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Transboundary Effects of Industrial Accidents

Working Group on the Development of the Convention

Fifth meeting

Geneva, 11–13 May 2015

Report of the fifth meeting of the Working Group on the Development of the Convention

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Introduction

1. The fifth meeting of the Working Group on the Development of the Convention (Working Group on Development) under the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) was held from 11 to 13 May 2015 in Geneva, Switzerland. Mr. Chris Dijkens (Netherlands) chaired the meeting.¹
2. The meeting was attended by representatives from the following United Nations Economic Commission for Europe (ECE) members: Albania, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, European Union (EU), France, Germany, Kazakhstan, Kyrgyzstan, Latvia, Montenegro, Netherlands, Poland, Republic of Moldova, Russian Federation, Serbia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan.
3. A consultant engaged by the Convention secretariat to provide legal expertise and a consultant engaged by the European Investment Bank to develop a guidance document on safety and land-use planning also attended the meeting.

I. Opening of the meeting and adoption of the agenda

4. The Chair opened the fifth meeting of the Working Group.
5. The agenda for the meeting (ECE/CP.TEIA/WG.1/2015/1) was adopted without modifications. The secretariat indicated that all presentations delivered during the meeting would be posted on the Convention's website, on the web page for the meeting.²

II. Workplan and organization of work for 2015–2016

6. The Chair recalled the relevant decisions of the Conference of the Parties at its eighth meeting (Geneva, 3–5 December 2014), requesting the Working Group to undertake the following tasks (see ECE/CP.TEIA/30):
 - (a) To prepare a draft amendment revising articles 1, 9, 18 and 29 of the Convention, considering also related provisions, articles and annexes, for adoption at the ninth meeting of the Conference of the Parties, and to prepare draft text to open the Convention for accession by United Nations Member States beyond the ECE region as part of that amendment;
 - (b) To continue thoroughly considering all aspects related to the opening of the Convention with regard to the potential benefits and challenges, including possible budgetary implications, and to present the outcome of its considerations to the ninth meeting of the Conference of the Parties;
 - (c) To develop guidance with regard to the following issues:
 - (i) Clarifying the scope of mutual assistance, for consideration by the Conference of the Parties at its ninth meeting;

¹ The Bureau confirmed the continuation of Mr. Dijkens as Chair of the Working Group at its twenty-ninth meeting (Geneva, 28–29 January 2015), in accordance with the mandate of the Working Group on Development adopted at the third meeting of the Conference of the Parties to the Convention (see ECE/CP.TEIA/12, annex IV).

² Available from <http://www.unece.org/index.php?id=36736#/>.

(ii) Provisions related to land-use planning for consideration by the Conference of the Parties at its ninth or tenth meeting;

(d) To consider the introduction of a compliance mechanism and to prepare a possible draft decision on the matter for review and adoption by the Conference of the Parties at its ninth meeting, paying due regard to the mandate and functioning of the Working Group on Implementation.

7. The Chair recalled that the Conference of the Parties had considered that the development of the amendment should have precedence over the development of the guidance, should there be a need to prioritize work.

8. On the basis of a presentation by the Chair, the Working Group agreed with the proposed workplan and organization of work for the biennium 2015–2016 (ECE/CP.TEIA/WG.1/2015/3), including the holding of three meetings during the biennium and the establishment of two expert groups: a small group of legal experts and a small group of experts on land-use planning.

9. The Working Group discussed the terms of reference of the small groups (ECE/CP.TEIA/WG.1/2015/3, annexes I and II). It adopted the terms of reference of the small group of experts on land-use planning without changes (annex I to this document). It also adopted the terms of reference of the small group of legal experts (annex II), with a modification that, in addition to supporting the development of guidance, the small group would prepare and review the draft amendments to article 9, as well as the provisions, articles and annexes related to articles 1, 9, 18 and 29, in accordance with the mandate from the Conference of the Parties at its eighth meeting. The Working Group stressed that the comments raised during the meeting should provide background to the work of the two small groups. Furthermore, it requested the secretariat to service the small groups, in cooperation with other ECE multilateral environmental agreements (MEAs) and the legal expert. The expert engaged to develop the guidance document on land-use planning would also be collaborating closely working with the small group of experts on land-use planning.

10. The secretariat informed the Working Group on Development about the nominations that had already been received for the two small groups. The Working Group welcomed the nominations, while encouraging additional Parties to nominate experts with due expertise and experience and to communicate their names to the secretariat by 8 June 2015. It stressed the need for a balanced regional representation in the two small groups and called specifically on countries from Eastern and South-Eastern Europe, the Caucasus and Central Asia to consider nominating English-speaking experts. With regard to the small group of legal experts, Parties were particularly encouraged to consider nominating experts speaking both English and Russian, to be able to consider the meaning of different terms in the two languages, and preferably with experience in international environmental law, including on ECE MEAs, and with a university degree in law.

III. Amendment to the Convention

11. The Chair recalled the Working Group's mandate from the Conference of the Parties to prepare a draft amendment to the Convention. The Working Group considered the initial proposals for amendments to articles 1, 9, 18 and 29 of the Convention, as well as related provisions and annexes, on the basis of a draft prepared by the secretariat, in cooperation with the legal expert (ECE/CP.TEIA/2015/4, annex). It provided comments and agreed on the subsequent steps (see sects. A–E below). It requested the secretariat to prepare a revised draft amendment for consideration at its sixth meeting, taking into account the comments exchanged at the meeting and any further comments received by Parties and on the basis of the work by the small group of legal experts.

A. Article 1

12. The Working Group discussed the draft text for amending the current definitions of “the public” (art. 1, para. (j)) and “effects” (art. 1, para. (c)) in the Industrial Accidents Convention. It agreed on the amended definition of “the public” as proposed, while suggesting changes to the definition of “effects” in order to achieve closer alignment with the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the ECE Convention on Environmental Impact Assessment in a Transboundary Context. The Working Group tasked the secretariat to review the alignment with other ECE MEAs and to prepare, on that basis, a revised draft for review at its sixth meeting.

13. The secretariat explained the rationale for proposing the addition of two new definitions on “notification of hazardous activities” and “notification of an industrial accident”, noting that in the past ECE countries had demonstrated their confusion between the two terms when reporting on their implementation of the Convention, and that such an amendment could lead to improved clarity. The Chair of the Working Group on Implementation provided additional background information. Some delegations supported the inclusion of those two additional definitions whereas others expressed hesitation as to whether an amendment to the definitions would be the way forward to add clarity. To that end, the Working Group on Development requested the Working Group on Implementation to assess the confusion between “notification of hazardous activities” and “notification of an industrial accident” by several countries and subsequently to inform the secretariat and the Working Group on Development of its conclusions. The Working Group on Development also requested the secretariat to prepare, with due regard to the analysis of the Working Group on Implementation, options for possible ways forward for review at its sixth meeting.

B. Article 9

14. The secretariat presented the rationale and draft text for replacing the current article 9 with articles 9, 9 bis and 9 ter, explaining that that approach attempted to achieve consistency with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), by referring to its three pillars — access to information, public participation, and access to justice in environmental matters — as well as consistency with other legal instruments and compatibility with the EU Seveso III Directive.³

15. Parties exchanged views and concerns on the proposed amendments to article 9. The Swiss delegation expressed support for the draft text for article 9 bis and 9 ter, while indicating its reservation with regard to the draft text for article 9, as proposed, in particular with regard to actively providing information to the public. As per the Swiss Major Accidents Ordinance, all information not subject to security or confidentiality concerns was available upon request by the public, while the information to be made actively available to the public was restricted to two main areas. The representative of Switzerland indicated that the country would opt for a reservation to the amended article 9, as proposed, should there be a consensus by Parties on such an amendment. In addition, the representative of the Russian Federation raised concerns about the active disclosure of information and the

³ 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.

delegate of Belarus about the introduction of additional obligations for Parties to ensure the public's involvement in industrial accident prevention.

16. With regard to article 9 bis, the representative of the Russian Federation stated that certain parts of the proposed amendment in its Russian version were not clear, and requested clarification on several phrases. In addition, the EU delegation expressed its doubts with regard to the level of detail of the draft amended text for article 9, 9 bis and 9 ter, and suggested that the text be shortened, e.g., by including general references to the principles that should be followed. The Russian Federation shared those concerns and the representative proposed that a revised proposal be prepared before a detailed discussion on a draft text took place.

17. Against that background, the Working Group on Development requested the small group of legal experts to prepare a revision of the draft amended text of article 9, proportionate to the Convention's objectives, taking into account the mandate received from the eighth meeting of the Conference of the Parties and the discussions held at the present meeting. The Working Group also invited Parties to submit any further views and comments on article 9 or other parts of the amendment to the secretariat by 8 June 2015.

18. In addition, the Working Group requested the secretariat, in cooperation with other ECE MEAs and the legal expert, to support the small group of legal experts in its preparation of a revised text, and to circulate a consolidated revised proposal during the week of 20 July 2015 to all Parties for their review, with Parties to provide preliminary comments to the secretariat by 24 August 2015. The secretariat was then requested to prepare, on the basis of the draft of the small group of legal experts and the comments received from Parties, a consolidated revised proposal for amending article 9 to be included in an official document to be issued in the English, French and Russian languages in time for consideration at the sixth meeting of the Working Group. Representatives of the Parties would then be in a position to provide further comments on the revised proposal at the sixth meeting.

C. Article 18

19. The Working Group agreed with the proposal for amending article 18, as proposed and presented by the secretariat.

D. Article 29

20. The secretariat presented the rationale and draft text for amending article 29, explaining that the draft amendment would ensure that new Parties automatically ratified, acceded to or approved amendments to the Convention when they ratified, acceded to or approved the Convention, even if the amendments had not yet entered into force. The Working Group agreed with the proposed amendment to article 29 with regard to the application of amendments to new Parties, with the reservation that the reference to article 27 be deleted in case of a decision to open the Convention for accession by Member States of the United Nations from outside the ECE region.

21. The secretariat also presented draft text for opening the Convention for accession by Member States of the United Nations beyond the ECE region for inclusion in the Convention. The Working Group agreed in principle with the proposal to amend article 29 to that end, by adding either a paragraph 2 bis, as proposed, with editorial improvements as discussed at the meeting, or by adding at the end of the current paragraph 2 "as well as by any other State that is a Member of the United Nations".

E. Related changes

22. The secretariat recalled that the Conference of the Parties at its eighth meeting had requested the Working Group on Development to consider also related provisions, articles and annexes of the Convention when preparing a draft amendment to articles 1, 9, 18 and 29. The Working Group discussed the proposed changes to the preamble, article 8 and annexes V and VIII, on the basis of their presentation by the secretariat. It expressed general support for an amendment to the preamble in order to add a reference to other ECE MEAs. Several delegations sought clarification regarding the rationale for the proposed changes to the other parts of the Convention. The delegation of the EU indicated general support to purely editorial changes to ensure consistency within the Convention. Regarding annexes V and VIII, the representative of the Russian Federation expressed concerns related to deleting the phrases “on people and the environment” and “on the population and the environment” which would align “effects” with the definition and as such, broaden the meaning of “effects” to be considered in that context. Furthermore, the Russian delegation raised concerns with regard to replacing “people” or “affected population” with “the public”, “the public in the area capable of being affected” or “human beings”. Both the representatives of the Russian Federation and Ukraine stated that replacing “people” with “human beings” would lead to a different meaning in the Russian language. The representative of the Russian Federation, urging the meeting to limit the number of related changes, emphasized that the amendments to articles 1, 9, 18 and 29 needed to be reviewed before discussing in detail related provisions, articles and annexes.

23. In the light of the comments made at the meeting, the Working Group requested the small group of legal experts, in accordance with their terms of reference, to review the provisions, articles and annexes related to all amendments, in order to achieve alignment with the entire draft amendment.

IV. Accession by Member States of the United Nations from outside the United Nations Economic Commission for Europe region

24. The Chair recalled the request by the Conference of the Parties at its eighth meeting that the Working Group continue thoroughly considering all aspects related to the opening of the Convention. The secretariat reviewed the benefits and challenges associated with the Convention’s opening, and provided additional information on the financing and organization of activities related the opening and promotion of other ECE MEAs that had received expressions of interest from United Nations Member States beyond the ECE region. Specific financing was being provided by Parties, partner organizations or multilateral financing instruments for activities related to the promotion and opening of the Conventions. In the case of the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, such resources also benefited core workplan activities. Different mechanisms were in place under each of the MEAs to determine whether to implement activities outside of the ECE region, and which ones to select, depending on the financing available.

25. In the ensuing discussion, the representative of Bosnia and Herzegovina observed that the opening of other ECE MEAs for accession by United Nations Member States from outside the region could be regarded as a recognition of the work carried out by the ECE Conventions. The delegation of the EU recalled the need to keep in mind the slow progress being made in the discussions in the framework of the United Nations International Law Commission and the General Assembly on a possible global convention on the prevention

of transboundary harm from hazardous activities and the allocation of loss in the case of such harm.

26. In addition, the representative of the EU suggested that they should further consider how other United Nations regional commissions could support the promotion and implementation of the Convention in their geographical areas. There was also a need to consider how to manage the expectations of potential Parties from outside the ECE region, which, on one hand, should be met and, on the other, should not negatively impact the beneficiary countries of the Assistance Programme.

27. Furthermore, the EU delegation proposed that more thought be given to the creation of possible safeguards with regard to the use of the limited financial and human resources in the secretariat. In that connection, the secretariat provided information on possible future options, based on the information note “Secretariats for ECE MEAs — the way forward” that had been circulated to all Parties in advance of the meeting.⁴ In order to move towards a system of sustainable and predictable financing, Parties could provide dedicated guaranteed financing for core activities to ensure the continued functioning of the secretariats, and additional earmarked financing for non-core activities, including those capacity-building activities to support the implementation of the Convention by countries within and those outside the ECE region.

28. Financing for the opening and the promotion of the Convention beyond the ECE region could, as such, be a non-core activity carried out if dedicated financing was provided. The Chair suggested that that proposal be further elaborated with regard to the Industrial Accidents Convention and also that the implications for Parties should be considered. The Swiss representative, indicating Switzerland’s support for the Convention’s opening, was in favour of establishing a mandatory contribution system for Parties.

29. Taking into account the views exchanged, the Working Group expressed its support for the opening of the Convention for accession by United Nations Member States beyond the ECE region in principle, while stressing the need to carefully consider the continued implementation of the Convention in the ECE region and related budgetary questions. It highlighted the need to continue the debate on the opening of the Convention before reaching a final decision, and requested the secretariat to outline possible approaches on how to address the budgetary implications related to the Convention’s opening. It was also decided to further consider the implication of the opening for Parties and the secretariat and to make use of the comments exchanged as a basis for further analysis and discussion at its sixth meeting. On that basis, the Working Group agreed to revisit the issue at its next meetings.

V. Guidance by the Conference of the Parties

30. The Chair recalled the request by the Conference of the Parties at its eighth meeting for the Working Group to develop guidance on land-use planning, on clarifying the scope of mutual assistance and possibly also on a mechanism for the review of compliance, for review and adoption by the Conference of the Parties at its ninth or, alternatively, tenth meeting.

⁴ Available from the “informal documents” section of the web page for the meeting.

A. Safety and land-use planning

31. The secretariat recalled that, at its eighth meeting, the Conference of the Parties had requested the Working Group to review a guidance document on safety and land-use planning, on the basis of a draft drawn up with external expertise, for the governing body's consideration and possible adoption at its ninth or, alternatively, tenth meeting. In that regard, the secretariat drew attention to the background document on the scope and intended content of the guidance document (see ECE/CP.TEIA/WG.1/2015/5), and informed the meeting that the European Investment Bank, as a lead organization, had identified Mr. Lorenzo van Wijk as consultant for the development of the guidance.

32. Mr. van Wijk presented the proposed approach for the development of the guidance document on safety and land-use planning, outlining how the document would support Parties in addressing key challenges in that area. The document would be a means to highlight and address the synergies between the Protocol on SEA and the Industrial Accidents Convention. It was envisaged that an outline of the guidance document would be made available for the sixth meeting of the Working Group. A first draft was expected to be ready for review by the small group of experts on land-use planning in the first quarter of 2016 and for subsequent presentation during a workshop on land-use planning to be held back to back with the seventh meeting of the Working Group on Development in April 2016.

33. The Working Group took note of and welcomed the proposed approach to the development of the guidance document on safety and land-use planning, including the linkages with other legal instruments and the reference materials highlighted therein. It also welcomed the plans to hold a workshop on land-use planning, to be organized jointly by the Industrial Accidents Convention, the Protocol on SEA and the ECE Committee on Housing and the Land-Management in April 2016, in order to support identification of good practices on safety and land-use planning.

B. Scope of mutual assistance

34. The secretariat recalled the request by the Conference of the Parties at its eighth meeting for the Working Group to prepare a draft decision to clarify the scope of mutual assistance set out in article 12, outlining to what extent mutual assistance referred to any industrial accident or to industrial accidents with transboundary effects only, for review and possible adoption at its ninth meeting. The secretariat summarized the deliberations on the issue by the Working Group on Development and the small group evaluating possible amendments to the Convention in the biennium 2013–2014. The small group had concluded that the provisions in article 12 referred to any industrial accident, not only to industrial accidents with transboundary effects.

35. Parties exchanged views on the scope of mutual assistance as set out in article 12 and sought clarification on the deliberations in the previous biennium from the secretariat. The representative of the Russian Federation expressed concerns over the interpretation put forth that the provisions in article 12 referred to any industrial accident, given that the Convention specifically focused on industrial accidents with transboundary effects. The EU delegation indicated that it would need more time to formulate its position on the matter. The Working Group thus decided to revisit the issue at its next meeting, on the basis of the views exchanged by Parties and with due regard to the analysis by the small group evaluating possible amendments to the Convention that had been active in the previous biennium.

C. Compliance

36. The Chair recalled that the Conference of the Parties had requested the Working Group on Development, in cooperation with the Working Group on Implementation, to consider the introduction of a compliance mechanism and to prepare a draft decision for review and possible adoption by the Conference of the Parties at its ninth meeting, with due regard to the mandate and functioning of the Working Group on Implementation.

37. The secretariat presented additional information on the concept of compliance and the compliance mechanisms of the other ECE MEAs. The Chair of the Working Group on Implementation provided information on an initial discussion on the matter by the Working Group on Implementation at its meeting in January 2015. She indicated that a more thorough discussion would take place at the Working Group's next meeting in June/July 2015, following the third meeting of the Informal network of the Chairs to the ECE MEA compliance and implementation bodies (Geneva, 29 June 2015), which could serve to assess the lessons learned from the compliance mechanisms of the other ECE MEAs when discussing a possible way forward for the Industrial Accidents Convention.

38. The Working Group on Development highlighted that, in order to take a decision, it would be important to be aware of the benefits of a possible compliance mechanism for the Convention. It also stressed that in the event of an affirmative decision to establish a compliance mechanism, there would be a need to identify the main elements of the Convention against which compliance would be assessed.

39. With regard to the above, the Working Group on Development requested the Chair of the Working Group on Implementation to report back to the Working Group at its sixth meeting on the outcome of the discussions by the Working Group on Implementation, with the aim to enable the Working Group on Development to further deliberate and take a decision on the possible introduction of a compliance mechanism.

VI. Review of decisions taken and closure of the meeting

40. The Working Group on Development agreed on the main decisions taken at the meeting and entrusted the secretariat to finalize the report after the meeting, in consultation with the Chair.

41. The Chair thanked all participants for their active involvement in the discussions at the meeting. The Chair also thanked the secretariat for the meeting preparation and support, before closing the fifth meeting of the Working Group on Development.

Annex I

Terms of reference of the small group of experts on land-use planning

I. Background and mandate

1. At its eighth meeting (Geneva, 3–5 December 2014) the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) requested the Working Group on the Development of the Convention to review a guidance document on land-use planning, on the basis of a draft drawn up with external expertise, for possible adoption at the ninth or, alternatively, tenth meeting of the Conference of the Parties. The guidance document should:

(a) Clarify the link between the general provisions of the Convention in article 3, paragraph 1, and the land-use planning/siting procedures in article 7 of the Convention;

(b) Explain how the notion of land-use plans and programmes used in other relevant international multilateral environmental agreements and legal instruments applies to the Convention's provisions on the siting of hazardous activities;

(c) Be aligned with the provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Seveso III Directive.^a

2. The European Investment Bank will lead and finance this activity, which will be implemented by a consultant in cooperation with the secretariats of the Industrial Accidents Convention, the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context and the United Nations Economic Commission for Europe (ECE) Committee on Housing and Land Management.

3. To support the Working Group in the development of guidance by the Conference of the Parties on land-use planning, the Working Group has decided to establish a small group of experts on land-use planning.

4. The small group will report to the Working Group. It will inform the Working Group of its review of the draft guidance document on safety and land-use planning and forward a final draft reviewed document to the seventh meeting of the Working Group.

II. Objective

5. The objective of the small group will be to assist the Working Group in reviewing the consultant's work on the development of the guidance document on safety and land-use planning.

^a 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.

III. Planned activities and outputs

6. The small group will undertake the following activities:
 - (a) Examine the outline, initial and intermediate drafts of the guidance document on land-use planning prepared by the consultant regarding:
 - (i) Clarification of the link between the general provisions of the Convention in article 3, paragraph 1, and the land-use planning/siting procedures in article 7 of the Convention;
 - (ii) Explanation of how the notion of land-use plans and programmes used in other relevant international multilateral environmental agreements and legal instruments applies to the Convention's provisions on the siting of hazardous activities;
 - (iii) Alignment with the provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the Seveso III Directive;
 - (iv) Identification and inclusion of good practice on safety, land-use planning and siting;
 - (v) Incorporation of the conclusions and recommendations of the joint seminar on land-use planning around hazardous industrial sites;
 - (b) Agree on a final draft of the guidance document on land-use planning, to be presented to the Working Group.
7. The small group will prepare, in particular, the following outputs:
 - (a) Comments on the initial outline and elements of the draft guidance document on land-use planning with recommendations to the Working Group;
 - (b) Comments on the final draft guidance document on land-use planning with recommendations to the Working Group.

IV. Timetable

8. The small group is expected to start its work on 11 May 2015. Its mandate will end with the successful delivery of the above-mentioned activities and outputs.

V. Method of work

9. The small group is expected to work via e-mail and other electronic means during its mandate; if necessary, it might meet face to face in the margins of or back to back with the Working Group meetings. It will work in English only.
10. The small group will decide upon its recommendations to the Working Group on the basis of consensus among experts representing ECE member States. It might wish to designate a rapporteur, who will facilitate the discussions in the small group and coordinate the forwarding of its considerations to the Working Group.

VI. Membership

11. The small group is open-ended and will comprise experts from Parties. Non-Parties, representatives of industry, civil society and other international organizations may take part as observers in the work of the small group to provide additional expertise.

VII. Secretariat support

12. The Convention secretariat will support the work of the small group by maintaining a consolidated draft of the guidance document as prepared by the consultant.

Annex II

Terms of reference of the small group of legal experts

I. Background and mandate

1. At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties requested the Working Group on the Development of the Convention (Working Group on Development) to prepare a draft amendment on articles 1, 9, 18 and 29, considering also related provisions of and annexes to the Convention, to be ready for review and possible adoption at the ninth meeting of the Conference of the Parties in the fourth quarter of 2016. The Working Group was also requested to develop guidance for adoption by the Conference of the Parties related to the scope of mutual assistance (art. 12), land-use planning (art. 7) and the review of compliance (art. 23).

2. In order to support its work with regard to specific legal questions related to the draft amendments and the development of the guidance, the Working Group has decided to establish a small group of legal experts. The small group will report to the Working Group.

II. Objective

3. The objective of the small group of legal experts will be mainly to assist the Working Group on legal issues, in particular with regard to the draft amendments and the development of guidance by the Conference of the Parties. Among the aspects that the group will be requested to deal with are:

(a) **Amendments:** The small group will prepare and review the draft amendments to article 9, as well as the provisions, articles and annexes related to articles 1, 9, 18 and 29, in accordance with the mandate from the Conference of the Parties at its eighth meeting. It will provide advice to the Working Group with regard to the specific legal considerations that need to be taken into account;

(b) **Mutual assistance:** The Conference of the Parties requested the Working Group to prepare a draft decision to clarify the scope of mutual assistance set out in article 12 of the Convention, outlining to what extent mutual assistance refers to any industrial accident or to industrial accidents with transboundary effects only, for review and possible adoption at its ninth meeting;

(c) **Review of compliance:** The Conference of the Parties requested the Working Group on Development, in cooperation with the Working Group on Implementation, to consider the introduction of a compliance mechanism and to prepare a draft decision for review and possible adoption at its ninth meeting, with due regard to the mandate and functioning of the Working Group on Implementation;

(d) Any other task assigned by the Working Group.

III. Timetable

4. The small group is expected to start its work on 11 May 2015. Its mandate will end with the successful completion of the above-mentioned mandate and objectives.

IV. Method of work

5. The small group of legal experts is expected to work via e-mail and other electronic means during its mandate; it might meet face to face briefly, back to back with a Working Group meeting. It will work in English only. To support the liaison with the Working Group, the members of the small group might wish to designate a rapporteur. The rapporteur will facilitate the discussions in the small group and coordinate the forwarding of its considerations to the Working Group.

6. The small group is expected to be comprised of legal experts. For specific issues, the small group might wish to invite to the discussions participants with substantive knowledge of the topic under discussion, further to the substantive discussions in the framework of the Working Group.

7. The small group will decide upon its report or proposal to the Working Group on the basis of consensus among its members.

V. Membership

8. The small group is open-ended and will comprise experts from Parties. Non-Parties, representatives of civil society and other international organizations may take part as observers in the work of the small group to provide additional expertise.

VI. Secretariat support

9. The Convention secretariat will support the work of the small group of legal experts, in close cooperation with the rapporteur, and facilitate the preparation of documents.
