The UNECE Convention on the Transboundary Effects of Industrial Accidents

Access to Information: recent trends, good practices and implementation challenges

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Industrial Accidents Convention

- Negotiated after the 1986 Sandoz accident
- Adopted in 1992, entered into force in 2000
- 41 Parties
- Designed to protect people and the environment against industrial accidents (with transboundary effects)
- Applies also to accidents caused by natural disasters (NaTech)
- Tailing Management Facilities (TMFs) containing mining waste with hazardous substances covered (Annex I)
- Nuclear accidents and accidents at military installations are outside of the scope of the Convention

⇒ Convention is a legal instrument for improving industrial safety and technological DRR – within & across borders
Key obligations

- Identification and notification of hazardous activities
- Development/implementation of policies, strategies, measures for:
  - Prevention
  - Preparedness
  - Response
- Information to and participation of the public
Art. 9 – Information to, and participation of the public

“The public” means one or more natural or legal persons.” (art. 1 (j))

• Parties shall ensure that the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity is given
  • Information (information channels, content of the information in Annex VIII, considering also Annex V)
  • An opportunity to participate in relevant procedures (to express views on prevention, preparedness and response measures – equal opportunities for the public of the affected Party and Party of origin)
  • Access to relevant administrative and judicial proceedings

• Linkages with art. 5 and 6 of the Aarhus Convention

• Amendment to the Industrial Accidents Convention (notably on art. 9 to align with the Aarhus Convention and Seveso III Directive) could not be adopted by the meetings of the Conference of the Parties in 2016 and 2018
Annex VIII – Information to the public

• 1. name of the company, address of the hazardous activity and identification by position held of the person giving the information
• 2. simple explanation of the hazardous activity
• 3. dangerous characteristics and amounts of dangerous substances
• 4. general information resulting from an EIA, if available
• 5. possible industrial accident including its potential effects on the population and the environment
• 6. how the affected population will be warned and kept informed in the event of an industrial accident
• 7. the actions that affected population should take and the behavior they should adopt in the event of an industrial accident
• 8./9. on internal&external emergency preparedness and response measures
• 10. special requirements and conditions to which the hazardous activity is subject according to the relevant national regulations and/or administrative provisions, including licensing or authorization systems
• 11. details of where further relevant information can be obtained
Good practice: Lithuania – notification of a proposed hazardous activity to Latvia

Planned construction and operation of an LNG terminal and related infrastructure facilities in Lithuania (in 2014-2015)

- 2 possible locations identified, with 1 being close to Latvian border
- Lithuania conducted therefore a transboundary environmental impact assessment (EIA)
  - Latvia commented on the EIA documentation
  - Public hearing procedure and meeting in Latvia
  - Bilateral Lithuanian-Latvian expert consultations
  - EIA decision submitted to Latvia

⇒ In consultation process, it had been decided to shift the location to a place where the activity would not have transboundary effects
Practical examples – Exercises

• Development of draft joint contingency plan between Republic of Moldova, Romania and Ukraine (2013-2014)

• Self-initiated tests of the UNECE Industrial Accident Notification (IAN) System by Switzerland with France and Germany (2018)

• Other transboundary exercises:
  • Germany and Poland (2009, 2017)
  • Hungary in Danube region (2018)
  • Bulgaria, Romania, Serbia (2009)
  • Poland & Russian Federation (2002)

Trilateral transboundary exercise with provision of mutual assistance (2015) – with participation of the operator, public and Elyx (UN Digital Ambassador)
Access to Information in the Strategic Documents of the Industrial Accidents Convention

- **Long-term strategy until 2030:**
  The Parties will ensure inclusive public information and participation by implementing article 9 of the Convention with the involvement of the population, regardless of age and gender (Goal 16). This will enhance awareness of the existing risks and of the emergency and response procedures needed in order to contain damage to human health in the event of an accident.

- **Communication, Outreach and Engagement Strategy:**
  When communicating with the public (at public forums and meetings, via social media or in other ways), it is important to keep the content relatively simple by using direct and everyday language, focusing on smaller parts of the bigger picture and making clear distinctions between the issues covered by the Convention.

**SUSTAINABLE DEVELOPMENT GOAL 16**
Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- Implementation of art. 9 has slightly improved in most countries but level of availability of procedures for involving the public varies significantly among countries.
- Several Parties had strengthened public information/participation by:
  - Adopting new legislation (e.g., Poland, Russian Federation, Republic of North Macedonia)
  - Clarifying responsibilities of authorities for accidents with transboundary effects (Czechia)
  - Ratifying and implementing the Aarhus Convention (Switzerland in March 2014)
  - Transposing the Seveso III Directive (e.g., Hungary, Italy, Lithuania, Poland, United Kingdom)
Implementation challenges and WGI’s recommendations in 8th report

• Some countries reported that **public participation was not granted fully**, for example, only for preparedness measures but not for establishing or implementing preventive measures, or restricted to the domestic public (not across borders).

• Working Group on Implementation encouraged countries to **exchange good practices to reach a higher degree of public participation** in the processes of establishing and implementing preventive and preparedness measures. It called on Parties to organize seminars, workshops and other relevant activities in this area to **support putting in place laws and other legal acts that would grant the same rights to the domestic and foreign public.**
Examples of good practices (identified by countries in 8th report)

• Portugal operates since July 2015 the Internet site “Participa”, which was exclusively dedicated to promoting public consultations

• Switzerland has a joint Franco-Genevan Regional Committee on Security to encourage transboundary public participation

• Access to information was discussed during the Seminar on land-use planning and industrial safety in Belgium (May 16-17, 2018). The final document stressed the necessity, especially in a transboundary context, to actively engage the public in the planning process and to ensure that authorities provide understandable information in due time, listen and respond to the public’s views

→ Development of online training courses, videos and cartoons on the topic under the Convention

Thank you for your attention!

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