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## **Economic Commission for Europe**

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

#### **Working Group on Implementation**

##### **Thirty-fifth meeting**

Geneva, 20–21 February 2018

### **Minutes of the meeting**

#### **I. Opening of the meeting and adoption of the agenda**

1. The following members of the Working Group on Implementation 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. Helena Fridh (Sweden); Ms. Rachel McCann (United Kingdom); Ms. Suzana Milutinovic (Serbia); Ms. Anna Tsarina (Russian Federation); and Ms. Laura Vizbule (Latvia).
2. Mr. Peter Westerbeek (Netherlands) informed the secretariat that he would not be in a position to join the meeting due to other priorities. He informed the Chair that he had offered to discuss with the Focal Point of the Netherlands his replacement through another person. The Working Group welcomed this proposal in the light of Mr. Westerbeek's continued absences.
3. Ms. Daniela Beros (Croatia), a colleague of Mr. Buljan, participated in the meeting at the invitation of the Chair. Ms. Beros will be responsible for matters related to the Convention after Mr. Buljan's retirement in 2020. The Chair invited her to attend also future meetings of the Working Group to allow for adequate transition planning.
4. The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (UNECE).
5. The Working Group on Implementation adopted the provisional agenda (CP.TEIA/2018/WGI.1/Agenda) without changes.
6. The Chair provided an update on the key issues from the 37<sup>th</sup> meeting of the Bureau (Hernstein, Austria, 30–31 January 2018) relevant for the work of the Working Group. He conveyed the advice by the Bureau to consider in the discussion on a possible change to Survey Monkey for reporting security issues, in particular the dependency on software programmes and possible data loss. The Chair also reported on the planned alignment of the location criteria by a small group comprised of him, the Chair of the Joint Expert Group on Water and Industrial Accidents and the Bureau member from the European Union. He would inform the Working Group of the proposed update of the location criteria again at its next meeting.

## II. Engaging with countries on implementation issues

### (a) Modus Operandi

7. The Working Group discussed the draft modus operandi for the engagement with countries, prepared by a small group – comprised of the Chair, Vice-Chairs and Ms. McCann – and agreed on it, with additional changes made at the meeting. The Working Group highlighted that the modus operandi should outline in an encompassing manner how the Working Group works and engages in line with its mandate. With regard to the engagement with countries, the Working Group stressed its non-adversarial and non-formal approach, wishing to support countries in their efforts to improve industrial safety, rather than pointing out weaknesses and non-compliance.

8. The Working Group on Implementation requested the small group to update the draft modus operandi, based on the discussion, by 30 April 2018 and to undertake in addition a consistency check to ensure that the modus operandi was in line with the Working Group's procedures, responsibilities and tasks defined in previous documents.<sup>1</sup>

### (b) Teleconferences

9. The secretariat informed the members of the Working Group about the unavailability of Ms. Anahit Aleksandrian (Focal Point from Armenia) for a teleconference due to a conflicting international meeting that she attended at the same time. It also informed the participants about the readiness of Ms. Lediana Karalliu (Focal Point from Albania) to attend the teleconference. The Working Group agreed on the questions for Albania and that the interview would be conducted by those members responsible for the subregion South-Eastern Europe (Mr. Buljan, Ms. McCann and Ms. Milutinovic). During the teleconference, Ms. Karalliu reported on recent progress made on improving industrial safety in Albania and specific country-needs. Among others, she reported the following:

(i) Albania was currently in the process of aligning its national legislation with the Seveso III Directive and prepared the relevant law for this;

(ii) Albania faced difficulties with internal coordination between various relevant authorities in the country in the alignment process and requested information as to how other countries dealt with such challenges;

(iii) Albania needed technical assistance in various areas under the Convention, most notably in designing emergency plans;

(iv) Ms. Karalliu apologised for Albania not yet having responded to the letter by the UNECE Executive Secretary on the Assistance Programme due to capacity constraints in her Ministry and promised to send a reply shortly.

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<sup>1</sup> The Working Group's procedures, responsibilities and tasks are defined in the following documents:

(a) Terms of references of the Working Group on Implementation

([http://www.unece.org/fileadmin/DAM/env/documents/2016/TEIA/COP/E\\_ECE.CP.TEIA.32.Add.1.pdf](http://www.unece.org/fileadmin/DAM/env/documents/2016/TEIA/COP/E_ECE.CP.TEIA.32.Add.1.pdf));

(b) Tasks and division of work between the Bureau and the Working Group on Implementation (see pg. 11 of the report from the seventh meeting of the Conference of the Parties, available from [http://www.unece.org/fileadmin/DAM/env/documents/2013/TEIA/ECE.CP.TEIA.24\\_E.pdf](http://www.unece.org/fileadmin/DAM/env/documents/2013/TEIA/ECE.CP.TEIA.24_E.pdf));

(c) Terms of reference for the preparation and implementation of projects under the Assistance Programme

([www.unece.org/fileadmin/DAM/env/teia/doc/AP/AP\\_Tools/TORs\\_for\\_AP\\_project\\_proposals\\_-\\_FINAL\\_-\\_10\\_Mar\\_2014\\_-\\_clean.pdf](http://www.unece.org/fileadmin/DAM/env/teia/doc/AP/AP_Tools/TORs_for_AP_project_proposals_-_FINAL_-_10_Mar_2014_-_clean.pdf)).

10. The Working Group welcomed Albania's openness and recommended, in view of the coordination difficulties, to share with Ms. Karalliu Bulgaria's presentation on coordination among national authorities presented at the subregional workshops on annex I. The Working Group agreed that the subregional group for South-Eastern Europe would engage in a further exchange with Ms. Karalliu and report back on its engagement at the next meeting of the Working Group.

11. The Working Group requested the secretariat to invite the Focal Point from Armenia again to a teleconference at the next meeting. Further to the discussions under agenda item 3 (a) below, the Working Group decided to invite also Kyrgyzstan and the Republic of Moldova for a teleconference at its next meeting. In accordance with the draft modus operandi, the secretariat was requested to inform the Focal Points from these countries about the planned teleconferences, preferably by the end of April 2018, and subsequently the members of the subregions were requested to get in touch with the Focal Points to agree on an agenda for the teleconference.

### **(c) Country dossiers**

12. The members responsible for a subregion presented their approach taken to prepare the draft country dossiers. The Chair and the secretariat expressed their thanks and appreciation to Working Group members for the preparation of extensive country dossiers, leading to their familiarization with the respective countries and sub-regions. The Working Group agreed that the Central Asian country dossier, prepared based on the Assistance Programme tracking table, should be used as a template by all members for preparing their country dossiers. A number of changes were agreed, such as adding information about teleconferences held (in the last column), adding hyperlinks under the self-assessment and action plans and implementation reports and focal points leading to the relevant pages, adding priority actions from the action plans.

13. The Working Group requested the subgroup for Central Asia to update the country dossier for Kyrgyzstan and to circulate the updated version for comments, with the objective to agree by the end of March 2018 on a template which could be used by all members of the Group. It was agreed that the draft country dossiers prepared for this meeting be updated and finalized using the new template by mid-May 2018. The Working Group agreed that the country dossiers would replace the Assistance Programme tracking table, and continuously be maintained by its responsible members.

14. The Working Group welcomed the proposal by Ms. Tsarina to explore the possibility to make the table used for the country dossiers more user-friendly and to present further information on this at the next meeting.

## **III. Monitoring of the Assistance Programme and other assistance activities**

### **(a) Monitoring of the Strategic Approach**

15. The members of the Working Group presented their feedback on the following self-assessments and action plans, and made recommendations for how to proceed:

#### **(i) Action plan by Albania (April 2016)**

The Working Group noted that the action plan by Albania was very general and did not allow to draw conclusions on whether external assistance for the activities was needed. Moreover, it was noted that the action plan was not consistent with the self-assessment submitted earlier by Albania and that many of the planned activities had no connection to

the needs and challenges identified in the self-assessment. The Working Group recommended that Albania update its self-assessment and action plan to ensure that the two documents were aligned. It also recommended that Albania use the Sectoral Checklist and Guidelines for the Preparation and Inspection of a Safety Report, developed under a project between Croatia, Serbia and the former Yugoslav Republic of Macedonia.

**(ii) Self-assessment by Armenia (February 2018)**

The comparison of Armenia's self-assessment submitted in February 2018 with the previous one showed that almost no changes have been introduced to the document. No action plan has been submitted and the previous recommendation by the Working Group to submit a partially updated self-assessment was not followed. As a next step it was agreed that Armenia should submit an action plan and provide an explanation of the progress stages indicated in the self-assessment as well as of the overall progress made since the last submission of the self-assessment. It was further agreed to invite Armenia to a teleconference at the next meeting of the Working Group.

**(iii) Self-assessments by Azerbaijan (June 2016)**

Azerbaijan prepared a good self-assessment in which needs have been clearly identified. The country requested assistance related to the sharing of best practices for the notification of hazardous activities and the use of the UNECE Industrial Accident Notification (IAN) System. Azerbaijan also revealed other gaps, such as in the development of transboundary emergency plans. The member of the subregional group for the Caucasus (Mr. Gonzalez) expressed a need to define an engagement strategy for Azerbaijan (and other Caucasian countries). The secretariat suggested, that on this basis, the Bureau could consider including in the next work plan another set of subregional activities (e.g. on notification for Caucasus and on targeted needs for other subregions). It was agreed to further discuss the engagement strategy for Azerbaijan at the next meeting of the Working Group.

**(iv) Self-assessments and action plans reviewed as part of the Central Asian project**

The Working Group noted that the final self-assessments and action plans of Kyrgyzstan and Kazakhstan were of good quality, demonstrating well the added value of using the user-friendly version of the Benchmarks document in preparing documents under the Strategic Approach. The draft self-assessment of Turkmenistan was considered too detailed, containing redundant information, and the draft self-assessment of Uzbekistan was found not detailed enough. The finalized self-assessments and action plans of these two countries would shortly be shared with the Working Group. In general, the Working Group noted the significant progress made in Central Asia and the high quality of the self-assessments and action plans of this region, possible due to the provision of advice of international experts in the framework of the project on Strengthening Industrial Safety in Central Asia, for which funding was provided by the Russian Federation. The Working Group highlighted the importance of such projects in order to inspire progress in the Convention's implementation, with the support of the Assistance Programme's tools. Working Group members agreed to give further consideration as to how they could support the development and funding of such projects under the Assistance Programme, by reaching out to relevant counterparts at the national level (e.g. Development Cooperation Agencies), and in other countries.

**(v) Self-assessment of the Republic of Moldova (January 2018)**

It was noted that the Moldovan self-assessment was clear and realistic and that it appeared that the country had not made progress in the period 2015–2017. It seemed that the Republic of Moldova was well aware of existing problems and challenges as well as how to address them but not able to take concrete actions to overcome these. The secretariat informed of the successfully submitted Danube Delta Project (DDP) II proposal aiming to sustain the progress made as a result of the DDP I and noted with regret that the proposal

could not be implemented due to internal difficulties in countries (beneficiary countries would have been the Republic of Moldova, Romania and Ukraine). The Working Group was also informed that the Republic of Moldova had expressed interest in establishing National Policy Dialogues (NPDs) on Industrial Safety. It was further agreed to invite the Republic of Moldova to a teleconference at the next meeting of the Working Group.

16. With regard to the above, the Working Group agreed that the members responsible for a particular subregion should develop an engagement strategy per Assistance Programme country. Such should be submitted together with the final country dossiers by mid-May 2018 to the secretariat. It was agreed that the subregional group for Central Asia would come up with specific recommendations for Kyrgyzstan and Kazakhstan, based on the final self-assessments and action plans, and for remaining countries, depending on when the finalized documents would be submitted to the Working Group.

17. Ms. Tsarina suggested that a pre-designed form that could be used to complete the self-assessments (based on the Benchmarks document) could be useful and facilitate the preparation of self-assessments. She volunteered to look into creating such an offline form, which could then be shared with the Assistance Programme beneficiary countries for ease of use. The Working Group welcomed the proposal and requested Ms. Tsarina to present the form at the next meeting.

## **(b) Effectiveness of the Assistance Programme**

18. The secretariat presented the replies received by countries on the high-level letters sent in May 2017 to collect feedback on the effectiveness of the Programme and specific country needs for future assistance. The Working Group was informed that both formal and informal replies were received from countries and some countries have not provided an answer to date. Some countries (e.g. Belarus, Serbia, Kyrgyzstan) highlighted the importance and need for more subregional workshops and need for assistance with internal coordination (e.g. Kyrgyzstan). It was agreed that the secretariat would send reminders to those countries who had not yet replied to the above high-level letters and that information gathered from the replies received should be included into the country dossiers. The Working Group further agreed to analyse and summarize the country replies in writing for discussion at next meeting. The Chair volunteered to prepare the written summary of the analyses and conclusions drawn from the responses and to circulate it for discussion at the next meeting of the Working Group and ensuing discussion at the Bureau meeting (Bern, 26–27 June 2018).

19. The Working Group discussed the further development of the Assistance Programme, including its rebranding into Assistance and Cooperation Programme, in accordance with the Convention's draft revised long-term strategy for 2030, which is being considered by the Convention's Bureau. It was noted by the Chair that such re-branding would be in line with the modus operandi of the Working Group and the Working Group endorsed this idea.

20. The idea of the organization of a high-level meeting on the Assistance Programme in the framework of the Conference of the Parties, for example, at its eleventh meeting or in the framework of another meeting organized in the context of a project under the Assistance Programme, was discussed. It was agreed that the Chair and Vice-Chairs of the Working Group would discuss the idea with Assistance Programme beneficiary countries in the margins of the tenth meeting of the Conference of the Parties (December 2018), possibly during an informal meeting with Focal Points, and get back to this discussion at its meeting in early 2019.

**(c) Implemented and planned activities under the Assistance Programme**

21. The secretariat provided an update on the progress made in the implementation of the Central Asian project (2016–2019), including with regard to the development of an implementation guide and template for the notification of hazardous activities, responding to recommendations arising from national meetings in Central Asia and the sub-regional workshops held in 2017. The Working Group welcomed the information provided and agreed to form a small group (composed of Mr. Chukharev, Mr. Gonzalez, Ms. Milutinovic and Ms. Tsarina) to review the template for the notification of hazardous activities which is being developed as a part of the Implementation Guide for Central Asia. A draft of the Guide will also be reviewed by the Russian-speaking members of the Working Group (Mr. Chukharev and Ms. Tsarina).

22. The secretariat also provided an overview of planned activities for 2018, including with regard to a planned high-level mission to Ukraine and a project to strengthen the safety of mining operations, in particular tailings management facilities, in Kazakhstan and beyond in Central Asia, financed by Switzerland (2018–2019). The Chair, supported by the secretariat, reported that the planned mission to Bosnia and Herzegovina would be postponed until some progress since the last high-level mission was made and showcased by the country. The Working Group took note of the information provided.

**(d) Other assistance activities**

23. The secretariat informed the Working Group about a project on tailings safety in Georgia and Armenia, financed by Germany. The Working Group on Implementation took note of this information, welcoming particularly the synergies with the Kazakh tailings project, funded by Switzerland, and endorsing more generally looking for synergies between on-going and possible future projects. The secretariat informed the members of the Working Group about several ideas for project proposals, developed based on country needs. The Working Group requested the secretariat to share a list with existing proposals and possible ideas for future assistance project for discussion at its next meeting.

**IV. Implementation of the Convention, including reporting****(a) Improving reporting**

24. The secretariat presented the last reporting format (2014–2015) transferred into Survey Monkey, as requested by the Working Group at its last meeting, including its findings from this test. The secretariat reported that the transfer was technically possible, with slight modifications of the questions in certain instances.

25. The Chair briefed the participants on the feedback provided by the Bureau at its meeting in January 2018, advising that the Working Group consider in the discussion on a possible change to Survey Monkey for reporting also security issues, the dependency on software programmes and loss of data.

26. The Working Group thanked the secretariat for its testing of Survey Monkey for reporting. It considered the risk of losing data and becoming dependent on a software extremely low and agreed, with regard to the Bureau's security concerns, to proceed as follows:

(a) Explore possibilities to develop an online system for reporting, as originally intended and included in the Convention's workplan for 2017–2018; Mr. Gonzalez offered to explore whether Switzerland could support the development of such a system;

(b) Gather feedback at the national level and from partners on their possible experience with using Survey Monkey for reporting; Ms. McCann offered to contact OECD which she knows uses the tool a lot;

(c) Explore possibilities of using word and pdf documents to overcome the difficulties in reporting;

27. The Working Group requested to re-discuss the tool used for future reporting at its next meeting, based on the above information.

## **(b) Update of the reporting format and guidelines**

28. The members of the Working Group presented their proposals for improving the reporting format, introducing scaled numeric scoring for some of the qualitative responses. Based on the discussion it was agreed that the members of the Working Group would update their parts in the reporting format and send these, together with related changes in the reporting guidelines, to the secretariat no later than mid-May 2018. The secretariat was requested to prepare possible questions to add in view of the global developments, notably the Sendai Framework for Disaster Risk Reduction 2015–2030, and the relevant Sustainable Development Goals. A draft version of the reporting format and guidelines should be discussed at the next meeting of the Working Group.

## **V. Collection of good practices and exchange of information**

29. On the basis of information provided by Mr. Gonzalez and the secretariat, the Working Group on Implementation was informed about two upcoming seminars, held under the area of exchange of information in the Convention's workplan for 2017–2018:

(a) Seminar on risk assessment methodologies (Geneva, 4 December 2018), in the margins of the tenth meeting of the Conference of the Parties;

(b) Seminar on land-use planning and industrial safety (Mechelen, Belgium, 16–17 May 2018).

30. The Working Group took note of the information provided and agreed to consider further how it could encourage the identification and promotion of good practices. The Working Group agreed that for this purpose, it could consider information exchanged in the framework of meetings under the Convention, and of other international organizations, such as the OECD Working Group on Chemical Accidents. To that effect, Working Group members agreed to keep this respective role in mind during their attendance of meetings and seminars under the Convention, and in other international fora.

31. The Working Group agreed that the secretariat would proceed with including links to the seminars on risk assessment (Geneva, 4 December 2018) and land-use planning and industrial safety (Mechelen, Belgium, 16-17 May 2018), on the respective website displaying good practices identified in the implementation reports, following the currently ongoing website migration. It also suggested that on this website, relevant publications issued by partner organizations, such as the OECD publication on ownership change and ageing of hazardous installations, could be displayed.

## **VI. Update of the location criteria**

32. The Chair, supported by the secretariat, briefed the meeting about the planned alignment of the location criteria by a small group comprised of him, the Chair of the Joint Expert Group on Water and Industrial Accidents and the Bureau member from the European Union. He recalled that this was an outcome of the subregional workshops on

annex I at which participants noted that the location criteria contained references to categories of hazardous substances from a previous annex I to the Convention. He reported that the Bureau at its meeting in January 2018 agreed that the location criteria be aligned with the current annex I and that a draft revised version be prepared by the Bureau, in cooperation with the Working Group on Implementation and Joint Ad Hoc Expert Group on Water and Industrial Accidents, for adoption at the 10<sup>th</sup> meeting of the Conference of the Parties (Geneva, 4–6 December 2018). The Working Group supported this approach.

## **VII. Inputs for the 10<sup>th</sup> meeting of the Conference of the Parties**

33. The Working Group agreed to present a progress report for information sharing to the Conference of the Parties at its 10<sup>th</sup> meeting. It agreed that its report will comprise the following elements:

(a) The Working Group's engagement strategy to increasingly reach out to Assistance Programme beneficiary countries, preparation of country dossiers, and modus operandi, in line with its new terms of reference (included as an annex to the report);

(b) The Working Group's analysis of and conclusions drawn from the responses to the high-level letters sent by the secretariat, based on the request by the Bureau and the Working Group;

(c) The draft template for notification of hazardous activities, as reviewed and endorsed by the Working Group (included as an annex to the report), which the Conference of the Parties could take note of and recommend countries to make use of;

(d) The Working Group's deliberations on the way of reporting under the Convention (possibly through an improved, locked word or pdf document).

34. The Chair and the Vice-Chairs agreed to prepare a draft of the report by the Working Group on its activities in the biennium 2017–2018 for discussion at its next meeting and ensuing presentation to the Bureau.

## **VIII. Meeting schedule for 2018**

35. The Working Group reconfirmed to hold its 36<sup>th</sup> meeting on 13–14 June 2018 in Munich, Germany. The Chair provided further logistical information about the meeting.

## **IX. Other business**

36. Ms. McCann offered to support Mr. Gonzalez in the subregional group for the Caucasus until a successor for Mr. Westerbeek was found. Mr. Gonzalez and the remaining members of the Working Group welcomed this proposal.

## **X. Closing of the meeting**

37. The Chair thanked the secretariat and the Working Group for their support prior to and at the meeting, before closing the meeting at 4 p.m. on 21 February 2018.