

Working Group on the Development of the Convention

Second meeting, Geneva, 28 March 2006

MINUTES OF THE SECOND MEETING 1/

The Working Group, in accordance with a mandate received from the Conference of the Parties, reviewed the hazardous substances and their threshold quantities for the purposes of defining hazardous activities and unanimously agreed, at its second meeting, on a proposal to amend annex I to the Convention, as annexed to these

Introduction

1. The second meeting of the Working Group on the Development of the Convention, a subsidiary body of the Conference of the Parties (CoP) to the UNECE Convention on the Transboundary Effects of Industrial Accidents, was held in Geneva on 28 March 2006.

2. It was attended by: Mr. Tobias Biermann (European Commission), Chairman of the Working Group, Ms. Anahit Aleksandryan (Armenia), Mr. Magsud Babayev (Azerbaijan), Mr. Nikolay Savov (Bulgaria), Mr. Hrvoje Buljan (Croatia), Mr. Pavel Forint (Czech Republic), Ms. Irma Gurguliani (Georgia), Mr Wolfgang Gierke (Germany), Ms. Katalin Gorog (Hungary), Ms. Loretta De Giorgi (Italy), Mr. Hendrik Van Der Veen (Netherlands), Ms. Svetlana Stribu (Republic of Moldova), Mr. Bernard Gay (Switzerland), Mr. Sergiusz Ludwiczak (Secretary of the CoP) and Mr. Lukasz Wyrowski (secretariat).

I. Opening of the meeting and adoption of the agenda

3. Mr. Biermann opened the second meeting of the Working Group welcoming its participants and asked them to introduce themselves.

4. The Working Group adopted the agenda for its second meeting as contained in WGD3/6 February 2006 with a modification of the order of items as reflected in these minutes.

II. Review of annex I to the Convention - introduction

5. Mr. Biermann recalled the background for the decisions of the CoP to review the hazardous substances and their quantities for the purposes of identifying hazardous activities

1/ Prepared by the secretariat in consultation with the Chairman of the Working Group on the Development of the Convention.

under the Convention and to establish the Working Group. He also recalled the decisions taken by the Group at its first meeting (see minutes – WGD2/27 June 2005) and informed about the outcome of a number of consultations held in preparation to the Group's second meeting.

6. Mr. Biermann then introduced two options of the working document “draft of new annex I”: WGD/WD2A/6February 2006 and WGD/WD2B/6February 2006, prepared on the basis of the above consultations. In summary, both options WD2A and WD2B contain proposed changes for the following categories: “explosives” and “substances dangerous for the environment”. Option WD2B contains, in addition, modifications concerning “flammable substances”.

7. Comments to and/or expression of preference between the options were received from Bulgaria, Germany, Italy, Netherlands, Sweden, Switzerland and the United Kingdom.

8. The introduction was followed by an exchange of views on the review of annex I in a wider context before addressing further items on the agenda concerning specific substances and categories of substances.

9. Mr. Gay, in view of existing difficulties in dealing with annex I by some countries, spoke on behalf of the Working Group on Implementation in favor not to increase the degree of difficulty in applying the annex as a result of its possible amendment. Participants of this meeting, as earlier did the Working Group on Implementation, identified a need to provide guidance (perhaps to draw up a guidance document) to some countries on how to apply annex I and in particular its Part I – categories of substances for the purposes of identifying hazardous activities under the Convention.

10. At the same time, many favored a solution ensuring a high degree of convergence with the Seveso II Directive's annex, keeping in mind that the Convention has a much wider geographical scope of application than the Directive and that it principally targets the prevention of, preparedness for and response to industrial accidents in a transboundary context.

11. The EECCA and SEE countries present at the meeting, assuming that they would be assisted in applying annex I (see paragraph 9), spoke in favor of version WD2B, providing for additional convergence compared to WD2A.

12. The secretariat suggested that a guidance document could be drawn up and technical advisory services could be provided through the assistance programme under the Convention, which is expected to reach its implementation phase soon.

III. The Globally Harmonized System of Classification and Labelling of Chemicals

13. The Working Group, acknowledging the necessity of incorporating the GHS, both into annex I to the Convention and into the relevant annex to the Directive at a certain point in time, decided that, given the timeframe until the fourth meeting of the CoP, it is impossible to perform this task within the current review of annex I to the Convention.

14. At the same time the Working Group welcomed the initiative of the Competent Authorities responsible for the implementation of the “Seveso II” Directive to establish a working group to examine the implications of introducing the GHS classification for the Directive.

15. Taking into account that these implications would be similar for the Convention, Mr. Ludwiczak invited the European Commission to explore the possibility of including experts from non-EU countries in the future activities of the above group and to make the outcome of its work also available for the Convention.

IV. Ammonium and Potassium nitrate

16. The Working Group decided to maintain four entries for ammonium nitrate (replacing two entries in the original version of annex I) and two entries for potassium nitrate as proposed at its first meeting and contained in the proposal to amend annex I, annexed to these minutes.

17. The Working Group also decided to review the relevant notes on ammonium nitrate taking into account concerns expressed by the United Kingdom concerning a lack of reference to detonation tests. 2/

V. Substances “dangerous for the environment”

18. The Working Group decided to include two different categories of substances “dangerous for the environment” (replacing one entry in the original version of annex I) with two threshold quantities as contained in the proposal to amend annex I, annexed to these minutes.

19. The Working Group expressed its appreciation to the Major Accidents Hazard Bureau of the European Commission for its technical expertise and work to prepare the relevant notes.

VI. “Explosives”

20. The Working Group decided to maintain two entries for “explosives” (replacing one entry in the original version of annex I) with different two threshold quantities as proposed at its first meeting and contained in the proposal to amend annex I, annexed to these minutes.

VII. Modifications in part II of annex I

21. The Working Group decided to delete the following named substances from part II of annex I: (i) Ammonia; (ii) Acrylonitrile; (iii) Hydrogen cyanide; Hydrogen fluoride; (iv) Hydrogen sulphide; and (v) Sulphur dioxide.

22. It also decided to add three new named substances to part II of annex I: (i) Hydrogen; (ii) Toluene diisocyanate; and (iii) Liquefied extremely flammable gases (including LPG) and natural gas.

2/ Following the meeting, new text was agreed within a consultation held between Mr. Biermann, Mr. Van Der Veen and Ms. Elizabeth Schofield (United Kingdom). This new text is reflected in the proposal to amend annex I, annexed to these minutes.

23. The participants also decided to remove the “a, b, c,” breakdown within the entry “petroleum products”.

VIII. “Flammable substances”

24. The Working Group decided to replace the following categories “flammable gases including LPG”; “highly flammable liquids”; and “flammable liquids” with the following new categories “flammable”; two categories “highly flammable” with two threshold quantities; and “extremely flammable” in part I of annex I. The Group’s decision to add “liquefied extremely flammable gases (including LPG) and natural gas” as named substances in part II of annex I is reflected in paragraph 22. Thus, the Working Group achieved to unanimously accept option WD2B of the “draft of new annex I”.

IX. Organization of further work

25. The Working Group requested the secretariat, in consultation with the Chairman, to draw up the minutes of this meeting and attach the final version of the “draft of new annex I” – WGD/WD3/28 March 2006, as decided at this meeting. It also invited the secretariat to send a notification to competent authorities of Parties to the Convention concerning the availability of both documents on the Convention’s website.

26. The Working Group requested its Chairman to submit and present, on its behalf, the minutes of this meeting and the Group’s proposal to amend annex I to the Convention to the Bureau, in accordance with CoP decision 2004/4 (ECE/CP.TEIA/12, annex IV).

27. The Working Group recommended that after receiving the acceptance and the support of the Bureau, the Chairman, on behalf of the Group, would submit the proposal to amend annex I to the Convention, as annexed to these minutes, in writing, to the Executive Secretary of the Economic Commission for Europe, in accordance with article 26, paragraph 2, of the Convention.

28. Mr. Ludwiczak explained that the secretariat, following the receipt of the proposal, would arrange its translation into the remaining two UNECE official languages. The Executive Secretary, in accordance with the Convention, will then circulate the proposal to all Parties at least ninety days in advance of the CoP meeting. The issue of amending annex I would be included as an item on the agenda of the fourth meeting of the CoP.

X. Closing of the meeting

29. The Chairman expressed satisfaction that the group had effectively achieved the expected output. Mr. Biermann thanked the participants of the Group’s second meeting and those who provided written comments before the meeting as well as the secretariat for the support it had provided. He then closed the second meeting of the Working Group on the Development of the Convention.