

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

Working Group on Development

Third meeting

Geneva, 3–4 September 2013

Item ... of the provisional agenda

[Agenda item title]

Terms of reference of the small evaluation group

Note by the Bureau

I. Background

1. The Working Group on the Development of the Convention is a subsidiary body established by the Conference of the Parties at its third meeting, held in October 2004 (ECE/CP.TEIA/12, decision 2004/4) to, among other tasks, keep under review the developments in other regulatory instruments concerning the prevention of, preparedness for and response to industrial accidents, including relevant legislation adopted by the European Union and other Parties, assess their legal and practical implications for the Convention, and submit, if appropriate, to the Bureau recommendations and proposals for amending the Convention as part of the preparations for the meetings of the Conference of the Parties.

2. The seventh meeting of the Conference of the Parties, in November 2012, requested the Working Group to evaluate the possible amendment of the Convention to address the following provisions and issues:

- (a) Revised and additional definitions (art. 1);
- (b) Revised scope (art. 2);
- (c) Strengthened public participation (art. 9);
- (d) Revised scope of mutual assistance (art. 12);
- (e) Clarified frequency of meetings (art. 18, para. 1);
- (f) Clarified or strengthened reporting obligations (art. 23);
- (g) Accession by other Member States of the United Nations (art. 29);
- (h) Application of amendments to new Parties (art. 29);
- (i) Provisions on land-use planning;
- (j) Provisions on the review of compliance;
- (k) Governance structures under the Convention;

(l) Review, if necessary, the Rules of Procedure of the Convention.¹

3. In addition, the Conference invited the Working Group to consider possible remedies for non-compliance with the reporting requirement.

4. The Bureau, at its twenty-fourth meeting (January 2013), suggested that the Working Group should also consider the possible need for a derogation provision in the Convention.² It was anticipated that the Conference of the Parties would discuss and prioritize all these issues at its eighth meeting with a view to adopting an amendment at its ninth meeting.

5. The Conference of the Parties requested the secretariat to, among other tasks, draft a detailed background paper for the third meeting of the Working Group, to be held in September 2013.

6. The Bureau decided that two small groups should assist the Working Group, one working on drafting a revised annex I to the Convention, the other on the evaluation of other possible amendments to the Convention. The Bureau requested the secretariat to draft terms of reference for the small groups by the end of February 2013. The Bureau considered that the small groups might be constituted and begin work once it had agreed on the respective terms of reference by email.

7. The Bureau expressed support for the hiring of a consultant to address particular aspects of the possible amendment of the Convention.

II. Mandate and reporting

8. The small evaluation group will report to the Working Group on Development. It will submit to the Working Group a reasoned report with possible proposals on amendments to the Convention and to its Rules of Procedures for its consideration and possible forwarding to the Conference of the Parties for its eighth meeting.

III. Objective

9. The objective of the small evaluation group in the period to the next meeting of the Conference of the Parties will be to assist the Working Group on Development in the drafting of a report or proposal on possible amendments to the Convention (excluding annex I).

IV. Planned activities and outputs

10. To achieve its objective, the small evaluation group will undertake the following activities:

(a) Examine a document prepared by the secretariat that will identify the issues and provisions to be evaluated and for each issue or provision: the possible text of a corresponding amendment, its purpose, how it might be integrated into national laws (as

¹ The Chair of the Working Group on Development suggested also that the Rules of Procedure be reviewed within this process.

² This suggestion was made in the light of Article 4 of Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Seveso III), with regard to the regard to the assessment of potential requests to exclude a particular dangerous substance from the scope of the Directive.

applicable) and a qualitative evaluation of its impact, including possibly its economic impact;

(b) For each issue or provision, the group should agree on which expert will review and develop the text and come forward with proposals, or define terms of reference for a consultant, should this be necessary;

(c) Collectively review the proposals;

(d) Agree on a proposal setting out which items were of higher priority and which, if any, might be addressed through an early amendment of the Convention or by other means.

11. The small evaluation group will prepare, in particular, the following outputs:

(a) A first draft of a report with recommendations or proposals, or both, further to the evaluation of other possible amendments to the Convention and to its Rules of Procedure, which should be circulated to the national focal points for the Convention not less than two weeks before the third meeting of the Working Group (suggest, therefore, by mid-July 2013);

(b) A second draft of a report with recommendations or proposals that should be provided to the secretariat not less than four weeks prior to the fourth meeting of the Working Group (i.e. by about end-March 2014—to be confirmed) so that the report or proposal can be put before the Working Group as an informal document.³

V. Timetable

12. The mandate of the small evaluation group will cover the period between 1 March 2013 and eighth meeting of the Conference of the Parties.

VI. Method of work

13. The small evaluation group is expected to work via e-mail and other electronic means during its mandate; it might meet face-to-face briefly back-to-back with the Working Group on Development. It will work in English only. It may be assisted by one or more consultants, subject to the availability of funding, examining key issues, such as Accession by other Member States of the United Nations, strengthened public participation and provisions on land-use planning.

14. The small group will decide upon its report or proposal to the Working Group on the basis of consensus among experts representing ECE member States.

VII. Membership

15. The small evaluation group is open-ended and will comprise experts from States. Representatives of industry and civil society may take part as observers in the work of the small evaluation group, in view of providing expertise. The Chair of the Working Group will steer the work and moderate discussions if necessary.

³ If a proposal on amendments is put forward, then this should be provided to the secretariat not less than twelve weeks prior to the fourth meeting of the Working Group (i.e. by about end-January 2014—to be confirmed) so that the proposal can be put before the Working Group as an official document translated into the three official languages of the United Nations Economic Commission for Europe (ECE).

VIII. Secretariat support

16. The ECE Convention secretariat will support the work of the small evaluation group by maintaining a consolidated draft of the report or proposal. The secretariat will prepare as informal documents a basic draft at the start of the work and liaise as necessary with consultant(s) contracted to support the work.

17. The secretariat will prepare as an official document the report or proposal for consideration by the Conference of the Parties.⁴

⁴ If the small evaluation group comes forward with a draft proposed amendment of the Convention, the secretariat will prepare this also as an official document firstly for the fourth meeting of the Working Group and secondly for the Parties.