

24 November 2015

English only

Economic Commission for Europe

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

Working Group on Implementation

Twenty-eighth meeting

Geneva, 30 June and 1 July 2015

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. Members present:

Ms. Sandra Ashcroft (United Kingdom), Chair;

Mr. Evgeny Baranovsky (Belarus);

Ms. Lina Buciene (Lithuania);

Mr. Hrvoje Buljan (Croatia);

Ms. Helena Fridh (Sweden)

Mr. Leo Iberl (Germany);

Mr. Martin Merkofer (Switzerland);

Ms. Suzana Milutinovic (Serbia), Vice-Chair;

Mr. Peter Westerbeek (Netherlands).

2. Secretariat:

The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (ECE), represented by

Ms. Franziska Ilg-Hirsch,

Ms. Virginia Fusé,

Mr. Nikolay Savov, and

Ms. Victoria Feuillerat.

3. The Working Group on Implementation (WGI) adopted the provisional agenda (CP.TEIA/2015/WG.3/Agenda) without changes.

4. The secretariat informed the participants that, at the time of the meeting, the Russian Federation had not communicated the name of the member of the WGI that was elected at the eighth meeting of the Conference of the Parties (CoP-8). The secretariat also reported on its efforts to receive the name before the meeting.

ACTION ITEM: The secretariat to inform the WGI about the nomination of the member from the Russian Federation

II. Assistance Programme management

(a) Assistance activities

5. The secretariat provided the following update:

(i) Danube Delta Project: the secretariat reported about the way forward towards the finalization of the project. In particular he mentioned the preparations for a field exercise and for the final workshop.

(ii) Subregional workshop for the countries of Central Asia: The secretariat reported on a workshop on Chemicals management, identification and notification of industrial hazardous activities and accidental water pollution (Astana, 26-28 May 2015). It was organized with the National Policy Dialogues on Integrated Water Resources Management (NPDs) under the UNECE Water Convention. At the side-lines of the meeting the secretariat held informal discussions with representatives from the Organisation for the Prohibition of Chemical Weapons (OPCW) on possible future support to organize training sessions.

(iii) Other information related to the Assistance Programme. The secretariat informed participants that:

a. The Swedish International Development Cooperation (SIDA), through the Environment and Security (ENVSEC) initiative was not able to provide financing for the project proposals for subregional workshops on identification and notification of hazardous activities for the Caucasus and for Eastern Europe

b. The secretariat submitted a project proposal for countries of South-Eastern Europe on chemicals management, identification and notification of industrial hazardous activities to the European Union Environment and Climate Regional Accession Network (ECRAN)

c. Other updated information was available in the Assistance Programme tracking table, which the secretariat presented during the meeting.

6. The WGI took note of the information received. They expressed concerns for the lack of funding and discussed possible alternative sources.

About future activities, the WGI recommended the following:

(i) To finalize the Danube Delta Project as priority

(ii) To continue working with the NPDs to address institutional aspects in Kazakhstan, as follow-up to the workshop for Central Asia held in May 2015 (activity to be organised in September 2015).

7. WGI members mentioned the following possible partnerships in view of financing planned activities:

(i) OPCW: Investigate whether OPCW could provide resources for training on the amended annex I, on notification of hazardous activities, and on preparedness and response

(ii) The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL): Suzana Milutinovic and Hrvoje Buljan agreed to investigate, through the IMPEL offices in their countries, opportunities for financing activities.

(iii) ECRAN Project Suzana Milutinovic and Hrvoje Buljan agreed to contact the ECRAN focal points in Serbia and Croatia to promote the project proposal submitted.

(b) Strategic Approach

8. The secretariat reported on having received an updated self-assessment and action plan by Uzbekistan and updated self-assessment by Albania. He also informed the WGI that, at the time of writing, no project proposals was received.

9. Mr. Martin Merkofer and Mr. Peter Westerbeek volunteered to provide a feedback to the documents sent by Uzbekistan and Helena Fridh and Hrvoje Buljan for the document from Albania.

10. The Chair recalled that the WGI invited representatives from Georgia and Montenegro to report on the progress in using the strategic approach and further steps foreseen since missions organised in 2013 in their countries.

11. No representative from Montenegro was available to report during the meeting. The Georgian focal point joined the meeting via teleconference reported that:

(i) Georgia experienced political changes since the mission in 2013 and that industrial safety was a lower priority on the political agenda. Consequently the process towards the accession to the Convention slowed down.

(ii) The new political priority was the Chemical, biological, radiological and nuclear defence (CBRND).

(iii) Georgia had prepared a detailed action plan under CBRND, and she asked whether the WGI could accept that plan instead of self-assessment and action plans under the strategic approach. Georgia could then on this basis proceed with the submission of a project proposal.

12. The WGI:

(i) Took note of the oral report from Georgia and agreed to look into how the CBRND action plan could be considered instead of the documents under the strategic approach.

(ii) Considered positively the session with Georgia that could be repeated with other countries, according to the needs to review their implementation of the strategic approach.

(iii) Requested the secretariat to contact Montenegro to ask that its representatives share with the WGI information via email.

(iv) Expressed concern about the lack of requests for assistance and about the low rate of implementation of the strategic approach. They discussed the possibility that the tools developed under the strategic approach were considered by countries such as Georgia as too difficult to implement. They also recalled the recent user-friendly version of the benchmark document presented to CoP-8 and how to use it. The WGI considered organising a dedicated session on the strategic approach and its implementation during the CoP-9.

(v) Identified that low political commitment to the Assistance Programme and industrial safety contributed towards the lack of implementation of the strategic approach. They further discussed how to increase the awareness of the beneficiary and donor countries. They identified in the eighth "Environment for Europe" Ministerial Conference (Batumi, Georgia 8-10 June 2016) an opportunity to show connection between the Convention and disaster risk reduction. WGI members agreed to liaise with the respective delegations, attending the Batumi Conference.

13. To support the visibility of industrial accidents prevention and the Convention, the WGI:

(i) Suggested that beneficiary countries include activities under the Convention in the strategic 5-year programmes under the lead of UNDP country offices. This could increase visibility at political level of commitments to

implement the Convention. The WGI also invited the secretariat to enhance its contacts with UNDP country offices during missions.

(ii) Encouraged the CoP to further consider linkages and cooperation with other international initiatives and organizations, in particular the World Health Organization (WHO).

(c) Assessment of the effectiveness of the Assistance Programme

14. The Chair recalled the mandate by CoP-8 (Geneva, 3–5 December 2014) to carry out an analytical review to determine whether the information available was sufficient to document and assess the Assistance Programme's effectiveness.

15. At the request of the WGI, the secretariat presented a draft matrix with relevant sources for information on the Convention and the Assistance Programme and possible progress indicators.

16. The WGI discussed indicators that could be used and concluded that:

(i) A complete assessment required qualitative and quantitative indicators. The Chair informed the WGI members that she would try to get an advice, from a UK social researcher, about suitable indicators.

(ii) The WGI suggested that an advanced draft of the matrix be prepared, based on information available from three pilot countries, to assess the usefulness of the indicators used.

(iii) An external, independent assessment would guarantee the objectivity of the study. At the same time, the WGI would need to provide guidance on the indicators and on the conduct of the study.

(vi) The secretariat was to compile the elements discussed at the meeting and circulate them, together with the matrix updated after the meeting.

(v) All the WGI members were to be actively involved in providing feedback, under the lead of Sandra Ashcroft, with the support of Leo Iberl. The secretariat indicated being able to support this work through the services of an intern, working with the secretariat until end-August 2015. The WGI was also to assess a test of using the indicators done on the documentation (including implementation reports, self-assessments) available for three selected countries.

ACTION ITEMS:

The secretariat to:

- **Investigate on possible cooperation with OPCW**
- **Request Montenegro to provide information on progress made following the mission in 2014 and plans for the development of self-assessment and action plan**
- **Prepare an advanced draft of the matrix for assessing effectiveness of the Assistance Programme**
- **Compile the elements for assessing the effectiveness of the Assistance Programme, discussed at the meeting, and circulate them**

The WGI to:

- **Suzana Milutinovic and Hrvoje Buljan to investigate possible financing opportunities through ECRAN and IMPEL**

- **Sandra Ashcroft and Leo Iberl to lead the work on assessment of the effectiveness of the Assistance Programme**
- **Sandra Ashcroft to explore the possibility for having a teleconference with a social scientist**
- **Liaise with colleagues attending the Batumi Conference to ensure that the connection between industrial safety and Disaster Risk Reduction (DRR) is highlighted**
- **All members to be actively engaged in providing feedback on the effectiveness of the Assistance Programme.**

III. Implementation of the Convention

17. The secretariat reported on the circulation of the information note on the role and tasks of a country's focal point and on it being posted on the website.

(a) Preparations for the initiation of the eighth reporting round

18. The Chair, supported by the secretariat, recalled previous decisions on changes to the reporting format and the guidelines for reporting, following the mandate by CoP-8.

19. The WGI discussed proposed changes to the two documents, and the organisation of work for assessing the national reports and decided:

(i) About changes to the reporting format and the guidelines for reporting:

a. The hazardous activities to be identified for the sake of the report were those according to article 1 of the Convention.

b. The part on legislation would benefit if a table could be inserted. The table would indicate whether a piece of legislation corresponded to international legislation, primary or secondary legislation or guidelines. It should also indicate which area assessed in the report it regulated.

(ii) About the timeline and organization of work for the assessment of national implementation reports:

a. The WGI would receive before the following meeting a proposal for the division of work. As in previous years WGI members would work in pairs. The pairs would reflect, as much as possible the competencies and areas of work of the members.

b. The WGI reconfirmed the timeline for initiating and closing the reporting round¹.

(b) Additional actions concerning the monitoring of the implementation of the Convention

20. The secretariat presented a draft table indicating actions for the areas for follow-up, identified in the Seventh report on implementation (2012–2013)

¹ The WGI decided in previous meeting on the following timeline:

- Initiation of the reporting round: End of August/beginning of September 2015
- Deadline for submitting national implementation reports: 31 January 2016
- Mid-term assessment by the WGI: at the beginning/middle of December the secretariat was to inform the WGI of the national reports received.

(ECE/CP.TEIA/2014/4). The WGI requested the secretariat, with the support of Ms. Suzana Milutinovic, to assess to which extent these areas had been addressed in the workplan. In case the workplan did not address some of the areas, the WGI would discuss further actions.

21. The secretariat informed the WGI about the software for risk assessment, under preparation by the Joint Research Centre (JRC) of the European Commission. The WGI decided to contact the JRC to receive information about policies for sharing the software and about possible links with the land-use planning work under the Convention.

22. The Chair reminded WGI members to send to the secretariat good practices (or links to them), including those identified during Assistance Programme activities. The WGI requested the secretariat to identify links to good practices in the implementation reports from the previous biennium.

ACTION ITEMS:

The secretariat to:

- **Circulate to the WGI members, before the November meeting, a proposed division of work to assess the national reports on implementation**
- **Work with the Vice-Chair to assess whether all areas for follow-up, identified in the 7th report on implementation, are addressed in the workplan**
- **To investigate with the JRC about policies for availability of the software for risk assessment**
- **Collect good practices national implementation reports from the previous biennium**

The WGI to:

- **Send to the secretariat good practices on the implementation of the Convention**

IV. Role of the Working Group on Implementation in the development of the Convention

23. The Chair recalled the decisions by CoP-8 on the WGI's involvement in the development of the Convention. The WGI tackled the following issues:

(i) The preparation of guidance by the CoP by means of a draft decision on reporting obligations with regard to periodicity, public accessibility and other issues, for submission to CoP-9 (autumn 2016). The WGI decided that:

a. They would propose to the CoP a change in the frequency of reporting to every four years. With this new timeframe, WGI members would be elected for four years, every two meetings of the CoP. Should a member step down before the end of the mandate, he/she would be replaced by a representative from the same country. The WGI decided to ask the Bureau to insert the new terms of office in the draft terms of reference for the WGI.

b. Article 15.1 - on reporting - of the Stockholm Convention on Persistent Organic Pollutants will be added in the draft decision².

c. The draft decision would contain a reference to the terms of reference of the WGI.

d. The national reports on implementation would be available to Parties and reporting countries through a password-protected page on the UNECE website.

e. WGI members would review the draft decision prepared by the secretariat and indicate whether additional elements should be included.

(ii) Compliance:

24. The Chair recalled that CoP-8 mandated the Working Group on Development (WGD), in cooperation with the WGI, to consider whether to introduce a compliance mechanism and, in the affirmative, prepare a draft decision. She then reported on the meeting of the Informal Network of the Chairs of the Compliance and Implementation Bodies, under the UNECE multilateral environmental agreements (Geneva, 29 June 2015). In particular, the Chair reported on a special session dedicated to a possible compliance mechanism for the Convention as part of that meeting.

25. The WGI concluded that:

a. The WGI, on an ad-hoc basis, was already carrying out tasks usually undertaken by compliance bodies. Examples included the review of compliance with reporting obligations.

b. The introduction of a compliance mechanism would formalise contacts by the WGI with countries, and provide them with a more strategic framework.

c. Elements related to compliance should be inserted in the revised terms of reference of the WGI, for presentation to CoP-9.

d. The WGD should consider, on the basis of the WGI's functioning, introducing a committee initiative as the method for initiating a compliance procedure, in addition to submissions by Parties.

26. The WGI decided to inform the Bureau about the content of the report to be addressed at the WGD's sixth meeting (Geneva, 30 November–2 December 2015).

(iii) Terms of Reference for the Working Group on Implementation:

The Chair recalled that CoP-8 mandated the Bureau to prepare revised terms of reference for the Convention's subsidiary bodies, in cooperation with the bodies concerned. The Bureau, therefore, had invited the WGI to review its updated terms of reference (on the basis of the version circulated by the secretariat on 10 April 2015) and to share with the Bureau its comments on the draft. The WGI agreed with the draft of 10 April 2015 and asked its Chair to report this to the Bureau. The WGI also decided to recommend that a reference to a compliance mechanism be inserted.

(iv) Notification of hazardous activities to neighbouring countries and notification of accidents with possible transboundary effects:

² The Stockholm Convention on Persistent Organic Pollutants refers to reporting in article 15. Particularly, in article 15, paragraph 1 it states: "Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention."

27. The Chair informed the WGI that, during the WGD's fifth meeting, delegations hesitated to introduce an amendment to article 1, as a way to address the misunderstanding by Parties between "notification of hazardous activities to neighbouring countries and notification of accidents". Consequently, the WGD requested that the WGI assess the origin of the confusion and inform the WGD of its conclusions.

28. In view of the discussions on compliance, the WGI concluded that such a misunderstanding best be addressed through an enhanced dialogue with the countries. This was planned to happen already in 2016, as requested by CoP-8, and would be strengthened, should compliance elements be introduced to the WGI's mandate. The WGI then concluded that there would be no need for an amendment of definitions in article 1.

ACTION ITEMS:

The secretariat to:

- **Insert in the decision on periodicity of reporting (before April 2016):**
 - **the change of timeframe for reporting on the implementation**
 - **Article 15.1 of the Stockholm Convention**
- **Work with Suzana Milutinovic to assess whether all areas for follow-up, identified in the 7th report on implementation, are addressed in the workplan**
- **Collect good practices from national implementation reports from the previous biennium**

The WGI to:

- **Review the draft decision on periodicity of reporting and inform the secretariat whether to add other items (before April 2016)**
- **The WGI Chair to present the WGI's opinion on its ToR to the Bureau (July 2015)**
- **The WGI Chair to report to the WGD the WGI's view on:**
 - **Compliance**
 - **Possible amendment of the definitions of the Convention**

V. Schedule of meetings

29. The WGI decided to meet in the morning of 30 November, for half a day back-to-back with WGD-6, to discuss mainly items related to the development of the Convention.

VI. Closing of the meeting

30. The Chair thanked the secretariat and members of the body for their support in advance of and during the meeting, before closing the meeting on 1 July 2015.