

11 August 2017

English only

Economic Commission for Europe

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

Working Group on Implementation

Thirty-third meeting

Geneva, 1 February 2017

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. The following members of the Working Group on Implementation attended the meeting: Mr. Hrvoje Buljan (Croatia); Mr. Pavel Chukharev (Belarus); Mr. Raphael Gonzalez (Switzerland); Mr. Leo Iberl (Germany); Ms. Rachel McCann (United Kingdom); Ms. Suzana Milutinovic (Serbia); Ms. Anna Tsarina (Russian Federation); Ms. Laura Vizbule (Latvia); and Mr. Peter Westerbeek (Netherlands).
2. Ms. Helena Fridh (Sweden) had informed the secretariat that she could unexpectedly not attend the thirty-third meeting of the Working Group.
3. The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (UNECE).
4. The Working Group on Implementation adopted the provisional agenda (CP.TEIA/2017/WGI.2/Agenda) without changes.

II. Election of the Chair and Vice-Chairs¹

5. The Working Group on Implementation discussed proposals for its future Chair and Vice-Chair. It also discussed whether it should continue with its practice to elect one Vice-Chair or whether it should elect two Vice-Chairs, in line with the practice of the Convention's Bureau. The Working Group considered that it would be more practical to have two Vice-Chairs for its now four-year terms and to fulfil its strengthened mandate, in line with its amended terms of reference.
6. The Working Group elected Mr. Iberl as its Chair and Mr. Chukharev and Mr. Gonzalez as its first and second Vice-Chairs, respectively, for the period 2017-2020, according to its amended terms of reference adopted by the ninth meeting of the Conference of the Parties (Ljubljana, 28-30 November 2016).

¹ This agenda item was discussed on 31 January 2017 at 12.30 p.m., before the Joint Meeting of the Bureau and the Working Group on Implementation (Geneva, 31 January 2017) which started at 1.p.m.

7. Mr. Iberl thanked the outgoing Chair, Ms. Sandra Ashcroft, and the outgoing Vice-Chair, Ms. Milutinovic, for their excellent work and expressed that he was looking forward to working with the previous and new members of the Working Group in the next term.

III. Organization of work in the biennium 2017–2018 and beyond

8. The secretariat recalled the key changes in the amended terms of reference of the Working Group on Implementation, adopted by the ninth meeting of the Conference of the Parties, compared with its previous terms of reference. The secretariat also presented for discussion a background document containing the proposed organization of work of the Working Group in the four-year term 2017-2020.

9. The Working Group acknowledged its strengthened mandate in the amended terms of reference which covers now explicitly the engagement with Parties, the identification of good practices, the exchange of information and the monitoring of the Assistance Programme and its Strategic Approach. It welcomed the background document prepared by the secretariat and agreed, among others, on the following:

(a) The Working Group should elect in the future two Vice-Chairs instead of one due to its strengthened mandate and to ensure continuity over a prolonged term of office. This will also ensure alignment with the practice in the Convention's Bureau.

(b) Regular video-/teleconferences with focal points should be organized at the meetings of the Working Group to discuss implementation challenges, the progress made and assistance needed. The Working Group considered the teleconference with Montenegro, held in June 2016, as positive and agreed that this approach be continued, on a voluntary basis by the countries. Max. two such conferences per day should be scheduled.

(c) In order to strengthen the monitoring of the Convention's Assistance Programme, subregions should be assigned to the members of the Working Group. The subregional monitoring would entail, among others, the review of the self-assessments and action plans and the update of the Assistance Programme tracking table. The following division of responsibilities was agreed:

Subregion	Countries	Persons in charge
Caucasus (3 countries)	1. Armenia 2. Azerbaijan 3. Georgia (not Party)	Mr. Gonzalez (Switzerland) Mr. Westerbeek (Netherlands)
Central Asia (5 countries)	4. Kazakhstan 5. Kyrgyzstan 6. Tajikistan 7. Turkmenistan 8. Uzbekistan	Ms. Fridh (Sweden) ² Ms. Tsarina (Russian Federation) Ms. Vizbule (Latvia)
Eastern Europe (3 countries)	9. Belarus 10. Republic of Moldova 11. Ukraine (not Party)	Mr. Chukharev (Belarus) Mr. Iberl (Germany)
South-Eastern Europe (5 countries)	12. Albania 13. Bosnia and Herzegovina 14. Montenegro 15. Serbia 16. The former Yugoslav Republic of Macedonia	Mr. Hrvoje Buljan (Croatia) Ms. Rachel McCann (United Kingdom) Ms. Suzana Milutinovic (Serbia)

² Due to the absence of Ms. Fridh at the meeting, the secretariat was requested to confirm the sub-regional division of responsibilities with her. Ms. Fridh agreed after the meeting to be responsible for Central Asia, together with Ms. Tsarina and Ms. Vizbule.

(d) Members of the Working Group should reflect the progress made in their subregions in the Assistance Programme tracking table. The input should be provided to the secretariat no later than two weeks before the meeting for compilation.

(e) The Working Group should continue holding meetings of approx. two days length twice a year.

IV. Implementation of the Convention, including reporting

(a) Reporting on the implementation of the Convention

10. The secretariat recalled that 32 out of 41 Parties and only one (Uzbekistan) out of five committed countries not yet Parties to the Convention reported on the implementation of the Convention within the deadline set for the eighth (2014-2015) reporting round. The secretariat also recalled that eight reports from Parties (Albania, Armenia, Azerbaijan, Finland, France, European Union, Greece and Montenegro) were received after the deadline and could therefore not be analysed by the Working Group for inclusion of the findings in the eighth report on implementation. The reports from one Party (Bosnia and Herzegovina) and four committed countries (Georgia, Kyrgyzstan, Tajikistan and Ukraine) had not yet been received.

11. The Working Group agreed that it wished to analyse those national implementation reports received after the submission deadline, given that these might contain valuable information. It requested the secretariat to circulate the template previously used for the analysis, along with the link and access information to the password-protected page containing all implementation reports. To ensure consistency, the Working Group further agreed to analyse the reports in those small groups that analysed before certain sections of the implementation reports, supported by the new members (see below table). The members of the Working Group responsible for one area of work should liaise with one another and send their agreed assessments of the areas of work to the secretariat no later than three weeks before the next meeting.

Area(s) of Work	Person(s) in Charge
<ul style="list-style-type: none"> • Policy for implementation of the Convention • Scientific and technological cooperation and exchange of information 	<ul style="list-style-type: none"> • Ms. McCann (United Kingdom) • Mr. Westerbeek (Netherlands)
<ul style="list-style-type: none"> • Identification and notification of hazardous activities with the potential to cause transboundary effects 	<ul style="list-style-type: none"> • Ms. Suzana Milutinovic (Serbia) • Ms. Vizbule (Latvia)
<ul style="list-style-type: none"> • Prevention of industrial accidents 	<ul style="list-style-type: none"> • Mr. Gonzalez (Switzerland) • Ms. Tsarina (Russian Federation)
<ul style="list-style-type: none"> • Emergency preparedness and response • Mutual assistance 	<ul style="list-style-type: none"> • Mr. Chukharev (Belarus) • Ms. Fridh (Sweden)
<ul style="list-style-type: none"> • Participation of the public • Decision-making on siting • Reporting on past industrial accidents 	<ul style="list-style-type: none"> • Mr. Buljan (Croatia) • Mr. Iberl (Germany)

(b) Online reporting system

12. The secretariat recalled the agreement reached at the Joint Meeting of the Bureau and Working Group on Implementation (Geneva, 31 January 2017) regarding the financing and development of an online system for national implementation reporting. The Joint Meeting noted the lack of dedicated funds for the development and subsequent maintenance of a bespoke online reporting system and it requested the secretariat to present to the next

meeting of the Working Group a range of possible off-the-shelf, freely-available solutions, bearing in mind the following criteria:

- (a) The possibility for multiple authorities in a country to collaborate in drafting a national implementation report prior to its submission;
- (b) The availability of the report template or questionnaire in at least English and Russian;
- (c) The possibility to work offline, thus not being dependent on a permanent Internet connection during drafting of the national implementation report;
- (d) The limitation of what information can be provided in the report template or questionnaire, in terms of format and length.

13. The Working Group reconfirmed these conclusions and requested the secretariat to take also into consideration past challenges in reporting and how to be able to better track progress when preparing the background document for its next meeting.

(c) Strengthening the implementation of the Convention

14. The Working Group discussed further actions it could take to strengthen the implementation of the Convention, considering the recommendations and areas for follow-up from the eighth report on implementation and the decision on strengthening the implementation of the Convention, adopted by the Conference of the Parties at its ninth meeting. It agreed that the role of the Working Group was particularly crucial for the implementation of paragraphs 3 (to collect good practices), 4 (to make good practices widely available) and 5 (to update the reporting format to better track progress) of the decision on strengthening the implementation of the Convention and it recommended to take a number of actions in this regard (see below). The Working Group also agreed that it should prepare another such decision and suggested to revisit whether to submit the decision already to the tenth meeting of the Conference of the Parties in 2018, given that it builds usually on the report on the implementation of the Convention which would be due only for the eleventh meeting of the Conference of the Parties in 2020.

(d) Update of the format and guidelines for reporting on implementation

15. The secretariat recalled the change from a two-year to a four-year reporting cycle, with the national implementation reports for the ninth reporting period (2016-2018) to be submitted by countries by 31 October 2019. The Working Group agreed to get back to the issue of updating the format and guidelines for reporting on the implementation of the Convention at its next meeting, following the discussion on the background document with freely available options to improve reporting.

V. Engaging with countries on implementation issues

16. According to paragraph 4 of the amended terms of reference of the Working Group on Implementation, the Working Group shall: [...]

(d) Engage with Parties, committed countries and other reporting countries where the Working Group becomes aware of possible difficulties in the implementation of the Convention, to understand the situation in these countries more accurately and to provide advice and make recommendations on the implementation of the Convention, share good practices and draw attention to existing guidance and tools; [...]

(i) Monitor the progress of assistance activities within the programme of work under the Convention and, if no progress is made in the implementation of the Convention, request the countries benefitting from such activities to provide an explanation; [...]

17. In the light of its above strengthened mandate, the Working Group discussed how to identify countries with possible difficulties in the implementation of the Convention and how to engage with them for the above purpose. It agreed that the focus should be on Assistance Programme countries and that the decision to approach a country should notably be taken on the basis of the information provided in the national implementation report, self-assessment and action plan, the Assistance Programme tracking table, the synthesis reports on the implementation of the Convention, the document on the effectiveness of the Assistance Programme and other relevant materials, such as workshop conclusions.

18. With regard to the above, the Working Group discussed proposals for countries and/or subregions to be approached to improve their implementation of the Convention. The Working Group agreed that it should continue engaging with Montenegro which participated in a teleconference last year and expressed interest in further cooperation and, more specifically, in receiving support for the preparation of a self-assessment and action plan under the Assistance Programme. Whilst the Working Group was not in favour of inviting Montenegro yet to another teleconference, it agreed to get back to the discussion on how to best assist the country following the implementation of the subregional workshop in South-Eastern Europe in February 2017. Also Bosnia and Herzegovina was proposed as a possible country to be approached, whereas the Central Asian countries were considered not to be invited for a teleconference at this stage, given the steady progress in the ongoing project on strengthening the implementation of the Convention in Central Asia.

19. In order to identify countries to be invited to a teleconference for the next meeting of the Working Group on Implementation, the secretariat was requested to circulate all self-assessments and action plans to the Working Group, based on which those members responsible for a subregion should send their proposals for countries to be invited to a teleconference at the next meeting. In addition, the Working Group agreed that there was a need to start establishing a modus operandi for the engagement with countries, defining criteria/triggers for selecting countries to be approached, procedures for engaging and following-up with countries, etc. To this end, the Working Group requested the secretariat to prepare a draft of such modus operandi for the next meeting for an initial discussion. The secretariat was also requested to share the modi operandi from other UNECE Conventions with the Working Group for information and inspiration in advance of its next meeting.

VI. Collection of good practices and exchange of information

20. According to paragraph 4 of the updated terms of reference of the Working Group on Implementation, the Working Group shall:

(e) Engage with Parties, committed countries and other reporting countries, based on the review of the national implementation reports, to gather information about innovations, good practices, national guidelines and other materials of interest;

(f) Identify good practices and facilitate the exchange of information among Parties and other countries.

21. The secretariat reported that it had made the good practices mentioned in the eighth report on the implementation of the Convention available on the UNECE website, including additional materials shared by Parties later with the secretariat. The Working Group welcomed this initiative and recommended that this approach be continued in the future, indicating that the good practices were identified by countries in their implementation reports, not by the secretariat nor the Working Group on Implementation. The secretariat could also write to countries to make them aware of the good practices available on the website to raise awareness about these and facilitate the exchange of information between Parties and other reporting countries. The Working Group also recommended that countries should be encouraged to share the information in English or, if an English version was not

available, to provide a short summary of the good practice in English which was considered more helpful for other UNECE countries.

22. The secretariat recalled the discussion held at the Joint Meeting with the Bureau on the arrangements for a seminar on risk assessment methodologies, intended to facilitate the exchange of experience and good practices among Parties. It also recalled that the Working Group on Implementation had previously concluded that there was a need to share experiences in this field, but also that the wide breadth of the field meant that the scope of the seminar should be carefully defined. The secretariat further reported that participants at the Joint Meeting had agreed that the organization of the seminar should be supported by both the Bureau and the Working Group, and that the seminar would likely be held back-to-back with the tenth meeting of the Conference of the Parties. Mr. Merkofer and Mr. Struckl had volunteered to join a small group to draft a concept paper for the seminar, to be shared with both bodies. Others were invited to join the small group preparing the risk assessment seminar by informing the secretariat by 15 February 2017.

23 With regard to the above, the Chair encouraged members of the Working Group to join the small group and to inform the secretariat by mid-February about their nominations.³

VII. Monitoring of the Assistance Programme

(a) Effectiveness of the Assistance Programme

24. The secretariat recalled that the Conference of the Parties, at its ninth meeting, had endorsed three steps to improve the effectiveness of the Assistance Programme. In particular, the first step foresaw the Working Group on Implementation to pursue in its next term (2017-2020) a more rigorous approach to monitoring the Assistance Programme, in accordance with its updated terms of reference, to collect further information on and improve the implementation of the Convention by beneficiary countries. Furthermore, the second step foresaw the Bureau and Working Group cooperating to request high-level feedback from the Programme's beneficiary countries with regard to their progress made and specific needs for future assistance.

25. With regard to step 1, the Working Group discussed how to put in place a more rigorous approach to monitoring the Assistance Programme. It agreed that the organizational changes agreed earlier at the meeting for the new term (see para. 9), particularly the conduct of regular tele/-videoconferences and the assignment of subregions to Working Group members, which entail also the review of self-assessments and action plans and the update of the tracking table, will help to more rigorously monitor the Assistance Programme and to collect further information on and improve the implementation of the Convention by beneficiary countries.

26. With regard to the second step, the secretariat recalled the discussion at the Joint Meeting which had discussed a draft letter to the beneficiary countries, as prepared by the secretariat. The participants had made suggestions on the drafting and agreed to provide additional comments on the draft letter by 15 February 2017. The secretariat was requested to issue the letters as soon as possible. Based on the feedback, the two bodies should consider the further development of the Programme with regard to its design and appeal for both beneficiary countries and donors, including the possibility to organize a high-level meeting in the framework of the next meeting of the Conference of the Parties.

³ The small group preparing the risk assessment seminar for the tenth meeting of the Conference of the Parties (Geneva, 4-6 December 2018) had been established in the first quarter of 2017. It is comprised of three Bureau members – Ms. Jasmina Karba (Slovenia), Mr. Martin Merkofer (Switzerland) and Mr. Michael Struckl (Austria) – and one member of the Working Group (Mr. Gonzalez, Switzerland).

(b) Status of self-assessments, action plans and project proposals

27. The secretariat provided an update on the self-assessments, action plans and project proposals submitted, reporting that since the last meeting of the Working Group no new submissions had been received but that 2-3 Central Asian countries would submit their self-assessments and action plans in the course of the year, with Kazakhstan's and Kyrgyzstan's draft documents expected in May and June 2017 respectively. The secretariat also reported that feedback by the Working Group on the Albanian self-assessment, submitted in April 2016, and on the action plan submitted by Azerbaijan in June 2016 has yet to be provided. The secretariat informed participants that it had shared the Working Group's feedback on the Armenian self-assessment with the country, as requested, but that no reply had yet been received.

28. With regard to the above, the Working Group requested the secretariat to circulate the above self-assessment and action plan to the Working Group, for review by those members responsible for the respective subregions. It recommended, pending a reply from Armenia, to get back to this issue at the next meeting.

29. The Working Group also discussed a list with subregional capacity-building activities, clustered based on the needs-driven actions identified by more than one country in their national action plans submitted to the secretariat. The Working Group welcomed the list, prepared by the secretariat based on its request, stressing that it provided a good overview about subregional needs, while flagging that the clustering might also shift priorities. It agreed that it was important to find out, possibly during the teleconferences, whether the proposed actions were still up-to-date and it suggested that the members take the list into consideration when recommending countries to engage with.

30. The Working Group further discussed the modalities for reviewing the self-assessments and action plans in the future. Whereas the past practice was that the self-assessments and action plans were reviewed by countries with a more advance level of implementation of the Convention, the new subregional division of responsibilities would also entail that Assistance Programme countries would review the documents by other beneficiary countries which might be perceived as a potential conflict of interest. Several members of the Working Group, while acknowledging that no country should provide comments on its own self-assessment and action plan, stressed the benefits of transferring knowledge through the subregional division of responsibilities and emphasized that, despite the division of responsibilities, the Working Group as a whole would make recommendations. Additionally, the Chair pointed out that a four-eyes principle should be applied as a general rule, with at least one person reviewing the self-assessment and action plan that is not representing an Assistance Programme country. The Working Group agreed with this approach.

(c) Implementation of assistance activities in this and the next biennium

31. The secretariat provided, based on the Assistance Programme tracking table, an update on planned assistance activities in the biennium. The Working Group welcomed the information provided, particularly with regard to the ongoing assistance project in Central Asia, a planned project in Armenia and Georgia on the Debed River and the subregional workshops in South-Eastern Europe (Zagreb, 21-23 February 2017) and in Eastern Europe and the Caucasus (Minsk, 11-13 April 2017).

VIII. Other business

32. The Working Group discussed its meeting schedule and agreed to hold its thirty-fourth (next) meeting on 26-27 September 2017 in Stockholm, Sweden.⁴ For 2018, Mr. Westerbeek offered to host the thirty-fifth meeting in the Netherlands and the Chair proposed to organize the thirty-sixth meeting in Germany with which the Group agreed. The date and venue for the meetings would be agreed at the next meeting(s).

IX. Closing of the meeting

33. The Chair thanked the secretariat and members of the Working Group for their support prior to and at the meeting, before closing the meeting at 4 p.m. on 1 February 2017.

⁴ These dates were agreed after the meeting of the Working Group on Implementation, following the consultation with Ms. Fridh (Sweden) who was absent regarding her availability and taking into consideration the availability of all members of the Working Group as well as the secretariat capacity.