
Economic Commission for Europe

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

Working Group on Implementation

Thirty-ninth meeting

Geneva, 21 to 23 January 2020

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. The following 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; Mr. Hrvoje Buljan (Croatia), Ms. Laura Vizbule (Latvia), Ms. Nicolette Bouman (Netherlands, successor of Ms. Anneke Raap), Ms. Anna Tsarina (Russian Federation), Ms. Sanja Stamenkovic (Serbia), Ms. Helena Fridh (Sweden), and Ms. Rachel McCann (United Kingdom, via Webex).
2. The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (UNECE).
3. The Working Group on Implementation adopted the provisional agenda (CP.TEIA/2020/WGI.1/Agenda).

II. Review of the national implementation reports

(a) Analysis of the national implementation reports

4. The secretariat recalled that the ninth reporting round on the Convention's implementation had been initiated with letters sent to Parties on 7 June 2019 by email, accompanied by the reporting format and guidelines. The letters inviting countries to submit an implementation report were also sent to non-Parties which are beneficiaries of the Assistance and Cooperation Programme, in the light of their commitment to report on the implementation of the Convention, expressed at a high-level meeting (Geneva, 14–15 December 2005). Reminders to submit the implementation reports were sent to all countries on 18 and 31 October 2019. The deadline for the submission of the reports was 31 October 2019.
5. The secretariat informed the meeting that 31 out of 41 Parties had submitted their national implementation reports by the deadline: Armenia, Austria, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czechia, European Union, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Monaco, North Macedonia, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom. In addition, one committed country (Ukraine) submitted its report on time.

6. The secretariat further reported that three Parties – Denmark (29 November 2019), Estonia (4 November 2019) and the Netherlands (1 November 2019) – and one committed country – Uzbekistan (1 November 2019) – had submitted their reports after the deadline. It also reported that 7 Parties – Albania, Azerbaijan, Bosnia and Herzegovina, Greece, Kazakhstan, Luxembourg and Montenegro – and 3 committed countries – Georgia, Kyrgyzstan and Tajikistan – had not yet submitted their reports.

7. The secretariat recalled that, in accordance with Decision 2016/2 by the Conference of the Parties (CoP), the Working Group should assess only those reports received within the deadline (i.e. by 31 October 2019). In line with the CoP Decision, the Working Group agreed to analyse the 32 timely submitted reports for the preparation of the overall implementation report. The Working Group also agreed to review those reports submitted late – beyond the implementation reporting exercise – and to make use of the information for its further work, notably its engagement with countries, implementation of good practices and exchange of information. The secretariat was asked to send reminders to those Parties and committed countries which had not yet submitted their implementation reports.

8. The Working Group had previously decided to divide the work on reviewing the national implementation reports according to the sections of the reports, as follows: (a) policy for implementation of the Convention and scientific and technological cooperation and exchange of information (Ms. McCann and Ms. Bouman); (b) the identification and notification of hazardous activities with the potential to cause transboundary effects (Ms. Stamenkovic and Ms. Vizbule); (c) the prevention of industrial accidents (Mr. Gonzalez and Ms. Tsarina); (d) emergency preparedness and response and mutual assistance (Mr. Chukharev and Ms. Fridh); and (e) public participation, decision-making on siting and reporting on past industrial accidents (Mr. Buljan and Mr. Iberl).

9. According to the agreed division of work, the members of the Working Group presented their draft assessments and conclusions of the sections assigned to them for discussion. While the Working Group agreed that the detailed findings be included into the 9th report on implementation, it highlighted the following points:

(a) Welcomed that Parties which submitted their implementation report late in the 8th reporting round, provided their reports on time in this round: Armenia, Finland, France and the European Union;

(b) Regretted that Parties which submitted their implementation reports on time in the last reporting period had not (yet) provided a report in this round: Kazakhstan and Luxembourg;

(c) Regretted that Parties and committed countries which submitted their implementation reports on time in the 8th reporting round, were not able to submit an implementation report on time in this round: Denmark, Estonia, Netherlands and Uzbekistan;

(d) Welcomed the timely submission of the implementation reports by six beneficiary countries of the Assistance and Cooperation Programme (Armenia, Belarus, North Macedonia, Republic of Moldova, Serbia and Ukraine), notably by Ukraine which did not submit a report in the 8th reporting round and which among those six is the only non-Party;

(e) While regretting that not all Parties in the previous (8th) reporting round could provide a report on time, welcomed that those Parties which had not provided a report by the time of the 30th meeting of the Working Group (Geneva, 27–29 April 2016), submitted their report in the end to the secretariat to comply with their reporting obligation, except for one Party (Bosnia and Herzegovina);

(f) Regretted that Bosnia and Herzegovina did for the third subsequent time since having become a Party in 2013 and for the fifth subsequent time since having become a beneficiary of the Assistance and Cooperation Programme in 2005, failed to submit an

implementation report. The Working Group noted the lack of information from Bosnia and Herzegovina with concern, especially in view of 13 industrial accidents in the country which affected Croatia, as reported by Croatia in its implementation report. It requested the secretariat to reach out to Bosnia and Herzegovina, through a high-level letter by the Executive Secretary, to convey its concerns. The secretariat suggested that this letter could also refer to the possibility of organizing a technical mission, to support the country's implementation of the Convention, upon request and confirmation by the country of the involvement of all relevant national entities.

10. The Working Group on Implementation, in view of its amended terms of reference, requested Mr. Buljan to follow-up with Slovenia to clarify why an accident which occurred in Croatia and affected Slovenia, was not included in the country's implementation report.

11. The Working Group also agreed to discuss at its next meeting whether further clarifications and engagement with countries that are not benefitting from the Assistance and Cooperation Programme would be sought with respect to their national implementation reports, to clarify any matters of concern.

(b) Identification of good practices in the implementation reports

12. The Working Group welcomed the good practices, including related weblinks, provided by countries in their implementation reports which had increased significantly compared to the last reporting round. It agreed to make them available on the Convention's website, as for the last reporting round. The Working Group also considered suggesting to the Bureau, for its possible inclusion into the next workplan, the organization of a seminar to exchange experiences on the good practices mentioned in the national implementation reports. The secretariat suggested that such a discussion could also take place in the context of a seminar held in the context of a next meeting of the Conference of the Parties, prepared by the Working Group on Implementation. It was agreed to get back to this discussion at the next meeting of the Working Group, once a full overview of all good practices mentioned is available. The members of the Working Group agreed to provide a list with the full names and weblinks of the good practices mentioned in each section to the secretariat.

(c) Ideas for improving the reporting format and/or guidelines

13. The Working Group highlighted the usefulness of the updated reporting template and guidelines, acknowledging that it allowed for a much better understanding of the implementation of the Convention in each country and the tracking of progress. The analysis and replies by countries showed however that there was still potential to improve the reporting format and guidelines for the next reporting period. The members of the Working Group agreed to send their recommendations for improving the reporting format and guidelines to the secretariat for compilation and discussion at the next meeting. The secretariat was also asked to explore the possibility of restricting the editing of some parts of the reporting format to avoid that countries can change questions and the related numbering.

ACTION ITEMS:

- 1) The secretariat to send reminders to Parties and committed countries who had not submitted implementation reports.**
- 2) The secretariat to write to Bosnia and Herzegovina, at a high level, to convey the Working Group's concerns regarding the implementation of the Convention and the accidents, which affected Croatia as a neighbouring and riparian country.**

- 3) **Mr. Buljan to contact Slovenia and determine why an accident reported by Croatia was not included in their report.**
- 4) **The Working Group to provide a list with the full names and weblinks of the good practices mentioned in each section to the secretariat.**
- 5) **The Working Group to send recommendations for improving the reporting format and guidelines to the secretariat. Secretariat to explore the possibility of restricting the editing of some parts of the reporting format.**

III. Preparation of the ninth report on implementation

14. The Working Group agreed that all members would send their updated assessments and conclusions, including a list with all names and links of good practices, to the secretariat by the end of February 2020, using the template which had been circulated by the secretariat before the meeting. The members of the Working Group also agreed to include one paragraph summarizing the overall conclusion and possibly a related recommendation for the respective section analysed, which would be used for inclusion into chapter II of the 9th report. The Working Group agreed, as encouraged by the secretariat, to look at chapter II of the 8th report for inspiration.

15. Following the submission of inputs, the secretariat was asked to prepare and circulate the ninth draft report on the implementation of the Convention by the end of March 2020 to the Working Group for their review and comments by mid-April, so that an updated draft of the report could be discussed and finalized at the next meeting of the Working Group.

ACTION ITEMS:

- 6) **By the end of February, all members of the Working Group to send their updated inputs for the 9th report on implementation to the secretariat.**
- 7) **By the end of March, the secretariat to prepare and circulate the 9th draft report on implementation.**
- 8) **By mid-April, the Working Group to provide feedback on the 9th draft report circulated by the secretariat.**
- 9) **By the end of April, the secretary to provide an updated draft to be reviewed and finalized by the Working Group at its next meeting.**
- 10) **The Working Group to provide one concluding paragraph and possibly a related recommendation per section, for inclusion into the draft 9th report.**

IV. Decision on strengthening the implementation of the Convention

16. The Working Group agreed, in line with its mandate and previous practice, to prepare, on the basis of the 9th report on implementation, a decision on strengthening the implementation of the Convention, for adoption by CoP11. The members of the Working Group agreed to provide inputs for inclusion into the decision with their updated analysis and conclusions. The secretariat was asked to prepare, based on the inputs provided and findings from the 9th report, a draft decision which should be discussed at the next meeting.

17. The secretariat recalled the outcome of the 6th online consultation of the Points of Contact (22 November 2018),¹ held following the conduct of a connectivity test with the Points of Contact of the UNECE Industrial Accident Notification (IAN) System on 14 November 2018.² The secretariat reported also on progress made since then, highlighting that several countries had registered/updated their Points of Contacts by now (e.g. Bosnia and Herzegovina, Finland, Kyrgyzstan, Tajikistan, Ukraine, United Kingdom and Uzbekistan) and that Montenegro remained to date the only Party not registered in the IAN System.³ The Working Group expressed its concern with the results of the connectivity test in 2018, notably with the low response rate and lack of reply by countries following the secretariat's request for an explanation.⁴ It suggested that this issue be also addressed in the decision on strengthening the implementation of the Convention. The members of the Working Group suggested that their countries could take the lead in conducting subregional tests of the IAN System, in line with the recommendation from the 6th online consultation, and they agreed to encourage their national authorities or Points of Contact in this respect.

ACTION ITEMS:

- 11) The Working Group to provide inputs on elements to include in the draft decision on strengthening the implementation of the Convention by the end of February 2020. The secretariat to prepare a draft decision for discussion at the next meeting.**
- 12) The Working Group members to conduct subregional tests of the IAN System, or to encourage their Points of Contact from their countries, to conduct such tests, in line with the recommendation from the 6th online consultation.**

V. Assistance and Cooperation Programme

(a) Update by the secretariat on implemented and planned activities

18. The secretariat gave an overview of the assistance activities carried out since the last meeting of the Working Group as well as of the activities planned for 2020 under the Assistance and Cooperation Programme. Among the implemented activities were the Subregional Workshop on land-use planning and industrial safety for Eastern Europe and the Caucasus, 22–24 May 2019, Chisinau (Republic of Moldova); the finalization of the Implementation Guide on the Convention for Central Asia; the introduction workshop and on-site training under the UNECE projects on improving mining/tailings safety in Kazakhstan, Tajikistan and beyond in Central Asia, 11–13 June 2019, Kokshetau (Kazakhstan); the inventory and mapping of TMFs under Kazakh and Tajik TMF projects; and the Subregional workshop under the UNECE projects on strengthening mine tailings safety in Kazakhstan, Tajikistan and Central Asia, 20–21 November 2019, Almaty

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http://www.unece.org/fileadmin/DAM/env/documents/2018/TEIA/CoP_10/Informal_docs/E_INF.3.e_CP.TEIA.2018.INF.3.e_PoC_consultation_-_final_updated.pdf

²

https://www.unece.org/fileadmin/DAM/env/documents/2018/TEIA/UNECE_Points_of_Contact_Consultation_Agenda_and_presentation_21.11.18.pdf

³

https://www.unece.org/fileadmin/DAM/env/teia/doc/IA_Publications/IAN_Instruction_En_Dec_2016.pdf

⁴

https://www.unece.org/fileadmin/DAM/env/documents/2018/TEIA/CoP_10/Informal_docs/INF.3.e_CP.TEIA.2018.PoC_consultation_-_final.pdf

(Kazakhstan) held back-to-back with a Regional consultation on a new draft Global Tailings Standard (Almaty, 18–19 November 2019). Envisaged assistance activities for 2020, as presented by the secretariat, include the publishing of the Guide on the Convention's implementation for Central Asia in English and French (envisaged for March 2020); the Subregional workshop on land-use planning and industrial safety for countries of South-Eastern Europe in Belgrade; Technical mission to Ukraine to facilitate the process of accession to the Convention; possible Technical mission to Azerbaijan to enhance the level of implementation (tbc, depending on the country's submission of a national implementation report); possible other technical missions upon request (e.g. to Armenia on land-use planning and industrial safety, tbc); and the Launch of National Policy Dialogues on Industrial Safety in Serbia (tbc) and, possibly, other countries. The secretariat also provided information on recent outreach activities and contributions to activities by partner organizations.

19. The Working Group endorsed the work of the secretariat carried out since its last meeting. The Group also welcomed the secretariat's plans for assistance activities to be implemented in 2020. It particularly welcomed the planned organization of a technical mission to Ukraine in order to support the country's accession to the Convention.

(b) Status of action items from the thirty-seventh meeting of the Working Group and next steps

20. The members of the Working Group were invited to provide a status report on progress made towards the implementation of action items from the last meeting of the Working Group. The Working Group discussed their status, agreed on the next steps and reconfirmed responsibilities, as follows:

(i) Sending of a letter to Azerbaijan, following the teleconference at the last meeting (item 15 of the Minutes of the Thirty-seventh meeting): no progress. Mr. Gonzalez and Ms. Bouman agreed to proceed with the sending of such letter by e-mail promptly after the meeting. It was agreed that the secretariat could provide feedback on the draft letter and share contacts of its addressees.

(ii) Receiving a reply from Kyrgyzstan (if any) and update on engagement with this country, following the teleconference at the last meeting (item 17 of the Minutes of the Thirty-seventh meeting): Ms. Tsarina informed the Group that a letter (in a form of an e-mail) to Kyrgyzstan, as well as to Kazakhstan, had been sent, as well as a follow-up reminder. No reply had been received from either Kyrgyzstan or Kazakhstan. On the margins of the meeting, Ms. Tsarina contacted focal points of these two countries by phone. The Kyrgyz focal point said that there was little progress achieved on implementing the National Action Plan (only the section related to legislation was mostly completed), and that they had nothing new to report. She also noted that, due to weak coordination between national authorities responsible for the implementation of the Convention, there was no possibility to submit the national implementation report, nor to reply to the letter on the current developments. The Kazakh focal point informed of changes within the Ministry whereby he was not carrying out the functions of the focal point under the Convention any more. He was requested to inform the secretariat of this change by means of formal written communication.

(iii) Progress made (if any) in making the country dossiers more user friendly (item 20 of the Minutes of the Thirty-seventh meeting): Ms. Tsarina did not have the opportunity to work on this task or supervise her students in the discharge of this task and informed the Working Group that it would not be possible to carry out this work in the near future.

(iv) Follow-up with Armenia and Georgia (items 21(a) (i-ii) of the Minutes of the Thirty-seventh meeting) and the Republic of Moldova (item 21(c) (ii) of the Minutes of the Thirty-seventh meeting): no progress has been made by the subregional group for Caucasus in following up with Armenia or Georgia. It was agreed that Mr. Gonzalez and Ms. Bouman

would remind Armenia to submit its National Action Plan and follow-up with the Georgian focal point on the lack of reply to the invitation to participate in the teleconference with the Working Group at the present meeting while strongly encouraging Georgia to participate in such teleconference at the next meeting of the Group. Mr. Chukharev of the Eastern-European subregional group informed of his recent contacts with the Ukrainian and Moldovan focal points and that these countries' dossiers had been updated accordingly following these recent contacts.

(v) Sending letters to Tajikistan, Turkmenistan and Uzbekistan to ask on their implementation of action items for which the indicated deadlines in their national action plans had passed (item 21(b) (i) of the Minutes of the Thirty-seventh meeting): no progress. The subregional group for Central Asia agreed to send such letters following the meeting.

(vi) Review and feedback on the demonstration tool, prepared based on the Benchmarks document (item 25 of the Minutes of the Thirty-seventh meeting): no progress. Some of the Working Group members requested a demonstration of the tool at the meeting which, due to lack of time, was not done at the present meeting. It could be done at the next meeting of the Working Group. The secretariat also proposed that the tool could be tested by one of the Assistance and Cooperation Programme beneficiary countries at one of the next capacity-building missions.

(vii) Update on engagement with countries, including to existing engagement strategies (item 29 of the Minutes of the Thirty-seventh meeting): no progress. The Chair of the Working Group encouraged the Group members to update the existing strategies for engagement with the beneficiary countries.

(c) Teleconferences to engage with beneficiary countries of the Assistance and Cooperation Programme on implementation issues

21. Three countries, namely Georgia, Kazakhstan, and Montenegro, were invited to participate in a teleconference with the Working Group during its thirty-ninth meeting. Montenegro was the only country which replied to the invitation and confirmed its participation in the teleconference.

22. On behalf of the subregional group for South-Eastern Europe, Ms. Stamenkovic conducted the teleconference with the Convention's Focal Points from Montenegro, Ms. Jelena Plamenac and Ms. Dragana Raonic from the Department for Environment of the Ministry for Sustainable Development and Tourism. The teleconference proceeded with questions that were prepared in advance by the subregional group. Montenegro provided, inter alia, the following information:

(i) Montenegro would finalize and send the nominations for the subregional workshop to be held in Belgrade, Serbia, from 18–20 March 2020⁵ as soon as possible (this was done shortly after the meeting).

(ii) The national implementation report was in the process of being finalized and it was supposed to be completed by the end of February 2020.

(iii) As the current main challenge Montenegro stated the preparation of the self-assessment on the implementation of the Convention and requested to obtain expert support or benefit from an expert mission. It was agreed that Montenegro would prepare and submit a draft self-assessment to the secretariat which would then be reviewed by the Working Group and the secretariat which would provide feedback. This would also serve as a basis for the organization by the secretariat of a capacity-building mission to Montenegro for the

⁵ Later moved to October 2020.

purpose of finalizing the self-assessment, national action plan and enhancing the level of the implementation of the Convention in the country.

23. It was noted by the secretariat and the Working Group that sharing questions/agenda of the teleconference in advance of it is a good practice allowing the focal points to be better prepared and provide more substantive responses to questions.

24. Following the teleconference with Montenegro, the Working Group decided that Georgia, Kazakhstan and Tajikistan would be invited to participate in the next meeting's teleconference. Uzbekistan could be chosen as an alternative country to be contacted.

VI. Next meeting of the Working Group on Implementation

25. The Working Group thanked Ms. Fridh for offering to host the next meeting in Stockholm, Sweden. It was determined that the meeting would be held on 12–13 May 2020 beginning in the morning of 12 May and concluding in the afternoon of 13 May.

VII. Other business

26. Mr. Gonzalez presented the results and follow-up work of a seminar on risk assessment methodologies, held within the framework of the CoP10 (Geneva, 4–6 December 2018). He reported that the overall goal of the follow-up work was to enhance country awareness of risk assessment methodologies by discussing available software and share experiences of countries in the UNECE region through transboundary case examples and common terminology. The summary report on the seminar will take longer than anticipated because of issues with contractors and therefore the release would have to be postponed until 2021. The Working Group took note of the information provided and welcomed the progress made.

27. The Chair recalled that elections for the Working Group would be held at the upcoming CoP11 (Bonn, Germany, 1–3 December 2020), following the first four-year term, and asked that the members consider their availability for the next term 2021–2024. The Working Group agreed to discuss this at its next meeting.

28. The secretariat recalled that in accordance with rule 23 of the rules of procedure, "*candidates shall be communicated by the Parties to the secretariat at least eight weeks ahead of the meeting. The secretariat shall communicate the list of candidates to the Parties at the latest six weeks before the meeting.*" The secretariat indicated that it would circulate information to all focal points in this respect, indicating 5 October 2020 as the deadline for the receipt of nominations of candidates for membership of the Working Group on Implementation.

VIII. Closing of the meeting

29. The Chair thanked the secretariat and members of the Working Group for their support in advance of and during the meeting, before he closed the meeting at 12 p.m. on 23 January 2020.
