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Report of the Bureau on its activities since the seventh meeting of the Conference of the Parties

Activities of the Bureau since the seventh meeting of the Conference of the Parties

Report by the Bureau Chair and Vice-Chairs, prepared in cooperation with the secretariat

Summary

The Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, at its seventh meeting (Stockholm, 14–16 November 2012), requested the Bureau to report to it at its eighth meeting on the Bureau's activities in the intervening period (ECE/CP.TEIA/24, para. 9).

The main responsibilities of the Bureau are (a) to implement tasks entrusted to it by the Conference of the Parties; (b) to take the lead in, and take initiatives to strengthen, the implementation of the Convention; and (c) 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 intersessional period, in particular, with regard to the Long-term Strategy for the Convention, 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, the subsidiary bodies and expert groups under the Convention and the preparation of the eighth meeting of the Conference of the Parties.



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Introduction

1. The present report summarizes the work of the Bureau of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) with regard to the tasks entrusted to it by the Conference of the Parties at its seventh meeting (Stockholm, 14–16 November 2012) (see ECE/CP.TEIA/24).

2. The report includes the outcomes of the two joint meetings of the Bureau with the Working Group on Implementation (Geneva, Switzerland, 29–30 January 2013 and Bootle, United Kingdom of Great Britain and Northern Ireland, 27–28 November 2013), as well as the two solo Bureau meetings (Geneva, Switzerland, 11–12 June 2013 and The Hague, 16–17 June 2014).

3. The following Bureau members attended all four meetings: Ms. A. Aleksandryan (Armenia); Mr. C. Dijkens (Netherlands), Chair; Mr. B. Gay (Switzerland); Mr. G. Hem (Norway), Vice-Chair; Ms. S. Stirbu (Republic of Moldova) and Mr. G. Winkelmann-Oei (Germany). Mr. P. Forint (Czech Republic) and Ms. J. Karba (Slovenia), Vice-Chair, participated in all meetings besides the one held in Bootle. Ms. J. Michielssen (European Commission) attended all meetings besides the one held in The Hague, which her successor, Mr. Alexandros Kiriazis, attended on the invitation of the Bureau Chair. Mr. C. Piacente (Italy) participated only in the meeting in Bootle. The Chair of the Working Group on Implementation (Ms. S. Ashcroft, United Kingdom) participated also in all Bureau meetings besides the one held in June 2013 at which another member of the Working Group (Mr. M. Merkofer, Switzerland) participated on her behalf. The United Nations Economic Commission for Europe (ECE) secretariat to the Convention serviced all four meetings.

I. Bureau activities to implement the 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 for the Convention (ECE/CP.TEIA/22, annex I), adopted by the Conference of the Parties at its sixth meeting (The Hague, 8–10 November 2010). The Bureau's subsequent work under the five priority areas of the Long-term Strategy, and to carry out the strategically linked tasks under the current workplan for 2013–2014 (see ECE/CP.TEIA/24, annex II), 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. Long-term Strategy for the Convention

Objective I: to achieve comprehensive involvement of all Parties and other stakeholders

5. The active involvement of Parties and other stakeholders is essential to maintain and further improve the level of implementation of the Convention. Some Parties, through their competent authorities, have been actively involved in the work of the Convention. There are also some examples of involvement of other stakeholders. Nevertheless, the number of active Parties and other stakeholders has been rather low and should be increased.

2. Activities undertaken by the Bureau

(a) *Ensuring the participation of the 11 Parties that did not attend the seventh meeting of the Conference of the Parties in the eighth meeting*

6. At its seventh meeting, the Conference of the Parties regretted the absence of 11 Parties,¹ and entrusted the Bureau with trying to ensure participation by all the Convention Parties in the future. At its January 2013 meeting, the Bureau requested the secretariat to investigate the reasons for the absence of the 11 Parties. The secretariat reported at the Bureau's June 2013 meeting that the majority of the non-attending countries faced administrative changes in their national competent authorities and frequent changes of focal points. At the Bootle meeting in November 2013, the Bureau also found that the invitations to the seventh meeting of the Conference of the Parties had not always reached the relevant focal points.

7. In order to ensure the participation of all Parties to the Convention at future meetings of the Conference of the Parties, the Bureau decided to pursue a multichannel approach, supported by the secretariat, comprised of:

(a) Sending letters to high-level officials at the ministries of foreign affairs of the 11 countries, copied to their missions;

(b) Including the topic on the agenda of high-level meetings of the Executive Secretary of ECE and other high ranking ECE officers;

(c) Pursuing closer contacts with focal points to increase their engagement, emphasizing the benefits of attending the eighth meeting of the Conference of the Parties and encouraging countries to update the contact information for their focal points, closer to the time of eighth meeting;

(d) Encouraging the participation of European Union (EU) member States in the eighth meeting of the Conference of the Parties through the Committee of Competent Authorities and the Seveso Expert Group, e.g., by providing the EU member of the Bureau with a list of contacts for the 11 Parties before the invitation letters for the eighth meeting of the Conference of the Parties was circulated.

8. The above-mentioned actions were undertaken and closer contacts with focal points were pursued, so as to increase Parties' engagement and participation in activities under the Convention. Given the time frames for preparing the eighth meeting, a full assessment of the success of the actions taken was not possible at the time of writing.

(b) *Improving gender balance*

9. In order to improve gender balance when involving Parties and other stakeholders, the Bureau agreed that a note referring to the need to give equal opportunities to women in order to engage them in project implementation should be added to project documents in the future. The Bureau also agreed on the need to encourage countries to nominate more female representatives to the bodies of the Convention as well as more female technical experts within the Assistance Programme projects.

¹ The following 11 Parties did not attend the seventh meeting of the Conference of the Parties: Denmark, Greece, Kazakhstan, Latvia, Lithuania, Luxembourg, Monaco, Montenegro, Portugal, Russian Federation and Spain.

(c) *Re-engagement of the Russian Federation, the United States of America and Canada and involvement of the Commonwealth of Independent States Interstate Council on Industrial Safety in the activities under the Convention*

10. At its seventh meeting, the Conference of the Parties regretted the failure of the Russian Federation to report on the implementation of the Convention in compliance with its legal obligations under the Convention (article 23). The Conference of the Parties requested the ECE Executive Secretary to write to the Minister of Foreign Affairs of the Russian Federation to communicate its concern and to recall the country's obligation, as a Party, to report on the implementation of the Convention. This letter was sent in January 2013.

11. At its meeting in June 2013, the Bureau discussed how to encourage and re-engage the Russian Federation in the activities under the Convention. It requested the secretariat to increase its contacts with the Russian Federation and recommended that cooperation with the Russian Federation should also be sought within relevant international forums as well as through joint projects, such as the project on "raising knowledge on industrial safety at universities", led by Germany.

12. At its meeting in November 2013, the secretariat informed the Bureau about the nomination of a new focal point from the Russian Federation. The Bureau welcomed that development and recommended organizing a mission to the Russian Federation in early 2014, which the country later suggested could take place in spring 2015. At the Bureau's request, a Russian-speaking member of the Working Group on Implementation contacted the focal point from the Russian Federation to explain the role of focal point and to highlight the importance of submitting an implementation report. The Bureau noted with satisfaction that the Russian Federation submitted an implementation report for the 2012–2013 reporting round in March 2014.

13. In addition, a meeting between the Bureau Chair, the ECE secretariat and the Russian delegation took place in the margins of the fourth meeting of the Working Group on the Development of the Convention (Working Group on Development) (Geneva, 28–29 April 2014) to highlight the benefits that the Russian Federation and other ECE countries would have through a closer involvement in the activities under the Convention. The meeting reconfirmed the interest of the Russian Federation in increasing its involvement under the Convention, which could be further discussed at a meeting in December 2014, in the framework of the eighth meeting of the Conference of the Parties.

14. In order to re-engage the United States of America and Canada in the activities under the Convention, the Bureau Chair liaised with contacts at the United States Environmental Protection Agency and Environment Canada. Unfortunately, the attempts to re-engage the two countries have so far not been successful.

15. Contacts with the Commonwealth of Independent States Interstate Council on Industrial Safety have been established, thanks to the support of a Russian-speaking member of the Working Group on Implementation and an official letter prepared by the secretariat. The attempts led to an official invitation for the ECE secretariat to participate in the twelfth Annual Meeting of the Interstate Council on Industrial Safety to be held on 16 and 17 September 2014 in Azerbaijan, which the secretariat accepted.

(d) *Participation in forums and other events by members of the Bureau*

16. In order to strengthen the involvement of Parties and other stakeholders in the work under the Convention, members of the Bureau participated in events, such as the following:

(a) Housing Forum Europe and Central Asia: thematic session on land-use planning and industrial safety (Geneva, 23 April 2013);

(b) Advisory Group on Environmental Emergencies Forum 2013: Joint United Nations Environment Programme (UNEP)/United Nations Office for the Coordination of Humanitarian Affairs Environment (OCHA) Environment Unit (Geneva, Switzerland, 15–17 May 2013);

(c) Fourth session of the Global Platform for Disaster Risk Reduction (Geneva, Switzerland, 19–23 May 2013);

(d) High-level awareness-raising meeting and expert workshop for Georgia (Tbilisi, 5–8 November 2013);

(e) High-level meeting in Bosnia and Herzegovina (Sarajevo, 19 May 2014);

(f) Eleventh International Forum on Industrial Safety (Saint Petersburg, Russian Federation, 27–30 May 2014).

B. Exchange of information

1. Long-term Strategy for the Convention

Objective II: to consolidate and enhance the exchange of information

17. Exchange of information is crucial to further strengthen the implementation of the Convention across the ECE region. In the past, activities have been organized under the Convention to exchange knowledge, good practices and experience. However, the number and scope of such activities should be extended.

2. Activities undertaken by the Bureau

18. The Bureau welcomed the results of a project on raising knowledge on industrial safety at universities, successfully implemented by Armenia and Germany, and it recommended that the link to the final project report be shared with national focal points. The Bureau also endorsed the follow-up project on the implementation of a summer school on risk management for university students to be held in Perm, Russian Federation, and it suggested the development of modules on different aspects of the Convention, with a possible wider scope (beyond mining) for possible implementation in other countries of Eastern and South-Eastern Europe, the Caucasus and Central Asia.

19. To enhance the exchange of information among Parties, the Bureau agreed at its meeting in June 2014 that a seminar on enhancing industrial safety in the ECE region be organized in the framework of the eighth meeting of the Conference of the Parties. The Bureau recommended that representatives of industry, academia, non-governmental and international organizations be invited to this seminar to ensure an enriched exchange of experiences.

C. Assistance Programme

1. Long-term Strategy for the Convention

Objective III: to facilitate the implementation and ratification of the Convention by the beneficiary countries of the Assistance Programme

20. The Assistance Programme is necessary to support the efforts of the countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia in implementing the Convention. There is a need to continue that work and further provide efficient assistance on a needs-driven basis.

2. Activities undertaken by the Bureau

21. One of the tasks of the Bureau is to monitor the implementation of the programme of work and to take appropriate decisions, if needed, to strengthen it. To this end, the Bureau provided advice and support on matters related to the Assistance Programme, e.g., during joint meetings with the Working Group on Implementation in January and November 2013 or through inviting the Working Group's Chair to the Bureau meetings in June 2013² and June 2014. Key activities under the Assistance Programme in which the Bureau was involved are set out below.

(a) *Review of the benchmark document containing the indicators and criteria*

22. Recognizing that countries still encounter difficulties using the benchmarks document containing the indicators and criteria (ECE/CP.TEIA/2010/6), the Conference of the Parties at its seventh meeting entrusted the Bureau and the Working Group on Implementation with an evaluation of this document in order to find ways to assist countries with the application of the indicators and criteria of the Strategic Approach (ECE/CP.TEIA/24, para. 45).

23. At its joint meeting in Geneva in January 2013, the Bureau and the Working Group on Implementation decided to create a small group to review the benchmarks document, consisting of three members of the Bureau (Mr. Dijkens (Netherlands); Mr. Hem (Norway); and Ms. Karba (Slovenia)) and four members of the Working Group on Implementation (Ms. Ashcroft (United Kingdom); Ms. S. Milutinovic (Serbia); Mr. E. Baranovsky (Belarus); Ms. E. Kupeva Nedelkova (the former Yugoslav Republic of Macedonia)). The group held several consultations during the biennium to comment on the revised version of the benchmarks document, which was tested in two beneficiary countries of the Assistance Programme and which will be presented at the eighth meeting of the Conference of the Parties.

(b) *Development of terms of reference for the preparation and implementation of projects under the Assistance Programme*

24. At its seventh meeting, the Conference of the Parties requested the Working Group on Implementation to develop outline terms of reference for the implementation of projects within the Assistance Programme (*ibid.*, para. 47). The terms of reference were also consulted with the Bureau, and adopted by both bodies in March 2014. They were made available on the Convention website.³

(c) *Review of national self-assessments and action plans*

25. At the joint meeting in January 2013, the Bureau and the Working Group on Implementation agreed to establish a small group to review the self-assessments and action plans submitted by countries under the Assistance Programme. The small group was comprised of four members from both the Bureau (Mr. Dijkens (Netherlands) and Mr. Hem (Norway)) and the Working Group on Implementation (Ms. Ashcroft (United Kingdom) and Mr. Merkofer (Switzerland)). It worked primarily by e-mail, providing comments on new self-assessments and/or action plans received, such as those from Albania, Azerbaijan,

² Due to the unavailability of Ms. Ashcroft, another member of the Working Group on Implementation (Mr. M. Merkofer, Switzerland) participated in the meeting on her behalf.

³ Available from the dedicated web page for the Strategic Approach, <http://www.unece.org/environmental-policy/treaties/industrial-accidents/areas-of-work/assistance-programme/envteiaapttools.html>.

Belarus, Croatia, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Uzbekistan.

- (d) *Participation in a high-level awareness-raising meeting and expert workshop for Georgia (Tbilisi, 5–8 November 2013)*

26. Following Georgia's expression of interest in becoming a Party to the Convention, at the country's request a high-level meeting with national stakeholders was organized in Tbilisi on 5 November 2013, back to back with an expert meeting from 6 to 8 November. The high-level meeting gave participants from competent authorities an opportunity to discuss and confirm the need for increased coordination at the national level and the subsequent expert workshop provided participants with the necessary tools and methodologies to achieve this. Technical support was provided to Georgia through the in-kind participation of experts from the Bureau (Mr. Dijkens (Netherlands) and Ms. Karba (Slovenia)) and the Working Group on Implementation (Mr. L. Iberl (Germany)).

D. Strategic partnerships

1. Long-term Strategy for the Convention

Objective IV: to enhance the Convention's relevance through strategic partnerships

27. Strategic partnerships are necessary to improve effectiveness and efficiency and to avoid duplication of work in maintaining and enhancing industrial safety. In a number of situations the Conference of the Parties has been working jointly with other organizations, Conventions and programmes to this end. However, this approach should be enhanced.

2. Activities undertaken by the Bureau

28. The Bureau monitored the activities included in the workplan under this area and provided advice, including on financial issues, to the secretariat for the implementation of the activities and the distribution of project outputs. Such activities included:

- (a) Development of a guide on the methodology for hazard rating, with partners, (expected to be finalized by the eighth meeting of the Conference of the Parties), and the organization of a webinar to launch the guide (scheduled for November 2014);
- (b) Sharing of good practices for safety and land-use planning (implemented in April 2013);
- (c) Development, with partners, of guidelines on transboundary risk assessment, possibly including the characterization of exposure risks (ongoing);
- (d) Development of a checklist and practical exercises for risk management at tailings management facilities (ongoing);
- (e) Finalization of the online training on industrial accidents, with UNEP and the Joint UNEP/OCHA Environment Unit (completed in February 2013);⁴
- (f) Meeting with partner organizations to coordinate joint activities.

29. At its meetings, the Bureau also discussed how to strengthen the cooperation with other organizations with a view to carrying out projects and/or activities jointly that would

⁴ The training is available online in the three official languages from <http://www.unece.org/environmental-policy/treaties/industrial-accidents/publications/official-publications/2013/introduction-to-industrial-accidents/envteiapubsonlinetraining2013.html>.

contribute to the implementation of the Convention. To that end, members of the Bureau participated in the First and Second Inter-Agency Coordination Meetings on Industrial Accidents (Geneva, 29 April 2013 and Bonn, Germany, 27 May 2014). Those meetings improved the coordination of activities among international organizations, led to the joint implementation of activities with partners (e.g., the development of a hazard rating guide and the provision of co-funding for a “Training Workshop under the Seveso Directive⁵ and the Convention on the Transboundary Effects of Industrial Accidents on Risk Assessment and Accident Lessons Learned”, held in Ispra, Italy, from 20 to 22 November 2013).

30. The Bureau took also further decisions to strengthen the cooperation with partners, such as through making resources available from the Convention’s trust fund (under the workplan activity, “Development with partners of guidelines on transboundary risk assessment, possibly including the characterization of exposure risks”) to carry out a project on Risk assessment of Industrial accidents and Enforcement of Cross-border Obligations (RIECO) together with the World Health Organization (WHO). The project contributed to the strengthening of cooperation with WHO, notably through the organization of joint implementation activities. At its meeting in June 2014, the Bureau also decided to add the European Environmental Bureau, Green Cross International and the United Nations Office for Disaster Risk Reduction to the list of partners with which the Convention’s secretariat is cooperating.

31. The Bureau Chair chaired the third informal meeting of the chairs and vice-chairs of the ECE multilateral environmental agreements (MEAs) held in Geneva on 27 February 2013. The meeting agenda included an item on seeking a harmonized approach and general solutions for sustainable extrabudgetary financing of the MEAs, as requested by the Conference of the Parties at its seventh meeting. The Bureau Chair and Vice-Chairs also participated in the fourth informal meeting (Geneva, 21 October 2013). The meeting continued the discussion on identifying and applying possible synergies between the agreements, among others, exploring possibilities for joint undertakings. Participation of members of the Bureau is also planned for the upcoming meeting, scheduled for 27 October 2014.

32. The Bureau Chair and one Vice-Chair participated in the nineteenth session of the Committee on Environmental Policy (Geneva, 22–25 October 2013). The Chair delivered a presentation on the Convention to open a panel discussion on strengthening national implementation and compliance with regard to the ECE MEAs, and the Vice-Chair participated in the subsequent discussion.

E. Financing

1. Long-term Strategy for the Convention

Objective V: to ensure sustainable financing

33. Robust financing is necessary to ensure that the increasing demands for assistance activities from Parties and other countries are met and that other workplan activities are implemented. In the past, financing for activities under the Convention has come from only a few of the Parties and on an ad hoc basis. There is a need for a higher number of Parties and for other stakeholders to provide regular financial and/or in-kind support to the Convention’s activities. Also, human resources in the secretariat need to be increased which

⁵ The original directive has been revised twice. “Seveso III” is Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

would allow, among others, for the implementation of the tasks mentioned in the Long-term Strategy and addressing the increasing demands for activities.

2. Activities undertaken by the Bureau

34. The Bureau at each of its meetings was informed by the secretariat about the contributions to and planned expenditures from the Convention's trust fund, so as to monitor the financial situation, provide appropriate advice and approve the implementation of certain Assistance Programme activities in line with the agreed terms of reference for the preparation and implementation of projects under the Assistance Programme.

35. In accordance with the sustainable financial mechanism (ECE/CP.TEIA/24, annex I) adopted at the seventh meeting of the Conference of the Parties, the Bureau also requested the secretariat to send out letters in the year between the meetings of Conference of the Parties (i.e., in 2013) requesting financial and in-kind contributions from Parties, as well as to invite Parties to make contributions when sending out invitations (in 2014) to the eighth meeting of the Conference of the Parties. At its meeting in June 2014, the Bureau decided that these letters should be addressed to the ministers of the national competent authorities. In addition, at its meeting in June 2013, the Bureau decided that the contract of the Convention's Associate Expert, provided in-kind by Germany until 31 October 2013, should be extended until 31 October 2015, based on co-funding from Germany and the Convention's trust fund.

36. At its meeting in January 2013, the Bureau discussed how to ensure sufficient funding for the implementation of the 2013–2014 workplan, given the priorities decided upon by the Conference of the Parties. The meeting established a small group on financing comprising the Bureau Chair and other Bureau members to take action to secure financing.

37. The small group on financing held its first meeting on 22 August 2014. The group agreed on actions to actively encourage Parties to provide support at least at a level reflecting their economic strength, in accordance with the sustainable financial mechanism. Furthermore, it discussed possibilities and next steps to encourage an active role of ECE member countries, the European Commission and industry in ensuring additional contributions. The group recognized that, in the framework of the Assistance Programme, support could be provided to countries in Eastern Europe, the Caucasus and Central Asia by using dedicated funds, including those coming from the European Commission, for the implementation of activities under the work programme. Overall, the Group agreed on several actions to build awareness on the need for sustainable financing, in advance of and in the framework of the eighth meeting of the Conference of the Parties.

II. Further activities of the Bureau to implement the workplan for 2013–2014

A. Joint Ad Hoc Expert Group on Water and Industrial Accidents

1. Mandate

38. At its sixth meeting, the Conference of the Parties confirmed its commitment to the work of the Joint Ad Hoc Expert Group on Water and Industrial Accidents (Joint Expert Group) to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Industrial Accidents Convention towards the elaboration of the checklist/methodology for contingency planning for transboundary waterways, which had been identified as a need by both the Industrial Accidents and the Water Conventions. It thus urged all Parties and ECE member countries to support the work

on the elaboration of the checklist/methodology through providing expertise and inputs to it and through the active participation of their experts in Joint Expert Group meetings. The Bureau was entrusted to elect a co-chair from the Industrial Accidents Convention to lead the Joint Expert Group.

39. At its seventh meeting, the Conference of the Parties took note of the progress made by the Joint Expert Group to elaborate the checklist/methodology for contingency planning for transboundary waterways and requested that the current draft be presented to the Bureau and the Working Group on Implementation at their joint meeting in January 2013. In addition, a representative from Germany, who was also a member of the Industrial Accidents Convention Bureau, expressed his readiness to contribute expertise to the Joint Expert Group.

2. Activities undertaken by the Bureau

40. The Bureau monitored the work of the Joint Expert Group on the checklist/methodology and provided strategic advice for its finalization. In January 2013, the Bureau questioned the development of the checklist/methodology — which was drafted as “guidelines and good practices for crisis management on transboundary waters” — both in terms of the form and content, as the original mandate had been for a checklist or methodology for contingency planning. The Bureau recognized that the Organization for Economic Cooperation and Development (OECD) *Guiding Principles for Chemical Accident Prevention, Preparedness and Response*,⁶ and in particular the chapter on emergency preparedness and planning, would have provided a preferable basis for the work; other sources should also have been considered by the Joint Expert Group. The Bureau therefore advised the Group, before meeting again, to invite national focal points and other experts to review the OECD document and to highlight elements relevant to the transboundary water context, specifying any necessary adjustments to the wording. Furthermore, the Bureau urged the Joint Expert Group to undertake a broader consultation of the member States and other stakeholders on the revised checklist/methodology as soon as possible after its next meeting.

41. At the Bureau meeting in June 2013, the secretariat informed the Bureau that it had received several responses to its invitation for comments on the current draft. The Bureau also suggested that the Chair of the Industrial Accidents Convention should initiate a teleconference with the Bureau Chair of the Water Convention and the two Joint Expert Group co-Chairs to discuss the future work of the Group on the checklist/methodology. The teleconference is envisaged to be held in fall 2014.

42. At the Bureau meeting in June 2014, the secretariat informed the Bureau about the funding secured by the Water Convention to hire a consultant to finish the work on the current draft of the checklist/methodology for submission to the meetings of the governing bodies of the Industrial Accidents and Water Conventions.

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

1. Mandate

43. The Conference of the Parties, at its sixth meeting, agreed on three steps to help countries with economies in transition to ratify the Protocol on Civil Liability and

⁶ OECD Environment, Health and Safety Publications, Series on Chemical Accidents (Paris: 2003).

Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (ECE/CP.TEIA/22, para. 65). At its seventh meeting, the Chair of the Conference of the Parties reported on the completion of the first step, which had resulted in a consultant's study on national legislation needed to implement the Protocol, and on progress made in completing the other actions (ECE/CP.TEIA/2012/7). The Conference of the Parties took note of the consultant's study under step 1, and agreed to continue with step 2, subject to the availability of funding. Step 2 entailed carrying out case studies based on realistic potential accidents to understand the implications including the benefits of implementing the Protocol and/or other instruments.

2. Activities undertaken by the Bureau

44. At its joint meeting in January 2013, the Bureau requested the secretariats to the Industrial Accidents and Water Conventions to send a joint message to their national focal points to see if they were interested in being involved in the implementation of case studies under step 2. At its meeting in June 2013, the secretariat informed the Bureau that no expression of interest had been received by national focal points from either Convention and that no funding had been made available for the implementation of step 2. Accordingly, no case studies were implemented in the biennium 2013–2014.

C. United Nations Economic Commission for Europe Industrial Accident Notification System

1. Mandate

45. The Conference of the Parties, at its seventh meeting, decided to maintain the ECE Industrial Accidents Notification System as it stood and to carry out further tests and exercises using the System.

2. Activities undertaken by the Bureau

46. The secretariat reported to the Bureau at its meetings in the biennium on the progress made towards the repair and upgrade of the System, which had not been fully operational at the last Conference of the Parties due to the migration of the ECE homepage in 2011. The System was successfully repaired during 2013 and relaunched in June 2014, which required the re-registration of all Points of Contact. Further tests involving the Points of Contact are planned for the second half of 2014.

D. Working Group on the Development of the Convention

1. Mandate

47. At its seventh meeting, the Conference of the Parties requested the Working Group on Development to draft a revised annex I to Convention to bring it into line with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.4) and to maintain consistency with the corresponding EU legislation (i.e., the Seveso III Directive)⁷ (ECE/CP.TEIA/24, para. 65). It also requested the Working Group to evaluate the possible amendment of the Convention to address a number of other provisions and issues (ibid., para. 66). It was anticipated that the Conference of the Parties would then prioritize issues at its eighth meeting, in autumn 2014, with a view to adopting an amendment at its ninth meeting in autumn 2016.

⁷ See footnote 4.

48. In the light of the above, the Conference of the Parties requested the Bureau to identify a Chair of the Working Group on the Development and to make arrangements for the Working Group's meetings in the biennium. The third and fourth meetings of the Working Group were held in Geneva on 3 and 4 September 2013 and 28 and 29 April 2014, respectively.

49. At its fourth meeting, the Working Group on Development requested the Bureau to prepare, in cooperation with the secretariat, proposals for the prioritization of amendments and guidance by the Conference of the Parties.

2. Activities undertaken by the Bureau

(a) Identification of a Chair of the Working Group on Development

50. At its meeting in January 2013, the Bureau identified Mr. Piacente, member of the Industrial Accidents Convention Bureau, as Chair of the Working Group on Development. He acted as Chair at the third meeting of the Working Group held in September 2013.

51. Following Mr. Piacente's announcement that he would no longer be available to Chair the Working Group, in March 2014 the Bureau identified Mr. Dijkens, Chair of the Conference of the Parties, as the new Chair. Mr. Dijkens chaired the fourth meeting of the Working Group held in April 2014.

(b) Preparation of and follow-up to meetings of the Working Group on Development

52. At its meeting in January 2013, the Bureau decided that two small groups should be established, one on the revised annex I and one on the other possible amendments, to assist the Working Group on Development in preparing its meeting in September 2014. The Bureau requested the secretariat to draft the terms of reference of these two small groups, which started working upon the Bureau's approval of the terms of reference in early 2013.

53. At its meeting in June 2013, the Bureau recognized the importance of the participation of countries from Eastern and South-Eastern Europe, the Caucasus and Central Asia in the meetings of the Working Group on Development. In that connection, the Bureau requested the Chairs of the Working Group and the Bureau to jointly write to the competent authorities and national focal points of the Parties in those subregions, asking them to send representatives to the meetings.

54. At the November 2013 meeting, Mr. Piacente informed the Bureau about the outcome of and the follow-up to the third meeting of the Working Group, as well as the next steps for the upcoming meeting. The Bureau recalled that the Conference of the Parties had requested the Working Group to consider also possible remedies for non-compliance with the reporting requirement of the Convention, and suggested that the issue be put on the agenda of the next meeting of the Working Group. The Bureau also recommended that the secretariat seek the views of the members of the two small groups established regarding the modalities of the discussions at the Working Group.

55. At its meeting in June 2014, the Bureau reviewed a draft decision amending annex I and agreed that it should be forwarded to the eighth meeting of the Conference of the Parties. Furthermore, the Bureau discussed the prioritization of provisions and issues for an amendment of the Convention and guidance by the Conference of the Parties, which it had been requested by the Working Group on Development to prepare in advance of the eighth meeting. In that context, it considered which subsidiary bodies could be charged by the Conference of the Parties to prepare draft guidance for the Conference's review and adoption and the possible time frame. The results of the Bureau's consideration are set out in the document on the proposed prioritization of provisions and issues for an amendment of the Convention and guidance by the Conference of the Parties (ECE/CP.TEIA/2014/9).

(c) *Update of the terms of reference of the Bureau and the Working Groups on Development and Implementation*

56. The Working Group on Development agreed at its fourth meeting, in April 2014, that the terms of reference of the subsidiary bodies might need to be updated through appropriate decisions by the Conference of the Parties. At its joint meeting in November 2013, the Bureau and the Working Group on Implementation had already noticed that their terms of reference, adopted in 2000, were no longer up to date.

57. When considering the prioritization of guidance by the Conference of the Parties at its meeting in June 2014, the Bureau exchanged views on revised terms of reference of the three subsidiary bodies. The Bureau recognized the need to update the terms of reference in order to reflect the current division of responsibilities among the subsidiary bodies, as agreed by the Conference of the Parties and stipulated in the following documents:

- (a) Assistance Programme (ECE/CP.TEIA/2004/2);⁸
- (b) Strategic Approach for the Assistance Programme (ECE/CP.TEIA/2008/5);⁹
- (c) Benchmarks for the implementation of the Convention (ECE/CP.TEIA/2010/6);¹⁰
- (d) Long-term strategy for the Convention (ECE/CP.TEIA/22, annex I);¹¹
- (e) Sustainable financial mechanism (ECE/CP.TEIA/24, annex I);¹²
- (f) Tasks and division of work between the Bureau and the Working Group on Implementation set out in the report of the seventh meeting of the Conference of the Parties (see ECE/CP.TEIA/24);¹³
- (g) Terms of reference for the preparation and implementation of projects under the Assistance Programme.¹⁴

E. Working Group on Implementation

1. Mandate

58. The Conference of the Parties, at its seventh meeting, entrusted the Bureau to identify a tenth member of the Working Group on Implementation and to inform Parties accordingly thereafter.

2. Activities undertaken by the Bureau

59. At its meeting in January 2013, the Bureau identified Mr. T. Valanto (Finland) as the Working Group's tenth member.

⁸ Available from <http://www.unece.org/env/teia/ap/introduction.html>.

⁹ Available from <http://www.unece.org/environmental-policy/treaties/industrial-accidents/areas-of-work/assistance-programme/envteiaapttools.html>.

¹⁰ Ibid.

¹¹ Available from http://www.unece.org/env/teia/cop_c1.html.

¹² Available from <http://www.unece.org/env/teia/cop7.html>.

¹³ Ibid.

¹⁴ Available from <http://www.unece.org/environmental-policy/treaties/industrial-accidents/areas-of-work/assistance-programme/envteiaapttools.html>.

F. Eighth meeting of the Conference of the Parties

60. At its meeting in June 2013, the Bureau discussed the possible dates and venue for the eighth meeting of the Conference of the Parties. Since there had been no proposals from Parties to host the meeting, the Bureau requested the secretariat to provisionally book a room at the Palais des Nations in Geneva while consultations regarding other possible hosts were ongoing. At its meeting in November 2013, the Bureau requested the secretariat to prepare letters inviting Parties to host the eighth meeting of the Conference of the Parties. At the end of January 2014, as no offers had been received, the Bureau agreed that the eighth meeting of the Conference of the Parties would be held from 3 to 5 December 2014 in Geneva.

61. At its meeting in June 2014, the Bureau discussed the expected official documents for consideration by the Conference of the Parties and agreed on their submission to the Conference of the Parties with additional comments, in some cases.

62. At its seventh meeting, the Conference of the Parties requested the Bureau to draw up, with the support of the secretariat, a budget for 2015–2016 for adoption at the eighth meeting. The Bureau, at its June 2014 meeting, agreed with a draft prepared by the secretariat and recommended that it be submitted to the Conference of the Parties upon inclusion of minor additional comments made at the meeting. Following its June meeting, and in the framework of the small group on financing, the Bureau also engaged in activities to secure financial and in-kind resources for the implementation of the workplan for 2015–2016, including the identification of lead countries.

III. Conclusions regarding progress made and remaining challenges

A. Involvement of Parties and other stakeholders

63. In the biennium 2013–2014 the Bureau has focused on the (re)engagement of Parties and stakeholders through an active participation in relevant forums. This participation contributed to an enhanced visibility and awareness of the Convention. The challenge for the biennium 2015–2016 remains to further increase the number of Parties that actively participate in the activities under the Convention.

B. Exchange of information

64. In the biennium 2013–2014, the Bureau supported the exchange of information and the promotion of project results by building on previous activities and bringing them to other regions. The promotion and use of (tailored) good practices has shown to be an effective and (cost-) efficient way to improve the level of implementation of the Convention. Searching for and applying best formats and channels to foster the exchange of experience and good practices resulting either from activities implemented under the Convention or under the framework of other international and national efforts is a continuing challenge also for the next biennium.

C. Assistance Programme

65. The Bureau continued its decade of stewardship of the Convention's Assistance Programme in 2013–2014. Based on the Strategic Approach, the Bureau has supported the

implementation of capacity-building and awareness-raising activities for Parties and non-Parties and the development of new guidance materials for the implementation of the Programme (such as a more user-friendly document on benchmarks for the implementation of the Convention and terms of reference for the preparation and implementation of projects under the Assistance Programme).

66. Commitment from countries and organizations is an important precondition for the success of the Assistance Programme. The Bureau will actively seek opportunities to increase that commitment through awareness-raising activities and the promotion of the use of available instruments. In particular, an active application of the Strategic Approach to further enhance the effectiveness of the Assistance Programme has been recognized as an important challenge for the next biennium.

D. Strategic partnerships

67. In the biennium 2013–2014, the Bureau has maintained and strengthened the cooperation with the identified strategic partners and broadened the cooperation with new partners. Future efforts will be focused on an active exchange of experience and information and on searching for synergies to increase the (cost-) efficiency of actions to protect against industrial accidents in the region and beyond. In that regard, it is also important to further strengthen the cooperation between the five ECE MEAs. The Bureau will continue to play an active role in this process.

E. Financing

68. Sustainable financing is key to ensure a robust and longer-term planning for the implementation of assistance activities. While the financing of the Convention's activities largely depends on the financial and in-kind contributions of Parties, the Bureau gave high priority to the implementation of the financial mechanism, which started in this biennium. However, increased efforts are still needed to ensure a robust and sustainable financing of the Convention's activities. The Bureau will therefore focus on further enhancing the financial and in-kind contributions by Parties to the trust fund (in terms of the total amount contributed as well as the number of Parties providing financial contributions), as well as search for international and/or national programmes that can contribute to the trust fund. A small strategic group on financing was established to facilitate these activities.
