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**ECONOMIC COMMISSION FOR EUROPE**

COMMITTEE ON ENVIRONMENTAL POLICY  
(Eighth session, 25 - 27 September 2001)  
(Item 9 (c) of the provisional agenda)

**INTERLINKAGES BETWEEN UNECE  
MULTILATERAL ENVIRONMENTAL AGREEMENTS**

**Note by the secretariat**

**Introduction**

1. The present document contains information on the joint activities undertaken by two or more UNECE environmental conventions since the seventh session of the Committee on Environmental Policy. It is meant to ensure an efficient flow of information between the governing bodies and the Committee. The Committee may wish to take note of these activities and discuss its possible role in supporting them at the intergovernmental and national levels.

2. A round-table discussion on supporting the UNECE multilateral environmental agreements was held within the framework of the Committee's seventh session. This event was meant to provide a catalysing forum for the governing bodies of the different conventions to share experience on implementation and consider, jointly with the Committee, measures to increase the instruments' overall effectiveness. It was recognized that this could be achieved, for instance, by increasing cooperation and by identifying synergies between conventions (ECE/CEP/74, para. 14-15 and annex II).

3. During the round-table discussion, representatives of the governing bodies identified areas where cooperation with other UNECE conventions already existed or was desirable. They stressed that such cooperation must be demand-driven, be justified by a common interest to undertake joint work and also take into account the resources available to each of the governing bodies. Furthermore, all the participants concluded that closer cooperation at all three levels – intergovernmental, within national structures and among the secretariats of the conventions – was required to make the agreements more effective.

4. As a follow-up to the round table, the representatives of the Bureaux of the governing bodies and the Committee met at Geneva on 25 June 2001 to discuss public participation as an issue of common interest to all five UNECE multilateral environmental agreements. The conclusions of this meeting are contained in a separate document (CEP/2001/6).

**I. COOPERATION BETWEEN THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS (INDUSTRIAL ACCIDENTS CONVENTION) AND THE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES (WATER CONVENTION)**

5. Recognizing that major industrial accidents may have far-reaching transboundary effects and may lead to accidental water pollution, the Parties to both Conventions decided to cooperate closely on issues related to the prevention of accidental pollution of transboundary waters within the framework of a joint ad hoc expert group on water and industrial accidents.

6. High appreciation was expressed for the work of this joint ad hoc expert group at the second meeting of the Parties to the Water Convention (The Hague, Netherlands, 23-25 March 2000) and the first meeting of the Conference of the Parties to the Industrial Accidents Convention (Brussels, 22-24 November 2000). The Parties to these Conventions also adopted/endorsed the conclusions of the Seminar on the prevention of chemical accidents and limitation of their impact on transboundary waters and its recommendations to them. The recommendations are the key product of the work done so far by the joint expert group.

7. The Meeting of the Parties to the Water Convention and the Conference of the Parties to the Industrial Accidents Convention also decided to extend the mandate of the joint ad hoc expert group and agreed on its future work programme. The main elements of this programme, adopted by the Conference of the Parties to the Industrial Accidents Convention and the Bureau of the Meeting of the Parties to the Water Convention, are the further elaboration and promotion of safety guidelines/best practices for the prevention of accidental transboundary water pollution and the drawing-up of safety guidelines for installations or activities for which they are lacking as well as the exchange of information on the functioning of existing alarm and notification systems and the initiation of a response exercise. The next meeting of the joint expert group will take place at the invitation of the Government of Germany in Berlin on 18-19 October 2001 to decide on ways and means to implement the new work programme.

8. The issue of accidental water pollution and related civil liability has come increasingly to the fore as a result of the accidental cyanide spill in Romania in early 2000. In this context, the

Government of Switzerland proposed an initiative to draw up a protocol on civil liability to both Conventions. This initiative was put forward at the second meeting of the Parties to the Water Convention and at the first meeting of the Conference of the Parties to the Industrial Accidents Convention. The proposal was welcomed by both forums and by the UNECE Committee on Environmental Policy at its seventh session in September 2000.

9. The Parties to the Water Convention mandated their Working Group on Legal and Administrative Aspects to examine gaps in existing international agreements on liability. The Working Group, composed of experts from 13 ECE member countries, and several international organizations, in its in-depth report on “Responsibility and liability in relation to accidental water pollution”, concluded that there were shortcomings in existing international civil liability instruments, in particular due to their lack of specificity in certain cases and to the fact that they had not entered into force.

10. Based on these findings, the Parties to the Industrial Accidents Convention, at their first meeting in November 2000, stressed the need for an appropriate regime, including a legally binding instrument, in the UN/ECE region on civil liability for damage caused by hazardous activities within the scope of both Conventions. In this context, they mandated their Bureau to work closely with the Bureau of the Meeting of the Parties to the Water Convention to prepare a joint special session of the two governing bodies.

11. At the joint special session, which took place in Geneva on 2-3 July 2001, the two governing bodies decided to enter into an intergovernmental negotiation process within the scope of both Conventions to draw up a legally binding instrument on civil liability for transboundary damage caused by hazardous activities. To this end they set up an open-ended intergovernmental Working Group, which will hold its first meeting in Geneva on 21-23 November 2001.

12. In accordance with the Industrial Accidents Convention, its Parties have to take appropriate measures for the prevention of industrial accidents and establish and maintain adequate emergency preparedness to respond to them and to mitigate their transboundary effects as well as provide for the establishment and operation of efficient industrial accident notification systems. The Parties to the Water Convention for their part have to minimize the risk of accidental water pollution, develop contingency planning, establish warning and alarm procedures and provide mutual assistance should a critical situation arise.

13. In order to share experience in the implementation of the above provisions, an International Workshop and Exercise on industrial safety and water protection in transboundary river basins will be held in Tiszaújváros from 3 to 5 October 2001, at the invitation of the Government of Hungary and under the joint auspices of the governing bodies of both Conventions.

**II. COOPERATION BETWEEN THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT (ESPOO CONVENTION) AND THE CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS (AARHUS CONVENTION)**

14. At its seventh session, the Committee on Environmental Policy welcomed the recommendation of the Working Group on Environmental Impact Assessment (EIA) that preparation of a protocol on strategic environmental assessment to the Espoo Convention should start, with a view to the instrument being adopted on the occasion of the Kiev Ministerial Conference in 2003. The Committee noted that the preparation of the instrument could be an excellent opportunity for cooperation between the Espoo and Aarhus Conventions, bringing together experts in a joint working group to explore synergies and share experiences. The Committee requested the UNECE secretariat to prepare a working document to serve as a basis for the negotiations and to involve the secretaries to both the Aarhus and the Espoo Conventions in the preparation of the document as well as in the subsequent negotiation of the proposed protocol (ECE/CEP/74, para. 20).

15. At their second meeting, the Parties to the Espoo Convention decided to establish a Working Group to draw up a protocol. They urged the Meeting of the Signatories to the Aarhus Convention to take part in its preparation and recommended that focal points both for the Espoo and for the Aarhus Conventions and representatives of NGOs should contribute to the negotiations. The first meeting of the Working Group took place in Geneva on 14-16 May 2001.

16. This cooperation is important considering the thematic overlap between the Conventions. Article 2, paragraph 7, of the Espoo Convention states that its Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes to the extent appropriate. Public participation is generally considered to be an essential element in strategic environmental assessment. Articles 7 and 8 of the Aarhus Convention concern public participation in certain types of strategic decisions. It has been argued that the effective application of these provisions requires a basic form of strategic environmental assessment.

17. The second meeting of the Working Group is scheduled to take place at Geneva on 26-28 September 2001.

**III. COOPERATION BETWEEN THE CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION AND THE AARHUS CONVENTION**

18. At their second meeting, the Signatories to the Aarhus Convention recommended that a legally binding instrument on pollutant release and transfer registers (PRTRs) should be developed to further implement article 5, paragraph 9, of the Convention. This is in accordance with article 10, paragraph 2 (i), which states that the Parties shall review their experience in implementing the provisions of article 5, paragraph 9, and consider what steps are necessary to develop such a PRTR system further. Following this recommendation, the Committee on Environmental Policy established a Working Group to prepare a legally binding instrument on PRTRs with a view to having it ready for adoption at the Kiev Ministerial Conference.

19. The instrument would require the establishment of registers of releases and transfers of specific substances or pollutants into the environment in easily accessible databases. However, the Convention on Long-range Transboundary Air Pollution and its protocols already require that emissions of certain substances into the air be reported to the secretariat for incorporation into the Convention's database managed by its Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP). The Convention's Task Force on Emission Inventories and Projections is further developing its guidelines for estimating and reporting emissions. These guidelines are intended to assist Parties in meeting their reporting obligations under the Convention and to facilitate the process of producing reports on emission inventories and projections.

20. As all of the substances regulated by the Convention on Long-range Transboundary Air Pollution and its protocols could be covered by the PRTR instrument, cooperation between the two bodies seems desirable to ensure that the obligations under both are compatible. At the first meeting of the Working Group, the question of consistency between the reporting obligations under the new instrument and the existing reporting obligations under other UNECE conventions was raised and the secretariat was asked to investigate this, bearing in mind that the objectives of reporting might be different in different contexts.

21. Three meetings of the Working Group on PRTR have been scheduled for 2001 and four meetings for 2002.

#### **IV. COOPERATION BETWEEN THE ESPOO CONVENTION AND THE OTHER UNECE ENVIRONMENTAL CONVENTIONS**

22. In the period between the first and the second meeting of the Parties to the Espoo Convention, the work plan included an item on the collection and analysis of information on recent experiences in the application of EIA and a study on links between the Espoo Convention and other UNECE conventions with a view to further strengthening the application of the former. The study identified opportunities for the application of the Convention by seeking joint activities with other conventions, in particular on public participation, EIA documentation, risk assessment, post-project analysis and monitoring. At their second meeting, the Parties to the Espoo Convention adopted a document on "Recent developments and links with other ECE Conventions" (decision II/5). This document describes in detail the links with the other conventions and sets out the main findings. As a follow-up to decision II/5, it was decided to include in the work plan for the period 2001 to 2003 an item on strengthening cooperation with other UNECE conventions with the aim of further strengthening their application and in particular of improving the application of EIA in a transboundary context. A report with proposals for doing so through the provisions of other conventions will be presented to the Working Group on EIA and thereafter to the Parties at their third meeting.