

22 June 2018

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-sixth meeting

Munich, 13–14 June 2018

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. Ms. Monika Kratzer, Head of Department on Climate Policy, Technical Environmental Protection, Circular Economy welcomed the Working Group on Implementation meeting on behalf of the Bavarian State Ministry of the Environment and Consumer Protection.
2. Ms. Yelyzaveta Rubach of the secretariat of United Nations Economic Commission for Europe (UNECE) Convention on the Transboundary Effects of Industrial Accidents thanked for the warm welcome and hosting of the meeting on behalf of the secretary to the Convention Ms. Franziska Hirsch.
3. Mr. Leo Iberl, Chair of the Working Group opened its Thirty-sixth meeting.
4. The following members of the Working Group on Implementation attended the meeting: Mr. Leo Iberl (Germany), Chair; Mr. Pavel Chukharev (Belarus), Vice-Chair; Mr. Raphael Gonzalez (Switzerland), Vice-Chair; Mr. Hrvoje Buljan (Croatia); Ms. Helena Fridh (Sweden); Ms. Suzana Milutinovic (Serbia); Ms. Anna Tsarina (Russian Federation); and Ms. Laura Vizbule (Latvia). Ms. Rachel McCann (United Kingdom) participated in the entire meeting remotely through a teleconference.
5. Mr. Peter Westerbeek (Netherlands) did not participate in the meeting; no prior information with regard to his absence had been received by the Working Group or the secretariat. The Chair informed the Working Group of his efforts to get in touch with Mr. Westerbeek and Ms. Raap, focal point to the Convention from the Netherlands, which were unsuccessful. The Chair informed the Working Group that Mr. Westerbeek attended one meeting and did not attend four meetings in the current biennium (sometimes without notice) and the Working Group expressed its deep concern about this matter and its desire to resolve the issue. The Working Group requested the secretariat to seek the appointment of the new member by the Netherlands, according to the Terms of Reference of the Working Group: "In case a representative of a Party is unable to complete his or her term of office or to perform his or her functions, the Party may appoint another representative. In this case the Party shall notify the Chair and the secretariat without undue delay and at least 14 days before the next meeting."
6. Ms. Daniela Beros (Croatia), a colleague of Mr. Buljan, participated in the meeting at the invitation of the Chair. Ms. Beros will be responsible for matters related to the

Convention after Mr. Buljan's retirement in 2020. The Chair had previously invited her to attend meetings of the Working Group to allow for adequate transition planning.

7. The meeting was serviced by the secretariat of UNECE Convention on the Transboundary Effects of Industrial Accidents.

8. The Working Group on Implementation adopted the provisional agenda (CP.TEIA/2018/WGI.2/Agenda) without changes.

II. Engaging with countries on implementation issues

9. The Working Group endorsed the updated modus operandi for the engagement with countries on implementation issues, prepared by the small group, comprised of the Chair, Vice-Chairs and Ms. McCann, as final. The modus operandi will be presented to the Conference of the Parties at its tenth meeting as an annex to the WGI report prepared by the Chair and vice-Chairs.

10. At its last meeting after the teleconference with Albania, the Working Group took into consideration the report of Ms. Karalliu and agreed that the subregional group for South-Eastern Europe would engage with Ms. Karalliu in sharing the information and further exchanges. The subregional group composed of Ms. Milutinovic, Ms. McCann and Mr. Buljan informed that they have not been successful in reaching Ms. Karalliu. They also attempted to follow up on Montenegro's commitment to submit a self-assessment but likewise without success. It was agreed that the subregional group will continue the efforts to reach out to South-Eastern Europe beneficiary countries to follow-up on various pending matters.

11. At its last meeting, the Working Group agreed to invite Armenia, Kyrgyzstan and the Republic of Moldova to a teleconference. The secretariat provided information on its contacts with these countries and the schedule for the teleconferences at the meeting. The Kyrgyz focal point was not available for a teleconference at the proposed dates. Armenia and the Republic of Moldova confirmed their participation in the teleconferences and Mr. Gonzalez and Mr. Chukharev presented respective agendas/points for discussion with the two countries.

12. The Working Group agreed at its last meeting that the Kyrgyz country dossier, prepared based on the Assistance Programme tracking table, should be used as a template by all members for preparing their country dossiers. The following country dossiers were shared by the members of the Working group in advance of the meeting: Albania, Bosnia and Herzegovina, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro and Ukraine. It was agreed that the remaining country dossiers will be shared with the whole Group by its respective members before end of June 2018. It has further been agreed that the members of the Working Group will be updating the country dossiers on a regular basis and sharing them with the secretariat and the Group, whenever there is new developments to be reflected in the country dossiers. Once the new password-protected pages are migrated and fully functioning on the new UNECE web-site, it was agreed that the country dossiers would also be made available there. In addition, it was agreed that the up-to-date country dossiers will be circulated by the members of the Working Group one month in advance of the next meeting of the Working Group.

13. Ms. Tsarina informed that her students are testing ways of making country dossiers more user-friendly. The work is in progress but takes a lot of time. Ms. Tsarina will try to demonstrate the proposed user-friendly version at the next meeting of the Group.

III. Monitoring of the Assistance Programme and other assistance activities

(a) Monitoring of the Strategic Approach

14. The members of the Working Group presented their feedback on the below documents and made recommendations on the below:

- i. Specific Recommendations for Central Asian countries based on the final self-assessments and action plans submitted in 2017-2018, as a result of the Central Asia Project

Members of subregional group for Central Asia will prepare elements for the letters to Kazakhstan and Kyrgyzstan and send these to the secretariat by end August 2018 for its sending of such letters to the countries (focal points and/or national experts for the Project). The letters will inquire on progress made since the submission of self-assessments and action plans and request an answer by end November. Possible letters to Tajikistan, Turkmenistan and Uzbekistan could also be prepared in the course of summer/autumn 2018 and then sent to the respective focal points/national experts. Letters will be shared with the rest of the Group for information.

- ii. Engagement Strategies for other Assistance Programme countries

Members of all remaining subregional groups have agreed on the following:

- **Caucasus:** Azerbaijan: as the last self-assessment was submitted in 2016 and it contained a formal request for assistance, there is a need to engage with Azerbaijan. It was thus proposed to have a teleconference with Azerbaijan at the next meeting of the Working Group to discuss the challenges and exact needs of the country and encourage it to submit an action plan. It was agreed that Mr. Gonzalez will draft a letter to Azerbaijan and it will be sent to the focal point by the secretariat before the end of September 2018. Georgia: it was agreed that the upcoming Conference of the Parties will be used as an opportunity to talk to the focal point from Georgia to find out about the developments, in particular, with respect to the planned accession to the Convention. Next steps with respect to Georgia could then be discussed at the next meeting of the Working Group. Armenia: a teleconference was held with the focal point from Armenia, Ms. Anahit Aleksandryan of the Ministry of Nature Protection and Mr. Karapet Karapetyan of the Ministry of Emergency Situations. The Working Group was informed of on-going political reform in Armenia and the preparation of the new government programme. A law on chemicals and their registration (in accordance with EU norms) is currently being prepared and will be submitted to the new government shortly. Improvement of chemicals management legislation is seen as a priority. It was agreed that the country needs would be presented in the new action plan following the adoption of the government programme and will be sent to the secretariat in September-October 2018. It was agreed that, once an action plan is submitted, the Working Group will assist Armenia in the preparation of project proposals. The focal point stressed the importance of regional cooperation and the country's need of external support.
- **Eastern Europe:** Ukraine: no action can be taken until the focal point is appointed. Belarus: Mr. Chukharev informed the Working Group that the Belarussian focal point has recently retired and there is currently no Head of Department for Industrial Safety of the Ministry of Emergency Situations and it is likely that the person, who will be appointed for this position, will become the new focal point and will then submit the updated self-assessment and action plan. Mr. Chukharev will keep the secretariat and the Working Group informed on new developments. Republic of Moldova: a teleconference was held with Mr. Gavril Gilca, focal point of the Republic of Moldova who informed that he had recently been reappointed

as the focal point and will remain in this role. He informed the Working Group of the on-going restructuring of the Government which is expected to finish in July-August 2018. Once finalized, the Republic of Moldova will submit a new action plan (by end October 2018). The focal point is also working on the creation of the National Working Group on the Implementation of the Convention and expects that such a Group will be fully functioning by September 2018. The focal point confirmed the need of establishing of National Policy Dialogues on Industrial Safety. Mr. Gilca also informed that the Guide on identification of hazardous activities at the national level had been developed and needs to be updated in accordance with the new government structure and then shared with respective authorities. The Guide was expected to be finalized by 31 December 2018.

- South-Eastern Europe: it was agreed to use the upcoming Conference of the Parties as an opportunity to reach out to the focal points of all countries of the subregion as contacting them by phone/e-mail has been a challenge. Albania and Montenegro are the current priority countries in this subregion and the Working Group will continue trying to establish a stable contact with them. It was agreed that a High-level mission to Bosnia and Herzegovina is needed in the next biennium since the country has not to date submitted a self-assessment or an action plan and thus the Working Group has no base for any conclusions in respect of this country. The Working Group also regretted that Bosnia and Herzegovina did not submit national implementation reports in the last two reporting rounds. With respect to The former Yugoslav Republic of Macedonia, it was agreed that Ms. Milutinovic will get in touch with the focal point to find out about any new developments in the country, inquire of any challenges in the Convention's implementation (the country seems to be more advanced in this respect than the above-mentioned countries of the subregion). Serbia is on track with respect to the Convention's implementation and confirmed the need of the establishment of National Policy Dialogues on Industrial Safety

It was agreed that the Chair's report to the Conference of the Parties should mention the difficulties in getting answers from certain countries and focal points, and encourage focal points to actively respond to requests by the Working Group. The members of the Working Group will try to engage with such countries/focal points at the upcoming Conference of the Parties.

- iii. Pre-designed form (based on the Benchmarks document) that could be used to complete the self-assessments

15. Ms. Tsarina presented the first version of the application that has been developed for more user-friendly and prompt conduct of national self-assessments¹. The full demo version is expected to be completed before and shown at the next meeting of the Working Group. Once finalized, the secretariat should explore options for its upload to UNECE server and official web-page.

16. The Working Group agreed to send proposals for three countries (in addition to Azerbaijan) to be invited to a teleconference at its next meeting before the end of 2018.

¹ C# programming language with WPF technology were used to create the application. Each section of the Benchmarks is presented in separate tab. The assessment is fully automated and is based on the users' answers. The Word report is generated after the assessment has been fulfilled. The application does not need any deployment or installation as it is self-contained. It can be distributed simply by copying *.exe file to the working directory. There is a restriction for the operating system, as the application can only run under Windows (version 7 and higher) operating.

(b) Effectiveness of the Assistance Programme

17. The secretariat reported on the reminders sent to those countries which have not yet replied to high-level letters. The following was decided by the Working Group:

- The secretariat will send reminders to Azerbaijan and Montenegro by e-mail requesting to reply by 15 July 2018.
- The secretariat will send an official letter to the new Minister of Albania requesting to reply by 15 July 2018.
- Mr. Gonzalez will send an e-mail to Armenia with action points from the teleconference, including a request to provide reply to the high-level letter by 15 July 2018.
- It was decided not to send a reminder to Kazakhstan in view of the very recent appointment of the new focal point. A justification for no answer from Kazakhstan can be provided in the Chair's report. The subregional group from Central Asia will mention the reply to the high-level letter in their letter to Kazakhstan and any information received in advance of the Conference of Parties can be mentioned by the Chair in his oral presentation. In a similar way, a reply can be requested from Turkmenistan in the Working group's letter to that country.
- A reply from Tajikistan has been received and shared with the Chair by the secretariat.

18. The Chair presented a written summary of the analyses and conclusions drawn from the formal and informal responses of the countries on the effectiveness of the Assistance Programme which will become an integral part of the Working Group's report to the Conference of the Parties. The Working Group discussed and agreed that the annex to the report will only contain the conclusions of the Chair's summary and not the detailed table with overview of answers per country as some information may be considered as sensitive. It was also agreed that information on additional country needs (beyond high-level letter responses, such as findings collected through teleconferences, national and subregional meetings and through discussions with focal points) can be added to the Chair's summary of analysis. The Chair will share the document together with the report, first with the Working Group for comments and then with the secretariat.

19. The Working Group further discussed ideas for reaching out to Assistance Programme beneficiary countries in the margins of the tenth meeting of the Conference of the Parties (Geneva, 4-6 December 2018), in order to strengthen contacts and engagement and to gather feedback on the proposal arising from the ninth meeting of the Conference of the Parties (Ljubljana, 28-30 November 2016) to organize a high-level meeting on the Assistance Programme in the framework of the eleventh meeting of the Conference of the Parties – or alternatively, in the context of a capacity-building event. The Working Group will discuss the feedback collected on the margins of the tenth meeting of the Conference of the Parties and agree on next steps at its next meeting.

(c) Implemented and planned activities under the Assistance Programme

20. The secretariat provided an update on the progress made in the implementation of the Central Asian project (2016–2019), including with regard to the development of an implementation guide and template for the notification of hazardous activities, responding to recommendations arising from national meetings in Central Asia and the sub-regional workshops held in 2017.

21. The Working Group endorsed the notification template prepared by the small group (composed of Mr. Chukharev, Mr. Gonzalez, Ms. Milutinovic and Ms. Tsarina) in

cooperation with the secretariat for its further inclusion to the report of the Working Group and presentation at the next Conference of the Parties².

22. The secretariat thanked Ms. Tsarina and Mr. Chukharev for their review of the draft Implementation Guide for Central Asian countries. The Working Group members were invited to propose possible contributions to the Guide, including information on progress made and good practices which can be drawn from the national self-assessments and action plans from Central Asian countries. Ms. Fridh, Ms. Tsarina and Ms. Vizbule agreed to provide such input by early August 2018.

23. The Working Group endorsed the inclusion of the development of the Implementation Guide on the Convention for all countries into the workplan for the next biennium in view of its usefulness for countries of South-Eastern Europe, Eastern Europe and Caucasus of which the Chair will inform the Bureau at its next meeting (Bern, 26-27 June 2018).

24. The secretariat reported on a high-level mission to Ukraine (Kyiv, 18–19 April 2018) and assistance activities planned until the end of current biennium. The Working Group took note of this information.

(d) Other assistance activities

25. At the request of the Working Group, the secretariat shared with it a list of existing proposals for future assistance projects, which was developed based on country needs. The Working Group on Implementation took note of the information and agreed to keep this in mind should opportunities for fundraising arise. Mr. Chukharev brought to the attention of the Working Group the existence of EU twinning programme from which Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine could benefit.

IV. Implementation of the Convention, including reporting

26. The Working Group discussed the most appropriate tool to be used for future reporting, based on the information provided by the members of the Working Group and the secretariat, in particular:

(a) Mr. Gonzalez informed the Working Group that he had contacted two Swiss institutions which confirmed that it would be technically possible to develop an on-line tool for reporting. However, the security concerns remain important (unless if it can be confirmed that such on-line reporting could be hosted on UNECE servers). It would also take a lot of time to develop such a tool and it is not feasible to complete this endeavour for the coming reporting round. The Working Group agreed to proceed with sending the reporting forms by e-mail in early 2019 and Mr. Gonzalez will keep exploring opportunities for the following reporting cycles.

(b) Ms. McCann shared experience with using SurveyMonkey by OECD which uses this freely available software. It was confirmed that it is not particularly secure and thus not advisable for use for sensitive information;

(c) The secretariat presented the updated reporting format and related changes in the reporting guidelines. The updates comprised the amendments proposed by the Working

² It was agreed that the template should also contain the reference to quantities equal or exceeding threshold quantities of Annex I and definition of “Effects” and “Transboundary Effects” as per Article 1 of the Convention.

Group members (which were submitted to the secretariat in advance of the meeting) as well as additional sections proposed by the secretariat. The members of the Working Group were invited to discuss and make comments on the updated reporting format and guidelines. The secretariat made note of the Working Group's comments on each section of the reporting format during the meeting, and agreed to update the reporting format again to reflect these comments. The secretariat agreed to circulate the updated version of the reporting format and guidelines by 30 June 2018. The Working Group members were invited to review and provide their feedback by the end of July. The Working Group will be invited to take a decision on the new reporting format and the next steps at its next meeting. The Conference of the Parties will be informed at its tenth meeting of the work in progress.

V. Collection of good practices and exchange of information

27. The secretariat provided an update about the implementation of activities included under the area of exchange of information in the Convention's workplan for 2017–2018 and presented on three key activities: the seminar on land-use planning and industrial safety (Mechelen, Belgium, 16–17 May 2018); the UNECE Guidance on Land-Use Planning, the Siting of Hazardous Activities and related Safety Aspects publication; and the recent activities under the Ad Hoc Joint Expert Group on Water and Industrial Accidents (JEG). The presentation focused mainly on the seminar on land-use planning and industrial safety, including the key conclusions from the seminar. The Working Group was invited to take account of these conclusions and support the spreading of the good practices and linking them with other activities. The key elements of the UNECE guidance were also presented, and the Working Group was encouraged to promote this publication and its implementation by countries, organizations and practitioners at the international, national and local levels. With respect to the recent activities under the JEG, the Working Group was invited to take note of the information provided.

28. Mr. Gonzalez provided an update on the preparation of the seminar on risk assessment methodologies, which will be held in Geneva on 4 December 2018. He presented an outline of the agenda, and listed the presentation abstracts received to date, as well as the information that was still missing – including updated abstracts from Italy and the Republic of Moldova. Mr. Gonzalez mentioned that the Guidance Notes for the seminar have been drafted and would be made available for the upcoming Bureau meeting.

29. The Working Group was invited to take note of the information provided and to discuss the further use and promotion of the good practices (to be) identified at these seminars in the framework of the Convention.

VI. Inputs for the 38th meeting of the Bureau of the Convention

30. The Chair provided an update on the key issues to be discussed at the 38th meeting of the Bureau (Bern, Switzerland, 26–27 June 2018) relevant for the work of the Working Group, in particular with regard to the planned alignment of the location criteria by a small group comprised of the Chair of the Working Group, the Chair of the Joint Expert Group on Water and Industrial Accidents and the Bureau member from the European Union as well as with regard to preparations to the next meeting of the Conference of the Parties.

31. The Working Group members agreed to send their suggestions on update of location criteria to the Chair before the next Bureau meeting.

VII. Inputs for the 10th meeting of the Conference of the Parties

32. The Chair and the Vice-Chairs of the Working Group agreed at its last meeting to prepare a draft of the report by the Working Group on its activities in the biennium 2017–2018 comprising the following elements:

(a) The Working Group’s engagement strategy to increasingly reach out to Assistance Programme beneficiary countries, preparation of country dossiers, and modus operandi (included as an annex to the report), in line with its new terms of reference;

(b) The Working Group’s analysis of and conclusions drawn from the responses to the high-level letters sent by the secretariat, based on the request by the Bureau and the Working Group;

(c) The draft template for notification of hazardous activities, as reviewed and endorsed by the Working Group (included as an annex to the report), which the Conference of the Parties could take note of and recommend countries to make use of;

(d) The Working Group’s deliberations on the way of reporting under the Convention (possibly through an improved, locked word or pdf document).

33. The Working Group discussed the draft report. It was agreed that the Chair will update the report after the next Bureau meeting and will share with the Working Group members for their inputs thereafter. The Chair will then send the final version of the report to the secretariat by 1 August 2018.

VIII. Meetings scheduled for 2019

34. The Working Group discussed the schedule and venues of its meetings in 2019. The Members of the Working Group agreed that the Thirty-seventh meeting will take place in Geneva back-to-back with the Bureau meeting on either 19-20 February 2019 or alternatively on 26-27 February 2019 (pending a decision by the Bureau). It was agreed that the exact date of the Thirty-eighth meeting will be agreed at the Thirty-seventh meeting (preliminarily - second half of June 2019). Ms. Fridh offered to host the Thirty-eighth meeting in Sweden.

IX. Other business

35. Mr. Iberl and Mr. Chukharev offered to support Mr. Gonzalez in the subregional group for the Caucasus (in particular, by revising and providing input to the letter to be sent to Azerbaijan) until the matter of the Dutch representative to the Working Group was clarified.

X. Closing of the meeting

36. The Chair thanked the secretariat and the Working Group for their support prior to and at the meeting and closed the meeting at 4.45 p.m. on 14 June 2018.