



# Economic and Social Council

Distr.: General  
18 September 2014

Original: English

## Economic Commission for Europe

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

#### Working Group on the Development of the Convention

##### Fourth meeting

Geneva, 28 and 29 April 2014

## Report of the fourth meeting

### Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–3	3
I. Opening of the meeting and adoption of the agenda .....	4–5	3
II. Amendment of annex I to the Convention .....	6–11	3
III. Other amendments to the Convention .....	12–57	4
A. Revised and additional definitions (art. 1) .....	16–18	5
B. Revised scope (art. 2) .....	19–23	5
C. Strengthened public participation (art. 9) .....	24–27	6
D. Revised scope of mutual assistance (art. 12) .....	28–29	6
E. Clarified frequency of meetings (art. 18, para. 1) .....	30	7
F. Clarified or strengthened reporting obligations (art. 23) .....	31–35	7
G. Accession by other Member States of the United Nations (art. 29) .....	36–42	7
H. Application of amendments to new Parties (art. 29) .....	43–44	9
I. Provisions on land-use planning .....	45–47	9
J. Provisions on the review of compliance .....	48–52	9
K. Governance structures under the Convention .....	53–55	10
L. Derogation .....	56–57	10

GE.14-16514 (E)



\* 1 4 1 6 5 1 4 \*

Please recycle 



IV.	Guidance by the Conference of the Parties .....	58–65	11
A.	Scope of mutual assistance .....	60	11
B.	Reporting obligations.....	61	11
C.	Land-use planning .....	62	11
D.	Compliance .....	63–64	12
E.	Terms of reference of subsidiary bodies .....	65	12
V.	Possible remedies for non-compliance with the reporting requirements of the Convention .....	66–70	12
VI.	Next steps and closure of the meeting .....	71–74	13
Annexes			
I.	Proposed revisions to annex I to the Convention for adoption at the eighth meeting of the Conference of the Parties .....		14
II.	Proposed amendments to the Convention for prioritization at the eighth meeting of the Conference of the Parties .....		21

## Introduction

1. The fourth meeting of the Working Group on the Development of the Convention (Working Group) under the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) was held on 28 and 29 April 2014 in Geneva, Switzerland. Mr. Chris Dijkens (the Netherlands) chaired the meeting. Mr. Dijkens had been designated by the Bureau as Chair of the Working Group, in line with the request of the Conference of the Parties to the Convention, following the announcement by the previous Chair, Mr. Piacente (Italy) that he would be unable to act as Chair. The Working Group expressed no objections regarding the designation of the new Chair.

2. The meeting was attended by representatives from the following United Nations Economic Commission for Europe (ECE) member States: Albania, Armenia, Austria, Belarus, France, Georgia, Germany, Italy, Kyrgyzstan, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Slovenia, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland. Representatives of the European Union (EU), as a regional economic integration organization Party to the Convention, also attended the meeting.

3. A representative of the secretariat to the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and a consultant engaged by the Industrial Accidents Convention secretariat to provide legal expertise also attended the meeting.

## I. Opening of the meeting and adoption of the agenda

4. The Chair opened the fourth meeting of the Working Group.

5. The agenda for the meeting (ECE/CP.TEIA/WG.1/2014/1) was adopted without modifications. The secretariat indicated that all presentations delivered during the meeting would be posted on the Convention's website.<sup>1</sup>

## II. Amendment of annex I to the Convention

6. The Chair recalled the decision of the Conference of the Parties at its seventh meeting (Stockholm, 14–16 November 2012) (ECE/CP.TEIA/24, para. 65), requesting the Working Group to draft a revised annex I to the Convention, to bring it into line with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and to maintain consistency with the corresponding EU legislation, namely 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 (Seveso III Directive). The Chair further recalled that, at its third meeting (Geneva, 3–4 September 2013), the Working Group had come close to a final agreement on the revised version of annex I and discussions on other possible amendments to the Convention had been started.

7. The secretariat presented the latest version of annex I, revised to reflect all the proposed changes to Parts 1 and 2, and including additional changes received from the EU, which had been circulated in advance of the meeting.

---

<sup>1</sup> Available from <http://www.unece.org/index.php?id=34110>.

8. The Working Group considered the proposed amendments to annex I, reviewed the annex and agreed on further changes to items 11 and 21 of Part I.

9. Following its review, the Working Group unanimously agreed on a revised annex I (see annex I of this report).

10. The Chair informed the Working Group that he had requested the secretariat to prepare a draft decision for the Conference of the Parties on adopting the revised annex I, for consideration by the Bureau. The Chair would then write to the ECE Executive Secretary requesting him to circulate the unanimously agreed proposal to amend annex I to the Parties at least 90 days before the next Conference of the Parties, in accordance with the provisions of article 26 of the Convention. It was expected that the Conference of the Parties could adopt the draft decision at its eighth meeting, which would be held in Geneva from 3 to 5 December 2014.

11. A representative of a country in the Eastern Europe, the Caucasus and Central Asia subregion highlighted the need for the provision of assistance to countries with economies in transition to support the implementation of revised annex I, once adopted.

### **III. Other amendments to the Convention**

12. The Chair recalled that the Conference of the Parties at its seventh meeting, wishing to minimize the frequency of amendments to the Convention, had also requested the Working Group to consider possible amendments to the Convention to address a number of provisions and issues, including:

- (a) Revised and additional definitions (art. 1);
- (b) Revised scope (art. 2);
- (c) Strengthened public participation (art. 9);
- (d) Revised scope of mutual assistance (art. 12);
- (e) Clarified frequency of meetings (art. 18, para. 1);
- (f) Clarified or strengthened reporting obligations (art. 23);
- (g) Accession by other Member States of the United Nations (art. 29);
- (h) Application of amendments to new Parties (art. 29);
- (i) Provisions on land-use planning;
- (j) Provisions on the review of compliance;
- (k) Governance structures under the Convention;
- (l) Derogation.

13. Derogation (subpara. (l)) had been added upon the request of the Bureau at its meeting in January 2013.

14. Following the practice at the last meeting of the Working Group, representatives of EU member States expressed their views in the discussion as experts.

15. The Working Group discussed the different possible amendments on the basis of a background paper prepared by the secretariat, which also contained a legal analysis of the possible amendments prepared by a consultant (see informal document WG.1–2014.Inf.1). The Working Group agreed on the provisions and issues which it proposed should be addressed through an amendment of the Convention (as set out in sections A–L below; see

also annex II for the Working Group's rationale behind its selection of proposed amendments). Furthermore, the Working Group decided that certain provisions for which no amendment was proposed would best be addressed through guidance from the Conference of the Parties (see sect. IV below).

#### **A. Revised and additional definitions (art. 1)**

16. The consultant, presenting proposed amendments to article 1, highlighted that an amendment of the definition of the "public" (art. 1, para. (j)) could ensure alignment with the definition of the public used by other ECE multilateral environmental agreements, following the definition used in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). It would also ensure consistency with relevant EU law, including the Seveso III Directive. A further clarification of the definition of "effects" (article 1, para. (j)) could also be considered, as the definition was outdated and did not reflect the current state of the art, in order to adapt it to current technical progress.

17. In that context, the Chair of the Working Group on Implementation referred to the confusion, evident in the national implementation reports of several Parties, between the notification requirement set out in article 4, paragraph 1, of the Convention regarding hazardous activities and the notification requirement set out in article 10, paragraph 2, concerning industrial accidents.

18. The Working Group on Development decided to recommend to the Conference of the Parties to amend article 1 of the Convention to align it with other ECE Conventions (i.e., the Aarhus Convention and the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)), to adjust the definitions in accordance with internationally accepted developments, to improve its clarity and legal certainty and to enhance internal consistency within the Convention.

#### **B. Revised scope (art. 2)**

19. The consultant presented the two main areas for a proposed amendment of article 2 on the scope of the Convention:

(a) An extension of its scope to all industrial accidents, including those without transboundary effects;

(b) The provision of legal certainty as to whether tailings management facilities (TMFs) and pipelines were within the scope of the Convention.

20. The secretariat provided additional technical clarifications with regard to TMFs and pipelines. It also reminded the meeting that publications on both TMFs and pipelines had been developed under the Convention's work programme in the past, upon the request of the Conference of the Parties.

21. Several delegations expressed their reservations with regard to extending the scope of the Convention in order to include also industrial accidents without transboundary effects, referring to the fact that Parties to the Convention already had national legislation in place for such accidents. The consultant explained the added value of expanding the scope to cover all industrial accidents, giving examples of provisions in the Espoo Convention, its Protocol on Strategic Environmental Assessment (Protocol on SEA) and the Seveso III Directive that applied irrespective of potential transboundary effects. One delegation highlighted the need for an additional legal analysis of article 2, paragraph 1, with regard to whether the second part of the sentence could be interpreted as covering industrial accidents

without transboundary effects. The consultant explained that in accordance with his legal analysis, article 2, paragraph 1, divided the operative provisions of the Convention into those related only to industrial accidents capable of causing transboundary effects (arts. 4–11) and those related to all industrial accidents, irrespectively of whether they were capable of causing transboundary effects (arts. 12–16).

22. Delegations agreed that, in accordance with their interpretation of the text of the Convention, it already applied to TMFs. With regard to pipelines, the majority of delegations disagreed that pipelines were covered. One delegation disagreed with that opinion, positing its view that pipelines were covered by the Convention.

23. The Working Group decided not to propose to the Conference of the Parties to amend article 2 of the Convention to reflect a revised scope, as TMFs were already regulated by the Convention.

### **C. Strengthened public participation (art. 9)**

24. The consultant highlighted that the main purpose of amending article 9 to the Convention was to achieve consistency with the Aarhus Convention, by referring to its three pillars — access to information; public participation; and access to justice. Furthermore, the amendment of article 9 would also ensure the Convention’s compatibility with the Seveso III Directive, which contained strengthened provisions with regard to public participation as compared with the Seveso II Directive. Such an amendment could also contribute to enhancing participatory democracy and access to justice in the pan-European region.

25. Several delegations expressed their agreement with proposing to the Conference of the Parties to amend article 9 of the Convention. Some delegations drew attention to the sensitivity of information with regard to the security of the hazardous activities.

26. The consultant noted the need to see provisions on access to information, public participation and access to justice in the context of other provisions of the Convention, in particular article 1 on definitions in relation to the definition of “the public” (see sect. A above). There was also a need to consider the consistent use of terminology throughout the entire Convention when amending it, including its annexes. In that connection, in order to ensure internal consistency, some amendments might be required to annexes V and VIII.

27. The Working Group decided to recommend to the Conference of the Parties to amend article 9 of the Convention in order to achieve consistency among the different legal instruments, in particular the Aarhus Convention. Furthermore, amending the Convention to strengthen its public participation provisions would ensure compatibility with the Seveso III Directive and could contribute to better participatory democracy and access to justice in the pan-European region.

### **D. Revised scope of mutual assistance (art. 12)**

28. With regard to the scope of mutual assistance, the consultant noted the current lack of legal certainty as to whether the provisions of article 12 covered only accidents with transboundary effects or also other industrial accidents. Numerous delegations expressed differing views. Some delegations highlighted the complexity and legal uncertainty if an amendment to article 12 were introduced. One delegation noted the linkage of the issue with the proposed revisions to the scope of the Convention in article 2 and the definitions contained in article 1, in particular the view voiced during the discussion of proposed revisions to article 2 that there was a need for additional legal analysis. Other delegations

indicated the importance of providing assistance to countries in need, regardless of whether the accidents would have transboundary effects or not. Delegations agreed that there was a need for guidance from the Conference of the Parties in order to clarify the scope of mutual assistance.

29. The Working Group decided that no amendment of article 12 of the Convention was necessary as the present scope of mutual assistance could be clarified through guidance by the Conference of the Parties.

#### **E. Clarified frequency of meetings (art. 18, para. 1)**

30. The Working Group discussed whether there was a need to clarify the frequency of meetings as set out in article 18, paragraph 1, of the Convention, which required annual meetings, despite the current practice of the Conference of the Parties meeting only every two years. The Working Group agreed to amend the text of the Convention to reflect the current practice.

#### **F. Clarified or strengthened reporting obligations (art. 23)**

31. The Chair recalled the discussion on article 23 at the last Working Group meeting, and invited delegations to consider whether to amend article 23 of the Convention in order to clarify the obligation of reporting and whether the reports on the implementation of the Convention should be made public.

32. The Chair of the Working Group on Implementation shared the view expressed by the Working Group on Implementation that the public availability of the national reports might be of concern to Parties and possibly lead to the withholding of information. Furthermore, the Chair of the Working Group on Implementation shared her view that article 23 in its present form provided sufficient flexibility for the Working Group on Implementation to carry out its work and to communicate to Parties their reporting obligations. A specification might pose limitations in the future. The Working Group on Implementation was of the opinion that guidance from the Conference of the Parties would better address that issue rather than an amendment.

33. Several delegations confirmed their agreement with making available good practices while not disclosing the entire reports on implementation submitted by Parties.

34. The consultant highlighted that the public availability of national reports would be in line with the Aarhus Convention and respective EU legislation. Making public only parts of the national reports, while not disclosing the major part of them, could be considered as not in line with those instruments.

35. The Working Group on Development decided not to amend article 23 of the Convention. It recommended that the issues involved such as the periodicity of reporting and the public availability of reports should be addressed by way of guidance from the Conference of the Parties.

#### **G. Accession by other Member States of the United Nations (art. 29)**

36. The secretariat recalled that some ECE multilateral environmental agreements (MEAs), such as the Industrial Accidents Convention, were negotiated as regional agreements for which the membership was limited to ECE member countries and regional economic integration organizations, whereas others were negotiated to be open to all Members States of the United Nations (e.g., the Aarhus Convention) or had been opened by

a decision of the governing body at a later stage (e.g., the Water and Espoo Conventions). The secretariat also recalled that other norms and standards from ECE were of global outreach, such as GHS.

37. A representative of the Water Convention secretariat updated the Working Group about its experience with regard to the global opening of the Water Convention since the third meeting of the Working Group, stressing that the benefits clearly offset the challenges. The following benefits from opening the Convention had been identified:

(a) Access to new sources of financial support (e.g., the Global Environmental Facility, ministries of foreign affairs and development cooperation agencies) to cover the additional expenses related to the opening of the Convention and to support the implementation of the regular programme of work;

(b) Stronger political support from inside and outside the United Nations system, e.g., through reference to the Convention at high-level meetings and in documents of a cross-regional and global nature;

(c) Enriched exchange of experience with countries from other regions.

38. As challenges, the representative of the Water Convention secretariat mentioned higher costs incurred due to the travel of participants from non-ECE countries participating in the Convention's meetings, interpretation into non-ECE official United Nations languages and the need for additional staff time.

39. The Water Convention representative also noted that there was a global United Nations Convention on the Law of the Non-navigational Use of International Watercourses which would shortly enter into force. Both Conventions were seen as complementary and were being jointly promoted, while there were important differences between them. For instance, the United Nations Watercourses Convention did not envisage an institutional framework, such as a secretariat or Meeting of the Parties.

40. The Working Group requested clarification from the secretariat regarding the status of the possible start of negotiations on a global convention on the prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm. The secretariat informed delegations that the General Assembly was planning to revisit the issue in 2016; however, due to persistent opposition by several countries the prospects for elaborating such a treaty seemed meagre. Further information on the considerations by the International Law Commission and the draft principles and articles part of a General Assembly resolution were available in the legal analysis of possible amendments to the Convention, prepared by the consultant (WG.1-2014.Inf.1, annex).

41. The Working Group stressed that a duplication of efforts should be avoided; however, if an opening of the Convention was to be decided, members outside the ECE region should be treated equally in terms of accession: i.e., no approval by the Conference of the Parties on their accession should be required as was the case with other ECE MEAs. Furthermore, the implications with regard to financing would need to be carefully considered.

42. The Working Group agreed that, due to the strategic nature of the topic, a thorough discussion should take place at the eighth meeting of the Conference of the Parties. In order to facilitate the discussion at the forthcoming Conference of the Parties, the Working Group requested the secretariat to prepare a background document on the opening of the Convention on the Transboundary Effects of Industrial Accidents to Member States of the United Nations not members of ECE, with due regard to the considerations and options for a possible amendment to the Convention.

## **H. Application of amendments to new Parties (art. 29)**

43. The consultant informed the Working Group that article 29 of the Convention could be amended, through the insertion of an additional paragraph, to ensure that new Parties ratified, acceded to or approved existing amendments to the Convention at the same time as the Convention itself. In that way States acceding to the Convention after an amendment had already entered into force would also automatically accede to that amendment.

44. The Working Group decided to recommend to the Conference of the Parties to amend the text of the Convention to introduce clarity and ensure legal certainty for new Parties regarding existing amendments to the Convention.

## **I. Provisions on land-use planning**

45. The secretariat said the rationale for proposing an amendment to the text of the Convention regarding land-use planning was to ensure a clear and consistent link between the general provisions of article 3, paragraph 1, and the land-use planning procedures in article 7 and annex VI. It would also increase the compatibility with the land-use planning provisions contained in the Seveso III Directive. Furthermore, such an amendment could ensure alignment with the Aarhus Convention regarding public participation in planning procedures. The consultant clarified the added value of the proposed amendments regarding the alignment with the Aarhus Convention, the Espoo Convention and its Protocol on SEA and also the Seveso III Directive, as the amendment could introduce the notion of land-use “plans and programmes”; article 7 in its current form referred only to “policies on the siting of hazardous activities”, which implied differences between the Convention and the legal regimes introduced by the other ECE MEAs and the Seveso Directive.

46. Several delegates stressed that introducing more detailed provisions in the Convention regarding land-use planning might lead to problems for Parties in implementing them, and that any proposed changes should focus on transboundary aspects. Several other delegations expressed the opinion that the issue could be addressed through guidance provided by the Conference of the Parties. The secretariat mentioned that possibilities for cooperation with the ECE Committee on Housing and Land Management could be considered in that regard.

47. The Working Group decided not to recommend to the Conference of the Parties to amend the provisions on land-use planning. At the same time, it recommended that the issue be addressed through guidance by the Conference of the Parties.

## **J. Provisions on the review of compliance**

48. The Chair of the Working Group on Implementation presented an overview of information exchanged at the second meeting of the Chairs of the MEA compliance and implementation bodies (Geneva, 24 March 2014) with regard to provisions on the review of compliance under the other ECE MEAs. Several ECE MEAs had effective compliance mechanisms permitting issues regarding Parties’ compliance to be referred to compliance bodies, with the possibility of various measures being taken in case of non-compliance. Such measures comprised official correspondence targeted to different levels of the hierarchy in the countries concerned, missions to the countries and the offer of providing assistance to support implementation and compliance. A few MEAs had the possibility to sanction Parties, but sanctions were rare.

49. When asked to provide practical examples of the functioning of compliance mechanisms, the consultant informed the meeting that both the Aarhus Convention

Compliance Committee and the Implementation Committee under the Espoo Convention and the Protocol on SEA, of which he was member, had proven to work effectively. Often Parties approached the compliance body to seek advice on how to implement specific provisions of the relevant Conventions. Moreover, the existence of compliance procedures and the possibility of submitting cases of non-compliance helped to raise awareness among Parties concerning their specific obligations under the various treaties.

50. Other delegations provided examples of the relevance of compliance mechanisms in the successful implementation of international agreements and in identifying possible gaps in implementation. At the same time, they expressed doubts that an amendment to the Industrial Accidents Convention would be needed for that purpose.

51. Guidance from the Conference of the Parties would be sufficient to establish a suitable compliance mechanism. In that context, it would be important to review the terms of reference of the Working Group on Implementation, considering its mandate, role and institutional set-up. Several delegations cautioned that there would be an increased workload for the Working Group on Implementation should the body embrace compliance issues, and recommended further discussion of the topic at the eighth meeting of the Conference of the Parties.

52. The Working Group on Development decided that no amendment to the Convention was needed, as the Conference of the Parties had sufficient powers to establish a compliance mechanism through a decision. At the same time, it decided to recommend that the issue be further investigated in the two years following the eighth meeting of the Conference of the Parties. It therefore decided to request the Conference of the Parties to consider introducing a compliance mechanism and to mandate a suitable subsidiary body or group to consider the terms of reference for a compliance mechanism, with due regard for the mandate of the Working Group on Implementation.

## **K. Governance structures under the Convention**

53. The Working Group discussed the current structure, mandates and terms of reference of the subsidiary bodies to the Conference of the Parties. It also discussed whether there was a need to introduce a standing open-ended subsidiary body where all Parties would be represented.

54. The Working Group concluded that the current governance structure was sufficient and thus did not require adding another body, which would create an additional layer of governance. Therefore, no amendment of the Convention would be needed in that regard.

55. At the same time, the Working Group noticed that there was a need to update the terms of reference of the subsidiary bodies, particularly those of the Bureau and the Working Group on Implementation, which did not reflect current practice. It was agreed to bring that issue to the attention of the Conference of the Parties.

## **L. Derogation**

56. Following a summary by the Chair of key points discussed at the third meeting of the Working Group on Development, several Parties expressed their views that there was no need for an amendment to introduce a provision on derogation, since there was already a simplified procedure for amending annex I.

57. The Working Group decided that there was no need to introduce a provision on derogation through an amendment to the Convention.

## IV. Guidance by the Conference of the Parties

58. Having considered various provisions of the Convention for amendment (see sect. III above), for a number of issues the Working Group recommended that guidance by the Conference of the Parties be developed. That guidance could take the form of decisions by the Conference of the Parties, the development of guidance documents or the clarification of certain aspects in the reports of the meetings of the Conference of the Parties.

59. The Working Group agreed that there was a need for the provision of guidance by the Conference of the Parties on the following issues:

- (a) The scope of mutual assistance;
- (b) Reporting obligations;
- (c) Land-use planning;
- (d) A compliance mechanism;
- (e) The terms of reference of subsidiary bodies.

### A. Scope of mutual assistance

60. The Working Group agreed that there was a need for guidance from the Conference of the Parties in order to clarify the scope of mutual assistance to address whether the provisions of article 12 covered only accidents with transboundary effects or also other industrial accidents with effects merely on the national territory of the Party in question.

### B. Reporting obligations

61. The Working Group recommended that the issues involved in reporting, such as the periodicity of reporting and the public availability of reports, should be addressed by way of guidance from the Conference of the Parties. The discussions by the Working Group on the matter and by the Working Group on Implementation (see sect. III.F above) should be taken into account.

### C. Land-use planning

62. The Working Group agreed to recommend to the Conference of the Parties to address land-use planning in the framework of the Convention through guidance by the Conference of the Parties, in order to:

- (a) Ensure a clear and consistent link between the general provisions of article 3, paragraph 1, and the land-use planning procedures in article 7 and annex VI;
- (b) Ensure compatibility between the Convention and the EU Seveso III Directive;
- (c) Ensure alignment with the Aarhus Convention regarding public participation in planning procedures;
- (d) Introduce the stage of planning and, as such, consider the wording and approach of the Espoo Convention and the Protocol on SEA, which referred to

land-use plans and programmes rather than policies as per article 7 of the Industrial Accidents Convention.

#### **D. Compliance**

63. The Working Group decided to recommend to the Conference of the Parties to consider introducing a compliance mechanism and to give a mandate to a suitable subsidiary body or group to consider the terms of such a mechanism, with due regard to the mandate and functioning of the Working Group on Implementation. A decision could be drafted by the respective subsidiary group and submitted to the Conference of the Parties for adoption at its ninth meeting.

64. A decision by the Conference of the Parties establishing a compliance mechanism could lead to fostering compliance by Parties through the identification of areas for improvement and, at the same time, ensure the provision of targeted assistance. Furthermore, it would ensure consistency with regard to the approaches to compliance by all other ECE MEAs. In that context, the Working Group requested the secretariat to prepare a background document setting out the experiences of other ECE compliance mechanisms for the consideration of delegations at the eighth meeting of the Conference of the Parties.

#### **E. Terms of reference of subsidiary bodies**

65. The Working Group agreed to recommend to the Conference of the Parties to update the terms of reference of the subsidiary bodies, particularly those of the Bureau and the Working Group on Implementation, which did not reflect current practice.

### **V. Possible remedies for non-compliance with the reporting requirements of the Convention**

66. The Chair recalled that the Conference of the Parties at its seventh meeting had invited the Working Group on Development to consider possible remedies for non-compliance with the reporting requirements under the Convention (ECE/CP.TEIA/24, para. 16).

67. The Chair of the Working Group on Implementation presented information exchanged at the meeting of the Chairs of the compliance and implementation bodies of the ECE MEAs on the practices of other MEAs with regard to such remedies. On the basis of that presentation, the Working Group discussed whether the Convention would need possible remedies for non-compliance with reporting. The type of remedies to be introduced for non-compliance with reporting obligations could be further discussed in the next biennium, in the framework of further compliance-related considerations.

68. Delegations reflected on the advantages and disadvantages of adopting remedies for non-compliance with the reporting requirements under the Convention. One delegate commented that the issue should be considered in a broader context rather than with regard to the Industrial Accidents Convention alone. The cost in terms of financial resources and staff time to oversee and implement remedies for non-compliance with reporting might be too significant in comparison with the possible benefits. Against that background, focusing on support to countries in complying with the substantial obligations of the Convention might be the preferred approach.

69. In the context of the discussion, delegates requested clarification concerning the availability of national implementation reports, and that good examples of reporting be made available. The secretariat explained that all reports on implementation were available to all Parties through a password-protected page on the ECE homepage. It was agreed that there was a need to inform all Parties of that possibility and to ensure reciprocity, also considering the possibility for non-Parties submitting reports to access that information.

70. The meeting concluded that there was presently no need to create remedies for non-compliance with the reporting obligations under the Convention. It furthermore recommended that the Working Group on Implementation continue focusing on supporting Parties and Assistance Programme countries in complying with substantial provisions of the Convention. At the same time, it was recommended that the Working Group on Implementation consider how to highlight good reporting and good reporting practices in its report.

## **VI. Next steps and closure of the meeting**

71. The Chair requested the secretariat to summarize the next steps and the actions with regard to the amendments and guidance to be provided by the Conference of the Parties.

72. The secretariat, recalling that the Working Group had unanimously agreed on a revised annex I, indicated that a draft decision would be prepared for adoption by the Conference of the Parties at its eighth meeting. That draft decision, prepared by the secretariat, would be considered by the Bureau of the Convention at its meeting in June 2014. Subsequently, the Chair of the Convention would write to the ECE Executive Secretary requesting the circulation of the text of the revised annex I to the Parties, according to the provisions of the Convention.

73. With regard to the other amendments to the Convention, the proposals by the Working Group as contained in the meeting report would be forwarded to the Conference of the Parties for its decisions on the way forward. The Working Group could then continue its work in the next biennium to consider elements of the text and agree on an amendment to be proposed to the Conference of the Parties for adoption at its ninth meeting.

74. The Bureau would be charged with preparing proposals for consideration by the Conference of the Parties at its eighth meeting regarding the prioritization of provisions for which guidance by the Conference of the Parties was sought, as well as recommendations for the subsidiary bodies or groups which could be mandated to develop draft guidance for the consideration by the Conference of the Parties. The Working Group requested the Bureau to prepare, in cooperation with the secretariat, a background document for the eighth meeting of the Conference of the Parties, setting out proposals for amendments and the prioritization of guidance by the Conference of the Parties. Furthermore, the Working Group requested the Conference of the Parties to continue to ensure, through the provision of the respective financial resources, support to the continued deliberations of the Working Group on Development through legal advice in the next biennium 2015–2016.

## Annex I

## Proposed revisions to annex I to the Convention for adoption at the eighth meeting of the Conference of the Parties

*Note*

Changes introduced at the third meeting of the Working Group on Development to the draft proposal for amending annex I presented in document ECE/CP.TEIA/WG.1/2013/3 (annex) are in ~~bold/strikethrough~~ mode; changes proposed by the EU on this version are in **bold underlined**/~~strikethrough~~ mode; changes proposed at the fourth meeting of the Working Group on Development are in ~~*bold italic*/strikethrough~~ mode to facilitate reading.

### Hazardous substances for the purposes of defining hazardous activities<sup>1</sup>

~~The quantities given below relate to each activity or group of activities.~~

Where a substance or ~~preparation~~ **mixture** named in Part II also falls within one or more categories in Part I, the threshold quantity given in Part II shall be used.

For the identification of hazardous activities, Parties shall take into consideration the actual or anticipated hazardous properties and/or quantities of all hazardous substances present or of hazardous substances which it is reasonable to foresee may be generated during loss of control of an activity, including storage activities, within a hazardous activity. ~~For the identification of hazardous activities, Parties shall take into consideration the foreseeable possibility of aggravation of the hazards involved and the quantities of the hazardous substances and their proximity, whether under the charge of one or more operators.~~

#### Part I.

#### Categories of substances and mixtures not specifically named in Part II

<i>Category in accordance with the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals</i>	<i>Threshold quantity (metric tons)</i>
1. Acute toxic, Category 1, all exposure routes <sup>2</sup>	20
2. Acute toxic: Category 2, all exposure routes <sup>3</sup> Category 3, inhalation exposure route <sup>4</sup>	200
3. Specific Target Organ Toxicity (STOT) — Single Exposure (SE) STOT, Category 1 <sup>5</sup>	200
4. <del>Explosive</del> <b>Explosives</b> — unstable <del>explosive</del> <b>explosives</b> or <del>explosive</del> <b>explosives</b> , where the substance, mixture or article falls under Division 1.1, 1.2, 1.3, 1.5 <del>for 1.6</del> of Chapter 2.1.2 of the GHS criteria <b>or substances or mixtures having explosive properties according to Test series 1 2 of Part I of the UN Recommendations on the Transport of Dangerous Goods: Tests and criteria and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures</b> <sup>6,7</sup>	50

<i>Category in accordance with the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals</i>	<i>Threshold quantity (metric tons)</i>
5. <del>Explosive</del> <b>Explosives</b> , where the substance, <del>mixture preparation</del> or article falls under Division 1.4 of Chapter 2.1.2 of the GHS criteria <sup>6-7,8</sup> †	200
6. Flammable gases, Category 1 or 2 <sup>9,8</sup>	<del>20</del> <b>50</b>
7. <del>Flammable</del> Aerosols <sup>10</sup> , Category 1 or 2, containing flammable gases Category 1 or 2 or flammable liquids Category 1 <del>according to the criteria in Chapter 2.3.2 of GHS</del> <sup>10,9</sup>	500 ( <b>net</b> )
8. <del>Flammable</del> Aerosols, Category 1 or 2, not containing flammable gases Category 1 or 2 <del>nor</del> flammable liquids Category 1 <sup>10,11</sup>	50 000 ( <b>net</b> )
9. Oxidizing gases, category 1 <sup>11,12</sup>	200
10. Flammable liquids: Flammable liquids, Category 1, or Flammable liquids, Category 2 or 3, maintained at a temperature above their boiling point <sup>12,13</sup> , or Other liquids with a flash point ≤ 60 °C, maintained at a temperature above their boiling point <sup>13,14</sup>	50
11. Flammable liquids: Flammable liquids, Category 2 or 3, where particular processing conditions, such as high pressure or high temperature, may create <b>industrial major-accident hazards</b> <sup>14,15</sup> , or Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create <b>industrial major-accident hazards</b>	200
12. Flammable liquids, Categories 2 or 3, not covered by 10 and 11 <sup>15,16</sup>	50 000
13. Self-reactive substances and mixtures and organic peroxides: Self-reactive substances and mixtures, Type A or B or Organic peroxides, Type A or B <sup>16,17</sup>	50
14. Self-reactive substances and mixtures and organic peroxides: Self-reactive substances and mixtures, Type C, D, E or F or Organic peroxides, Type C, D, E, or F <sup>17,18</sup>	200
15. Pyrophoric liquids and solids, Category 1	200
16. Oxidizing liquids and solids, Category 1, 2 or 3	200
17. Hazardous to the aquatic environment, Category Acute 1 or Chronic 1 <sup>18,19</sup>	200
18. Hazardous to the aquatic environment, Category Chronic 2 <sup>20,19</sup>	500
19. Substances and mixtures which react violently with water, such as acetyl chloride, <del>alkali metals</del> , titanium tetrachloride	500
20. Substances and mixtures which in contact with water emit flammable gases, Category 1 <sup>20,21</sup>	500
21. Substances and mixtures which in contact with water liberate toxic gas (substances and mixtures which in contact with water or damp air, evolve gases classified for acute toxicity in category 1, 2 or 3 <del>in potentially dangerous amounts</del> , such as aluminium phosphide, phosphorus pentasulphide)	200

**Part II.**  
**Named substances**

<i>Substance</i>	<i>Threshold quantity (metric tons)</i>
1a. Ammonium nitrate <sup>21-22</sup>	10 000
1b. Ammonium nitrate <sup>22-23</sup>	5 000
1c. Ammonium nitrate <sup>23-24</sup>	2 500
1d. Ammonium nitrate <sup>24-25</sup>	50
2a. Potassium nitrate <sup>25-26</sup>	10 000
2b. Potassium nitrate <sup>26-27</sup>	5 000
3. Arsenic pentoxide, arsenic (V) acid and/or salts	2
4. Arsenic trioxide, arsenious (III) acid and/or salts	0.1
5. Bromine	100
6. Chlorine	25
7. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	1
8. <b>Ethyleneimine</b>	20
9. 8.—Fluorine	20
10. 9.—Formaldehyde (concentration ≥ 90 %)	20 50
11. 10.—Hydrogen	50
12. 11.—Hydrogen chloride (liquefied gas)	250
13. 12.—Lead alkyls	50
14. 13.—Liquefied extremely flammable gases, Category 1 or 2 (including liquid liquefied petroleum gas) and natural gas <sup>27-28</sup>	200
15. <b>Acetylene</b>	50
16. 14.—Ethylene oxide	50
17. Propylene oxide	50
18. 15.—Methanol	5 000
19. 16.—4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	0.01
20. 17.—Methyl isocyanate	0.15
21. 18.—Oxygen	2 000
22. 19.—Toluene diisocyanate ( <b>2,4 -Toluene diisocyanate and 2,6 -Toluene diisocyanate</b> )	100
23. 20.—Carbonyl dichloride (phosgene)	0.75
24. 21.—Arsine (arsenic trihydride)	1
25. 22.—Phosphine (phosphorus trihydride)	1
26. 23.—Sulphur dichloride	1
27. 24.—Sulphur trioxide	75
28. 25.—Polychlorodibenzofurans and polychlorodibenzodioxins (including tetrachlorodibenzodioxin (TCDD)), calculated in TCDD equivalent <sup>28-29</sup>	0.001

<i>Substance</i>	<i>Threshold quantity (metric tons)</i>
<p>29. <del>26.</del>—The following carcinogens or the mixtures containing the following carcinogens at concentrations above 5% by weight:</p> <p style="padding-left: 2em;">4-Aminobiphenyl and/or its salts, Benzotrchloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3-chloropropane, 1,2-Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphorictriamide, Hydrazine, 2- Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone</p>	2
<p>30. <del>27.</del>—Petroleum products and alternative fuels:</p> <p style="padding-left: 2em;">(a) Gasolines and naphthas;</p> <p style="padding-left: 2em;">(b) Kerosenes (including jet fuels);</p> <p style="padding-left: 2em;">(c) Gas oils (including diesel fuels, home heating oils and gas oil blending streams);</p> <p style="padding-left: 2em;">(d) Heavy fuel oils;</p> <p style="padding-left: 2em;">(e) Alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in points (a) to (d)</p>	25 000
31. <del>28.</del> —Anhydrous ammonia	200
32. <del>29.</del> —Boron trifluoride	20
33. <del>30.</del> —Hydrogen sulphide	20
34. <del>31.</del> —Piperidine	200
35. <del>32.</del> —Bis(2-dimethylaminoethyl) (methyl)amin	200
36. <del>33.</del> —3-(2-Ethylhexyloxy)propylamin	200
37. <del>34.</del> —Mixtures of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing < than 5% active chlorine and not classified under any of the other hazard categories in Part 1 of annex I. <sup>29 30</sup>	500
38. <del>35.</del> —Propylamine <sup>30 31</sup>	2 000
39. <del>36.</del> —Tert-butyl acrylate <sup>30 31</sup>	500
40. <del>37.</del> —2-Methyl-3-butenenitrile <sup>30 31</sup>	2 000
41. <b>Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (dazomet)</b> <sup>31</sup>	200
42. <del>38.</del> —Methyl acrylate <sup>30 31</sup>	2 000
43. <del>39.</del> —3-Methylpyridine <sup>30 31</sup>	2 000
44. <del>40.</del> —1-Bromo-3-chloropropane <sup>30 31</sup>	2 000

### Notes

<sup>1</sup> Criteria according the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.4). Parties should use ~~the these following~~ criteria when classifying substances or ~~preparations mixtures~~ for the purposes of Part I of this annex, unless other legally binding criteria have been adopted in the national legislation. Mixtures ~~and preparations~~ shall be treated in the same way as the pure substance ~~unless they no longer exhibit equivalent properties~~ **provided they remain within concentration limits set according to their properties in accordance with the GHS unless a percentage composition or other description is specifically given.**<sup>1</sup>

<sup>2</sup> According to the criteria in chapters 3.1.2 and 3.1.3 of GHS.

- <sup>3</sup> According to the criteria in chapters 3.1.2 and 3.1.3 of GHS.
- <sup>4</sup> Substances that fall within acute toxic Category 3 via the oral route shall fall under entry 2 acute toxic in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.
- <sup>5</sup> Substances that have produced significant toxicity in humans, or that, on the basis of evidence from studies in experimental animals can be presumed to have the potential to produce significant toxicity in humans following single exposure. Further guidance is given in figure 3.8.1. and table 3.8.1 of part 3 of GHS.
- <sup>6</sup> ~~Explosives are classified in one of the six divisions above based on Test Series 2 to 8 in part I of the United Nations *Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria* (Manual of Tests and Criteria). Also included in this definition are explosive or pyrotechnic substances or preparations contained in articles. In the case of articles containing explosive or pyrotechnic substances or preparations, if the quantity of the substance or preparation contained is known, that quantity shall be considered for the purposes of this Convention. If the quantity is not known, then, for the purposes of this Convention, the whole article shall be treated as explosive. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to appendix 6, part 3, of the Manual of Tests and Criteria identifies the substance or mixture as potentially having explosive properties.~~
- <sup>7</sup> The hazard class Explosives includes explosive articles. If the quantity of the explosive substance or mixture contained in the article is known, that quantity shall be considered for the purposes of this **Convention Directive**. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of this **Convention Directive**, the whole article shall be treated as explosive.
- <sup>8</sup> **If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry 4 (Explosive), unless the hazard is shown to still correspond to Division 1.4, in accordance with GHS.**
- <sup>9</sup> According to the criteria in chapter 2.2.2 of GHS.
- <sup>10</sup> ~~A flammable aerosol shall be classified in one of the two categories on the basis of its components, its chemical heat of combustion and, if applicable, the results of the foam test (for foam aerosols) and the ignition distance test and enclosed space test (for spray aerosols) in accordance with the Manual of Tests and Criteria, Part III, subsections 31.4, 31.5 and 31.6. **Aerosols are classified according to the criteria in Chapter 2.3 of GHS and the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Part III, section 31 referred to therein.**~~
- <sup>11</sup> In order to use this entry, it must be documented that the aerosol dispenser does not contain flammable gas Category 1 or 2 nor flammable liquid Category 1.
- <sup>12</sup> According to the criteria in chapter 2.4.2 of GHS.
- <sup>13</sup> According to the criteria in chapter 2.4.2 of GHS.
- <sup>14</sup> **Liquids with a flash point of more than 35 °C may be regarded as non-flammable liquids for some regulatory purposes (e.g. transport)** ~~Liquids with a flash point of  $\geq 35^{\circ}\text{C}$  need not be classified in Category 3 if negative results have been obtained in sustained combustibility test L.2, in part III, section 32 of the Manual of Tests and Criteria. This is, however, not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.~~
- <sup>15</sup> According to the criteria in chapter 2.4.2 of GHS.
- <sup>16</sup> According to the criteria in chapter 2.4.2 of GHS.
- <sup>17</sup> According to the criteria in chapters 2.8.2 and 2.15.2.2 of GHS.
- <sup>18</sup> According to the criteria in chapters 2.8.2 and 2.15.2.2 of GHS.
- <sup>19</sup> According to the criteria in chapter 4.1.2 of GHS.
- <sup>20</sup> According to the criteria in chapter 4.1.2 of GHS.
- <sup>21</sup> According to the criteria in chapter 2.12.2 of GHS.
- <sup>22</sup> Ammonium nitrate (10,000): fertilizers capable of self-sustaining decomposition.  
This applies to ammonium nitrate-based compound/composite fertilizers (compound/composite fertilizers containing ammonium nitrate with phosphate and/or potash), which are capable of self-sustaining decomposition according to the Trough Test (see Manual of Tests and Criteria, part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is:
- (a) **between 15.75% and 24.5%** by weight (15.75% and 24.5% nitrogen content by weight as a result of ammonium nitrate correspond to 45% and 70% ammonium nitrate, respectively)

and which either contain not > 0.4% total combustible/organic materials or fulfil the requirements of an appropriate test of resistance to detonation (e.g., 4-inch-steel-tube test);

(b)  $\leq$ 15.75% by weight **or less** and unrestricted combustible materials.

23 Ammonium nitrate (5,000): fertilizer grade.

This applies to straight ammonium nitrate-based fertilizers and to ammonium nitrate-based compound/composite fertilizers in which the nitrogen content as a result of ammonium nitrate is:

(a) **more than**  $\geq$  24.5% by weight, except for mixtures of straight ammonium nitrate-based fertilizers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%;

(b) **more than**  $\geq$  15.75% by weight for mixtures of ammonium nitrate and ammonium sulphate;

(c) **more than**  $\geq$  28% (28% nitrogen content by weight as a result of ~~straight~~ ammonium nitrate corresponds to 80% ammonium nitrate) by weight for mixtures of **straight** ammonium nitrate-based fertilizers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%;

(d) And which fulfil the requirements of an appropriate test of resistance to detonation (e.g., 4-inch-steel-tube test).

24 Ammonium nitrate (2,500): technical grade.

This applies to:

(a) Ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of ammonium nitrate is:

(i) **between** 24.5% **and** 28% by weight and which contain not **more than**  $\geq$  0.4% combustible substances;

(ii) **more than**  $\geq$  28% by weight, and which contain not **more than**  $\geq$  0.2% combustible substances;

(b) Aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is **more than**  $\geq$  80% by weight.

25 Ammonium nitrate (50): "off-specs" material and fertilizers not fulfilling the requirements of an appropriate test of resistance to detonation (e.g., 4-inch-steel-tube test).

This applies to:

(a) Material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilizers and ammonium nitrate-based compound/composite fertilizers referred to in notes ~~123~~ and ~~13~~ **24** that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use because they no longer comply with the specifications in notes ~~22~~ **23** and ~~23~~ **24**;

(b) Fertilizers referred to in note ~~21~~ **22**(a) and note ~~22~~ **23** which do not fulfil the requirements of an appropriate test of resistance to detonation (e.g., 4-inch-steel-tube test).

26 Potassium nitrate (10,000): composite potassium nitrate-based fertilizers (in prilled/granular form) which have the same properties as pure potassium nitrate.

27 Potassium nitrate (5,000): composite potassium nitrate-based fertilizers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

28 Upgraded biogas: for the purpose of the implementation of the Convention, upgraded biogas may be classified under entry ~~18~~ **14** of Part 2 of annex I where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of methane, and which has a maximum of 1% oxygen.

29 Polychlorodibenzofurans and polychlorodibenzodioxins.

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following World Health Organization (WHO) human and mammalian toxic equivalency factors for dioxins and dioxin-like compounds (TEF) as re-evaluated in 2005:

---

WHO 2005 TEF

---

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0
		1,2,3,7,8-PeCDF	0
		1,2,3,6,7,8-HxCDF	0
1,2,3,4,6,7,8-HpCDD	0	2,3,4,6,7,8-HxCDF	0

---

*WHO 2005 TEF*

---

OCDD	0	1,2,3,4,6,7,8-HpCDF	0
		1,2,3,4,7,8,9-HpCDF	0
		OCDF	0

*Abbreviations:* Hx = hexa, Hp = hepta, O = octa, P = penta, T = tetra.

*Reference:* Van den Berg et al, The 2005 World Health Organization Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds, *Toxicological Sciences*, vol. 93, No. 2, pp. 223–241 (2006).

---

<sup>30</sup> Provided that the mixture in the absence of sodium hypochlorite would not be classified as aquatic acute, Category 1.

<sup>31</sup> In cases where this dangerous substance falls within the category **10** flammable liquids or **11** flammable **liquids** ~~gases~~, for the purposes of the Convention the lowest qualifying quantities shall apply.

## Annex II

## Proposed amendments to the Convention for prioritization at the eighth meeting of the Conference of the Parties

<i>Proposed amendment</i>	<i>Forward to COP-8 for amendment: Yes/No, no agreement</i>	<i>Brief rationale</i>
(a) Revised and additional definitions (art. 1)	Yes	Alignment with other ECE Conventions (Aarhus and Espoo Conventions)  Alignment of definitions to internationally accepted developments  Improve clarity  Improve legal certainty  Internal consistency within the Convention
(b) Revised scope (art. 2)	No	TMFs already regulated by the Convention
(c) Strengthened public participation (art. 9)	Yes	Consistency between legal instruments  Aligning the Convention with the Aarhus Convention  Keep compatibility with the Seveso III Directive  Contributing to better participatory democracy and access to justice in the pan-European region
(d) Revised scope of mutual assistance (art. 12)	No	The present scope of mutual assistance could be clarified through guidance by the Conference of the Parties
(e) Clarified frequency of meetings (art. 18, para. 1)	Yes	Ensuring that the practice of meeting every two years complies with the Convention
(f) Clarified or strengthened reporting obligations (art. 23)	No	Issues involved (periodicity, public accessibility, etc.) should be addressed by way of guidance/decision by the Conference of the Parties
(g) Accession by other Member States of the United Nations (art. 29)	No agreement on amendment	Due to the strategic nature of the topic, a thorough discussion to take place at the eighth meeting of the Conference of the Parties on the basis of background information prepared by the ECE secretariat.
(h) Application of amendments to new Parties (art. 29)	Yes	Would provide clarity and legal certainty of entry into force of amendments to new Parties

<i>Proposed amendment</i>	<i>Forward to COP-8 for amendment: Yes/No, no agreement</i>	<i>Brief rationale</i>
(i) Provisions on land-use planning	No	<p>Can be addressed through guidance by the Conference of the Parties in order to:</p> <p>(a) Ensure a clear and consistent link between general provisions of the Convention in article 3, paragraph 1, and land-use planning procedures in article 7;</p> <p>(b) Keep consistency between the Convention with the Seveso III Directive;</p> <p>(c) Align with Aarhus Convention;</p> <p>(d) Introduce the stage of planning.</p>
(j) Provisions on the review of compliance	No	<p>The Conference of the Parties has sufficient power to establish a compliance mechanism. The Conference of the Parties is recommended to mandate a suitable subsidiary body/group to consider the terms of a compliance mechanism, with due regard for the mandate of the Working Group on Implementation, with a view to drafting a decision for adoption by the Conference in order to:</p> <p>(a) Foster/improve compliance through the identification of areas for improvement;</p> <p>(b) Provide specific assistance through recommendations;</p> <p>(c) Keep consistency with regard to approaches to compliance in other ECE MEAs, as applicable.</p>
(k) Governance structures under the Convention	No	<p>The current governance structure is sufficient, however, the terms of reference of the subsidiary bodies may need to be updated through appropriate decisions by the Conference of the Parties</p>
(l) Derogation (added upon request of the Bureau at its meeting in January 2013)	No	<p>There is already a simplified procedure for amending annex I</p>