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

Bureau

Twenty-fourth meeting

Working Group on Implementation

Twentieth meeting

Geneva, 29–30 January 2013

Minutes of the joint meeting

I. Opening of the meeting and adoption of the agenda

1. The Bureau of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents and the Convention's Working Group on Implementation held a joint meeting in Geneva on 29 and 30 January 2013, beginning at 2 p.m. on 29 January 2013.

2. The following members of the Bureau attended the meeting: Mr. C. Dijkens (Netherlands), Chair; Ms. J. Karba (Slovenia) and Mr. G. Hem (Norway) (30 January only), Vice-chairs; Ms. A. Aleksandryan (Armenia); Mr. P. Forint (Czech Republic); Mr. G. Winkelmann-Oei (Germany); Ms. S. Stirbu (Republic of Moldova); Mr. B. Gay (Switzerland); and Ms. J. Michielssen (European Commission). Mr. C. Piacente (Italy) did not participate.

3. The following members of the Working Group attended the meeting: Ms. S. Ashcroft (United Kingdom of Great Britain and Northern Ireland), Chair; Ms. S. Milutinovic (Serbia), Vice-Chair; Mr. E. Baranovsky (Belarus); Mr. H. Buljan (Croatia); Mr. T. Valanto (Finland); Mr. L. Iberl (Germany); Mr. F. Senzaconi (Romania); and Mr. M. Merkofer (Switzerland). Ms. A.-S. Eriksson (Sweden) and Ms. E. Kjupeva Nedelkova (the former Yugoslav Republic of Macedonia) had informed the secretariat in advance that they could not participate.

4. The Chairs of the Bureau and the Working Group on Implementation together chaired the joint meeting. The United Nations Economic Commission for Europe (ECE) secretariat serviced the meeting. The Director of ECE Environment Division welcomed the participants.

5. The Bureau and Working Group adopted their joint agenda as prepared by the ECE secretariat in agreement with the Chair of the Bureau (CP.TEIA/B/2013/INF.1 – CP.TEIA/WG.2/2013/INF.2, COPB48 – WGI37).

II. Confirmation of the membership of the Working Group on Implementation

6. The Conference of the Parties entrusted the Bureau to identify a tenth member of Working Group on Implementation and to inform Parties once it had done so. The Bureau

confirmed its decision on the tenth member, Mr. Valanto (Finland), as agreement has been reached by electronic mail in advance of the meeting.

III. Financing and overall implementation of the workplan

7. The secretariat reported on contributions to the Convention's trust fund, and planned expenditure in 2013. The secretariat highlighted the declining contributions in recent years and that there were currently insufficient funds in the trust fund to implement the current workplan. The secretariat further highlighted that the contributions made and those expected in 2013 would not be sufficient to fund the activities expected in 2013 and this would lead to an erosion of the operating reserve. In addition, the secretariat reported on progress with the recruitment of an additional extrabudgetary staff member: the Assistance Programme Manager.

8. The meeting considered whether to extend the contract of the associate expert, funded by Germany until 31 October 2013. The contract could be terminated on that date or extended, with equal co-funding from the trust fund, for either one or two years.¹ A decision, including on the duration, would need to be taken before the summer of 2013. The meeting decided that the contract should be extended, with co-funding, but the duration of the extension would be agreed at the Bureau's next meeting in the light of experience with the Assistance Programme Manager being in place.

9. Members of the Bureau and Working Group provided information on expected contributions to the trust fund in 2013 and 2014: in addition to pledges made at the meeting of the Conference of the Parties (ECE/CP.TEIA/24, para. 69), the Czech Republic indicated a financial contribution of US\$ 17,000 for the biennium, Germany indicated a further financial contribution of €25,000, ear-marked for specific activities, and the Netherlands was considering a further contribution. The meeting reiterated the workplan priorities expressed by the Conference of the Parties and asked the secretariat to prepare a revised note on the planned expenditure covering both 2013 and 2014 and identifying, among other information, priorities, budget and source of funding. The meeting concluded that, broadly, the suggested workplan for 2013 should be implemented. The meeting observed that Assistance Programme activities would continue to have the highest priority. Nonetheless, the meeting recalled that: (a) the Bureau has to take a decision, case by case, on whether to approve an activity, vis-à-vis available funds; and (b) the Bureau, with the support of the Working Group, is responsible for seeking to ensure funds are available for accepted assistance activities.

10. The meeting discussed the implementation of the adopted sustainable financial mechanism, including the writing of letters to Parties inviting them to provide financial and in-kind contributions. The meeting asked the secretariat to contact national focal points to ask to whom contribution letters should be addressed.

11. On the basis of a draft prepared by the secretariat, the meeting decided that the contribution letters should express thanks for past contributions but that major donors should not be identified. Instead, all letters should encourage Parties that have previously made significant contributions to continue doing so. The letter should include a link to the adopted workplan, should highlight the priority areas and activities decided upon by the Conference of the Parties and should summarize the value of contributions received to date for 2013–2014.

¹ A one-year extension would imply co-funding from the trust fund of approximately US\$ 81,000; a two-year extension, US\$ 162,000. For contractual reasons, it is not possible to extend by one year and then to decide on whether to extend by a second year; the decision must be taken at the start on whether to extend by one or two years.

12. The Bureau discussed how to ensure sufficient funding for the implementation of the 2013–2014 workplan, given the priorities decided upon by the Conference of the Parties. The meeting established a small group comprising the Bureau Chair and two or three others that, having identified target countries and institutions, would act on financing as a pilot exercise in 2013–2014. The small group might identify whom to meet in which capitals and then undertake visits; to the extent appropriate, the small group should present concrete examples, particularly of projects under the Assistance Programme, to potential donor countries and other possible donors, such as EU funds and funds of other institutions.

13. The Chair of the Bureau confirmed that an informal meeting among officers of ECE multilateral environmental agreements would be held in Geneva on 27 February 2013. The meeting agenda would include an item on seeking a harmonized approach and general solutions for sustainable extrabudgetary financing of the agreements, as requested by the Conference of the Parties. The Bureau Chair would inform the Bureau at its next meeting of the outcome of the coordination event in February.

IV. Involvement of Parties and other stakeholders

14. The Conference of the Parties had regretted the absence of 11 Parties at its seventh meeting and entrusted the Bureau with trying to ensure participation by all Parties in future meetings of the Conference of the Parties. The meeting therefore asked the secretariat to investigate through the respective national focal points why these Parties did not attend, as well as identifying whether they repeatedly were absent or whether special conditions prevailed in November 2012 (e.g. the financial crisis). The secretariat was also requested to check that contact details of all national focal points were up to date.

15. The meeting further decided that, early in the lead up to the next meeting of the Conference of the Parties, the Bureau should identify the major topics for the meeting and the Executive Secretary of ECE should be asked to send a positive letter of invitation at a high-level emphasizing the benefits of and reasons for attending.

V. Exchange of information

16. The meeting welcomed information provided by Mr. Winkelmann-Oei on the activity entitled “Raising knowledge on industrial safety at universities (follow-up to pilot project in Armenia)” and being led by Germany. Ms. Aleksandryan expressed her support for the project and Mr. Winkelmann-Oei suggested that possible links to the Aarhus Convention² should be explored. A regional project workshop, open to universities from across the ECE region, was to be held in Armenia on 26 March 2013. Mr. Winkelmann-Oei invited the other meeting participants to attend the workshop.

17. The secretariat informed the meeting that the Secretary to the Aarhus Convention had enquired whether a lead country had been identified for the planned activity entitled “Sharing good practices for increasing public involvement in national work on industrial safety”, which the Conference of the Parties had indicated might be implemented in cooperation with the Aarhus Convention. The meeting was unable to provide a response.

18. The secretariat reported on upcoming opportunities to represent the Convention in three international forums:

² ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

(a) Second Europe and Central Asia Housing Forum, including a thematic session on land-use planning and industrial safety, on 22 or 23 April 2013, Geneva, for which the secretariat had been asked to identify speakers and which Mr. Gay had agreed to chair;

(b) Fourth session of the Global Platform for Disaster Risk Reduction, 21–23 May 2013, Geneva, during which the secretariat with partners will have a stand;

(c) XI International Forum on Industrial Safety, 27–30 May 2013, St. Petersburg (Russian Federation).

19. The meeting agreed that the Chair of the Working Group on Implementation and the secretariat should represent the Convention at the last of the above forums.

VI. Assistance Programme activities

20. The Chair of the Working Group on Implementation reported on the decisions taken by the Working Group immediately prior to the joint meeting concerning the Assistance Programme management (CP.TEIA/WG.2/2013/INF.5 – WGI38) and in particular on:

(a) The monitoring of the implementation of the Strategic Approach, including the establishment of a small operational group;

(b) The evaluation of the indicators and criteria as per the mandate from the Conference of the Parties, including the establishment of a slightly larger strategic group;

(c) The preparation of terms of reference for implementation of projects within the Assistance Programme.

21. With reference to the monitoring of the implementation of the Strategic Approach, the meeting decided that the Chairs of the Bureau and Working Group should write jointly to the countries benefitting from the Assistance Programme reminding them of their obligation to carry out self-assessments and to submit action plans, but also identifying the benefits of doing so and asking about any obstacles. The letters would be tailored according to the progress made by the countries; no letter would be sent to those countries having submitted a satisfactory action plan.

22. The meeting also agreed that the small operational group established to review action plans and self-assessments submitted by countries under the Assistance Programme would comprise the two Chairs together with a member of the Working Group, Mr. Merkofer, and a member of the Bureau, Mr. Hem. The meeting decided that the activity “Subregional workshops or meetings for feedback and training on the self-assessments and action plans developed by the beneficiary countries” should be put on hold pending the review of the benchmarks by the strategic group.

23. The meeting recognized that the current implementation of the Strategic Approach and of the benchmarks (or indicators and criteria, ECE/CP.TEIA/2010/6) was not satisfactory. The meeting agreed that the larger strategic group established to review the benchmarks would include the Bureau Chair and two Vice-Chairs, the Working Group Chair and Vice-Chair, Ms. Stirbu and Mr. Senzaconi; others were invited to join the strategic group, which would work primarily by e-mail.

24. Following the request of the Conference of the Parties, the meeting decided that the secretariat should write immediately to Montenegro to invite it to join the Assistance Programme. The secretariat should anticipate writing to Turkmenistan for the same purpose in January 2014, but this decision would be reviewed in June 2013.

25. The meeting discussed a proposal, made by the delegation of Kyrgyzstan to the seventh meeting of the Conference of the Parties, for a seminar in Kyrgyzstan involving all

relevant national departments, plus representatives of Kazakhstan and the Russian Federation; the seminar would discuss the rationale of the country joining the Convention. The secretariat informed the meeting that it might have access to some funds to support the holding of a seminar or similar event in one country in Central Asia, within a project funded by the German International Cooperation (GIZ), but that the event would need to be held soon as the funds would need to be spent quickly.

26. The meeting requested the secretariat to clarify with Kyrgyzstan the purpose of the proposed seminar and to ensure that it would not be limited to a discussion on the benefits of joining the Convention, which would duplicate an earlier mission by the Bureau Chair. This communication might be by telephone, e-mail and letter. If there would be a need for a seminar that would assist Kyrgyzstan to move forward with the self-assessment, say, then this might be arranged.

27. The secretariat informed the meeting that it would undertake a mission to the Republic of Moldova, early in February 2013, and that the mission would include assistance in preparing the country's self-assessment and action plan. The meeting invited the secretariat to report on the outcome of the mission at the next meetings of the Bureau and the Working Group, respectively. In particular, the bodies would wish to know whether the experience of providing this assistance might contribute to the work of the strategic group established to review the benchmarks and whether, therefore, the assistance might be provided in other countries, possibly using the funds within the GIZ project referred to above.

28. Mr. Winkelmann-Oei provided an update on the project on hazard and crisis management in the Danube Delta between the Republic of Moldova, Romania and Ukraine. In particular, he described work undertaken within the project by an expert group to draft safety guidelines for oil terminals. Following observations by members of the Bureau and the Working Group, including on the need to clarify the scope of the guidelines, Mr. Winkelmann-Oei invited the members of the two bodies to provide further comments until the next meeting of the Bureau. Thereafter, it was expected that a project event would provide the opportunity to discuss further and field-test the draft guidelines. The meeting asked that there be an open consultation of member States and other stakeholders following the project event.

VII. Strategic partnerships

29. The meeting discussed whether, and if so how, to implement activities on strategic partnerships, given the decision by the Conference of the Parties to prioritize the four activities described below. In this regard, the meeting agreed that the Bureau should consider at its next meeting the follow-up to the recommendations of the seminar held on the occasion of the twenty-fifth anniversary of the Sandoz accident (8–9 November 2011, Bonn, Germany).

A. Development of a guide on methodology for hazard rating

30. The secretariat presented a short background note on this activity. The meeting asked the secretariat to prepare and circulate for comments a more detailed paper clarifying the scope of this activity, in particular with respect to the prioritization of the inspection of hazardous activities. Once the scope had been agreed by the Bureau, the secretariat should undertake an Internet search of existing resources that might achieve, or contribute to the achievement of, the objectives of this activity. The secretariat was also asked to invite member States and other stakeholders to identify existing resources too. The secretariat was further requested to develop in parallel a project terms of reference for the activity, in

consultation with the already contacted experts from the European Process Safety Centre and the Organization for Economic Cooperation and Development.

B. Sharing of good practices for safety and land-use planning

31. The secretariat presented a background note on this activity also and indicated that the European Commission's Major Accident Hazards Bureau (MAHB) was planning a workshop in November 2013 that might, with adjustment, implement this planned activity. The secretariat informed the meeting that it was to meet MAHB on 21 March 2013 to discuss this and other possible areas of cooperation.

32. The meeting therefore asked the secretariat to clarify the scope of the workshop and the degree to which ECE member States from outside the European Union (EU) would be able to participate in the workshop, and be provided financial support. The Bureau, at its next meeting, might then decide on possible additional financing of interpretation (between English and Russian) and of participants, to ensure adequate sharing of good practices, as necessary. Members of the ECE Committee on Housing and Land Management should be encouraged to participate in the November workshop.

C. Development of guidelines on transboundary risk assessment, possibly including the characterization of exposure risks

33. Ms. Stirbu presented the project for the implementation of this activity. It was noted that the project was being led by the Republic of Moldova. The meeting agreed that the project could continue and that the trust fund might be used to support implementation with funds in the range of €25,000 to €35,000, for example in financing a grant to the Republic of Moldova to support the holding of a workshop. The meeting also asked that possible synergies with the Danube Delta project be exploited.

D. Risk management at tailings management facilities: development of a checklist and practical exercises

34. Mr. Winkelmann-Oei presented the project for the implementation of this activity by Germany in-kind; the budget should not be estimated in secretariat documents. Mr. Winkelmann-Oei explained that the project would result in the development of a checklist and a catalogue of measures that could also be of value for other ECE countries. He invited comments on the project proposal by the end of February 2013 and asked for experts to join a project steering group as an in-kind contribution. The meeting welcomed and supported the project proposal and expressed its interest in the documents to be produced in the framework of the project.

E. Other partnership activities

35. The meeting agreed that the secretariat participate in meetings organized by key partners, such as the European Commission (EC), the United Nations Environment Programme (UNEP) and the Organization for Economic Cooperation and Development (OECD), provided that the purpose of participation was clear.

36. The secretariat informed the meeting of the organization by ECE of an inter-agency meeting on industrial accidents to be held on 29 April 2013 in Geneva. Several international organizations had already confirmed their intent to participate.

37. The Conference of the Parties had encouraged all Parties and other ECE member States to report on major accidents using the EU's major accident reporting system (eMARS), and had requested EC and the secretariat to facilitate reporting. In this regard, the secretariat noted again that it would meet MAHB in March 2013 to discuss how to facilitate reporting of major industrial accidents.

38. The meeting discussed an EU ad hoc expert meeting being held in Brussels, on 1 February 2013, in view of developing methodology to allow a timely and consistent implementation of Article 4 of European Union's "Seveso III" Directive 2012/18/EU, with regard to the assessment of potential requests to exclude a particular dangerous substance from the scope of the Directive (derogation). The meeting suggested that the Working Group on Development should consider the possible need for a derogation provision in the Convention.

39. The secretariat reported on the imminent release of the on-line training platform providing an introduction to industrial accidents, developed jointly with UNEP and the Joint Environment Unit of UNEP and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).³ Recognizing the value and use of the training course, the meeting agreed to promote the platform. The meeting suggested, in particular, that information on this platform be included in the agenda of the inter-agency meeting and that it be promoted in the workshop being held in Armenia in March 2013.

40. The meeting asked the secretariat to provide at its next meeting information on how the following organizations might cooperate with the Convention: the Interstate Council on Industrial Safety; the European Environmental Bureau; Green Cross International; and the United Nations Office for Disaster Risk Reduction (UNISDR).

VIII. Amendment of the Convention

41. The Conference of the Parties had requested the Bureau to identify the Chair of the Working Group on the Development of the Convention and to make arrangements for its expected two meetings, the first of which was proposed to be held in Geneva on 3–4 September 2013. The secretariat presented the draft of a detailed background paper, as also requested by the Conference of the Parties, and requested comments on the paper by the end of February 2013.

42. The Bureau welcomed and accepted the offer by Mr. Piacente (made through the secretariat) to serve as Chair of the Working Group on Development. The meeting decided that two small groups should assist the Working Group on Development, one working on drafting a revised annex I to the Convention, the other on the evaluation of other possible amendments to the Convention. The meeting requested the secretariat to draft one-page terms of reference for the Working Group on Development and each of the two small groups by the end of February 2013. The meeting considered that the small groups might be constituted and begin work once the Bureau had agreed on the respective terms of reference by e-mail.

43. The meeting emphasized that any industry involvement in the small group drafting the revised annex I should be carefully controlled, given that the Parties are responsible for setting standards. The EU would only be in a position to ratify the amendments, in particular as regards Annex I, if in line with the Seveso III Directive. The meeting expressed support for the hiring of a consultant to address particular legal aspects of the possible amendment of the Convention.

³ Available at www.eecentre.org under the rubric *training* and *on-line learning*; registration is required.

IX. Industrial Accidents Notification System

44. The Conference of the Parties had decided to maintain the ECE Industrial Accidents Notification System as it stood and to carry out further tests and exercises using the System. The secretariat reported on the status of the System, on a recent communications test and on the likely funding by Switzerland of a consultant to repair the System. The meeting expressed its thanks to Switzerland for its support in repairing the System, while avoiding overlaps with other existing systems.

45. The meeting asked the secretariat to inform the points of contact by e-mail, copying the national focal points, that the System was being repaired and that there would subsequently be a further test. The message should also specify the respective roles of the points of contact and national focal points and, for each country, who or what organization currently filled these roles.

46. The secretariat would be asked to report at the Bureau's next meeting on the results of the test. These results would be considered by the Bureau and only then would a decision be taken on whether to hold a meeting of the points of contact, tentatively scheduled for December 2013. The Bureau postponed taking a decision on the holding of such a meeting as the poor results of the recent communications test brought into question whether this was an appropriate investment of the Convention's resources; some Bureau members also questioned the usefulness of the System, particularly for those countries already having similar notification systems in place, whereas others were more supportive.

X. Prevention of accidental water pollution

47. The Conference of the Parties had asked that the draft of guidelines on crisis management on transboundary waters, as being prepared by the Joint ad hoc Expert Group on Water and Industrial Accidents (JEG),⁴ be presented to the Bureau and the Working Group on Implementation. A representative of the Water Convention secretariat participated in discussions under this agenda item.

48. The meeting questioned the development of the guidelines both in their form and in their content. The meeting understood that the original mandate had been for a checklist or methodology for contingency planning and asked JEG to check its mandate, possibly with the national focal points, before meeting again. The meeting also suggested that the OECD *Guiding Principles for Chemical Accident Prevention, Preparedness and Response*, and in particular the chapter on emergency preparedness and planning, would have provided a preferable basis for the work; other sources should also have been considered by JEG.

49. The meeting therefore advised JEG, before meeting again, to invite national focal points and other experts to review the OECD document and to highlight elements relevant to the transboundary water context, specifying any necessary adjustments to the wording. This might form a better basis for the guidelines to which might be added those elements in the current draft that are specific to the transboundary water context. In addition, the meeting suggested that JEG not meet until after the planned April 2013 meeting of the Water Convention Bureau. Further, the meeting urged JEG to undertake a broader consultation of the member States and other stakeholders on the revised guidelines as soon as possible after JEG's next meeting.

⁴ A joint body under the Conference of the Parties to the Industrial Accidents Convention and the Meeting of the Parties to the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

50. The Conference of the Parties had agreed to carry out case studies based on realistic potential accidents to understand the implications including the benefits of implementing the Protocol on Civil Liability,⁵ and/or other instruments, subject to the availability of funding. The meeting suggested that the secretariats to the Industrial Accidents and Water Conventions send a joint message to the national focal points under both instruments asking if there was an interest in being involved in the implementation of this work. The Bureau decided to continue discussion on this matter at its next meeting.

51. The secretariat reported on preparations for the publication of the safety guidelines on tailings management facilities, as requested by the Conference of the Parties, and for which Germany had offered financial support.

XI. Implementation of the Convention

52. The Chair of the Working Group on Implementation reported on the Working Group's earlier decisions concerning reporting on implementation, with which the Bureau agreed.

XII. Eighth meeting of the Conference of the Parties

53. The meeting decided to postpone discussion on possible practical arrangements for the next meeting of the Conference of the Parties until the next Bureau meeting.

XIII. Other business

54. The meeting requested the secretariat to ensure that a limited number of printed copies of the Convention, as amended, be produced.

55. The Bureau agreed to discuss at its next meeting how it might improve the gender balance under the Convention, for example, by encouraging more female national focal points.

XIV. Presentation of the main decisions taken and closing of the meeting

56. The meeting agreed on the main decisions taken, as presented by the secretariat.

56. The Bureau decided to meet again on 11–12 June 2013 in Geneva. The meeting also decided that, rather than having separate meetings of the Working Group in November 2013 and of the Bureau in January or February 2014, the November meeting of the Working Group would be followed by a joint meeting. The Working Group would meet on 26 November and in the morning of 27 November; the joint meeting would be held in the afternoon of 27 November and all day on 28 November.⁶ It was tentatively agreed that Bureau would meet thereafter in May or June 2014, in preparation for the next meeting of the Conference of the Parties

57. The Chairs closed the meeting at 4.30 p.m. on 30 January 2013.

⁵ ECE Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.

⁶ During the meeting the dates 19–21 November 2013 were agreed but, following consultations by e-mail, the dates were revised to those indicated.
