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Item 5 (a) of the provisional agenda

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

Seventh report on the implementation of the Convention (2012–2013)

Report by the Working Group on Implementation

Summary

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

The present document contains the seventh such report, prepared on the basis of national reports on the implementation of the Convention in the biennium 2012–2013.

The Conference of the Parties will be invited to consider and adopt the seventh report on implementation.



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Introduction

1. In accordance with the Convention on the Transboundary Effects of Industrial Accidents, Parties have an obligation to report on the Convention's implementation (art. 23) and the Conference of the Parties are required to review the state of implementation (art. 18, para. 2 (a)). To assist in the review process, the Conference of the Parties at its first meeting established the Working Group on Implementation and adopted its terms of reference (ECE/CP.TEIA/2, annex III, decision 2000/2, para. 4, and appendix).

2. At its seventh meeting (Stockholm, 14–16 November 2012), the Conference of the Parties adopted the sixth report on implementation (ECE/CP.TEIA/2012/3). It also elected the following persons to serve as members of the Working Group for the term lasting until the eighth meeting of the Conference of the Parties: Ms. S. Ashcroft (United Kingdom of Great Britain and Northern Ireland), Mr. E. Baranovsky (Belarus); Mr. H. Buljan (Croatia); Ms. A.-S. Eriksson (Sweden); Mr. L. Iberl (Germany); Ms. E. Kupeva Nedelkova (the former Yugoslav Republic of Macedonia); Mr. M. Merkofer (Switzerland); Ms. S. Milutinovic (Serbia); Mr. F. Senzaconi (Romania); and Mr. T. Valanto (Finland). The Working Group elected Ms. S. Ashcroft and Ms. S. Milutinovic as its Chair and Vice-Chair, respectively, for the period 2013–2014.

3. Also at its seventh meeting, the Conference of the Parties requested the Working Group to review the reporting format and guidelines before the seventh round of reporting with the aim to further simplify reporting, to strengthen reporting on emergency planning and response and to facilitate the exchange of good practices between countries. The Working Group improved the reporting format and guidelines accordingly, asking countries during the seventh reporting round to report only on updates or progress made since the previous reporting round. The Bureau approved the modification of the format and guidelines as prepared by the Working Group.

4. The Working Group held seven meetings in the biennium 2013–2014, of which four meetings (Geneva, 29 January 2013; Stockholm, 4–5 June 2013; Bootle, United Kingdom, 26–27 November 2013; and Geneva, 2–3 July 2014) focused primarily on monitoring the implementation of various activities under the Assistance Programme, including the Strategic Approach.¹ One meeting (Bucharest, 14–15 April 2014) was organized to review the national implementation reports and two meetings (Geneva, 29–30 January 2013, Bootle, United Kingdom, 27–28 November 2013) were held jointly with the Bureau of the Conference of the Parties to discuss tasks with joint responsibilities between the two bodies, in particular with regard to activities under the Assistance Programme.

I. Reporting

5. The secretariat initiated the seventh reporting round on the implementation of the Convention with letters sent to Parties on 10 September 2013, accompanied by the reporting format and the guidelines in English, French or Russian. Letters inviting submission of an implementation report were also sent to non-Parties participating in the Assistance Programme, in the light of their commitment to report on the implementation of the Convention expressed at the High-level Commitment Meeting in 2005 (Geneva, 14–15

¹ The Strategic Approach for the Assistance Programme (ECE/CP.TEIA/2008/5) was adopted by the Conference of the Parties at its fifth meeting (ECE/CP.TEIA/19, para.50 (a)).

December 2005). The deadline for the submission of the reports was set for 31 January 2014.

A. Submission of reports

6. At the time of the Working Group's twenty-fourth meeting to review the national implementation reports in the seventh reporting round (Bucharest, 14–15 April 2014), 40 ECE member countries in addition to the European Union (EU) had ratified, accepted or acceded to the Convention. The number of Parties was thus 41 in total.

7. Out of the 41 Parties, as of the twenty-fourth Working Group meeting, 34 had submitted their national implementation reports: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom. Reports submitted in Russian (from Armenia, Belarus, the Russian Federation and Ukraine) and in French (from Belgium, France, Luxembourg and Monaco) were translated into English.

8. Seven Parties had not provided their implementation reports by the time of the April 2014 meeting: Albania, Bosnia and Herzegovina, Denmark, EU, Greece, Kazakhstan and Spain. Because of the nature of the EU, the practice in recent years has been that it has not submitted a report.

9. In addition, out of the five Assistance Programme countries which are not Parties but committed at the High-level Meeting in 2005 to report on the implementation of the Convention, two had submitted a report (Georgia and Ukraine). Kyrgyzstan, Tajikistan and Uzbekistan had not provided their implementation reports by the time of the Working Group meeting.

10. All national implementation reports were made available on a password protected website accessible by Parties to the Convention.² The Working Group notes that the current practice of sharing implementation reports refers only to Parties, not to countries that are not Parties but have submitted an implementation report. **The Working Group thus calls on the Conference of the Parties to provide guidance on the mutual availability of implementation reports to all countries submitting reports, taking into account the principle of reciprocity.**

B. Reporting trends

11. The Working Group expressed its satisfaction that 36 Parties and committed ECE countries had made their implementation reports available before the April 2014 meeting. **The Working Group welcomed in particular the submission of the implementation reports from the Russian Federation, which had not submitted a report for the three previous consecutive reporting rounds, as well as from Georgia and Ukraine which were not yet Parties to the Convention.**

12. **The Working Group regretted that 10 Parties and committed countries failed to submit their implementation reports in time to be considered at the meeting. It**

² The reports were made available at: http://www.unece.org/env/teia/report_login.html. Please contact the secretariat to receive the access information.

noted with concern that Bosnia and Herzegovina — a new Party since 21 May 2013 and a beneficiary country under the Assistance Programme — had not submitted its implementation reports, nor had Albania, where an assistance activity was planned to take place in 2014. The Working Group also expressed concerns regarding the absence of the national implementation reports from the three committed ECE countries from Central Asia (Kyrgyzstan, Tajikistan and Uzbekistan).

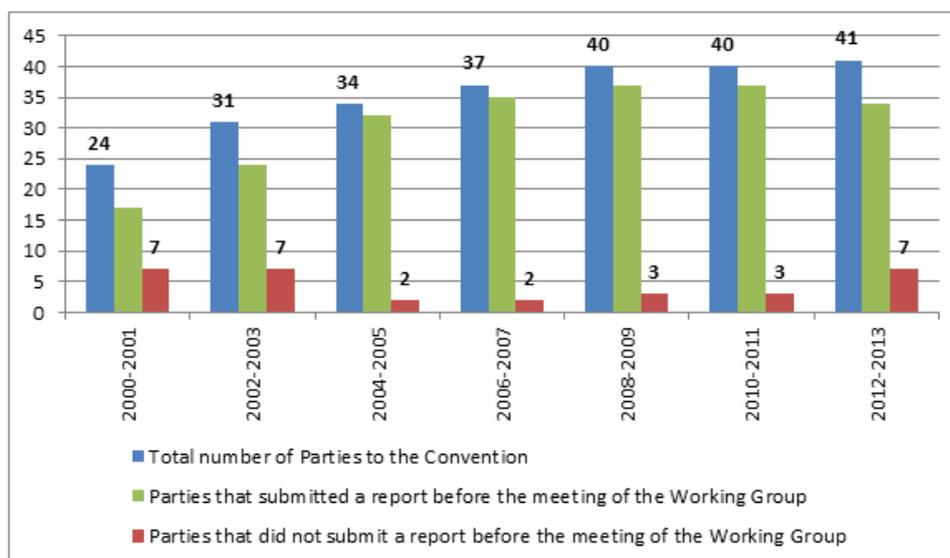
13. The Working Group noticed that only 18 Parties had submitted their implementation reports to the secretariat by the deadline: Austria, Belarus, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Hungary, Lithuania, Monaco, Norway, Poland, Portugal, Slovakia, Sweden, Switzerland and the United Kingdom. **The Working Group wishes to thank those 18 Parties that respected the agreed deadline.**

14. The Working Group further noticed that a further 18 Parties and committed ECE countries submitted their reports to the secretariat only after the deadline (31 January 2014) had passed. Some of them informed the secretariat about their late submission, indicating the reasons for it, such as the change of focal points and institutional coordination issues. The Working Group expressed its understanding for delays due to exceptional circumstances. At the same time, **it wishes to encourage those Parties and committed ECE countries that did not submit their reports on time during this reporting round to do so in the future** in order to allow for sufficient time for the Working Group's analysis of the reports.

15. The Working Group regretted the increase in the number of Parties that did not submit reports before its meeting to review the national implementation reports, which had risen from three to seven countries since the last reporting round (see figure 1 below). It further regretted that it would be unable to include the results of the remaining national reports in its seventh report on the implementation of the Convention. **The Working Group thus wishes to recall Parties' obligation to report on the Convention's implementation (art. 23) and it invites the Conference of the Parties to stress to Parties, including those participating in the Assistance Programme, the need for timely submissions of national reports in the next reporting round.**

16. At the same time, the Working Group noted that the number of Assistance Programme countries that were not Parties and had not reported had decreased since the previous reporting round, from six to three countries. Nonetheless, it expressed concerns that three Central Asian countries did not submit their implementation reports despite the fact that the respective Governments committed to reporting at the 2005 High-level Meeting. **The Working Group therefore invites the Conference of the Parties to remind Assistance Programme countries that are not Parties about their commitment expressed in 2005 to report on the implementation of the Convention.**

Figure
Reporting by Parties for the reporting rounds 2000–2001 to 2012–2013



C. Overall quality of reporting

17. In general terms, the Working Group was of the opinion that the overall quality of reporting had improved compared with the previous reporting round and that the majority of Parties and committed ECE countries complied with the Convention. A high number of Parties and committed ECE countries followed the reporting guidelines adequately, although in some parts the descriptions highly exceeded the indicated word limit and questions had not been replied to or misunderstood. **The Working Group strongly calls on Parties and committed ECE countries to consult the guidelines before completing their reports to avoid misunderstandings and to ensure adequate and complete reporting on all questions.**

18. **The Working Group noted with satisfaction that some Parties — whether beneficiaries to the Assistance Programme (Croatia³ and Serbia, the former Yugoslav Republic of Macedonia) or not (Russian Federation) — and non-Parties beneficiary to the Assistance Programme (Georgia) used the indicators and criteria to report on the implementation of the Convention, as requested in the reporting guidelines. The Working Group welcomed this approach and the way qualitative information was provided, in particular these countries' openness to report on areas for improvement, and encouraged others to do the same.**

19. During this reporting round, countries were requested to copy their replies from the previous reporting round (2010–2011) into this report (under the section “Reply from reporting round 2010–2011”) and to add only information on updates or progress made since then (under the section “Reply from reporting round 2012–2013”). The Working Group noted, however, that many countries copied and pasted their replies from the previous reporting round (2010–2011) verbatim into the report for the current reporting

³ Since its accession to the EU on 1 July 2013, Croatia is no longer a beneficiary of the Convention's Assistance Programme.

round (2012–2013), so that the lack of progress made (as the replies remained unchanged from the previous round) became evident only after having read the entire section again. With regard to these and further issues that require clarification, **the Working Group recommends that the reporting format and guidelines be reviewed before the next reporting round to further improve clarity and facilitate reporting and review.**

20. Countries were requested during this reporting round to highlight in their national implementation reports good practices and guidelines on relevant areas of the Convention prepared for national use. **The Working Group welcomed that some Parties followed this approach, and recommends continuing the collection of good practices and guidelines through the national implementation reports.**

II. Overall assessment of the implementation of the Convention⁴

21. Based on the analysis of the replies provided in the national implementation reports, the Working Group assessed that the level of implementation of the Convention by Parties and committed ECE countries had steadily improved since the previous reporting round. The Working Group was of the opinion that the general improvement in reporting was due to the revision of the reporting format and guidelines, as requested by the Conference of the Parties at its seventh meeting. In particular, **the Working Group welcomed the inclusion of two new sections in the reporting format, on emergency response and on mutual assistance, and it recommended keeping this for future reporting rounds.**

22. **The Working Group noted that from the replies and descriptions provided by some ECE countries it was not always possible to assess the level of national implementation. In particular, it was often not clear how transposed EU legislation was applied. The Working Group therefore suggested that this be clarified in the format and guidelines for the next reporting round, possibly also through the inclusion of elements mentioned under progress stages 5 and 6 in the document on benchmarks for the implementation of the Convention (Benchmark document) (ECE/CP.TEIA/2010/6), containing indicators and criteria, which could help to make the distinction between legislation that is adopted or implemented in practice.**

23. The Working Group further noted that, although Parties and committed ECE countries were encouraged in the reporting guidelines to use the indicators and criteria from the Benchmark document to report on the implementation of the Convention, only a few of them (mainly those that were beneficiaries of the Assistance Programme), used them for reporting. The Working Group noticed that, where they were used, the indicators and criteria had helped to identify the progress made in the implementation of the Convention, including areas for potential improvement, which contributed to improving the overall quality of the reports. **The Working Group thus recommends that all reporting countries, whether beneficiaries of the Assistance Programme or not, should use elements from the indicators and criteria contained in the Benchmark document to report on the progress made in the implementation of certain provisions under the Convention.**

24. To assess the overall implementation of the Convention, the Working Group analysed the national implementation reports according to the reports' sections, as follows: (a) policy for implementation of the Convention; (b) identification and notification of

⁴ The reporting format and guidelines for the seventh round of reporting (as well as for previous rounds) are available under the rubric "Reports on the Implementation of the Convention" from the following website <http://www.unece.org/env/teia/wgimplementation.html>.

hazardous activities with the potential to cause transboundary effects; (c) prevention of industrial accidents; (d) emergency preparedness and response; (e) mutual assistance; (f) scientific and technological cooperation and exchange of information; (g) participation of the public; (h) decision-making on siting; and (i) reporting on past industrial accidents. The general conclusions and recommendations per section can be found below. A detailed analysis of the different sections of the national implementation reports can be found in informal document COP.TEIA/2014/INF.1.

A. Policy for implementation of the Convention (questions 1 and 2)

25. The questions on policy for implementation of the Convention in the reporting format were generally well understood, although some countries provided extensive lists of legislation of questionable relevance. In addition, it was not always clear from the reports how the transposed EU legislation was applied. It seems that some countries could benefit from either more detailed guidance on the completion of this section or from seeing a “good” sample response. **The Working Group thus recommends reviewing the reporting format and guidelines before the next reporting round in order to further facilitate reporting.**

26. To facilitate reporting for countries with an advanced level of implementation of the Convention, the Working Group discussed the possibility of developing criteria that would reduce the reporting burden for countries that have previously provided the information required. **The Working Group invites the Conference of the Parties to provide guidance for possible further actions to take in order to reduce the quantity of information to be provided in the national implementation reports.**

27. In some cases misunderstandings were exacerbated, as countries that noted problems in the previous reporting round indicated in the present round that there was no change but did not provide further information on whether the problems had been solved or still existed. **The Working Group sees a need to further encourage Parties and committed ECE countries in the next reporting round to report on the progress made in closing gaps and solving problems that were identified in the previous reporting period.**

28. Many responders struggled with identifying indicators of success for the effectiveness of the policies on the implementation of the Convention beyond a lack of accidents at hazardous installations with possible transboundary effects. **The Conference of the Parties might wish to entrust the Working Group to consider other methods, such as the proposal of criteria or a specification in the reporting guidelines, in order to help Parties and committed ECE countries to find criteria to assess their systems’ effectiveness.**

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

29. Regarding the identification of hazardous activities, the Working Group is, as in the previous reporting round, satisfied with the information provided on procedures to identify hazardous activities capable of causing transboundary effects (see table below). **It encourages Parties and committed ECE countries to continue implementing an effective system for the identification of hazardous activities and calls on those Parties and committed ECE countries not having totally implemented such a system yet to continue their efforts.**

30. Regarding the notification of hazardous activities, the Working Group noted that thanks to the clarification in the 2012–2013 reporting format (i.e., that the term

“notification” in questions 3 to 7 was not related to the event of an industrial accident), several ECE countries who had misunderstood these questions in the previous reporting round (2010–2011), provided a correct answer in this reporting round. There were only a couple of ECE countries (Belarus, Lithuania) that still misunderstood this matter.

31. At the same time, the Working Group, as in the previous reporting round, still sees a need for Parties and committed ECE countries to improve their procedures for the notification of hazardous activities, given that out of the 25 ECE countries having identified hazardous activities falling under the Convention, only 12 have notified their neighbours about them (Austria, Belgium, Croatia, France, Germany, Luxembourg, Poland, Romania, Slovakia, Sweden, Switzerland, United Kingdom). The majority of countries with hazardous activities with possible transboundary effects either only partly notified their neighbours (Czech Republic, Hungary), did not notify them at all (Armenia, Republic of Moldova, Serbia, Slovenia, the former Yugoslav Republic of Macedonia, Ukraine), or did not provide a reply to this question in their report (Azerbaijan, Belarus, Finland, Lithuania, Netherlands). **In the light of the above, the Working Group calls on Parties and committed ECE countries to improve their procedures for the notification of hazardous activities to neighbouring countries and suggests that the Conference of the Parties, where necessary, provide adequate support.**

32. With regard to article 5 of the Convention (voluntary extension), the Working Group appreciates the evaluation of the potential for transboundary effects by using estimations about possible damages of transboundary effects, as well as risk assessment methodologies. **The Working Group thus recommends that these advances in approach be explored against the location criteria set out in the the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (see ECE/CP.TEIA/2, annex IV, and ECE/CP.TEIA/12, annex II) and proposes that some Parties (e.g., Belgium, Russian Federation, Switzerland) could deliver more details of their approaches for evaluation.**

33. **The Working Group appreciates the ongoing and regular exchange between ECE countries about hazardous activities causing transboundary effects and encourages Parties and committed ECE countries to strengthen this kind of information exchange.**

Table

Identification of hazardous activities with the potential to cause transboundary effects (questions 4–6), showing changes in the number of hazardous activities identified since the previous report

<i>Parties and non-Parties</i>	<i>No. of HA (Q4–5)</i>		<i>Notification (Q6)</i>	<i>Comments by the Working Group</i>
	<i>2012–2013 report</i>	<i>2010–2011 report</i>		
Albania	—	n/a	—	No report ^a
Armenia	1	1	No	
Austria	41	39	Yes	
Azerbaijan	10 ^a	10	—	Number of HA causing transboundary effects unclear
Belarus	8	8	—	
Belgium	5	4	Yes	

<i>Parties and non-Parties</i>	<i>No. of HA (Q4–5)</i>		<i>Notification (Q6)</i>	<i>Comments by the Working Group</i>
	<i>2012–2013 report</i>	<i>2010–2011 report</i>		
Bosnia and Herzegovina	—	—	—	No report ^a
Bulgaria	n/a	3	n/a	
Croatia	2	—	Yes	
Cyprus	n/a	n/a	n/a	
Czech Republic	60	60	Partly	
Denmark	—	—	—	No report ^a
Estonia	n/a	—	n/a	
Finland	4	4	—	
France	56	46	Yes	
Georgia ^b	n/a	—	n/a	HA not identified yet
Germany	170	120	Yes	
Greece	—	—	—	No report ^a
Hungary	28	22	Partly	
Italy	n/a	n/a	n/a	
Kazakhstan	—	1 649 ^c	—	No report ^a
Latvia	n/a	n/a	n/a	
Lithuania	2	2	—	
Luxembourg	1	1	Yes	
Monaco	n/a	n/a	n/a	
Montenegro	n/a	n/a	n/a	HA not identified yet
Netherlands	54	52	—	
Norway	n/a	n/a	n/a	
Poland	19	18	Yes	
Portugal	n/a	n/a	n/a	
Republic of Moldova	8	8	No	
Romania	5	5	Yes	
Russian Federation	n/a	—	n/a	HA not yet identified
Serbia	9	9	No	

Parties and non-Parties	No. of HA (Q4–5)		Notification (Q6)	Comments by the Working Group
	2012–2013 report	2010–2011 report		
Slovakia	10	11	Yes	
Slovenia	7	16	No	
Spain	—	3	—	No report ^a
Sweden	1	1	Yes	
Switzerland	34	35	Yes	
The former Yugoslav Republic of Macedonia	18 ^a	10	No	Number of HA causing transboundary effects unclear
United Kingdom	4	4	Yes	
Ukraine ^b	3 853 ^c	—	No	Number of HA causing transboundary effects unclear

Abbreviations and symbols: “—” means either no report or no answer provided; HA = hazardous activities with possible transboundary effects; n/a = not applicable, as either no HA or HA not yet identified; Q = question.^a By the time of the meeting of the Working Group held on 14–15 April 2014 in Bucharest.

^b Non-Party.

^c It seems that the total number of hazardous activities in the country was indicated, rather than only the number of hazardous activities falling under the Convention.

C. Prevention of industrial accidents (questions 8 and 9)

34. In general, with regard to reporting on prevention of industrial accidents, the Working Group found that there was a slight improvement in terms compared with the previous round, although from the replies received it was often difficult to assess the actual level of implementation of the Convention with regard to the prevention of industrial accidents.

35. Ten Parties and committed ECE countries identified a number of weaknesses, such as in the field of human resources (Georgia, Russian Federation, Serbia, Slovenia, the former Yugoslav Republic of Macedonia), training of staff in authorities and/or operators (Azerbaijan, Georgia, Republic of Moldova, Romania), risk identification and assessment (Estonia, Georgia, Lithuania), quality of safety reports (Serbia) and coordination between both different authorities and authorities and operators (Republic of Moldova). **The Working Group appreciates the openness of Parties and committed ECE countries to mention weaknesses and highlights the need for all countries that are beneficiaries of the Assistance Programme to disclose weaknesses in order to receive assistance that could improve the situation.**

36. In this section, a few countries made specific reference to the indicators and criteria in the Benchmark document, such as Serbia and the former Yugoslav Republic of Macedonia. Croatia mentioned also that the application of the indicators and criteria had resulted in the development of national guidelines for stakeholders in the country to allow for a better implementation of the provisions of the Convention. **The Working Group welcomes the use of the indicators and criteria in the Benchmark document in**

reporting and, in particular, encourages all ECE countries, whether Party to the Convention or not, to make use of the indicators and criteria to provide more descriptive elements in their replies

37. Although only a brief explanation of the main preventive measures, consisting of a few hundred words, was requested, some very extensive answers — up to six times the suggested length — were given. **The Working Group calls on countries to follow the reporting guidelines and suggests that this also be stressed in the letter by the secretariat initiating the next reporting round.**

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

38. The Working Group finds that emergency preparedness and response is in general at an acceptable level, in particular at the national level. At the same time, it seems that testing, updating and reviewing of emergency plans, in cooperation with neighbouring countries, is still a challenge, and there is potential for improvement in this area for almost all Parties and committed ECE countries. **The Working Group calls on Parties and committed ECE countries to take further actions to strengthen emergency preparedness and response.**

39. The Working Group encourages Parties and committed ECE countries to continue working on areas for improvement and welcomes the work going on, especially in countries with an advanced level of implementation of the Convention.

40. The presence of guidance documents in this area varies greatly, with some countries having guidance documents for more than one level and others having no guidance documents at all. Only Germany included Internet links to the guidelines it had developed.⁵ **The Conference of the Parties may wish to consider studying whether there is a need to produce common emergency plan guidelines to improve cooperation between neighbouring countries.**

41. The Working Group has the impression that the questions in this section were not always well understood by countries, possibly due to some inconsistencies between different parts of the reporting format and the reporting guidelines, e.g., on whether “all hazardous activities” (format for question 10), “all hazardous activities identified” (guidelines for question 10) or “hazardous activities falling under the Convention” (guidelines for question 4) were asked for. An understanding of question 10 is, moreover, essential for replying to subsequent questions in the emergency preparedness and response section and for being able to assess whether the answers provided relate to all hazardous activities in a country or only to the hazardous activities with transboundary effects. Parties and committed ECE countries have answered this and the subsequent questions in different ways.

42. This section of the report has changed compared with the last reporting round as it now contains also questions on emergency response, in addition to questions on emergency preparedness. Compared with the previous reporting round, there are only a few changes in the answers but almost all the changes were positive, as they included better descriptions of the systems in place, more examples and more information on steps taken. A few countries

⁵ Germany provided Internet links to an implementation guideline on the Hazardous Incident Ordinance (see www.bmub.bund.de/fileadmin/bmu-import/files/pdfs/allgemein/application/pdf/vollzugshilfe_stoerfall_vo.pdf) and to various guidelines for authorities for the implementation of obligations under the EU Seveso II Directive (www.kas-bmu.de/).

(Belarus, Croatia, Republic of Moldova, Russian Federation and the former Yugoslav Republic of Macedonia) also referred to the indicators and criteria in their responses to the questions in this section.

E. Mutual assistance (questions 20 and 21)

43. The section on mutual assistance is a new part in the reporting format for 2012–2013. In general, the Working Group is satisfied with the findings from the reports. The majority of ECE countries have identified an authority to act as point of contact for mutual assistance and most of them offered clear information about procedures for requesting and providing assistance in case of an accident with transboundary effects.

44. At the same time, the Working Group noticed that a few countries did not identify a point of contact for mutual assistance (Cyprus, Estonia, Monaco and Montenegro), did not name it although identified (Finland), or did not identify an authority but a ministry (Estonia). **The Working Group thus wishes to encourage all Parties and committed ECE countries to continue improving their procedures for mutual assistance and to establish, if they have not yet done so, an authority to act as a point of contact on mutual assistance.**

45. The analysis of this section of the report shows that bilateral and multilateral agreements for mutual assistance have been established in the majority of Parties. At the same time, **the Working Group recommends to Parties and committed ECE countries to put further efforts into the establishment of bilateral agreements, especially between neighbouring countries, as a basis for rapid and successful intervention in case of industrial accidents with transboundary effects.**

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

46. Generally, the Working Group notes that cooperation between countries is ongoing and increasing. The Working Group also noted that some countries misunderstood the question on scientific and technological cooperation and exchange of information as being directed only at activities under the umbrella of the Convention or at the implementation of the transboundary aspects of the Convention. **The Working Group thus wishes to encourage ECE countries that misunderstood this question to indicate in the next reporting round relevant cooperation and exchange of information on industrial accident prevention, even if such activities do not take place under the umbrella of the Convention or are not particularly directed at the implementation of the transboundary aspects of the Convention.**

47. **The Working Group encourages Parties and committed ECE countries to provide details of existing good practices in the next reporting round, as well as the relevant weblinks, so as to help disseminate such good practices.** Furthermore, it encourages Parties to describe new projects or programmes in more detail with respect to their content, in order to indicate linkages with other parts of the report, and to provide weblinks to electronically available documents.

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

48. Generally, the Working Group sees an improvement in the involvement of the public in the various steps linked to the safety of industrial installations. Often there is a good involvement of the public in emergency response and land-use planning procedures.

Despite those improvements, **the Working Group notes that the level of availability of procedures for involving the public varies significantly among ECE countries. It still sees a need for exchanging good practices to reach a higher degree of public participation in the processes of establishing and implementing preventive and preparedness measures, and it calls on Parties to organize seminars, workshops or other relevant activities in this area.**

49. Regarding provision of information to the public, the Working Group considers that it would help Parties and committed ECE countries to obtain an overview of the changes in the Seveso III Directive⁶ with respect to public information. To this end, **the Working Group recommends that a representative from the EU or an EU member State be invited to provide further information, possibly at the upcoming meeting of the Conference of the Parties, regarding Seveso III public information provisions.**

50. Regarding participation of the public from neighbouring countries, **the Working Group encourages Parties and committed ECE countries to describe procedures for involving the public of neighbouring countries, even if hazardous installations within the scope of the Convention are not present on their territory.**

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

51. The Working Group is generally satisfied with the replies provided regarding decision-making on siting, noting that many Parties and committed ECE countries gave the same answer as in the previous reporting round. Most of these countries have basic regulations and policies for land-use planning in place (besides Georgia and Montenegro), and find that those are adequate and achieve the intended results. A few ECE countries mention that improvements were made or are planned. **The Working Group welcomes ongoing and planned work by Parties and committed ECE countries on decision-making on siting.**

52. At the same time, the Working Group noticed with concern that the inclusion of transboundary aspects into siting policies is still an issue which in many ECE countries is either not taken into consideration (Armenia, Finland, Georgia, Montenegro, Republic of Moldova) and/or still faces obstacles (Austria, Czech Republic, Estonia, Finland, Norway, Sweden, Switzerland, the former Yugoslav Republic of Macedonia). **The Working Group thus calls on Parties and committed ECE countries to further improve their policies on decision-making on siting, in particular with regard to the inclusion of transboundary aspects, in order to meet the Convention's requirements.**

53. The quality of reporting did not change compared with the previous reporting round. In general, the questions in this area were well understood; there were only two countries (Azerbaijan and the former Yugoslav Republic of Macedonia) that misunderstood question 30 on bilateral activities on siting issues with potentially affected neighbouring countries. **The Working Group does not see a need to change the reporting format in this part of the questionnaire; however, there is a need to provide more detailed explanations, including examples, on how to complete this section.**

⁶ 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.

I. Reporting on past industrial accidents (questions 32 and 33)

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

III. Areas for follow-up

55. The Working Group identified several areas where countries assessed that improvements could be made. The list below contains such areas, for which activities could be organized under the Convention, possibly in cooperation with other organizations. It should be noted that the areas are listed because the issues have been highlighted by one or more ECE countries. The Working Group is aware that it may not be possible to address all the areas listed below in the biennium 2015–2016:

(a) In the section on policies for the implementation of the Convention, Parties and committed ECE countries identified a number of specific weaknesses or areas for potential improvement, such as: (i) an imperfect legislative base; (ii) a lack of willingness or ability to cooperate with neighbouring countries; (iii) an insufficient institutional capacity/a lack of experts and qualified personnel, including appropriate education; (iv) an insufficient safety culture within industry; (v) a lack of software for risk assessment; (vi) a lack of financial and other resources; and (vii) an unclear division of responsibilities between authorities at all levels and/or complicated governmental systems that make cooperation challenging;

(b) In the section on the identification and notification of hazardous activities with the potential to cause transboundary effects, the Working Group still sees a need for Parties and committed ECE countries to improve their procedures for the notification of hazardous activities to neighbouring countries;

(c) In the section on prevention of industrial accidents, a number of weaknesses have been identified, such as the lack of: (i) human resources (Georgia, Russian Federation, Serbia, Slovenia and the former Yugoslav Republic of Macedonia); (ii) training of staff in authorities and/or operators (Azerbaijan, Georgia, Republic of Moldova and Romania); (iii) risk identification and assessment (Estonia, Georgia and Lithuania); (iv) quality safety reports (Serbia); and (v) coordination between authorities and between authorities and operators (Republic of Moldova);

(d) In the section of emergency preparedness and response, countries have mentioned the following areas for improvement: (i) cooperation with neighbouring countries; (ii) the shortage of individual protection equipment and specialized emergency response equipment; (iii) crises communication; and (iv) sharing of capabilities in response to emergencies;

(e) It seems that guidelines in the area of emergency preparedness and response are an issue to which more attention should be paid. The Conference of the Parties may wish to consider studying whether there is a need to produce a common emergency plan guideline to improve cooperation between neighbouring countries;

(f) The establishment and implementation of systems for improved cooperation between rescue units and between authorities in the country and/or with neighbouring countries are an issue for several countries. Also the raising of the level of expertise among emergency responders through training seems to be an option in order to improve response measures shared and agreed with neighbouring countries;

(g) The nature of central and local government appears to be a challenge for several countries. There could be a potential for countries that have addressed such

challenges successfully (Germany) to share good practise with countries still having difficulties (Lithuania);

(h) In the section on mutual assistance, several countries did not mention the point of contact for mutual assistance in their implementation report. There is a need for all Parties to the Convention to establish an authority to act as point of contact for mutual assistance;

(i) In the section on decision-making on siting, the Working Group still sees a need for Parties and committed ECE countries to further improve their policies, in particular with regard to the inclusion of transboundary aspects, in order to meet the Convention's requirements.

56. In the light of these weaknesses or areas for potential improvement, it can be assumed that there is a continuous need for implementing tailor-made assistance activities in ECE countries with economies in transition as well as for sharing good practices with ECE countries at an advanced stage of implementation.

57. Furthermore, the Working Group made the following recommendations and observations for follow-up based on the analysis of the implementation reports:

(a) **The Working Group appreciates the ongoing and regular exchange of information between countries about hazardous activities capable of causing transboundary effects and encourages Parties and committed ECE countries to continue and further strengthen this kind of information exchange;**

(b) **The Working Group encourages the countries to highlight in their national reports during the next reporting round good practices and to provide also weblinks, if those are available. Furthermore, it encourages Parties to describe new projects or programmes in more detail with respect to the content, to indicate linkages with other parts of the report and to make reference to electronically available documents;**

(c) **The Working Group considers that it would help Parties and committed ECE countries to obtain an overview about the changes in the Seveso III Directive with respect to public information. To this end, the Working Group recommends that a representative from the EU or an EU member State be invited to provide further information, possibly at the upcoming meeting of the Conference of the Parties;**

(d) **With regard to article 5 of the Convention (voluntary extension), the Working Group appreciates the evaluation of the potential for transboundary effects by using estimations about possible damages of transboundary effects as well as risk assessment methodologies. The Working Group recommends to explore these advances in approach against the location criteria set out in the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (see ECE/CP.TEIA/2, annex IV, and ECE/CP.TEIA/12, annex II) and proposes that some countries (e.g., Belgium, Russian Federation, Switzerland, etc.) could deliver more details of their approaches to the Working Group to be explored further;**

(e) **The Working Group also noticed that several beneficiary countries to the Assistance Programme (Belarus, Croatia and the Republic of Moldova) report that they have no problems with the implementation of the Convention. The Working Group thus wishes to recall that in order to receive support through the Assistance Programme, countries need to critically assess their level of implementation and identify possible shortcomings in their self-assessments.**

58. At their joint meeting held on 9 February to 1 March 2012 in Edinburgh, United Kingdom, the Bureau requested the Working Group to both consider the conclusions and

recommendations from the workshops and seminars organized in 2011–2012 and to identify the priority areas that needed to be implemented in the following biennium. Given the fact that some activities have already been implemented in the biennium 2013–14, the Working Group created the following priority list for implementation in 2015–2016:

- (a) Elaboration of criteria or standards for safety and land-use planning incorporating long-term trends;
- (b) Exchange of experience and good practices among Parties and promotion of the continuous organization of bilateral exercises for preparedness;
- (c) Addressing the risk of complacency in ensuring prevention and maintaining a high level of safety.

59. **The Working Group recommended that all the above-mentioned activities, where possible, be carried out in coordination with relevant stakeholders.**

IV. List of good practices

60. Parties and committed ECE countries were requested during this reporting round to highlight in their national implementation reports good practices and guidelines on relevant areas of the Convention prepared for national use. **The Working Group welcomes that some Parties followed this approach and provides below a list of good practices that some countries highlighted in their reports:**

- (a) The Czech Republic, Norway and the United Kingdom indicate that they undertake a continuous review of their legislation;
- (b) The Netherlands reports that it has established a public risk map on hazardous activities, containing also information on possible transboundary effects;⁷
- (c) Ukraine mentions a legal provision in its national legislation to invite non-governmental organizations as observers to inspections at hazardous installations;
- (d) The Russian Federation takes into consideration the overall compliance of operators with the legislation in this sector in order to assess the effectiveness of policies for the implementation of the Convention, rather than just the lack of accidents or the presence of a legal framework;
- (e) In Germany the competent authority has to forward to the competent authority in the neighbouring country copies of the information necessary for drawing up external emergency plans;
- (f) Germany mentions in its report the Commission on Process Safety (KAS) as a good source of information;⁸
- (g) Germany also mentions as a good practice example in its implementation report on warning and alarm plans for both the Rhine⁹ and the Elbe¹⁰ Rivers;

⁷ The public risk map is available from www.risicokaart.nl.

⁸ Further information on the KAS and its guidance is available from http://www.kas-bmu.de/publikationen/pub_gb.htm.

⁹ Available from www.iksr.org/index.php?id=86&L=3&cHash=455fdab52ce6eafbf6f72632159564bf.

¹⁰ Available from www.ikse-mkol.org/index.php?id=787&L=2.

(h) Germany also reported on various projects and procedures in the field of scientific and technological cooperation and exchange of information (see informal document COP.TEIA/2014/INF.1 for further information);

(i) Another good practice example from Germany is the full-scale emergency response exercise conducted by Bavaria and its Austrian neighbouring region, Upper Austria, on 26 April 2013 in the area of Burghausen/Braunau am Inn. The main goals of the exercise were to test two external emergency plans, to give practice to the emergency response leadership bodies on both sides of the border and to review cross-border alarm and communication channels;

(j) Switzerland highlights in its implementation report the risk calculation of high pressure gas pipelines as a good practice example;¹¹

(k) Switzerland also makes reference to two publications from the Federal Office for the Environment on new chemical hazards, such as the publications on *Fire and explosion properties of synthetic nanomaterials*¹² and on *Human and Ecotoxicity of Synthetic Nanomaterials*.¹³

61. The Working Group also recalls that, in accordance with the Long-term Strategy for the Convention (ECE/CP.TEIA/22, annex I), it is crucial to exchange information to further strengthen the implementation of the Convention across the ECE region. To this end, **the Working Group recommends continuing the collection of good practice examples through the national implementation reports, and it calls on Parties and committed ECE countries to highlight good practices and guidelines, including the provision of web links, in their national implementation reports for the next reporting round. The Working Group also recommends sharing selected good practices in the framework of the upcoming meeting of the Conference of the Parties.**

62. The Working Group also wishes to stress that countries are always invited to contact the Working Group, through the secretariat, to communicate the need to discuss the implementation of specific aspects under the Convention.

¹¹ Available from www.swissgas.ch/en/downloads/formsinformation-sheets.html.

¹² *Initial investigations for major accident prevention* (Bern, 2010). Available from www.bafu.admin.ch/publikationen/publikation/01539/index.html?lang=en.

¹³ *Initial insights for major accident prevention* (Bern, 2013). Available from www.bafu.admin.ch/publikationen/publikation/01697/index.html?lang=en.