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### **Economic Commission for Europe**

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

##### **Eighth meeting**

Geneva, 3–5 December 2014

Item 5 (a) of the provisional agenda

##### **Implementation of the Convention: activities of the Working Group on Implementation and the seventh report on the Convention's implementation**

### **Complementary information to the seventh report on the implementation of the Convention (ECE/CP.TEIA/2014/4)**

#### **Report by the Working Group on Implementation**

##### *Summary*

At its first meeting, the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents established the Working Group on Implementation to, among other tasks, prepare for each of its meetings a report on the implementation of the Convention on the basis of individual national reports (ECE/CP.TEIA/2, annex III, decision 2000/2 and CP.TEIA/2000/11, para. 4).

The seventh such report was prepared and submitted to the Conference of the Parties for adoption (see ECE/CP.TEIA/2014/4). It contains conclusions and recommendations from the review of the national reports on the implementation of the Convention in the biennium 2012–2013. These conclusions and recommendations were derived from a detailed analysis of the nine different sections of the national implementation reports.

The present document contains this detailed analysis and provides the Conference of the Parties with complementary information when considering the seventh report on the implementation of the Convention for adoption at its eighth meeting.

## **I. Detailed analysis of national implementation reports<sup>1</sup>**

1. To assess the overall implementation of the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) by Parties in the seventh (2012–2013) reporting round, the Working Group on Implementation analysed the national implementation reports submitted by Parties and other States participating in the Assistance Programme according to the reports' nine sections, as presented below.

### **A. Policy for implementation of the Convention (questions 1–2)**

2. During this reporting round, responders were asked to provide updates on their previous answers in 2010–2011, although some countries had not provided responses in the previous round and were therefore required to provide full responses. Some countries that had previously provided detailed responses provided additional, comprehensive information in this round that could be used in some areas to foster good practice. Also, some countries that had not reported in the last reporting round (Georgia, Russian Federation and Ukraine) provided full reports with sufficient information for review in this reporting round.

3. Some Assistance Programme countries, particularly Armenia and Serbia, provided comprehensive and detailed responses. Overall responses from Assistance Programme countries were good, providing information on legislation and guidance and identifying issues and shortcomings regarding the implementation of the Convention. However, some countries provided long lists of legislation without making clear how these were relevant to the implementation of the Convention or how they were implemented.

4. Member States of the European Union (EU) mainly referred to the legislation and processes in place to implement the Seveso II Directive with little explicit reference to the Convention. The reports of some EU member States would benefit from more clarity in the specific aspects that link to the Convention rather than making overarching references to the wider Seveso Directives. The reports of some EU member States would also benefit from more clarity as to how hazardous activities with transboundary effects are identified and what, if any, challenges this poses. Several countries aiming for membership in or closer ties with the EU have indicated in this round that they are adapting to EU legislation such as Seveso III and the Classification, Labelling and Packaging Regulation. This is considered a positive development.

5. Many reporting countries indicated that a competent authority for the Convention has been designated, usually the ministry of environment, although only a few countries provided a list of relevant departments, and without explicitly indicating how the responsibilities are assigned. Most countries appear to have more than one competent authority, reflecting the division of responsibilities between the governmental departments at both the national and the local levels as well as between environmental and emergency authorities. Some countries mentioned that the nature of their local government structure and/or the different competent authorities made coordination difficult.

6. Many countries reported that they had established formal agreements and special procedures for cooperation (e.g., Croatia, Hungary, Switzerland and United Kingdom). Others noted that cooperation with neighbouring countries had taken place previously, but

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<sup>1</sup> The reporting format and guidelines for the seventh round on the implementation of the Convention (as well as for previous rounds) are available under the rubric "Reports on the Implementation of the Convention" under the following website: <http://www.unece.org/env/teia/wgimplementation.html>.

it was not clear from the reports whether this was still ongoing. Some countries indicated difficulties in international coordination for a variety of reasons, including language difficulties or lack of cooperation or diplomatic relations at a wider level. Many countries mentioned that there is room for further improvement in this area.

7. Some countries that did not identify hazardous activities with potential transboundary effects on their territory were reported by other countries as having such activities (e.g., Ukraine did not acknowledge that it had any such activities, but was cited by others, including Poland and Slovakia, as having them). Combined with a lack of clarity in other areas, this could raise questions about the effectiveness of any system to identify and notify of hazardous activities.

8. Most countries indicate that they are satisfied with their legislative base and administrative systems, even if they give indications of weaknesses or potential for improvement. Areas for improvement in many countries appear to relate particularly to enforcement and putting legislative requirements into practice. The reports from some countries would benefit from a clearer description of the relationship between legislation and processes for implementation.

9. Many countries (e.g., Lithuania, Serbia and United Kingdom) have issued further guidance documents for topics including land-use planning, risk assessment modelling and the preparation of safety reports. This is considered as a positive development of which other Parties to the Convention should take note.

10. Many countries stated, as in the previous round, that clear indicators of effectiveness were difficult to pinpoint, but highlighted the low number of accidents in their territories as demonstrating the satisfactory nature of policies and procedures. Two countries (Romania and Russian Federation) pointed towards levels of compliance with legislation and the general safety culture as indicators of successful implementation of policies. Some countries, particularly those at earlier stages of implementation, could benefit from considering factors other than accident rates when assessing the effectiveness of their policies.

11. The United Nations Economic Commission for Europe (ECE) countries identified the following specific weaknesses or areas for potential improvement:

- (a) Imperfect legislative base (Armenia, Georgia and Serbia);
- (b) Lack of willingness or ability to cooperate with neighbouring countries (Armenia and Romania);
- (c) Insufficient institutional capacity and/or lack of experts and qualified personnel, including appropriate education (Romania and the former Yugoslav Republic of Macedonia);
- (d) Insufficient safety culture within industry (Romania and Serbia);
- (e) Lack of software for risk assessment (Lithuania);
- (f) Lack of financial and other resources (Armenia, Russian Federation and the former Yugoslav Republic of Macedonia);
- (g) Unclear division of responsibilities between public authorities at all levels and/or complicated governmental systems that make cooperation challenging (Georgia and Lithuania).

**B. Identification and notification of hazardous activities with the potential to cause transboundary effects (questions 3–7)**

12. In the reporting format, countries were asked to describe the mechanism used for identification of hazardous activities as well as for notification of and consultation with neighbouring countries. They were to indicate the number of hazardous activities, taking into account only those hazardous activities identified as falling under the Convention. Countries were also requested to indicate whether the number of hazardous activities had changed compared with the previous reporting round, and to provide a table containing information on the notification due to neighbouring countries.

13. In the sixth report on implementation (2010–2011 reporting round), the Working Group had expressed its satisfaction with the information that the Parties had provided on their procedures to identify hazardous activities capable of causing transboundary effects. It had encouraged Parties and committed countries to continue implementing effective systems for the identification of hazardous activities and had called for Parties and committed countries not having totally implemented such systems yet to continue their efforts in that direction.

14. Also in the sixth report, the Working Group had observed that, as far as notification of hazardous activities to neighbouring countries was concerned, there was still a substantial number of Parties not completely implementing that requirement of the Convention. At that point, some countries were still confusing the notification of hazardous activities to neighbouring countries with the notification of industrial accidents, when they occurred. To clarify the meaning of this requirement of the Convention, the Working Group adapted the reporting format for the seventh reporting round and provided more explanations in the guidelines.

15. In the seventh report on implementation, the Working Group remains satisfied with the information that the Parties provided on their procedures to identify hazardous activities capable of causing transboundary effects. It encourages Parties and committed countries to continue implementing an effective system for the identification of hazardous activities and calls for Parties and committed countries not having totally implemented such a system yet to continue their efforts in this direction.

16. Due to the clarification of the reporting format that notification in questions 3 to 7 is not related to the event of an industrial accident, several countries that had misunderstood these questions in the previous reporting round now answered them correctly; only a couple of countries still misunderstood this point (Belarus and Lithuania).

17. Some countries reported the total number of hazardous activities in the country and not only those identified as falling under the Convention (Azerbaijan, the former Yugoslav Republic of Macedonia and Ukraine). On the other hand, some countries did not report the existence of hazardous activities at all. Some countries (Austria, France and Hungary) listed in their replies to question 4 the names and the addresses of the installations with hazardous activities. The Working Group notes that this information is relevant for the notification of neighbouring countries, but in the implementation report simply citing the number of hazardous activities, per the guidelines and the reporting format, is sufficient.

18. The Working Group notes that most countries apply the location criteria in the Convention to identify the hazardous activities that may cause transboundary effects in the case of an accident. Several countries, furthermore, evaluate the potential for transboundary effects by using estimates of possible damages from such effects, as well as risk assessments (Belgium, Bulgaria, Estonia, Croatia, Estonia, Germany, Latvia, Lithuania, Serbia and Switzerland).

19. Among the 25 countries having identified hazardous activities falling under the Convention, 12 have notified them, 2 have notified them partially and 6 countries stated that, for different reasons, they had not yet notified other countries. Five countries provided no clear answer.

20. The Working Group is of the opinion that the processes and arrangements for notification could still be improved. Several countries did not notify neighbouring countries, or else provided only superficial descriptions of the notification process or none at all, as compared with the detailed descriptions of the identification of hazardous installations. A few countries described the process in a more detailed way (Austria, Germany, Poland, Slovakia, Romania and United Kingdom).

21. Slovenia, for example, stated that informal bilateral meetings with neighbouring countries had taken place, but that no formal consultation procedure had been carried out. Therefore Slovenia indicated that no consultations with neighbouring countries had been held.

22. An overview of the number of hazardous activities with the potential to cause transboundary effects in this and the previous reporting rounds as well as country specific remarks are provided in the seventh report on the implementation of the Convention (see table on page 9).

### C. Prevention of industrial accidents (questions 8–9)

23. Some countries improved their reporting since the previous round, providing a better description of their prevention policies and/or a better quality of report (Azerbaijan, Belarus and Belgium), whereas other countries (Armenia, Azerbaijan and Montenegro) still needed to include more descriptive elements in their replies. Only a few countries (Croatia, Serbia and the former Yugoslav Republic of Macedonia) made specific reference to the Benchmarks document containing the indicators and criteria (ECE/CP.TEIA/2010/6). Croatia, for example, mentioned having used knowledge and experience from the application of the indicators and criteria, which resulted in the development of national guidelines for stakeholders in the country to allow for a better implementation of the Convention. The Working Group encourages all Parties and committed ECE countries to make use of the indicators and criteria for providing more descriptive elements in their replies.

24. Almost all EU member States reported that the Industrial Accidents Convention is implemented through and in accordance with the Seveso II Directive. A few EU member States (e.g., Sweden) referred to Question 1,<sup>2</sup> where it set out the correlation between the provisions according to the Seveso II Directive and the corresponding articles of the Convention. Some countries (Norway, Russian Federation and Switzerland) described their legislation and the provisions and measures based on their legislation that were more or less similar to the Seveso II Directive.

25. In some cases the same or very similar answers were given to the questions in the section on prevention as were given to those in the section on policy for the implementation of the Convention (questions 1 and 2). It should perhaps be considered in the next reporting

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<sup>2</sup> Question 1 asks countries to provide a general description of their policy for prevention of, preparedness for and response to industrial accidents, especially relating to the implementation of the Convention and to explain how this policy is reflected in the national legislation and followed up by authorities.

round how to introduce greater clarity regarding the information to be provided in this section.

26. Countries were requested during this reporting round to highlight in their national implementation reports good practices and guidelines on relevant areas of the Convention prepared for national use, so that they could be shared with other ECE countries (e.g., electronically). Two Parties (Germany and Switzerland) provided links to the Internet where guidelines, handbooks, reports and studies published by authorities or other official bodies related to prevention policy and measures or the use of specific chemicals could be found.

27. In terms of the effectiveness of the preventive measures adopted, many countries judged that the intended results had been delivered “considerably”, to a “very high” degree or “fully”, but without an explanation of how that rating was obtained. Some Parties argued that the extent of the success of preventive measures could not be very hard to determine (Czech Republic, Slovenia and Switzerland), while others made quantitative statements related to small or decreasing numbers of major accidents at hazardous installations (Estonia, Germany, Luxembourg, Russian Federation, Sweden and Ukraine) or the absence of fatalities as a result of hazardous activities (Germany) or of accidents with transboundary effects (Lithuania and Sweden).

28. A number of weaknesses were identified by 10 countries, such as a lack of:

- (a) Human resources (Georgia, Russian Federation, Serbia, Slovenia and the former Yugoslav Republic of Macedonia);
- (b) Training of staff of authorities and/or operators (Azerbaijan, Georgia, Republic of Moldova and Romania);
- (c) Risk identification and assessment (Estonia, Georgia and Lithuania);
- (d) Sufficient quality of safety reports (Serbia);
- (e) Coordination between authorities and between authorities and operators (Republic of Moldova).

29. The Working Group appreciates the openness of these countries and highlights the need for countries to disclose weaknesses in order to receive assistance that could improve the situation.

30. Most countries (19) stated they had no or at least no serious weaknesses. The rest did not answer the question (Belgium, Montenegro and Ukraine) or gave unclear responses.

31. With respect to improvements achieved in the reporting period or planned in the near future, some countries reported on a permanent review process or announced measures but without indicating specific details, while others stated that they had not taken or planned further actions and a few countries did not answer the question. On the other hand, many interesting measures were mentioned, including:

- (a) Development and/or improvement of prevention measures and inspection systems (Estonia, Georgia, Latvia, Lithuania, Netherlands, Poland and United Kingdom);
- (b) Different measures and actions on land-use planning (Estonia, Norway and Sweden);
- (c) Issuing or updating of guidelines on emergency plans, safety reports and safety management systems or special establishments (Lithuania, Portugal and Romania);
- (d) Participation in regional projects, workshops and training sessions (Serbia and the former Yugoslav Republic of Macedonia);

- (e) Implementation of results from the lessons learned process (Czech Republic).

#### **D. Emergency preparedness and response (questions 10–19)**

32. In the seventh reporting round the majority of the countries stated, as in the previous round, that on-site and off-site emergency plans are available. Among the Assistance Programme countries reporting, five indicated that they had no on-site and off-site emergency plans or that this requirement is only partially met.

33. The majority of countries use risk-assessment and accident scenarios, which are often based on the safety report, to produce on-site and off-site emergency plans. The plans are in most countries created in cooperation between the competent authorities and the operators.

34. With regard to testing, updating and reviewing of the on-site and off-site emergency plans, the situation is almost the same as in the previous reporting round. In most countries, an update is required every three years and the period between tests at the national level varies from one to three years. One country (Georgia) has no established control mechanism in place for testing, updating and reviewing of the on-site emergency plans.

35. Some countries answered that there are some activities with neighbouring countries related to the testing of plans or the organization of exercises. The answers indicate, however, that it is more common to have exercises with neighbouring countries on other issues than accidents involving hazardous substances or that this is only a part of a larger exercise (e.g., in Finland, Lithuania and Poland). In some countries testing of plans or joint exercises with neighbouring countries is done within special projects but not on a regular basis. Germany conducted a full-scale response exercise with Austria in 2013 in which two off-site emergency plans were tested.

36. The replies do not include any detailed information about the cooperation between neighbouring countries related to the update and review of on-site and off-site emergency plans. Some countries (e.g., France and Hungary) mentioned that there is an exchange of information or a possibility to access information from a neighbouring country due to the existence of emergency plans. Two countries answered that there is no cooperation on this issue with neighbouring countries owing to different reasons.

37. It seems that testing, updating and reviewing of plans in cooperation with neighbouring countries is still a challenge, and there is more work to be done by all Parties in this area.

38. Nevertheless, the majority of the countries stated that the system for testing, updating and reviewing of the on-site and off-site emergency plans at the local/regional level is effective. Three countries from the Assistance Programme (Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia) reported that the system is not at a satisfactory level, with two of them also referring to the indicators and criteria to reach this conclusion. Another four countries from the Assistance Programme (Armenia, Azerbaijan, Belarus and Georgia) mentioned or identified areas for improvement.

39. Many of those countries that reported that their system is successful also mentioned examples of improvements that are to be made.

40. Examples of improvements to be made and steps to be taken are the following:

(a) Cooperation with neighbouring countries (Azerbaijan, Georgia, Republic of Moldova, Serbia);

(b) Provision of more individual protection equipment and specialized emergency response equipment (Armenia);

- (c) Establishing a crisis communication system (Netherlands);
  - (d) Sharing of capabilities in response to emergencies (United Kingdom).
41. Examples of steps taken or planned are:
- (a) Intensification of the supervision in this area (Finland);
  - (b) Putting in place systems for better cooperation between rescue units and competent authorities (Netherlands);
  - (c) Reviewing of regulations (Belarus, Georgia and Republic of Moldova);
  - (d) Developing guidelines (Serbia and the former Yugoslav Republic of Macedonia);
  - (e) Raising the level of expertise among emergency responders through training (Estonia);
  - (f) Providing better equipment to the rescue units (Slovenia);
  - (g) Implementing a project to improve the timely notification of major accidents and the flow of relevant information between national authorities and the local scene (Switzerland);
  - (h) Activities to ensure better cooperation between different stakeholders (Croatia).
42. The Working Group encourages countries to continuing working on areas identified for improvement and welcomes the ongoing work, especially in countries with an advanced level of implementation of the Convention.
43. The presence of guidance documents in this area varies considerably, with some countries having guidance documents for more than one level and others that have no guidance documents at all. Only Germany provided Internet links to guidelines.<sup>3</sup> It might be worth studying whether there is a need to produce a common emergency plan guideline to improve cooperation between neighbouring countries.
44. The majority of those reporting mentioned that the ECE Industrial Accident Notification (IAN) system was in place in their country. For six countries the replies to the questions on both the notification system and the points of contact were either unclear or there was no reply to one or both of the questions. Two of the countries that do not have the IAN system in place also answered that they have no other accident notification system. Other accident notification systems commonly mentioned were the EU Common Emergency Communication and Information System (CECIS), the Global Disaster Alert and Coordination System (GDACS), the Alarm Model for the River Elbe (ALAMO) and the Accident Emergency Warning System for the Danube River (AEWS).

## **E. Mutual assistance (questions 20–21)**

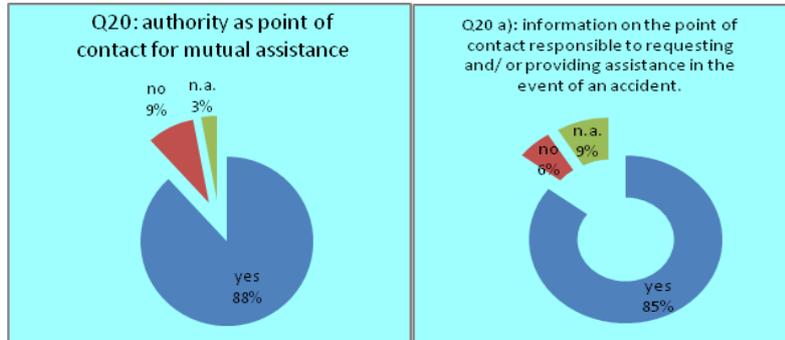
45. Regarding details about the authority that acts as a point of contact for mutual assistance, there are four countries that did not identify an authority to act as a point of

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<sup>3</sup> Germany provided Internet links to an implementation guideline on the Hazardous Incident Ordinance ([www.bmub.bund.de/fileadmin/bmu-import/files/pdfs/allgemein/application/pdf/vollzugshilfe\\_stoerfall\\_vo.pdf](http://www.bmub.bund.de/fileadmin/bmu-import/files/pdfs/allgemein/application/pdf/vollzugshilfe_stoerfall_vo.pdf)) and to various guidelines for authorities for the implementation of obligations under the EU Seveso II Directive ([www.kas-bmu.de/](http://www.kas-bmu.de/)).

contact for mutual assistance (Cyprus, Estonia, Monaco and Montenegro). One country (Cyprus) answered that it was not applicable and another one (Estonia) did not identify a technical authority but a ministry (the Ministry of Interior). One country (Finland) reported that there is an authority that acts as a point of contact; however, it did not specify which one it is. A visual depiction of this situation is shown below in figure 1.

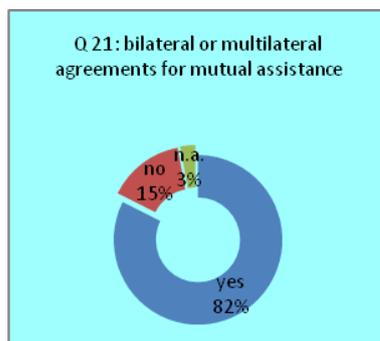
Figure 1  
**Point of contact for mutual assistance**



46. Concerning general information on the procedures followed for requesting and/or providing assistance, seven countries have advanced mechanisms for requesting and/or providing assistance (Belarus, Hungary, Lithuania, Romania, Serbia, Slovenia and Switzerland). Six countries did not provide information on this question (Finland, France, Latvia, Moldova, Monaco and Montenegro). A number of countries provided limited information, such as the name of the point of contact (Armenia, Austria, Azerbaijan, Croatia, Czech Republic, Netherlands and Russian Federation), or they made references to CECIS, the Civil Protection Mechanism or the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) systems (Estonia, Luxembourg, Portugal and Sweden). One country reported “not applicable” (Cyprus).

47. Regarding question 21 on the establishment of bilateral or multilateral agreements for mutual assistance, a number of countries do not have such agreements or did not reply to the question (e.g., Cyprus, France, Italy, Serbia and United Kingdom) or stated that there were no signed agreements (e.g., France, Italy, Serbia and United Kingdom). Some countries marked “Yes” but did not give any details (Belgium, Czech Republic, Finland, Hungary, Russian Federation and Slovakia). Some countries made reference to the Civil Protection Mechanism, the Organization for the Prohibition of Chemical Weapons or EADRCC (Latvia and Sweden). Montenegro has agreements on emergency situations, but not specifically for the Industrial Accidents Convention. An overview of the situation is shown in figure 2 below.

Figure 2  
**Establishment of bilateral or multilateral agreements for mutual assistance**



48. On the other hand, Germany provided a detailed list of bilateral agreements with all of its nine neighbouring countries and some other countries, as well as some multilateral agreements.

**F. Scientific and technological cooperation and exchange of information (question 22)**

49. In the reporting format, countries were asked to describe any bilateral or multilateral activities/programmes which they had set up to exchange information, experiences or technology with the aim of strengthening the fulfilment of the Convention’s requirements. Countries were asked to include information on those with whom they cooperated, which subjects/activities they cooperated on and to list the possible results. These questions relate to articles 14 (Research and Development), 15 (Exchange of Information) and 16 (Exchange of Technology) of the Convention.

50. In the sixth report, the Working Group had noted that cooperation between countries was increasing and that countries participating in the Assistance Programme showed more awareness of the importance of cooperation. The Working Group had encouraged countries to continue to develop mechanisms and carry out projects for scientific and technical cooperation and to report in the future on relevant cooperation and exchange of information, even if such activities were not particularly directed at the implementation of the Convention, as that would help to create and disseminate examples of good practices.

51. In accordance with a decision by the Conference of the Parties at its seventh meeting, in the seventh reporting round countries were asked to indicate and highlight good practices or guidelines on the different areas of the Convention prepared for national use. This information was then to be made available electronically to different stakeholders through the Convention’s website.

52. The majority of reporting Parties reported in the seventh reporting round that they were involved in bilateral or multilateral projects, programmes and exchange of information. Several countries (Bulgaria, Croatia, Cyprus, Estonia, Finland, Italy, Netherlands, Portugal, Slovakia and Sweden) indicated that they had not set up any bilateral/multilateral activities/programmes to exchange information, experiences or technology with the aim of strengthening the fulfilment of the Convention’s requirements. The Working Group had the impression that some countries that had not identified any hazardous activities capable of having transboundary effects in the case of an accident had responded “no” to this question because they thought that it only related to transboundary

effects. Sweden, for example, replied that it had partnerships with its Nordic neighbours but that these projects would not be specifically under the umbrella of the Convention even though the projects themselves might have an impact on the implementation of the Convention. The Netherlands replied that special programmes to exchange information were not considered necessary because a lot of information was publicly available or available on request. It seems that the question was misunderstood, as the Netherlands are very active with contributions under the umbrella of the Convention and in the Benelux Working Group.

53. Several countries replied to the question with the same answer as in the previous period. Ukraine did not answer the question at all. Some good examples of new projects or programmes in the 2012–2013 reporting round are mentioned below:

(a) In 2013 a Memorandum of Understanding between Belgium, the Netherlands and Luxembourg on cooperation on crisis management in the event of possible transboundary consequences entered into force. The Memorandum stresses the need to coordinate national policies in planning and implementing relevant measures. This cooperation will in particular concern identification of possible risks and the elaboration of a transboundary risk map. A new plan of action for 2013–2016 has been signed;

(b) Parts of a German Advisory Assistance Programme are specifically dedicated to supporting the implementation of the ECE Water and Industrial Accidents Conventions in countries of Eastern and South-Eastern Europe, the Caucasus and Central Asia;<sup>4</sup>

(c) In 2012–2013 Germany conducted assistance activities for the countries of the Danube Delta, Armenia and Ukraine as well as the activities specified below:

(i) Hazard and crisis management in the region of the Danube Delta;<sup>5</sup>

(ii) Assistance in raising knowledge on industrial safety at universities in Armenia;<sup>6</sup>

(iii) Improving the safety of tailings management facilities based on the example of Ukrainian facilities;<sup>7</sup>

(iv) The establishment of special bilateral working groups between Germany and Poland and Germany and the Czech Republic on the implementation of the Convention;

(v) The establishment of bilateral border water commissions with Austria, the Czech Republic, the Netherlands and Poland to deal with transboundary aspects of water protection. Multilateral cooperation takes place within the International Commissions for the Protection of the Rhine, Elbe, Odra, Danube and Maas as well as within the International Commission against water pollution for Lake Constance;

(d) Latvia is implementing a Cross Border Cooperation Programme project, “Eradication of ecological catastrophes and pollution in the territory of the Lielupe river basin”. The project partners have decided to create a joint rescue team that will have modern equipment for the prevention and elimination of environmental pollution so that they can quickly respond to ecological catastrophes;

<sup>4</sup> See [www.umweltbundesamt.de/en/topics/sustainability-strategies-international/cooperation-ecca-centraleastern-european-states/federal-environment-ministrys-advisory-assistance](http://www.umweltbundesamt.de/en/topics/sustainability-strategies-international/cooperation-ecca-centraleastern-european-states/federal-environment-ministrys-advisory-assistance).

<sup>5</sup> See [www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/51-48-EN.pdf](http://www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/51-48-EN.pdf).

<sup>6</sup> See [www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/58-5-EN.pdf](http://www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/58-5-EN.pdf).

<sup>7</sup> See [www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/51-59-EN.pdf](http://www.umweltbundesamt.de/sites/default/files/medien/beratungshilfe/51-59-EN.pdf).

(e) Lithuania developed a draft agreement with the Russian Federation on cooperation and mutual assistance in emergency prevention and response coordination;

(f) Norway undertook cooperative activities regarding Barents Sea rescue operations. For many years there has been cooperation and exchange of information between authorities in the Nordic countries on this topic, as well as with Russian response organizations;

(g) The Republic of Moldova participated in ongoing activities as part of the Danube Delta Project under the Assistance Programme for multilateral activities on hazard and crisis management of the Danube Delta region;

(h) The Russian Federation exchanged information with crisis management bodies among the Council on Industrial Safety countries;

(i) In 2013 Slovenia signed a Memorandum of Understanding on cooperation with Italy in the field of disaster management.

54. The Working Group tried to find some examples of particularly good practices or national guidelines on the Convention's provisions prepared for national use, as required from the countries in the implementation reports, to disseminate them through the Convention's website. Unfortunately, very few countries provided such information (Germany and Switzerland).

## **G. Participation of the public (questions 23–28)**

55. In the reporting format, countries were asked to describe the opportunities for participation given to the public relating to preventive and emergency preparedness measures, how these were elaborated in national legislation and how the opportunities for participation were communicated to the public. Furthermore, countries were asked to describe the opportunities for the public in neighbouring countries to participate and to access the relevant administrative and judicial procedures. These questions relate to article 9 of the Convention.

56. In its sixth report on implementation, the Working Group had noted a general improvement in the involvement of the public in the various steps linked to the safety of industrial installations (including prevention and preparedness). Countries participating in the Assistance Programme had also shown more awareness than in the previous reports concerning their level of implementation and of the difficulties faced. Despite those improvements, the Working Group had seen that there was still a need to exchange good practices in order to attain a higher degree of public participation in the processes of establishing and implementing preventive and preparedness measures, and it had called on Parties to organize seminars, workshops or other relevant activities in this area. It had further noted that the adoption of the Seveso III Directive might be an opportunity for cooperation between the EU and ECE with regard to increasing participation of the public.

57. Several countries replied to the questions in the seventh reporting round with the same answers as in the previous period. The degree of participation of the public in establishing or implementing preventive and preparedness measures as well as in land-use planning varied widely in the reports. Some countries returned negative replies to questions 23<sup>8</sup> or 24<sup>9</sup> (Cyprus, Monaco and Slovakia). Some countries, even though they have ratified

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<sup>8</sup> What opportunities does the public in your country have to participate in establishing or implementing preventive and preparedness measures?

<sup>9</sup> How do you inform the public of these opportunities?

the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) replied “no” to question 26<sup>10</sup> (Belarus, Croatia, Cyprus, Estonia, Monaco, Republic of Moldova and Serbia). The Russian Federation noted that no information related to this question was available. A few countries, for example Croatia and the Republic of Moldova, mentioned that they would improve their system to strengthen participation with neighbouring countries. Others without hazardous activities for the moment, e.g., Estonia, wrote that this question was theoretical due to the fact that they do not have hazardous activities with transboundary effects. However, even though they do not have hazardous activities capable of causing transboundary effects, Norway and Italy, for example, answered the question positively.

58. The Working Group identified the following areas in which the public is authorized to participate or to have access to information:

- (a) Land-use planning processes;
- (b) Development of safety permit procedures;
- (c) Safety reports and preventive measures for hazardous installations (access);
- (d) Planning and updating of external emergency plans;
- (e) Environmental impact assessment procedures.

59. The level of availability of the procedures listed above varies among countries. For instance, the safety reports are fully available in some countries, whereas in others the public needs to file a request in order to access them; and in some countries participation is possible only during approval processes, while in others it is also possible for existing installations.

60. In several countries, the public is reached through the local media, newspapers, leaflets, brochures, the Internet, open days or the dissemination of risk maps, as for example in the Netherlands. In other countries, the public must be consulted by the authorities on external emergency plans when they are established and updated. The Working Group welcomes these consultations as a measure of prevention in the case of an accident.

61. Several EU countries noted that the implementation of the Seveso III Directive would strengthen and emphasize rights and duties with respect to public information.

62. One of the few countries not yet having ratified the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), Switzerland, noted that it would ratify that Convention soon. Switzerland further reported that its major accident ordinance is currently being amended to include more detailed rules concerning the provision of information to the public, to bring it as much as possible in line with the Seveso III Directive.

63. Several countries replied that the public participates very seldom in these areas and not on a satisfactory level. An explanation for that could be insufficient awareness about the public’s opportunities to participate or the fact that the issues are quite complex and difficult to understand. One country (Slovenia) reports on the other hand that experience from their competent authorities shows that there is substantial interest from the public in participating and that even an increase of interest has been observed.

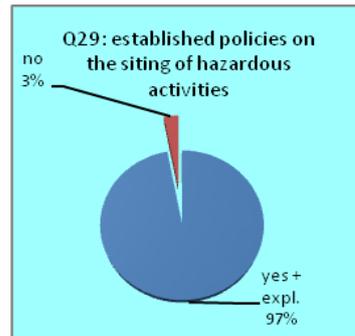
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<sup>10</sup> Are the public in neighbouring countries/Parties (who may be affected by hazardous activities) able to participate in the same way as people in your own country?

## H. Decision-making on siting (questions 29–31)

64. The majority of the reporting countries have basic regulations and policies for land-use planning in place (see figure 3 below). Most countries referred to laws on land-use and spatial planning, licensing or permit procedures and environmental impact assessment procedures.

Figure 3  
**Establishment of policies on the siting of hazardous activities**

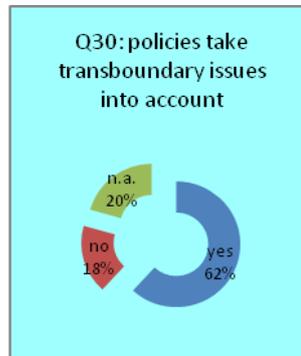


65. Two countries (Georgia and Montenegro) stated that they do not have any policies on the siting of hazardous activities in place. For the majority of the countries, decision-making on siting seems to be an issue for regional or local authorities, given that numerous site-specific issues have to be taken into account.

66. Regarding the consideration of transboundary aspects for land-use planning policies, eight countries clearly stated that their regulations take transboundary issues into account (Belgium, Czech Republic, Estonia, France, Germany, Hungary, Serbia and Switzerland). France noted that the impact on neighbouring countries is examined in the same way as the impact on the French population. Germany reported that transboundary participation is also provided in some cases in drawing up land-use plans.

67. In addition, five countries (Azerbaijan, Poland, Romania, Slovakia and Sweden) mentioned that there are mechanisms, such as under the Espoo and Aarhus Conventions or bilateral agreements, which cover transboundary aspects of land-use planning and siting. However, five other countries reported that their legislation does not cover transboundary effects, of which three (Armenia, Republic of Moldova and Georgia) are beneficiary countries of the Assistance Programme. Six countries answered that their legislation has not been applied because no new sites have been chosen close to neighbouring countries or there are no activities that can have transboundary effects. Another three countries stated that contacts with neighbouring countries are established when necessary. Two countries did not answer the question regarding how their policies take transboundary issues into account. A statistical representation of the replies is shown in figure 4 below.

Figure 4  
**Integration of transboundary issues in national policies on land-use planning and siting**



68. Most countries find their policies in this area to be adequate and to achieve the intended results, but no country mentioned any effectiveness indicators. Austria reported that they had stopped new settlements of housing near hazardous installations. One country (Republic of Moldova) expressed a need to develop indicators and criteria in this area. Even where their systems meet the aim of the Convention, some countries nevertheless mentioned there were areas that could be improved.

69. The following challenges in the area of decision-making on siting were mentioned in the national implementation reports received:

- (a) Regulating the settlement of new housing near old hazardous installations (Norway, Sweden and Czech Republic);
- (b) Coordination between different authorities (Austria, Switzerland and the former Yugoslav Republic of Macedonia);
- (c) Problems with the implementation of land-use planning policies due to the existence of housing areas close to hazardous facilities (Austria);
- (d) Knowledge about major accident hazard assessment needs to be improved among local municipalities, or there is a lack of experience in this area among the local authorities (Estonia, Finland, Norway and Switzerland);
- (e) No specific rules or zones for different kinds of chemicals (Estonia).

70. With regard to the above-mentioned challenges, countries reported the following steps had been taken or are planned to address the issues:

- (a) Updating of regulation or guidelines for land-use planning (Austria, Georgia, Portugal, Serbia and Switzerland);
- (b) Development of methodology for land-use planning decision-making (criteria for danger area and planned objects);
- (c) Establishment of standard zones for siting (Estonia and Sweden);
- (d) Increasing cooperation between authorities (Finland, Republic of Moldova and Poland);
- (e) Development of a system to determine the social risk in the assessment of risk for land-use planning policies (United Kingdom).

71. Twelve countries stated that there are no plans for improvements in this area.

**I. Reporting on past industrial accidents (question 32)**

72. There were no accidents with transboundary effects reported for the period 2012–2013.

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