status of implementation of the Convention and identified any difficulties that the Parties and other UNECE member countries had encountered in implementing and/or ratifying or acceding to the Convention.

6. The Working Group on Implementation, in accordance with a request by the Conference of the Parties, organized a training session on drawing up national implementation reports in order to improve the completeness and overall quality of reporting. The training session was held in Warsaw on 12–13 September 2005 (for further details, please see the report CP.TEIA/2005/6).

7. The deadline for the submission of national implementation reports was set for 31 January 2006. Countries that did not meet this deadline and did not indicate that the report was under preparation were sent an e-mail reminder by the secretariat. Spain and the Russian Federation were the only two Parties, which had not provided a report by the end of March 2006, in time for the fifth meeting of the Working Group on Implementation, or at the time of finalization of this report. The secretariat addressed reminder letters to their competent authorities on 3 and 17 March, respectively.

8. The Working Group on Implementation met in Vienna on 3–5 April 2006 at the invitation of the Government of Austria. The minutes of the meeting are contained in WGI10/5 May 2006. Mr. Gay chaired the meeting, and Mr. Iberl and Mr. Trcka were designated as rapporteurs.

## I. REPORTING

9. At the time of the meeting of the Working Group on Implementation, 33 UNECE member countries and the European Community had ratified, accepted or acceded to the Convention.<sup>1</sup>

10. The Working Group based its third report on the implementation of the Convention on reports from the following 32 Parties to the Convention: Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Monaco, Norway, Poland, the Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom and the European Community (see annex I).

11. The Working Group also took into account six reports that had been submitted by the countries of Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe

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<sup>1</sup> Belgium deposited its instrument of ratification on 7 April 2006 and became the thirty-fifth Party to the Convention.

(SEE) in accordance with a commitment contained in the declaration adopted by the heads of delegation of the countries of EECCA and SEE at the High-level Commitment Meeting held in Geneva on 14–15 December 2005 (CP.TEIA/2005/12, annex). These reports were from Georgia, Kyrgyzstan, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine and Uzbekistan (see annex I). In addition, the Working Group received an implementation report on behalf of Serbia.

12. The Working Group on Implementation expressed serious concern regarding the fact that Spain and the Russian Federation, both Parties to the Convention, had not delivered national implementation reports. The Working Group noted that the competent authorities designated by the Russian Federation under the Convention had not provided a report during the second round of reporting either.

**13. The Working Group on Implementation appreciates the contribution which 32 Parties and seven 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 obligation or commitment. The Working Group suggests that the Governments of Spain and the Russian Federation, which did not provide a report, should be reminded by the Conference of the Parties of their obligation to do so.**

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

### Section II: Competent authorities (Q.1)

14. According to the information provided through the national implementation reports, all 32 reporting Parties have designated competent authorities. Also, those countries of EECCA and SEE that are not yet Parties have identified competent authorities responsible for implementation of the Convention, thus fulfilling one of the basic tasks under the Convention's assistance programme.

15. Among the competent authorities, the most frequently cited are those responsible for environmental protection and those responsible for civil defence. In some cases, both authorities have been designated as responsible for the implementation of the Convention.

16. In many cases, it has been noted that countries inform the secretariat of modifications of contact details with delays, so that the information available on the Convention's website is not always up-to-date.

**17. The Working Group on Implementation requests Parties and other UNECE member countries to communicate changes relating to the contact details of competent authorities without delay to the other Parties through the secretariat. The Working Group also draws their attention to the need to establish and maintain proper cooperation between the different competent authorities at the national level and between these and the authorities at the regional and local levels.**

### Section III: Implementation of the Convention (Q.2 – Q.6)

#### Q.2 Legislation and other measures adopted to implement the Convention

18. Most of the Parties, as well as The former Yugoslav Republic of Macedonia and Serbia, provided a good description of the legislation, thus allowing the Working Group to assess the transposition of the Convention. Only Belarus and Switzerland provided, as required in the reporting format, references to the specific articles of the Convention covered by the legislation described. In some reports, submitted by a few Parties and other UNECE member countries, the description of legislation is not sufficient to evaluate whether it really fulfills adequately all the requirements of the Convention. This is also true in part of a few reports that just mention the transposition of the “Seveso II” Directive, as the latter does not cover all the requirements of the Convention. In a few reports, some clearly irrelevant legislation was also included.

19. The Working Group noted that the legislation is fully in place and in force in most Parties of Western and Central Europe. Judging from the reports of the countries of EECCA and SEE, the extent to which appropriate legislation is in place in these countries differs significantly. In some, such as Belarus, Bulgaria, Romania and The former Yugoslav Republic of Macedonia, the legislation either is largely in place or will be very soon. In others, like Albania, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan, some appropriate legislation certainly seems to be in place, but much remains to be done.

**20. The Working Group encourages Parties and other UNECE member countries to provide a clear description of their legislation, stating specific objectives and including references to the specific articles of the Convention covered by the legislation. It would also like to remind countries transposing the “Seveso II” Directive that they should include in the list that part of their national legislation that transposes the Convention into fields not covered by the Directive.**

#### Q.3 – Q.6 Problems and obstacles in implementing or ratifying/acceding to the Convention

21. The Working Group noted with satisfaction a great improvement in the quality of answers to these questions. The answers are now more specific, and the reported needs for assistance largely match the problems and obstacles mentioned. The Working Group noted that Croatia has not provided answers to these questions, though it is one of the potential recipient countries within the assistance programme under the Convention. The Working Group assumes that Croatia is facing a number of difficulties that it will have to identify and communicate before a fact-finding mission under the assistance programme takes place.

22. Ten Parties, mainly from Western and Central Europe, reported having no problems in implementing the Convention. Other countries, in particular from EECCA and SEE (see map in annex II), identified a variety of problems involved in implementing or acceding to the Convention and described their needs for assistance accordingly. On the basis of these responses, the Working Group drew up a table showing the needs according to the following five categories: (a) capacity-building, (b) technical advisory services, (c) legal advisory services, (d) pilot projects and (e) others (see annex III).

23. Many countries of EECCA and SEE share a need for capacity-building in order to set up

adequate legal and institutional frameworks; to develop guidance on effective measures for prevention and emergency preparedness available to the authorities and the operators; to train staff at the national and local levels for risk assessment and management; and for monitoring and inspections. Also widely needed are technical advisory services to ensure the correct identification of hazardous installations and technological support for the activities of the competent authorities and points of contact.

**24. The Working Group notes with satisfaction that nearly all of the 17 countries of EECCA and SEE that committed themselves at the High-level Commitment Meeting (in Geneva in December 2005) to implementing the Convention now know their needs much better. This will greatly benefit the fact-finding missions that are taking place within the Convention's assistance programme. The Working Group also notes that there is a demand for many assistance activities, especially from countries of EECCA and SEE. Some of the needs for assistance are common to many of these countries, while others are more specific to a subset of these countries. This will require a flexible approach in delivering the assistance. The provision of the assistance will clearly require additional funding and in-kind contributions from donor countries.**

#### Section IV: Identification of hazardous activities (Q.7 – Q.8)

25. Leaving the European Community aside, 30 Parties have verified whether they have hazardous activities within their jurisdiction (see table 1 below and the map in annex IV). Twenty Parties and six other countries stated that they have hazardous activities capable of causing transboundary effects. With the exception of Bulgaria and two other UNECE member countries (Ukraine and Tajikistan), they provided a list of hazardous activities with general information on the location and type of activity and/or substances. The level of detail of the information, however, varied greatly. Ten Parties stated that they do not have hazardous activities within their jurisdiction that fall under the scope of the Convention. Greece and one other UNECE member country (The former Yugoslav Republic of Macedonia) did not provide any information on this question.

26. The Working Group on Implementation noted with some concern that Bulgaria had not yet carried out its task of identifying its hazardous activities and Greece had provided no information. The Working Group urges the competent authorities of these two countries to carry out these tasks without further delay.

27. Some countries, namely Armenia, Georgia and the Republic of Moldova, provided lists of their hazardous activities which also covered activities considered hazardous but that do not necessarily fall under the scope of the Convention. This shows the need to assist some countries in applying the substance and quantity criteria contained in annex I to the Convention and the location criteria contained in the guidelines to facilitate the identification of hazardous activities.

28. Twelve Parties and, most notably, two other UNECE member countries have stated that they have notified all identified activities to their neighbouring Parties/countries (see table 1 and the corresponding map in annex V). Some Parties have not yet carried out the notification of their hazardous activities to all their neighbours, but some of these countries stated their intention to do so in the near future (Bulgaria, Hungary and Sweden).

29. Sixteen Parties and three other UNECE member countries stated that bilateral activities aimed at discussing the process of identifying and notifying hazardous activities were taking place (sometimes partly), which is a remarkable improvement over the previous reporting round.

Table 1: Identification of hazardous activities and notification to neighboring countries

| <b>Parties</b>      | <b>Hazardous activities (HA)</b> |                   |                 | <b>Number of HA identified</b> | <b>Bilateral activities established</b> |
|---------------------|----------------------------------|-------------------|-----------------|--------------------------------|---|
|                     | <b>Present</b>                   | <b>Identified</b> | <b>Notified</b> |                                |   |
| Albania             | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Armenia             | Yes                              | Yes               | No              | 24                             | No                                      |
| Austria             | Yes                              | Yes               | Yes             | 31                             | Partly                                  |
| Azerbaijan          | Yes                              | Yes               | No              | 12                             | No                                      |
| Belarus             | Yes                              | Yes               | Partly          | 8                              | Partly                                  |
| Bulgaria            | Yes                              | No                | No              | n.a.                           | No                                      |
| Croatia             | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Cyprus              | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Czech Republic      | Yes                              | Yes               | Yes             | 64                             | Partly                                  |
| Denmark             | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Estonia             | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Finland             | Yes                              | Yes               | Yes             | 4                              | No                                      |
| France              | Yes                              | Yes               | Yes             | 60                             | No                                      |
| Germany             | Yes                              | Yes               | Yes             | 41                             | Yes                                     |
| Greece              | No reply                         |                   |                 |                                |   |
| Hungary             | Yes                              | Yes               | Partly          | 14                             | Partly                                  |
| Italy               | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Kazakhstan          | Yes                              | Yes               | Yes             | 17                             | Partly                                  |
| Latvia              | No                               | n.a.              | n.a.            | n.a.                           | Partly                                  |
| Lithuania           | Yes                              | Yes               | Yes             | 1                              | Partly                                  |
| Luxembourg          | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Monaco              | No                               | n.a.              | n.a.            | n.a.                           | No                                      |
| Norway              | No                               | n.a.              | n.a.            | n.a.                           | Yes                                     |
| Poland              | Yes                              | Yes               | Yes             | 25                             | Yes                                     |
| Republic of Moldova | Yes                              | Yes               | Yes             | 18                             | Yes                                     |
| Romania             | Yes                              | Yes               | No              | 5                              | No                                      |
| Russian Federation  | No report                        |                   |                 |                                |   |
| Slovakia            | Yes                              | Yes               | Yes             | 5                              | Partly                                  |
| Slovenia            | Yes                              | Yes               | Partly          | 18                             | Partly                                  |
| Spain               | No report                        |                   |                 |                                |   |
| Sweden              | Yes                              | Yes               | No              | 1                              | Yes                                     |
| Switzerland         | Yes                              | Yes               | Yes             | 29                             | Yes                                     |
| United Kingdom      | Yes                              | Yes               | Yes             | 2                              | Yes                                     |

| <b>Other countries</b> |          |     |     |               |        |
|------------------------|----------|-----|-----|---------------|--------|
| Georgia                | Yes      | Yes | No  | 7             | Partly |
| Kyrgyzstan             | Yes      | Yes | No  | 10            | Partly |
| Serbia                 | Yes      | Yes | No  | 4             | No     |
| Tajikistan             | Yes      | Yes | Yes | Not specified | No     |
| TfYR of Macedonia      | No reply |     |     |               |        |
| Ukraine                | Yes      | No  | No  | n.a.          | No     |
| Uzbekistan             | Yes      | Yes | Yes | 1             | Partly |

**30.** The Working Group considers that identification of hazardous activities is one of the most important requirements of the Convention, since it is the starting point for any meaningful cooperation between neighbouring Parties on the prevention of, preparedness for and response to industrial accidents. It concludes that notable progress has been achieved in identifying hazardous activities and appreciates the work done in this area. However, a number of countries of EECCA and SEE need assistance with this process.

**31.** The Working Group also concludes that notification of hazardous activities to neighbouring Parties and engagement in bi- and multilateral activities relating to the identification of hazardous activities have improved since the second reporting round. It strongly urges all Parties that still have to notify as required by the Convention to do so as soon as possible as a basis for initiating or extending bilateral cooperation.

#### Section V: Prevention of industrial accidents (Q.9)

**32.** The comprehensiveness and specificity of the answers to this question still leaves some room for improvement. A number of countries still mention here legal provisions, which belong under Question 2 on legislation. Two (Republic of Moldova and Kyrgyzstan) give answers that are so short and unspecific as to be insufficient for evaluation. A number of EU member States merely refer to specific provisions of the “Seveso II” Directive. A number of reports only mention inspection and monitoring activities, whereas others (including those by countries of EECCA and SEE such as Azerbaijan, Bulgaria and Serbia) do mention further measures, including guidelines and guidance issued by the national authority for operators and local authorities on various aspects of accident prevention policy or training for personnel of authorities and operators.

**33.** The answers to this question, together with those to the questions on problems and obstacles (Q.3 – Q.6), show that the difference in implementation of the Convention between Western and Central Europe and countries of EECCA and SEE is greatest in this field. This is to be expected, as efficient prevention is the most demanding part of the Convention and requires cooperation over a long time between authorities at various levels and the operators of installations with hazardous substances as well as technical expertise and resources from all stakeholders.

**34.** The Working Group concludes that in the field of prevention much remains to be done, especially but not exclusively in countries of EECCA and SEE. The Group therefore sees a need for a capacity-building workshop at which authorities at the national, regional

**and local levels as well as operators could concretely discuss their roles in implementing effective prevention measures.**

**Section VI: Industrial accident notification (Q.10 – Q.18)**

**Q.10 – Q.17 Points of contacts for industrial accident notification and mutual assistance**

35. At the time when this report was being finalized, 42 UNECE member countries and the European Commission had designated points of contact for the purpose of accident notification and mutual assistance within the UNECE Industrial Accident Notification (IAN) System, an increase of six (Cyprus, Greece, France, Monaco, Romania and Tajikistan) since the issuance of the previous implementation report. The secretariat received modifications of the contact details of points of contact from several countries in between the implementation reports. A few countries reported new information and/or modifications only within the reporting round. Most reporting Parties informed that their points of contact were operational at all times. Most were equipped with telephone, fax and e-mail connections. In the majority of countries the same authority had been designated as a contact point for both purposes. The languages most spoken by the personnel of points of contact, besides their mother tongue, were English and Russian.

36. Four EECCA countries (Georgia, Kyrgyzstan, Ukraine and Uzbekistan) which had earlier established points of contact reported changes in their contact details. Tajikistan provided contact details for its contact point. The former Yugoslav Republic of Macedonia reported that it had not yet officially designated its point of contact for notification of accidents and for mutual assistance. (The report from Serbia states the same for mutual assistance.)

37. The Working Group took note of the conclusions of the second consultation for points of contact for the purpose of accident notification and mutual assistance designated within the UNECE IAN System, held in Rome on 19–20 October 2005 (CP.TEIA/2005/11), and of the outcome of two tests of the System carried out by the Italian and Russian points of contact in 2005. While the results of both tests showed improvement since the previous one, they were still far from satisfactory. Out of 36 points of contact addressed in the tests, only 19 responded according to the required procedure and a further 7 reacted with delay or after receiving a reminder by telephone. 10 points of contact did not react to the test at all.

**38. The Working Group fully supports the conclusions and recommendations of the second consultation of the points of contact, especially the conclusion that the UNECE IAN System should be regularly tested in order to maintain its operability and increase its effectiveness. The Working Group urges Parties and other UNECE member countries to inform the secretariat immediately of any change in the contact details of their points of contact. The Working Group welcomes the recommendation made by the task force established to review the System's communication procedures to enhance these by introducing Web-based technology, which should facilitate notifications and lead to increased effectiveness.**

Q.18 Establishment of a regional/local industrial accident notification system

39. Eighteen Parties and two other UNECE member countries reported that they had established industrial accident notification systems at regional/local levels with neighbouring countries. The replies from the neighbouring countries were, however, in some cases contradictory. This may reflect a lack of information flow between authorities at the regional/local levels and the national competent authorities responsible for establishing the individual country implementation reports, or it may reflect differing interpretations of what the establishment of such systems entails.

**40. The Working Group concludes that industrial accident notification systems at the regional/local level are a valuable supplement to the UNECE IAN System. In some countries there is a need to improve information flow and cooperation between authorities at the regional and local levels, and between these authorities and national competent authorities. For those UNECE countries that have not yet established regional and local industrial accident notification systems, many of which are countries of EECCA and SEE, the Working Group suggests that future technical and capacity-building assistance be provided under the implementation phase of the assistance programme.**

Section VII: Emergency preparedness (Q.19 – Q.20)

41. Most of the countries described their instruments for emergency preparedness reasonably well. However, the extent and specificity of information in the answers differ widely, from very detailed and specific (in particular for Norway) to rather general and unspecific (for Slovakia and Uzbekistan) or repeating obligations that should appear under legislation (for Albania, Armenia, Latvia, Kyrgyzstan or Tajikistan). In a few cases irrelevant information was included.

42. A broad majority of countries mentioned the establishment, review and testing of on-site and off-site emergency plans by the operators and competent authorities, respectively. Measures mentioned to make emergency plans operational include the establishing, training and equipping of emergency services as well as measures for informing the public that could be affected. Many of the countries also mentioned inspections of the installations, and some mentioned the exchange of information within their own authorities and/or with operators or with the authorities of neighboring countries.

43. A majority of countries reported on some mutual cooperation with neighboring Parties within the framework of meetings, agreements or consultations with the aim of consultations on off-site emergency plans, exchange of information, or drills and test alarms. However, it is not always clear whether bi- and multilateral cooperation is really taking place or is only stipulated in agreements. Some differences in the reporting among neighboring countries suggest a continuing lack of close and effective bi- and multilateral cooperation. Generally the answers from countries of EECCA and SEE show that, although efforts have been made and some progress can be seen, considerable work lies ahead.

**44. The Working Group notes that almost all Parties have taken measures towards establishing and maintaining emergency preparedness to respond to industrial accidents, though it is not able to draw definitive conclusions as to their efficiency. It also appreciates the increasing efforts of countries of EECCA and SEE to overcome existing problems and obstacles in this field. The Working Group notes that the framework needed for the harmonization of off-site contingency plans largely exists. It therefore again encourages Parties to undertake practical activities in this respect.**

**Section VIII: Scientific and technological cooperation and exchange of information (Q.21)**

45. A majority of the Parties stated that they were participating in multilateral programmes to exchange information, experience or technology and to improve industrial safety standards. Activities under the Convention, within the “Seveso II” Directive, the Danube Convention and the Nordic Council as well as under the auspices of the Interstate Council of the Commonwealth of the Independent States on Industrial Safety were reported. Bilateral cross-border cooperation (Slovakia and Hungary, the Republic of Moldova and Romania, Slovenia and Croatia or Hungary) was also mentioned. Germany reported on some of its assistance activities (e.g. relating to the Kura and Neman Rivers). Italy and Switzerland reported that they were also providing organizational and/or financial support to the countries of EECCA and SEE.

46. The Joint Ad Hoc Expert Group on Water and Industrial Accidents, with the assistance of a specially established steering group, drew up safety guidelines and good practices for pipelines. This document is expected to be endorsed by the governing bodies of the Industrial Accidents and Water<sup>2</sup> Conventions at their meetings in November 2006. Two workshops were organized within the process of drawing up the guidelines in order to receive input from all major stakeholders: authorities, pipeline operators and non-governmental organizations. A workshop on the Prevention of Water Pollution Due to Pipeline Accidents was held in Berlin on 8–9 June 2005, and a workshop on the Prevention of Accidents of Gas Transmission Pipelines took place in The Hague on 8–9 March 2006.

**47. The Working Group notes with satisfaction that a majority of Parties and other UNECE member countries are engaged in bi- and/or multilateral cooperation under the Convention.**

**Section IX: Participation of the public (Q.22 – Q.24)**

48. The Working Group found the overall quality of the responses of the Parties to questions Q.22 – Q.24 to be good. The exceptions are among the countries that provided a generally weak report (e.g. Croatia and Greece) and the countries that refer only to the ratification of the Aarhus Convention without mentioning whether it is directly applicable or not, or whether it has been transposed (Republic of Moldova). Slovakia and Tajikistan refer not to participation but only to informing the public in case of accidents.

49. In most Parties the implementation of the requirements of the Convention on participation of the public is relatively advanced. For existing installations, the legislation generally provides a basis for participation in establishing emergency preparedness measures. For planned installations,

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<sup>2</sup>Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

participation goes beyond that to include preventive measures, within the framework of environmental impact assessment procedures.

50. With the few exceptions of Azerbaijan, Belarus, Lithuania, and Monaco, all Parties stated that the possibility of participation given to the potentially affected public in neighboring countries was equivalent to that given to their own public. A similar picture emerges for access to relevant administrative and judicial procedures by persons capable of being affected by an industrial accident in the territory of another Party, the exceptions being Azerbaijan, Monaco and the Republic of Moldova. Estonia and the United Kingdom stated that these two provisions were not relevant for their countries. Answers by the other UNECE member countries show continuing gaps in the implementation of the Convention on matters of participation, especially in the transboundary context.

**51. The Working Group concludes that many good examples of implementation of the requirements of the Convention regarding participation of the potentially affected public (both in the country of origin and in the potentially affected country) exist, and that these examples should be used for the benefit of the UNECE countries that are not yet Parties or do not grant the public equivalent access to participation. In the future more effort could be devoted to highlighting specifically the provisions for effective consultation of the public.**

#### Section X: Decision-making on siting (Q.25 – Q.26)

52. The Working Group noted that the answers regarding the introduction of decision-making procedures for the siting of hazardous activities were quite general and did not allow the Working Group to assess in detail the introduction of good practices in the reporting UNECE member countries. It was 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.

53. All countries stated that they had established policies on the siting of hazardous activities and on significant modifications to existing activities. The countries mostly referred to laws on land-use planning, licensing procedures and environmental impact assessment procedures, and – for the EU member States – to the requirements of the “Seveso II” Directive, though in general no specifics were given. Many countries, especially those of EECCA and SEE, have referred to the EIA procedures in national and transboundary (e.g. the Espoo Convention) contexts.

**54. The Working Group concludes that information exchange between the UNECE countries on this topic should be intensified.**

#### Section XI: Reporting on past industrial accidents (Q.27 – Q.28)

55. Two accidents with transboundary effects (France) and one with a threat of transboundary effects (United Kingdom) were reported. Endangered Parties have been informed. Uzbekistan reported on an installation which had since 1979 been causing severe air pollution within the country itself during regular operation.

### III. QUALITY OF NATIONAL IMPLEMENTATION REPORTS

56. The Working Group considers that a vast majority of the national reports contain information of sufficient quality to enable it to draw conclusions regarding the implementation of the Convention. However, the reports from Croatia and Greece, and to a lesser extent Armenia, were considered not to meet this criterion. The Chair of the Working Group invited these three countries to provide additional information. Armenia and Croatia took advantage of this possibility.

57. The Working Group on Implementation noted an overall improvement in the quality of reporting. This is especially true of reports from countries of EECCA and SEE. The Working Group considered this to be a direct result of the training session on drawing up national implementation reports held in Warsaw on 12–13 September 2005. Seventeen countries of EECCA and SEE were represented at the training session.

58. The Working Group on Implementation decided to make a qualitative analysis of the information provided in the national implementation reports within the third round of reporting. To this end, it drew up a set of evaluation criteria (annexed to the minutes of the Group's fifth meeting – WGI10/5 May 2006). The aim of this endeavour was twofold. The Working Group wanted to single out the reports that contained all the requested information and could thus serve as examples. It also wanted to communicate to the other countries the need to make their reports more useful for assessing the implementation of the Convention. Some countries will need to improve the collection and presentation of available data on the implementation of the Convention in order to enhance the quality and/or completeness of information in the next reporting round.

59. Based on a qualitative assessment of the information provided in the national reports and the ability to assess the implementation of the Convention on their basis, the Working Group divided the reports into the following three groups:

(a) Reports that contain nearly all the requested information and can serve as examples of good practice for countries needing to improve their reports: Finland, Norway, Poland, Slovenia, Sweden, Switzerland and the United Kingdom;

(b) Reports enabling an adequate assessment of which of the Convention's requirements are fully implemented and which are implemented to a lesser extent or not implemented (all countries not otherwise mentioned); and

(c) Reports enabling only a partial assessment and requiring improvement: Albania, Armenia, Azerbaijan, Croatia, Georgia, Greece, Kyrgyzstan, the Republic of Moldova, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine and Uzbekistan.

60. To lighten the Working Group's workload in the future, the countries in groups a and b are encouraged, in the next round of reporting, to provide only changes to their report, rather than a full report. The countries are, however, invited to address in their future reports the issues raised in paragraph 20 of this report.

61. The Working Group expresses its willingness to explore ways to provide further guidance for improving the quality of national implementation reports for the next reporting round. Countries participating in the assistance programme under the Convention, could also make use of the reports of the fact-finding missions to their countries in drawing up their future implementation reports.

62. The Working Group on Implementation proposes that the Conference of the Parties take a decision allowing the competent authorities of those countries of EECCA and SEE which are not Parties to the Convention but have already provided a national implementation report to access the password-protected page containing the national implementation reports on the Convention's website.

#### **IV. OVERALL ASSESSMENT OF THE CONVENTION'S IMPLEMENTATION**

63. Despite the improvement in the quantity and quality of the reports, and given the results of the assessment in section III of this report, it is clear that the Working Group on Implementation can only tentatively assess the degree of implementation of the Convention. An attempt to assess progress in implementing the Convention has been made by applying a set of criteria and is reflected in the chart in annex VI. The degree of implementation by the Russian Federation and Spain could not be estimated since they did not submit implementation reports.

64. The Working Group considers that the vast majority of Parties have introduced an adequate legislative framework for the proper implementation of the Convention. While some Parties of EECCA and SEE as well as some other UNECE member countries still have some way to go, they can now benefit from the experiences of countries in their own regions, which may be easier to transpose. The Working Group therefore encourages countries of EECCA or SEE to take advantage of opportunities to work together with countries from their region.

65. In a number of countries of EECCA and SEE, work to build adequate legal and institutional frameworks is not as far advanced. This hampers implementation of the Convention, especially the measures to prevent accidents and prepare for emergencies, as well as hampering effective bilateral and multilateral cooperation. Capacity-building activities relating to an adequate institutional framework are all the more important for countries of EECCA and SEE, as without them further capacity-building and advisory activities under the assistance programme will not bring the expected benefits.

66. The Working Group therefore recommends giving very high priority under the assistance programme to the activities aiming at building or strengthening legal and institutional frameworks and to make sure that further capacity-building and advisory activities are undertaken only in areas where sufficiently strong frameworks are in place.

67. The identification and notification of hazardous activities were among the points highlighted in the second report on implementation as requiring further efforts from Parties and other UNECE member countries. While the Working Group notes major improvement, it acknowledges that countries of EECCA and SEE encounter problems in applying the

Convention's criteria and in establishing cross-border cooperation and therefore need assistance. Notification of hazardous activities is an ongoing task, as industrial installations may enter or leave the scope of the Convention as a consequence of changes in the installations or of improved knowledge or experience.

68. The establishment of bilateral cooperation, including local notification systems and joint contingency plans, will require further attention in particular by countries of EECCA and SEE and may be addressed within the assistance programme. The siting of hazardous installations remains a generally difficult point in the implementation of the Convention and will require more attention from Parties and other UNECE member countries alike.

69. The Working Group also concludes that, although progress in implementing the Convention by countries of EECCA and SEE is visible, they have to make further significant efforts. They also must be assisted in strengthening these efforts. The Working Group therefore strongly supports the assistance programme and welcomes its fact-finding missions, in particular the teams' reports, which, apart from the verification of the implementation of the Convention's basic tasks, contain supplementary information on the specific needs of the countries of EECCA and SEE for assistance in acceding to and implementing the Convention.

Annex I

Reporting on the implementation of the Convention

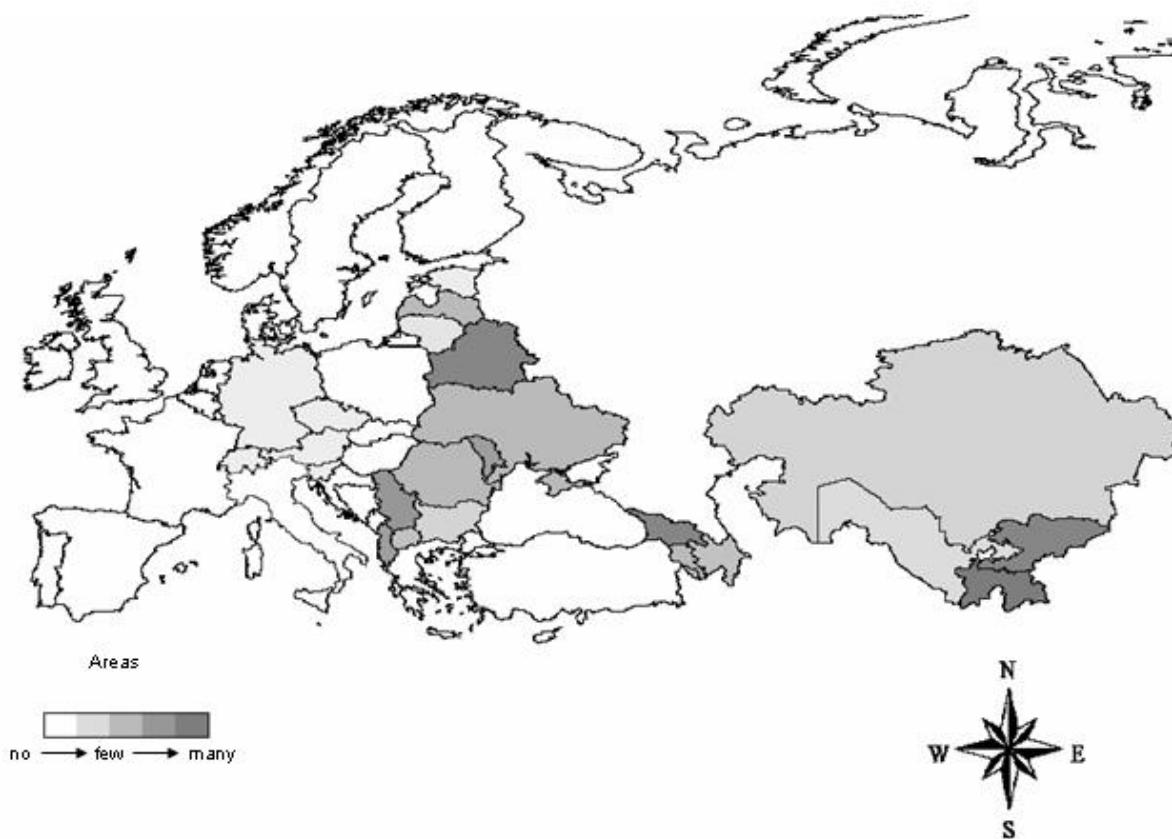


- [Light Gray Box] Parties in compliance with the reporting obligation
- [Dark Gray Box] Parties not in compliance with the reporting obligation
- [Dotted Box] Other UNECE member countries in compliance with their reporting commitment
- [Dotted Box] Other UNECE member countries



Annex II

Countries that identified areas in which they need assistance to overcome problems  
in implementing or acceding to the Convention



### Annex III

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

| <b>Capacity-building</b> | <b>Countries</b>   |
|--------------------------|--|
| 1                        | Institutional framework for the implementation of the Convention, including setting up of competent authorities and points of contact in the UNECE Industrial Accident Notification (IAN) System |
| 2                        | Effective coordination between competent authorities at the national level and between them and authorities at the regional and local levels   |
| 3                        | Prevention – guidelines on effective measures, training  |
| 4                        | Cooperation with industry, awareness raising   |
| 5                        | Monitoring and inspection schemes – training of staff at the national and local levels   |
| 6                        | Preparedness and response – guidelines on effective measures, emergency management, training   |
| 7                        | Drawing up of emergencies plans – good practices   |
| 8                        | Notification systems – training of personnel of points of contact within the UNECE IAN   |
| 9                        | Provision of information to and participation of the public – good practices and training  |
| 10                       | Bilateral cooperation – good practices   |
| 11                       | Ratification and implementation of the Convention by the neighbouring countries  |

| <b>Technical advisory services</b> |   |  |
|------------------------------------|---|--|
| 1                                  | Identification of hazardous activities according to annex I and location criteria | Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Latvia, Romania, Serbia, Ukraine |
| 2                                  | Database on hazardous substances  | Georgia  |
| 3                                  | Risk assessment and risk management, including safety management systems          | Albania, Armenia, Belarus, Bulgaria, Georgia, Lithuania, Macedonia, Tajikistan               |
| 4                                  | Comparative analysis of standards and norms                                       | Belarus, Bulgaria, Kazakhstan  |
| 5                                  | Siting of hazardous activities (land use planning) – policies and good practices  | Estonia, Latvia, Slovenia, Switzerland, The former Yugoslav Republic of Macedonia            |
| 6                                  | Setting up of point of contact in the UNECE IAN System                            | Serbia   |
| 7                                  | Insurance and guarantees for hazardous activities                                 | Czech Republic, Kazakhstan, Kyrgyzstan, Ukraine  |
| <b>Legal advisory services</b>     |   |  |
| 1                                  | Drawing up of new legislation and assessment of existing legislation              | Albania, Azerbaijan, Georgia, Kazakhstan, Tajikistan, Ukraine, Uzbekistan                    |
| 2                                  | Drawing up of model bilateral agreements  | Belarus, Republic of Moldova   |
| <b>Pilot projects</b>              |   |  |
| 1                                  | Risk assessment at selected hazardous activities                                  | Armenia, Bulgaria, Georgia   |
| 2                                  | Drawing up of joint, bilateral off-site contingency plans                         | Serbia   |
| 3                                  | Organization of bilateral response exercises                                      | Belarus, Republic of Moldova, Ukraine  |

| <b>Others</b> |   |  |
|---------------|---|--|
| 1             | Translation of relevant documentation into Russian  | Armenia, Georgia, Kazakhstan, Republic of Moldova, Ukraine   |
| 2             | Technological (hardware and software) support to enhance the functioning of competent authorities and points of contact in the UNECE IAN System | Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Republic of Moldova, Serbia, Tajikistan, Ukraine |
| 3             | Participation in the Convention's activities – financial assistance   | Belarus  |
| 4             | Provision of information to the public versus security requirements   | Czech Republic, Germany  |
| 5             | Compatibility between different communication, notification and warning systems   | Germany  |
| 6             | Elaboration of a multilingual notification application under the Convention   | Germany  |
| 7             | Convergence of annex I to the Convention with the relevant annex to the “Seveso II” Directive   | Austria, Italy, Latvia   |

Annex IV

**Status of identification of hazardous activities capable of causing transboundary effects**

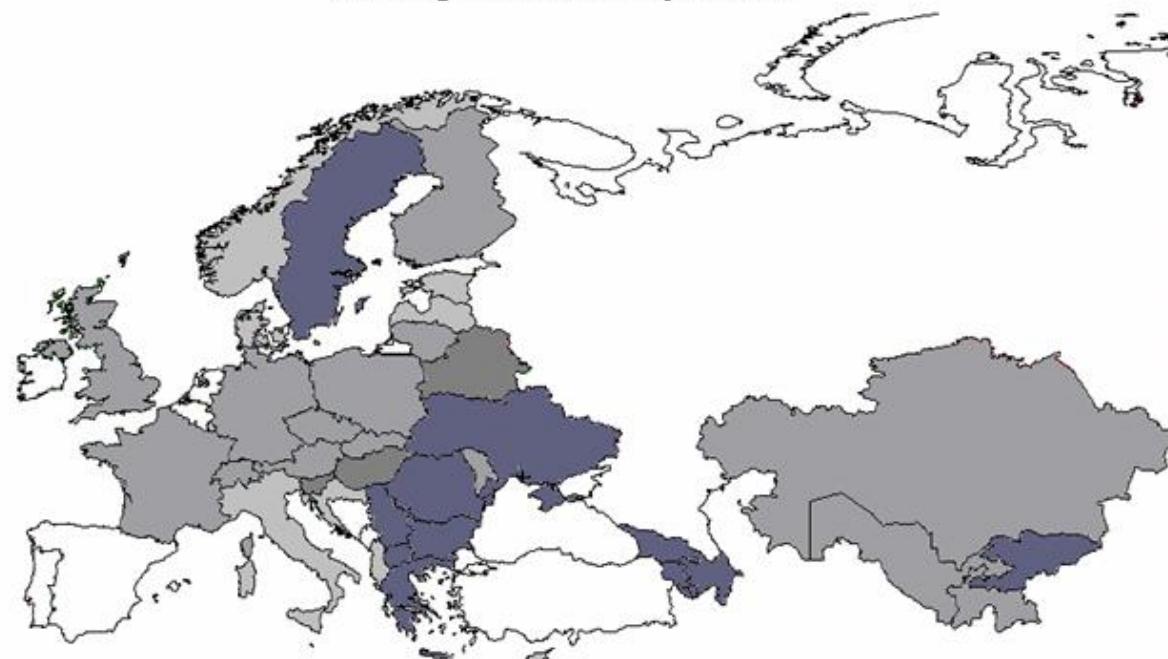


- Reporting countries which identified hazardous activities
- Reporting countries which did not identify hazardous activities or did not provide any reply
- Reporting countries which do not have hazardous activities capable of causing transboundary effects within their jurisdiction



Annex V

**Status of notification of hazardous activities capable of causing transboundary effects**



- Reporting countries which notified neighbouring countries
- Reporting countries which partly notified neighbouring countries
- Reporting countries which did not notify neighbouring countries
- Reporting countries which do not have hazardous activities capable of causing transboundary effects within their jurisdiction



Annex VI

**Assessment of progress in the implementation of the Convention  
(based on the national implementation reports)**

