
Economic Commission for Europe

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

Working Group on Implementation

Fortieth meeting

Geneva (Online), 12 to 13 May 2020

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. The following eight members of the Working Group attended the meeting: Mr. Leo Iberl (Germany), Chair; Mr. Pavel Chukharev (Belarus), Vice-Chair; Mr. Raphael Gonzalez (Switzerland), Vice-Chair; Ms. Laura Vizbule (Latvia), Ms. Nicolette Bouman (Netherlands), Ms. Anna Tsarina (Russian Federation), Ms. Sanja Stamenkovic (Serbia) and Ms. Helena Fridh (Sweden).
2. Two members of the Working Group on Implementation had informed the secretariat that they could not attend the meeting: Mr. Hrvoje Buljan (Croatia) had retired in May 2020 and Ms. Rachel McCann (United Kingdom) had changed positions in April 2020.
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/2020/WGI.2/Agenda).

2. Implementation of the Convention

(a) Draft report on the implementation of the Convention

5. The secretariat reported that in April 2020 official letters were sent to those seven Parties (Albania, Azerbaijan, Bosnia and Herzegovina, Greece, Kazakhstan, Luxembourg and Montenegro) and three committed countries (Georgia, Kyrgyzstan and Tajikistan) that failed to submit an implementation report. The Working Group welcomed the sending of the letters and, in particular, that Montenegro (29 April 2020) and Greece (11 May 2020) had submitted their national implementation reports in the meantime.¹
6. The secretariat presented the draft ninth report on the implementation of the Convention, prepared with inputs from the Working Group. The Working Group welcomed the draft report and provided comments on each chapter, most of which could be included

¹ Following the meeting, also Azerbaijan (22 May 2020) and Luxembourg (5 June 2020) submitted their reports.

by the secretariat in session. The Working Group requested the secretariat to circulate the report with the outstanding comments/questions and agreed to send its inputs by 24 May 2020. The secretariat was further requested to update the report on that basis, for discussion by the Bureau at its forty-third meeting (Geneva (Online), 16–17 June 2020).

7. The following key issues related to the review of the national implementation reports were discussed:

(a) At the request of Ms. Bouman, the Working Group revisited the issue of whether implementation reports submitted late should also be analysed for the ninth report on implementation – a discussion which it had at its previous meeting and which had not been reflected in detail in the report of that meeting. Ms. Bouman had suggested considering the four reports, including the good practices presented therein, submitted late (Denmark, Estonia, Netherlands and Uzbekistan) but before the Working Group’s previous meeting which was mainly dedicated to the preparation of the ninth report. She reiterated the previously expressed opinion that it would still have been in the spirit of the Convention and of decision 2016/2 for the Group to consider these reports and good practices therein, and suggested that this approach be brought to the attention of the Bureau. The Chair recalled that in accordance with the Decision 2016/2, taken at the ninth meeting of the Conference of the Parties (CoP), the Working Group assessed only reports received within the deadline, i.e. by 31 October 2019. With the support of the secretariat, he reiterated the reasons for the taking of this decision by the CoP, based on a recommendation of the Working Group: It was based on the Group’s experience that, without a strict deadline, its analysis of the overall level of implementation had to be revisited and updated with each new report received, which had put the Working Group under immense pressure to review reports submitted just a few days before its meeting at which the reports were being discussed. The Working Group had therefore reiterated its decision taken at the previous meeting to strictly follow the deadlines outlined in the decision by the CoP, not wishing to weaken the agreed approach. The difficulty of deciding until when a report that was submitted late could still be analysed, was also discussed. It was also stressed that the introduction of strict deadlines, employed already since the previous (eighth) reporting round (2014–2015),² had brought about an immense improvement in the timely submissions of the national reports and, on this basis, it was agreed that it was important to maintain this strict approach. Following another exchange on this matter, the Working Group reconfirmed its previous decision to analyse only the 32 reports submitted on time.³

(b) The Working Group positively noted that Parties and committed countries provided a wealth of good practices and guidelines on various working areas under the Convention, including the related weblinks. It considered that such be best made available on the Convention’s website.⁴ Following the discussion reflected in para. 7 (a) and in line with the Working Group’s previous understanding, it agreed to include on the website also the good practices by Parties and committed countries that submitted their reports after the deadline. As most of the good practices were provided in languages other than English, the Group also considered that the organization of a UNECE seminar on these good practices would be useful to facilitate the exchange of experiences and information across the region.

² See Decision 2014/1, available at http://www.unece.org/fileadmin/DAM/env/documents/2020/TEIA/CoP_Decisions/Decision_2014.1docx.pdf.

³ The Bureau, at its forty-third meeting (Geneva (online), 16 and 17 June 2020), expressed full support to the Working Group’s approach to consider only reports submitted within the deadline, which it also found to be in line with CoP decision 2016/2.

⁴ Available at <http://www.unece.org/environmental-policy/conventions/industrial-accidents/envteiaguidelines/tables-of-good-practices.html>.

It therefore agreed to recommend to the Bureau the inclusion of such a seminar into the Convention's next workplan.

(c) The Working Group noted that several countries requested support for assistance through their national implementation reports, e.g. North Macedonia (for the identification of hazardous activities) and the Republic of Moldova, Romania and Ukraine (for a continuation of the Danube Delta Project). The Working Group agreed to consider these in its further work and suggested flagging this also to the Convention's Bureau, for inclusion in the Convention's workplan.

8. The Working Group requested its Chair, in cooperation with the secretariat, to finalize the report on the implementation of the Convention after the Bureau meeting in mid-June, for subsequent editing, formatting and submission to the Conference of the Parties at its eleventh meeting (Bonn, Germany, 1–3 December 2020), as of September 2020.

(b) Draft decision on strengthening the implementation of the Convention

9. The secretariat presented the draft decision on strengthening the implementation of the Convention, prepared based on the analysis of the national implementation reports. The Working Group agreed with the decision, requesting smaller changes, including an update of the paragraph on scientific and technological cooperation. It requested the secretariat to finalize the draft decision on that basis and share it with the Convention's Bureau for discussion at its upcoming meeting.

(c) Ideas for improving the reporting format and guidelines

10. The secretariat presented the compiled recommendations from the members of the Working Group for improving the reporting format and guidelines. The Working Group agreed on the recommendations, with minor adjustments in session, and requested the secretariat to circulate them to all Working Group members after the meeting. The secretariat was also requested to forward the recommendations to the Working Group in its new composition for the term 2021–2024, when preparing the reporting format and guidelines for the next reporting round.

(d) Other business related to the implementation of the Convention

11. The Working Group also discussed whether it should engage with reporting countries that are not benefitting from the Assistance and Cooperation Programme, considering its terms of reference adopted at the ninth meeting of the Conference of the Parties. The members of the Working Group agreed to review this matter and to send their possible proposals and justification in writing to the secretariat by mid-September 2020.

3. Assistance and Cooperation Programme

(a) Update on implemented and planned activities

12. The secretariat provided an update of the developments related to the assistance activities since the last meeting of the Working Group as well as of the activities planned for 2020 under the Assistance and Cooperation Programme.⁵

⁵ The presentation by the secretariat is available on the meeting web-page: <http://www.unece.org/index.php?id=53831>.

(b) Teleconferences and engagement with beneficiary countries of the Assistance and Cooperation Programme on implementation issues

13. As agreed at the thirty-ninth meeting of the Working Group (Geneva, 21–23 January 2020), the secretariat invited Georgia, Kazakhstan and Tajikistan to a teleconference at the present meeting. The secretariat provided information on its contacts with the above countries, notably:

(i) the focal point from Georgia informed that she was no longer carrying out her functions. The secretariat informed the Working Group that upon receipt of this information (which had not been made available through official channels), an official letter has been sent to Georgia with a request to nominate a new focal point as soon as possible;

(ii) the focal point from Kazakhstan had confirmed his participation in the teleconference which was organized at the present meeting. During the teleconference, the focal point from Kazakhstan informed the Working Group that he had assumed his functions several weeks before and was in the process of getting acquainted with the situation. He informed the Working Group that Kazakhstan was in the process of preparing its national implementation report which was planned to be submitted within a month's time. The focal point informed the Working Group that not all priority actions included in the country's national action plan had been fulfilled. Notably, the national working group on implementation of the Convention had not been formed and it remained unclear whether the plans for the creation of such group were still in place. The focal point also informed the Working Group that due to the implementation of the Project on strengthening the safety of mining operations, in particular tailings management facilities (TMFs), in Kazakhstan, and beyond in Central Asia, TMFs with potential to cause transboundary effects had been identified in Kazakhstan and that similar work was carried out in other branches of industry. Notification of hazardous activities has not taken place. Contacts with neighbouring countries were mentioned in the context of the CIS Interstate Council on Industrial Safety and the recent accession to the Council by Uzbekistan. It was stressed on several occasions that more detailed information on achievements of Kazakhstan in the implementation of the Convention would be included in the national implementation report. The Working Group recommended that Kazakhstan updates its self-assessment and action plan and submits it to the secretariat;

(iii) the focal point from Tajikistan had not confirmed his availability to attend the teleconference.

14. Following the teleconference with Kazakhstan, the Working Group was invited to make recommendations for countries to be invited to a teleconference at its next meeting. The Working Group agreed that it would send its recommendations regarding the countries to be invited to a teleconference at its next meeting by 15 October 2020.

(c) Update on the country dossiers and engagement strategies

15. The members of the subregional groups⁶ were invited to present updated country dossiers and country engagement strategies, including recommendations for next steps, for discussion with all members of the Working Group on Implementation. The following information was presented and observations were made:

(i) Armenia: no engagement in follow-up with the country since the teleconference at the thirty-sixth meeting (Munich, Germany, 13–14 June 2018). The

⁶ The Working Group has the following subregional division of responsibilities: Caucasus (Ms. Bouman and Mr. Gonzalez), Central Asia (Ms. Fridh, Ms. Tsarina and Ms. Vizbule), Eastern Europe (Mr. Chukharev and Mr. Iberl) and South-Eastern Europe (Ms. Stamenkovic, currently alone in the absence of the members from Croatia and the United Kingdom).

members responsible for the Caucasus agreed to ensure the necessary follow-up agreed at that stage. The secretariat suggested also following up on the request from Armenia on the conduct of a capacity-building activity on land-use planning and industrial safety which was voiced by the country in 2019;

(ii) Azerbaijan: it was agreed to ensure the necessary follow-up with Azerbaijan, in particular as it has been agreed at the thirty-ninth meeting of the Working Group (Geneva, 21–23 January 2020);⁷

(iii) Georgia: it was agreed that the Working Group would engage with the new focal point once appointed and informed accordingly by the country following the high-level letter sent by the secretariat in this respect;

(iv) Bosnia and Herzegovina: the secretariat informed the Working Group that, as it has been agreed at the Group's previous meeting, a high-level letter was sent to the country, notably on matters related to the incidents reported by Croatia, failure to submit the national implementation report, necessity of coordination among various authorities (including from the entities), the possibility to organize an assistance activity, etc. No official reply has been received from the country, however, a plan to submit the national implementation report possibly by October 2020 was informally mentioned by the focal point. It was agreed that this matter requires follow-up by the Working Group;

(v) Montenegro: the active engagement by Ms. Stamenkovic, notably through the teleconference with Montenegro held at the thirty-ninth meeting of the Working Group (Geneva, 21–23 January 2020), led to some progress by the country, notably in submitting its national implementation report and nominating participants for the Subregional workshop for South-Eastern Europe on land-use planning and industrial safety (Belgrade, 21–23 October 2020). In a letter sent by Montenegro to the secretariat on 29 April 2020, the country expressed its plan to submit a draft self-assessment by 1 June 2020.⁸ An assistance activity can then be organized based on the request voiced by the country at the previous meeting of the Working Group;

(vi) North Macedonia: as the country explicitly mentioned a need for an assistance activity in its national implementation report, the Working Group agreed that it should encourage North Macedonia to submit an updated self-assessment to allow for a needs-based targeted assistance;

(vii) The Republic of Moldova: the Working Group agreed on the need of a follow-up to the teleconference at the thirty-sixth meeting (Munich, Germany, 13–14 June 2018) when the country reported on a number of steps it was intending to undertake. Based on the information submitted in the national implementation report, it seemed that the country has made certain progress in the past years, however the exact status of all action items from the above teleconference remained to be clarified by the Working Group through its engagement with the country's focal point;

(viii) Serbia: the Working Group was informed of Serbia's plans to submit an updated self-assessment and action plan which was welcomed;

(ix) Tajikistan, Turkmenistan and Uzbekistan: members of the subregional group for Central Asia informed the Working Group that letters to these countries, as it had been agreed at the thirty-seventh meeting of the Working Group (Geneva, 11 February 2019), had not yet been sent and agreed to send such letters following the meeting.

⁷ Azerbaijan submitted its draft self-assessment one day after the meeting of the Working Group, i.e. on 14 May 2020.

⁸ At the time of the finalization of the present meeting minutes, the self-assessment by Montenegro has not yet been received.

(x) Other Assistance and Cooperation Programme beneficiary countries: it was agreed that the Working Group would engage with countries, based on needs and current situation as it is known to the Working Group in the period between the present and the next meeting of the Group. The respective country dossiers and engagement strategies would be continuously updated and posted on the dedicated password-protected web-site.

(d) Other business related to monitoring the implementation of the Assistance and Cooperation Programme

16. The secretariat gave an overview of how the activities carried out under the Assistance and Cooperation Programme (including examples of the evaluation of effectiveness) would be presented at the upcoming eleventh meeting of the Conference of the Parties (CoP-11) (Bonn, Germany, 1–3 December 2020).

17. The Working Group agreed to review the demonstration tool prepared by Ms. Tsarina based on the Benchmarks document. In particular, it was agreed that Ms. Tsarina would upload the tool on the password-protected web-page and inform the Working Group accordingly. The members of the Group would then review the tool and meet online in the weeks after the present meeting to discuss and agree on next steps in the use of the tool.

4. Composition of the next Working Group on Implementation

18. In view of the elections for the Working Group on Implementation at CoP-11, the Working Group discussed the availability of its current members for the next term (2021–2024). Mr. Iberl informed the Working Group that he would no longer be available, due to his retirement at the end of the year, and that Germany had not yet taken a decision as to whether it wished to nominate a new candidate. Ms. Bouman mentioned that it was not confirmed yet whether the Netherlands would nominate a representative for the next term. The secretariat added that Croatia and the United Kingdom had expressed that the nomination of a candidate for the next term was unlikely. All other members of the Working Group expressed their intention to be available to serve as members for the next term (2021–2024). As regards the question of a possible future Chair, the current co-Chairs, Mr. Chukarev and Mr. Gonzalez, expressed their preference and readiness to act again as co-Chairs in the next term, if so desired. Ms. Fridh indicated that she would be available to act as Chair of the Group, if elected by CoP-11 as a member and subsequently by the Working Group as its Chair.

19. The Chair and the secretariat welcomed that the majority of its members expressed their availability and intended to support the work also in the next term, recalling that their nominations can only be considered if sent to the secretariat in advance of the deadline of 5 October 2020, in accordance with rule 23 of the Rules of Procedures (ECE/CP.TEIA/37). The Working Group and secretariat sincerely thanked the outgoing Chair for his leadership and initiative in the last four years. It also welcomed Sweden's readiness to stand for the elections as the Chair of the Group in the next term.

5. Other business

20. Ms. Bouman regretted not to have had a chance to provide comments on the minutes of the last meeting of the Working Group on Implementation. She expressed that she would have liked to see a more detailed reflection of the discussion by the Group on the matter of implementation reports that were submitted late, including of her comments which she felt were not reflected in the minutes.

21. The Chair clarified that the minutes were prepared with a focus on recording key decisions and not the details of all discussions. The secretariat clarified that the approach to date had been to finalize the minutes in cooperation with the Chair, while indicating that

this could be changed, if desired. It was agreed that future meeting minutes be circulated for comments to all members of the Working Group before finalizing them, between the Chair and the secretariat, and posting them on the Convention website.

6. Closing of the meeting

22. The Chair thanked the secretariat and members of the Working Group for their commitment and support during the current term as well as prior to and at the present meeting, before closing the meeting at 4 p.m. on 13 May 2020.
