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### Economic Commission for Europe

#### Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents

##### **Seventh meeting**

Stockholm, 14–16 November 2012

Item 3 of the provisional agenda

##### **Report of the Bureau on the activities under the Convention since the sixth meeting of the Conference of the Parties**

### **Activities of the Bureau since the sixth meeting of the Conference of the Parties**

#### **Report by the Bureau Chair**

##### *Summary*

The Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, at its sixth meeting, requested the Bureau to report to it at its seventh meeting on the Bureau's activities in the intervening period (ECE/CP.TEIA/22, para. 9).

The main tasks of the Bureau are to implement tasks entrusted to it by the Conference of the Parties; to take the lead in, and take initiatives to strengthen, the implementation of the Convention; and to monitor the implementation of the workplan and take appropriate decisions in that respect between the meetings of the Conference of the Parties. The present report details activities in these areas undertaken by the Bureau in the inter-sessional period, in particular, with regard to the Long-term Strategy for the Convention, the Joint Ad Hoc Expert Group on Water and Industrial Accidents, the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters, the United Nations Economic Commission for Europe Industrial Accident Notification System, amendment of the Convention and preparation of a draft workplan for the Convention for 2013–2014.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–3	3
I. Long-term Strategy for the Convention .....	4–70	3
A. Involvement of Parties and other stakeholders .....	5–11	3
B. Exchange of information .....	12–17	4
C. Assistance Programme.....	18–33	6
D. Strategic partnerships.....	34–57	8
E. Financing .....	58–70	11
II. Joint Ad Hoc Expert Group on Water and Industrial Accidents .....	71–73	13
III. Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.....	74–77	14
IV. United Nations Economic Commission for Europe Industrial Accident Notification System.....	78–81	14
V. Amendment of the Convention .....	82–84	15
VI. Other activities under the workplan .....	85–95	16
VII. Development of the new draft workplan .....	96–101	17
VIII. Resources .....	102–104	18

## **Introduction**

1. The present report summarizes the work of the Bureau of the Conference of the Parties (COP) to the Convention on the Transboundary Effects of Industrial Accidents on the tasks entrusted to it by the sixth meeting of the COP (COP-6), held in The Hague, the Netherlands, on 11 and 12 November 2010 (ECE/CP.TEIA/22).

2. The report includes the outcomes of the four joint meetings of the Bureau with the Working Group on Implementation (Geneva, Switzerland, 20–21 January 2011 and 30 June 2011; Bonn, Germany, 10–11 November 2011; and Edinburgh, United Kingdom of Great Britain and Northern Ireland, 29 February–1 March 2012), as well as the solo Bureau meeting (Stockholm, 27–28 June 2012).

3. The following Bureau members attended all five meetings: Mr. C. Dijkens (Netherlands), Chair; Ms. J. Karba (Slovenia), Vice-Chair; Mr. P. Forint (Czech Republic); and Mr. S. Kozlenko (Russian Federation). Mr. B. Gay (Switzerland), Vice-Chair, Mr. G. Winkelmann-Oei (Germany) and Ms. I. Gurguliani, replaced in May 2012 by Ms. O. Shashkina (Georgia), attended four of the meetings. Ms. S. Milutinovic (Serbia) and Mr. T. Biermann, replaced in May 2012 by Ms. J. Michielssen (European Commission), attended three meetings. Mr. C. Piacente (Italy) attended one meeting. The United Nations Economic Commission for Europe (ECE) secretariat to the Convention serviced all five meetings.

## **I. Long-term Strategy for the Convention**

4. At their first joint meeting, the Bureau and the Working Group on Implementation, as well as the secretariat, discussed how to implement the Long-term Strategy adopted by the COP. The Bureau's subsequent work under the five priority areas of the Long-term Strategy, both strategic and linked with the current workplan, is described in the following sections. This work was often undertaken in cooperation with the Working Group on Implementation and was supported by the secretariat.

### **A. Involvement of Parties and other stakeholders**

#### **1. Strategy**

5. At their first meeting in the biennium, the Bureau and the Working Group on Implementation agreed that the next step under the Long-term Strategy would be the elaboration of a plan identifying with which Parties and stakeholders to work in 2011–2012 to increase their involvement under the Convention. The plan was also to specify concrete actions to be undertaken and the responsible persons and was to be elaborated by a dedicated task force for discussion at the following joint meeting. This area of planning was subsequently subsumed within the area of strategic partnerships, as discussed later in this document.

#### **2. Workplan**

6. The workplan adopted by the COP envisaged three activities for the involvement of Parties and other stakeholders: (a) targeted communication, including participation in forums; (b) working visits and high-level meetings to Parties; and (c) working visits to other stakeholders. The implemented activities are described below.

### **3. Publications**

7. The Bureau and the Working Group welcomed the proposal by the secretariat to prepare a publication promoting the Convention's role in strengthening industrial safety in the ECE region to be issued for the twentieth anniversary of the adoption of the Convention, falling in 2012, possibly jointly with the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention). The Bureau later reviewed the draft publication and agreed that it should be launched at the COP meeting.

### **4. Participation in forums**

8. Members of the Bureau and the secretariat participated in a number of forums to strengthen the involvement of Parties and other stakeholders in the work under the Convention, including:

(a) A meeting on the European Union (EU) funded Programme for Prevention, Preparedness and Response to Natural and Man-made Disasters, held in Brussels on 9 and 10 June 2011;

(b) The Wilton Park Conference on Environmental Emergencies (Montreux, Switzerland, 14 September 2011);

(c) A Workshop on Cross-border Exposure Characterisation for Risk Assessment of Chemical Incidents (CERACI) (Warsaw, 4–5 April 2012);

(d) An Organization for Economic Cooperation and Development (OECD) Workshop on Natural-hazard Triggered Technological Accidents (Natech) Risk Management (Dresden, Germany, 23–25 May 2012);

(e) The International Forum on Industrial Safety (Saint Petersburg, Russian Federation, 29 May–1 June 2012).

9. At the Wilton Park Conference on Environmental Emergencies, participants raised the need for sharing the Convention's good practice with countries outside the ECE region, in particular in view of the increasing frequency of natural disasters that could trigger industrial accidents. They suggested the opening up of the Convention globally.

10. Prior to the CERACI workshop, the CERACI project manager had briefed the Bureau and the Working Group about the project. The main objective of the project was to strengthen public health risk assessment for the acute phase of chemical incidents by improving exposure characterization. The member of the Working Group representing the Republic of Moldova received financing from the Convention's trust fund to participate in the workshop under the condition that she prepare a report for consideration by the Bureau. The Chair acted as moderator at this and a previous project workshop.

11. The Chair and Ms. Karba participated in the International Forum on Industrial Safety, which was seen as a good opportunity to promote the Convention and its mechanisms for improving industrial safety, in particular the indicators and criteria available under the Convention, with the representatives of the private and public sectors in countries with economies in transition.

## **B. Exchange of information**

### **1. Strategy**

12. Since 2006, the process for identifying the specific subjects, as well as the demands and needs of the Parties, according to which workshops or seminars are organized, has been

undertaken as follows. The subjects were either recommended by the Working Group on Implementation or requested or suggested by a Party. The Working Group recommendations were based on the conclusions drawn from the evaluation of the national implementation reports and addressed issues with which Parties had faced problems, according to the Working Group. These recommendations were then presented to the Bureau for inclusion in the Convention's workplans. The suggestions from Parties addressed specific interests of those Parties and were presented at the COP meetings.

13. The Bureau and Working Group agreed that the process for deciding on subjects for workshops was functioning well and did not see any need for change. At the same time, it was stressed that new elements could be added to the process if worked out jointly with partner organizations, pending establishment of strategic partnerships.

## 2. Workplan

14. The workplan adopted by COP-6 envisaged three activities for the exchange of information:

- (a) A workshop on sharing good practices for improving cost-effectiveness for major accident prevention policies;
- (b) A workshop on sharing good practices for increasing public involvement in national work on industrial safety;
- (c) The exchange of experience in preparedness and response.

15. The Bureau supported the organization of the workshop on cost-effectiveness, which was held jointly with EC and Poland on 12 October 2011 in Warsaw, back to back with the meeting of the Committee of Competent Authorities to the EU Seveso II Directive.<sup>1</sup> The workshop focused on formulating concrete solutions to influence the development of national or international systems for achieving better cost-effectiveness for major accident prevention. The workshop discussed different opportunities — mainly around inspections and evaluation of safety documentation — for increasing the effectiveness and contributing to costs optimization for major accident prevention. The Bureau subsequently decided to include in its proposal for the new workplan (ECE/CP.TEIA/2012/9) the development of a guide on methodology for hazard rating.

16. The secretariat sought the support of the secretariat servicing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in arranging the public involvement workshop. The Bureau and the Working Group agreed that the workshop should allow for the exchange of good practice between all ECE member countries on ways to increase public participation in the area of industrial safety. It would also be crucial for the workshop to have active participation by non-governmental organizations. The secretariat was requested to continue its cooperation with the Aarhus Convention secretariat with the aim of organizing the workshop jointly once a lead country came forward.

17. In addition, the Working Group Chair, with the support of the secretariat, prepared short documents describing the rationale, objectives and scope of the two outstanding activities — the public involvement workshop and the exchange of experience in preparedness and response. These were circulated to all focal points for the Convention, but this has not resulted in the identification of lead countries for the two activities so far, and consequently the activities were not implemented in the biennium.

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<sup>1</sup> Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances.

## C. Assistance Programme

18. The COP requested the Bureau and the Working Group on Implementation to ensure that the Strategic Approach under the Convention's Assistance Programme was implemented, and to:

(a) Approve activities to be executed under the Assistance Programme based on the national action plans managed by the beneficiary countries;

(b) Monitor the application of the Strategic Approach for each country participating in the Assistance Programme;

(c) Monitor the progress achieved by each country and the overall progress achieved with Assistance Programme activities.

19. As also requested by the COP, the Bureau and the Working Group submitted a report to the COP at its seventh meeting (COP-7) on progress achieved under the Assistance Programme (ECE/CP.TEIA/2012/5).

20. COP-6 had also invited the Bureau and the Working Group, in cooperation with the secretariat, to continue delivering needs-driven guidance on strengthening the capacities of those countries in Eastern Europe, the Caucasus and Central Asia and South-Eastern Europe that still had to implement the basic tasks under the Convention, and to organize relevant visits or awareness-raising missions, as necessary, and to report on the COP at its seventh meeting. In addition, the COP had encouraged Bosnia and Herzegovina to finalize its report on the implementation of basic tasks in the preparatory phase and to submit it to the Bureau.

### 1. Strategy

21. The Bureau and the Working Group on Implementation observed that procedures for managing the Assistance Programme had been put in place and should be applied. However, the implementation of the procedures was a joint responsibility of the two bodies, so they agreed to consider a more effective sharing of responsibilities. The Chairs of the two bodies, together with Bureau Vice-Chairs and supported by the secretariat, were entrusted to review the current arrangements.

22. Subsequently, the Bureau and the Working Group decided that, before a long-term solution was worked out and applied, an interim way of working would be implemented through the creation of a core group, consisting of members of both bodies, to handle some specific Assistance Programme tasks. The core group was led by the Working Group Chair and further consisted of the two COP Vice-Chairs and the Working Group member representing the United Kingdom. (See the progress report on the Assistance Programme for details of the core group's subsequent work.)

23. On the basis of options presented by the core group, **the Bureau and the Working Group on Implementation recommended that the Working Group be entrusted in the future with the monitoring of the Strategic Approach and the review of self-assessments and action plans**, but that the Working Group Chair might invite members of the Bureau to provide their support. It was agreed that the core group would continue the evaluation of the self-assessments and action plans until COP-7, after which the new arrangement should be introduced.

24. The core group reported on the evaluation of the self-assessments provided by beneficiary countries under the Assistance Programme, which were generally disappointing though there were also examples of good self-assessments. Only 10 out of 15 countries submitted their self-assessments to the secretariat, and only four action plans were received. Countries were requested to submit new self-assessments, but only Belarus had done so.

The Bureau decided that action should be taken to ensure implementation of the Strategic Approach.

25. In view of the project proposals that the countries might send to the secretariat following the preparation of the action plans, the Bureau and the Working Group requested the secretariat to create a template for project proposals. The template was also to contain instructions on the submission of project proposals by Assistance Programme countries and, in particular, it was to highlight that it should be submitted by an officer of the competent authorities together with an official letter. **The Bureau proposed the template to the COP for endorsement as one of the tools for the implementation of the Strategic Approach.**

26. In addition, in the light of lessons learned during project implementation, **the Bureau recommended to the COP that the Working Group develop outline terms of reference for the implementation of projects within the Assistance Programme.**

27. Furthermore, the Bureau agreed that new requests for projects under the Assistance Programme would only be considered once the beneficiary country had applied the cyclic approach, including self-assessment using the indicators and criteria.

## 2. Workplan

28. The workplan adopted by COP-6 foresaw the following Assistance Programme activities in the biennium:

- (a) A project on improvement of the legal basis for Georgia;
- (b) On-site inspections for Croatia, Serbia and the former Yugoslav Republic of Macedonia;
- (c) A workshop on indicators and criteria for Assistance Programme beneficiary countries;
- (d) The Danube Delta project involving the Republic of Moldova, Ukraine and Romania;
- (e) Other projects approved by the Bureau and Working Group on Implementation, subject to the availability of human resources;
- (f) Two advisory missions.

29. Georgia subsequently informed the Bureau and the Working Group that the country would not start the implementation of the project on legislation, since it would risk overlap with a similar project, but broader in scope, funded by the EU.

30. The Bureau and the Working Group, according to the mandate from the COP, also accepted for implementation the following capacity-building activities in 2011 and 2012:

- (a) An awareness-raising workshop on the Convention for Turkmenistan, organized jointly with the ECE Convention on Environmental Impact Assessment in a Transboundary Context;
- (b) Training sessions on the identification of hazardous activities for Kyrgyzstan, Tajikistan and Uzbekistan;
- (c) A follow-up project on safety evaluation in the Balkans for further strengthening the capacities and knowledge of experts in Croatia, Serbia and the former Yugoslav Republic of Macedonia, which was to be implemented at an oil storage facility in Croatia.

31. The Bureau considered the following further proposals:

(a) A project on improving preventive measures in Belarus. The Bureau and the Working Group stressed that the project proposal was missing the self-assessment component confirming the country's need for the assistance project;

(b) A German-funded project on building awareness of young safety professionals in Armenia. The Bureau and the Working Group took note of the information and agreed that if the project was to fall under the Assistance Programme and trigger further discussion, then a project proposal from the beneficiary country requesting assistance, together with the documents as required under the Strategic Approach, should be provided. The Bureau later agreed that a project workshop in Armenia should be reflected in the financial report to COP-7;

(c) A project on improving safety at tailings management facilities in Ukraine, likely funded by Germany, and possibly linked to a process for developing a checklist for tailings management facilities, should the elaboration of the checklist be included in the Convention's workplan for 2013–2014.

32. The Bureau also decided to contact Montenegro and investigate whether the country would like to participate to the Assistance Programme.

33. The activities identified above are described in detail in the progress report on the Assistance Programme.

## **D. Strategic partnerships**

### **1. Strategy**

34. The Bureau and the Working Group on Implementation decided to establish a joint task force to identify key strategic partners and to design actions facilitating cooperation with them. Since these partnerships would be crucial for ensuring a long-term sustainable and predictable financial mechanism, it was further agreed that the same task force should address the financing area as well as prepare the plan for involvement of Parties and other stakeholders.

35. The Chair of the Bureau was requested to lead the work of this task force, with its members being the two COP Vice-Chairs, the Working Group Chair, Mr. Forint and the Working Group members representing the Republic of Moldova and the United Kingdom.

36. The task force identified a number of organizations with which the Convention should try to establish strategic partnerships. The organizations were split into two groups: priority partners; and other partners. The focus for establishing or expanding cooperation would be given initially to the priority partners.

37. The identified priority partners were:

- (a) The other ECE environmental conventions;
- (b) EC;
- (c) The Joint Environment Unit of the United Nations Office for Coordination of Humanitarian Affairs (OCHA) and the United Nations Environment Programme (UNEP);
- (d) The UNEP Sustainable Consumption and Production Branch;
- (e) The OECD Programme on Chemical Accidents;
- (f) The European Chemical Industry Council (CEFIC) Energy, Health, Safety and Environment (HSE) and Logistics Programme;
- (g) The European Process Safety Centre (EPSC).

38. The Bureau and the Working Group on Implementation noted the importance of industry and of industrial associations and therefore appreciated seeing CEFIC and EPSC among the priority partners.

39. The other partners were:

- (a) The International Labour Organization;
- (b) The World Health Organization;
- (c) The United Nations Economic and Social Commission for Asia and Pacific and other United Nations Regional Commissions;
- (d) The Inter-Organization Programme for the Sound management of Chemicals.

40. With regard to priority partners a two step-approach was suggested, comprising the convening of bilateral meetings followed up with a joint-partner meeting. In preparing the meetings, the task force would clearly specify for each partner: the area for cooperation; the contribution sought from the partner; and the Convention's contribution to the partner. The task force would also agree on the teams for each of the bilateral meetings.

41. The Bureau and the Working Group requested the task force to proceed with the organization of the bilateral meetings. Subsequently the two bodies asked the task force to assess the priority partners with respect to the Convention's priorities, to rank the initiatives being taken to build partnerships and to suggest which initiatives should be focused on. In addition, the task force was to identify specific activities with partner organizations to be proposed for the next workplan under the Convention.

## **2. Workplan**

42. Besides strategic work on building partnerships undertaken by the Bureau and the Working Group on Implementation, the workplan adopted by COP-6 foresaw two activities in the area of strategic partnerships:

- (a) A workshop with the Water Convention to discuss the progress achieved in the prevention of accidental water pollution 25 years after the Schweizerhalle accident;
- (b) A meeting with partner organizations to coordinate joint activities.

43. Members of the Bureau and the Working Group joined a steering group to make substantial arrangements for the workshop, held on 8 and 9 November 2011 in Bonn, Germany. The outcome of the workshop included recommendations for future activities to address the remaining challenges in the prevention of accidental water pollution (see ECE/CP.TEIA/2012/10).

44. The task force was requested to work towards arranging, with the support of EC, a multi-stakeholder meeting on industrial safety, at which invited international organizations and programmes could explore synergies for their activities on industrial safety. This was superseded by the decision of OECD to hold a similar event in October 2012; the Bureau asked the secretariat to invite the Chair of the OECD Working Group on Chemical Accidents to present the outcome of the OECD event to COP-7. The Bureau agreed that such events might be held on a regular basis, with their organization being rotated between the strategic partners, and that ECE might host such an event, depending on the outcome of the OECD event, in the period leading up to the eighth COP meeting.

45. Various contacts with partner organizations were made, as well as with the ECE Committee on Housing and Land Management and the Environmental Protection Agency of the United States of America, as outlined below.

### **3. Other ECE environmental conventions**

46. With regard to expanding cooperation with other ECE environmental conventions, the task force suggested that the Chair should call for a meeting with the chairs of the other four conventions and the Chair of the ECE Committee on Environmental Policy to discuss common issues between the conventions, including a common project that was under development. The meeting was held on 22 November 2011 and led to: (a) the elaboration of a joint input from the five conventions to support the preparations for the United Nations Conference on Sustainable Development; (b) preparations for the review of the reform of ECE that occurred in 2005; and (c) ongoing work on identification of synergies between the ECE conventions.

47. A second meeting took place on 16 April 2012, providing further input to the review of the ECE reform being carried out by the Executive Committee of ECE. The preparation of a joint strategy document was begun and there was agreement to share convention workplans to identify possible joint activities or projects.

### **4. European Commission**

48. The Chair, the Director of the ECE Environment Division and the European Commission (EC) Environment Directorate-General met in Brussels on 26 March 2012 to lay the basis for a partnership between ECE and EC including cooperation on industrial safety. A second meeting was planned between the three in Geneva in autumn 2012.

49. The secretariat promoted the Convention's activities, and reported on the work towards establishing strategic partnerships, through its participation in an EU Committee of Competent Authorities meeting held in Warsaw on 12 October 2011. The secretariat expected to participate in the Committee of Competent Authorities meeting being held in Nicosia in September 2012.

### **5. Joint UNEP/OCHA Environment Unit and UNEP Sustainable Consumption and Production Branch**

50. The secretariat presented a project proposal on development of an online training platform on prevention, preparedness and response to industrial accidents. The project was elaborated jointly with the Joint UNEP/OCHA Environment Unit and was to involve the UNEP Sustainable Consumption and Production Branch. The Convention was expected to bring to the project substantive expertise for developing the training programme. The Bureau and the Working Group on Implementation approved the project proposal. The secretariat subsequently provided an update on the work at the Bureau's final meeting of the biennium, in Stockholm.

### **6. OECD Chemical Accidents Programme**

51. The Chair and the secretariat contributed to the May 2012 OECD workshop on management of Natech accidents (see section A above). In addition, the secretariat participated in the annual meeting of the OECD Working Group on Chemical Accidents, held from 5 to 7 October 2011, and will again participate in its October 2012 meeting, including by contributing to a special session on international programmes on chemical accident prevention, preparedness and response. The Bureau and the Working Group on Implementation considered that further work should be carried out with OECD to identify possible joint activities in the Convention's 2013–2014 workplan and the OECD Chemical Accident Programme's 2013–2016 workplan.

## **7. European Chemical Industry Council's Energy, Health, Safety and Environment and Logistics Programme**

52. No progress was reported with regard to CEFIC.

## **8. European Process Safety Centre**

53. The secretariat began talks with a representative of EPSC and was invited to a meeting of the EPSC steering group.

## **9. ECE Committee on Housing and Land Management**

54. An important seminar on land-use planning around hazardous industrial sites, an activity in the previous workplan, had been held after COP-6. The Bureau therefore decided to discuss its outcome in the current biennium. The seminar was organized by the Convention jointly with the ECE Committee on Housing and Land Management.

55. The Bureau and the Working Group on Implementation decided that joint actions with the Bureau of the Committee on Housing and Land Management should be explored to promote the outcome of The Hague seminar for building further awareness about the linkage between safety and land-use planning. To this end, it was decided that a joint leaflet should be produced and joint efforts should be made for the organization of subregional safety and land-use planning seminars. The joint actions should be undertaken as soon as possible.

56. At the request of the Bureau and the Working Group, the secretariat made a presentation to the Committee on Housing and Land Management at its seventy-second session, held in Geneva on 3 and 4 October 2011. The Committee expressed its support to the joint work on safety and land-use planning and committed to submit proposals for the joint activities through its Bureau. However, no proposals were received. The Chair wrote to the Chair of the Committee on Housing and Land Management. No response was received. The secretariat was asked to follow up.

## **10. Environmental Protection Agency**

57. The Chair reported on his discussion on the Convention with representatives of the Environment Protection Agency of the United States and an agreement that a letter should be sent to the Agency from the secretariat inviting renewed involvement in the work of the Convention. No response to the letter was received.

## **E. Financing**

58. The Conference of the Parties entrusted the Bureau to elaborate the details of the sustainable financial mechanism. In addition, the workplan adopted by COP-6 foresaw meetings to establish the financing mechanism, donor meetings and bilateral visits. As requested by the COP, the Bureau submitted a draft sustainable financial mechanism (ECE/CP.TEIA/2012/6) to COP-7 for its consideration and adoption.

### **1. Sustainable financial mechanism**

59. As noted above, the Bureau and the Working Group on Implementation established a task force to work on strategic partnerships and a sustainable financial mechanism. A description of the process leading to the elaboration of the mechanism is set out below.

60. The task force began by identifying the following elements crucial for a sustainable financial mechanism:

(a) The workplan core activities and the costs of secretariat extrabudgetary staff would be covered by Parties through voluntary financial and in-kind contributions;

(b) The Assistance Programme activities would be covered through voluntary in-kind and financial contributions from Parties or through their project funds, EC or other partners or industry project funds;

(c) The contributions should be differentiated as substantial, expected and additional contributions:

(i) The substantial voluntary contributions would be the basis for the implementation of the workplan. A contribution would be recognized as a substantial one for a Party if it exceeds the amount of a reference contribution calculated for that Party. The reference contribution is an amount calculated as a fraction of the biennial workplan applying the scale of assessments for the apportionment of the expenses of the United Nations;

(ii) The expected voluntary contributions would be the necessary support for ensuring full implementation of the workplan. The contribution would be calculated for a Party by applying the scale of assessments to the difference between the workplan cost and the substantial contributions. The expected contribution would be calculated only for those Parties that did not provide substantial contributions;

(iii) Additional contributions would be sought from available project funding from Parties, industry, EC, programmes or initiatives, especially for Assistance Programme activities.

61. The mechanism should also specify the procedure for a call for contributions. With the call, each Party should be informed of their contribution level with respect to the biennial workplan. For Parties providing substantial contributions, the level of contributions in past years should be referred to, and for the other Parties the reference contribution should be included. The mechanism should also establish a procedure (fund-raising visits) for involving Parties as donors in the implementation of the biennial workplans. Further, the mechanism should include a procedure for the prioritization of activities in cases where insufficient resources were available for the full implementation of a workplan.

62. The first draft sustainable financial mechanism was supplemented by an example, showing the calculated 2012 contribution level for all the Parties in accordance with the mechanism.

63. The Bureau and the Working Group then decided that the following issues should be further dealt with by the mechanism: (a) the use of regular budget resources for implementation of the biennial workplans; (b) earmarking of contributions; and (c) the inclusion or exclusion of EC in the calculation of the level of expected contribution.

64. The Bureau and the Working Group agreed that the document containing the sustainable financial system, once prepared, should be open for consultation with all Parties.

65. Having reviewed the second draft mechanism, the Bureau and the Working Group suggested: to contain the indicative amounts for calculating the workplan activities in an annex to the document; to add a column in the table with an example specifying the level of contributions for resource requirements of US\$ 2 million; to add information on the use of the Convention's trust funds; and to further simplify and clarify the text in a number of instances to make the document more reader-friendly.

66. The Bureau discussed and agreed on a third draft document on the sustainable financial mechanism, which makes only brief reference to the United Nations scale of assessments. The Bureau decided that the value of in-kind contributions should be reflected

more strongly in the document. The Bureau also emphasized the engagement of other stakeholders and the need to identify actions to encourage their financial contributions. There was agreement that the document would provide for letters being sent to Parties that had neither made nor pledged cash or in-kind contributions, proposing a contribution calculated on the basis of the entire budget for the Convention's workplan (not the amount outstanding) in combination with the scale of assessments. The Bureau asked that the current scale of assessments (see A/RES/64/248) be made available through the website.

67. The Bureau decided that the note by the secretariat on the use of financial resources 2011–2012 (ECE/CP.TEIA/2012/4) should be circulated to Parties in August 2012, along with the provisional agenda for COP-7 (ECE/CP.TEIA/23), with a request that they come to the COP meeting with comments ready. **The Bureau proposed that the COP consider and adopt the sustainable financial mechanism.**

## 2. Monitoring of the financial situation

68. The secretariat reported regularly on the financial situation of the Convention. The Bureau and the Working Group on Implementation agreed to be cautious with regard to the availability of funds, in particular due to the deteriorating financial situation and introduction of budget cuts, including for international cooperation, in a number of the Parties, some of them being among the Convention's donors.

69. The Bureau also agreed that an active approach for ensuring additional funding should be undertaken in order to build a financial reserve for 2013–2014 workplan. The Bureau and the Working Group expressed their belief that, with the implementation of the sustainable financial mechanism, the Convention should be able to attract a good level of contributions in the future.

70. The Bureau and the Working Group invited the Chair and Mr. Kozlenko to meet the representatives from the Permanent Mission of the Russian Federation in Geneva and discuss the possible use of Russian funds for the Convention and explain the sustainable financial mechanism. The secretariat was requested to prepare a proposal to be shown at the meeting to link the funds with the workplan activities aimed at ensuring adequate and proper application of Convention's indicators and criteria by the Assistance Programme beneficiary countries.<sup>2</sup>

## II. Joint Ad Hoc Expert Group on Water and Industrial Accidents

71. The COP had entrusted the Bureau to elect the co-chair on behalf of the Industrial Accidents Convention to lead the Joint Ad Hoc Expert Group on Water and Industrial Accidents. The Bureau and the Working Group asked the Working Group member representing Romania to serve as the Joint Expert Group co-Chair, working on the task to elaborate the methodology for contingency planning for accidents with potential impacts on transboundary watercourses, in cooperation with the co-Chair representing the Water Convention, Mr. Kovac (Hungary), and the Water Convention's secretariat.

72. Subsequently, the secretariat presented briefly the ideas discussed by the Joint Expert Group at its May meeting (Geneva, 31 May 2011) for the outline and content of the methodology. The Joint Expert Group co-Chair representing industrial accidents later reported on the progress in elaborating the methodology and on the feedback received to

<sup>2</sup> A first meeting was organized in July 2012; a follow-up meeting was expected in September 2012.

the draft document at the workshop with the Water Convention to discuss the progress achieved in prevention of accidental water pollution 25 years after the Schweizerhalle accident. Consequently, the document, initially designed to include both hazard and crisis management, focused only on crisis management. The Bureau and the Working Group supported this focus.

73. At the final Bureau meeting, the secretariat reported on progress with the development of what had by then become guidelines for crisis management on transboundary waters. **The Bureau recommended that the COP decide whether to continue or abandon this work.** The Bureau agreed to contact the the Joint Experts Group co-Chair representing industrial accidents to request an update on the status of the work and the schedule for future steps.

### **III. Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters**

74. As requested by COP-6, the Bureau submitted to COP-7 a report on the implementation of the agreed three steps to support ratification of the Protocol (ECE/CP.TEIA/2012/7).

75. The Bureau and the Working Group on Implementation examined the conclusions of the study carried out by the Institute for European Environmental Policy under the first step of the approach: to strive to better understand what national legislation was required to implement the Protocol in the light of differences between the Protocol and other civil liability instruments. They agreed that work should continue on the second step, i.e., to carry out case studies based on realistic potential accidents to understand the implications, including the benefits, of implementing the Protocol or other instruments. The secretariat was requested to facilitate the implementation of the second step in cooperation with interested donor countries. In addition, the Chair and the secretariat were invited to inform EC about the availability of the first study during a planned consultation meeting in Brussels.

76. The secretariat subsequently presented a proposal on the implementation of the second step. The Bureau asked that the second step be carried out and asked the secretariat to contact the Chair of the Water Convention Bureau to see what financial resources she had available. The Bureau decided that the report to COP-7, and to the upcoming session of the Meeting of the Parties to the Water Convention, should provide an update on the three steps and include in an annex the executive summary of the study carried out for the first step; the full study should be made available on the website.

77. Ms. Michielssen informed the Bureau of possible changes to the corresponding EU legislation — the Environmental Liability Directive<sup>3</sup> — foreseen in the coming years. The Bureau agreed that this important information should also be included in the paper for submission to COP-7, but that the second step should be carried out as already decided by COP-6.

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<sup>3</sup> Directive 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.

#### IV. United Nations Economic Commission for Europe Industrial Accident Notification System

78. In the absence of a lead country for the organization of the fifth consultation of points of contact, the Bureau and the Working Group on Implementation requested the secretariat to invite representatives of the points of contact to hold an electronic consultation to brainstorm on the future of the Industrial Accident Notification (IAN) System and formulate recommendations in this regard for the consideration by COP-7. The secretariat issued a questionnaire at the same time carrying out a communications exercise using the System and reported back to the Bureau. The secretariat presented possible recommendations in this regard.

79. The Bureau broadly agreed with many of the recommendations, and asked that they be included in the Bureau's report to COP-7, as follows:

(a) The Bureau or the secretariat could contact each Party to insist on the respect of the obligation to identify a body to act as a point of contact, and to provide official contact details of the body, which is operational 24 hours a day, seven days a week;

(b) The secretariat could repeat the communications exercise at the weekend or at night, without announcing the exact date. Exercises could be repeated periodically;

(c) The content of the secretariat's report to the Bureau could be presented to the COP, as an official document, an informal document or as a presentation;

(d) The IAN System could be repaired to provide administrator access, but this might require funding of a consultant;

(e) Inadequacies in the IAN System could be corrected, but this would require funding of a consultant. The consultant could, for example, ensure that a secure communications protocol is used and that reports indicate whether institutional points of contact have received notifications sent;

(f) The IAN System could be upgraded in line with proposals made in the replies to the questionnaire. This would require funding of a consultant;

(g) A meeting of the points of contact could be held, for which funding would be required.

80. The Bureau did not consider that the System should be abandoned as yet nor, at this stage, was it necessary to hire a consultant to fix problems with the software. **The Bureau recommended to the COP that it urge Parties and other countries to register in the System and to constantly update the contact details of their points of contact.** The Bureau asked the secretariat to revert to those Parties that had not responded to the consultation process, to remind them of their obligations under the Convention. Points of contact should be encouraged also to carry out more frequent and intensive exercises, including field exercises and with the involvement of neighbouring countries.

81. At the same time, however, the Bureau recognized that some Parties might wish to abandon the System. Such Parties would need to demonstrate that alternative systems already in place would satisfy the requirements of the Convention, including with respect to other Parties potentially affected.

#### V. Amendment of the Convention

82. The Bureau and the Working Group on Implementation agreed to propose to COP-7 to reactivate the Working Group on Development to revise the Convention's annex I and to

align it with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals, as had been undertaken for the EU Seveso Directive. The draft amendment should be finalized in time for its consideration and possible adoption at the COP meeting in 2014. The Bureau saw a leading role for EC in the drafting of the revised annex I.

83. In addition, Bureau members considered, among other possible amendments, the revision of the Convention's scope and definitions, in view of the red mud accident in Hungary, and the opening of the Convention to countries outside the ECE region. Bureau members expressed differing views as to whether the Working Group on Development might be tasked initially with only identifying and evaluating other amendments, with a view to eventual adoption in 2016, or whether the Working Group should be expected to draft a possible amendment to the Convention in time for the COP meeting in 2014.

84. The Bureau therefore agreed that different approaches to amendment should be put before the COP, and that a list of possible topics be included in the short official document for the COP-7 (ECE/CP.TEIA/2012/8). The Bureau hoped to come forward with a proposal for the Chair of the Working Group on Development in advance of COP-7.

## **VI. Other activities under the workplan**

85. The workplan adopted by COP-6 included a number of other activities not falling clearly within the Long-term Strategy, including COP-7 and meetings of the Bureau and of the Working Group on Implementation.

### **1. Seventh meeting of the Conference of the Parties**

86. The Bureau and the Working Group expressed their appreciation of the work undertaken by Sweden to prepare COP-7. The two bodies decided that there was no agenda item that would merit a high-level segment.

87. Representatives of Sweden proposed an event on the rendering of support to the local level from national authorities in preparedness and response. The Bureau agreed that the event be held and proposed a number of speakers to broaden the appeal of the event and to strengthen its relevance to the scope and provisions of the Convention. The Bureau decided that the event should be reflected in a one-page summary, to be annexed to the COP-7 meeting report.

88. The Bureau concluded that it should not invite private companies to COP-7, but that stakeholders who had already been identified as strategic partners should be invited, as well as relevant United Nations programmes and agencies. In particular, it was suggested that two or three of the organizations already identified as strategic partners should be invited to present to the COP, under the agenda item on the Long-term Strategy, how they contributed to prevention of, preparedness for and response to industrial accidents and how they cooperated with the Convention.

89. Ms. Eriksson, the focal point for the host country, Sweden, reported that her organization could not finance the participation of delegates from Parties with economies in transition in the COP meeting and that it would need to be covered from other sources. The secretariat informed the Bureau that Switzerland had kindly provided funding to support the participation of eligible delegates representing Central Asia and Azerbaijan.

90. The Bureau discussed in some detail a proposal by the Chair and Vice-Chairs for the future composition of the Bureau and the Working Group on Implementation, to be put before COP-7. The proposed composition of the Bureau was completed, including the Chair, but with the current Vice-Chairs indicating their willingness to take on an ordinary

membership role. The proposed Working Group on Implementation membership was nearly complete.

91. The Bureau also provided substantial feedback on draft documents being prepared by the secretariat for consideration by COP-7.

## 2. Meetings of the Bureau and the Working Group on Implementation

92. The Bureau and the Working Group met jointly on four occasions (see para. 2). The Bureau also met separately, on 27 and 28 June 2012, as did the Working Group on Implementation, on 29 and 30 March 2012. The results of the Working Group's work is described in part in the present document, but more in detail in the progress report on the Assistance Programme (ECE/CP.TEIA/2012/5) and the sixth report on implementation (ECE/CP.TEIA/2012/3).

93. The Working Group Chair regularly informed the Bureau on the status of reporting within the 2010–2011 reporting round on the implementation of the Convention, and had submitted the conclusions and recommendations of the sixth report on implementation to the COP. The Bureau asked the Working Group Chair to present the report to COP-7.

94. The Bureau highlighted the usefulness of presenting at COP-7 some of the good practices revealed in the national implementation reports. It decided to invite the Czech Republic and Germany to present their joint inspections, and Serbia to present the use of indicators and criteria in preparing its national implementation report. At the same time, it was also recognized that some countries lacked an understanding of the Convention's basic requirements and that tailored assistance was therefore needed.

95. **The Bureau expressed strong concern that the Russian Federation had again failed to submit the implementation report, thereby failing to fulfil its obligation under the Convention. The Bureau also expressed its disappointment that none of the committed countries under the Convention's Assistance Programme, that were not Party to the Convention, had reported.** The Bureau suggested that COP should also express its strong concern regarding both these situations.

## VII. Development of the new draft workplan

96. The Bureau requested that the recommendations from three major regional workshops and seminars held since COP-6 be clustered and prioritized. The Working Group on Implementation was invited to review the cluster of recommendations vis-à-vis the needs indicated by Parties and other ECE member countries in the national implementation reports submitted within the 2010–2011 reporting round. The Working Group should further make suggestions for specific activities to be considered for the 2013–2014 workplan, also taking into account the initiatives of the partner organizations. The Chair was invited to consult on the recommendations in the area of prevention of accidental water pollution with the Chair of the Meeting of the Parties to the Water Convention.

97. The Working Group Chair presented to the Bureau at its final meeting the requested clustering. The clustering had been followed by the selection of four priority activities that derived from the workshops and seminars and that found a correspondence in the national implementation reports:

- (a) A guide on methodology for hazard rating;
- (b) Criteria or standards for safety and land-use planning, incorporating long-term trends;

(c) The exchange of experience and good practices among Parties and promotion of the continuous organization of bilateral exercises for preparedness;

(d) Addressing the risk of complacency in ensuring prevention and maintaining a high level of safety.

98. The Working Group Chair suggested that all of the activities might be performed in cooperation with possible partners, such as OECD, EC or EPSC. Projects and the way of working should be clearly defined before being accepted into the workplan. In addition, hazard rating and assessment, as a follow-up to the CERACI project, was relevant to the Convention and had not been addressed.

99. The Bureau suggested that the next Bureau, to be elected at COP-7, assign a Bureau member to each activity in the workplan, with the Bureau member being responsible for observing implementation of the activity and for reporting at the end of the biennium how it was organized or, as appropriate, why it had not been organized. At the same time, Bureau members noted that it was not the role of the Bureau to be involved in the actual implementation of projects.

100. The Bureau decided that each new workplan activity should be briefly described in a separate informal document, and asked the Working Group Chair and the two Bureau Vice-Chairs, with the support of the secretariat, to draft and circulate the document.

101. The Bureau agreed that the workplan should be revised in line with its comments, including making clear that financial resources could be made available in cash or in kind. The workplan should also reflect on the results of the clustering activity and the conclusions of the sixth report on implementation. The Bureau emphasized the importance of sharing the draft workplan with other ECE multilateral environmental agreements.

## VIII. Resources

102. COP-6 adopted the workplan for 2011–2012 and its corresponding budget and mandated the Bureau to oversee the implementation of the workplan and raise the additional funds for requested activities within the Assistance Programme. COP-6 also requested its Bureau to draw up, with the support of the secretariat, a budget for the next two-year period for adoption at the seventh meeting. The budget is provided in the document setting out a draft workplan for consideration by COP-7 (ECE/CP.TEIA/2012/9).

103. The Bureau and the Working Group on Implementation expressed appreciation to Germany for providing an associate expert to support the work under the Assistance Programme from November 2011. The secretariat noted that the increased secretariat capacity, with the establishment of an additional extrabudgetary post and the provision of an associate expert, would enable the secretariat to meet better the expectations of the ECE countries. However, the secretariat also reminded the two bodies that the extension beyond 2012 of the two extrabudgetary secretariat posts would require that appropriate funding be secured prior to COP-7.

104. The secretariat informed the Bureau and the Working Group that a regular budget post at the P-4 level would be made available for the Convention, replacing a P-3 regular budget post. The P-4 post would have the function of the secretary to the Convention. To maintain the secretariat capacity, as decided by COP-6, the incumbent of the P-3 extrabudgetary post would manage the Assistance Programme.