

Working Group on Implementation

Fifth meeting, Vienna, 3-5 April 2006

MINUTES OF THE FIFTH MEETING ¹

Introduction

1. The fifth meeting of the Working Group on Implementation (WGI) was held in Vienna on 3-5 April 2006, at the invitation of the Government of Austria.
2. Mr. Bernard Gay (Switzerland) chaired the meeting. It was attended by: Mr. Armin Heidler (Austria), Mr. Nikolai Savov (Bulgaria), Mr. Pavel Forint (Czech Republic), Mr. Leo Iberl (Germany), Ms. Judit Mogor (Hungary), Mr. Massimo Cozzone (Italy), Mr. Tomas Trcka (Slovakia), Mr. Sergiusz Ludwiczak (UNECE, Secretary of the CoP) and Mr. Lukasz Wyrowski (UNECE secretariat).
3. Ms. Anahit Aleksandryan (Armenia) could not attend the meeting. Mr. Dmitri Y. Poletaev (Russian Federation) did not attend the meeting. The WGI expressed concern over his unexcused absence due to the need to redistribute, at last moment, the individual workloads among the members present at the meeting.

I. Opening of the meeting and short introduction

4. Mr. Gay opened the fifth meeting of the WGI and welcomed its members who shortly introduced themselves.

II. Adoption of the agenda

5. The WGI adopted the agenda for its fifth meeting as contained in WGI9/25 January 2006. The WGI agreed with Mr. Gay's proposal to designate Mr. Iberl and Mr. Trcka – whom he had approached before the meeting for this matter – as rapporteurs responsible for drawing up the first drafts of the implementation report.

III. Progress in reporting on implementation

6. Mr. Ludwiczak recalled that the secretariat initiated the third reporting round on the Convention's implementation by letter of 22 June 2005, accompanied by the reporting format (CP.TEIA/2005/4). The deadline for the submission of national implementation reports was set for 31 January 2006. Countries that did not meet this deadline were sent an e-mail reminder by the secretariat. Spain and the Russian Federation were the only two countries, which had not provided a report until the end of March 2006 in time for the fifth meeting of the WGI. The secretariat had addressed a reminder letter to their competent authorities on 3 and 17 March, respectively.

¹ Prepared by the secretariat in consultation with the Chairman of the Working Group on Implementation.

7. At the time of the meeting, 33 UNECE member countries and the European Community had ratified, accepted or acceded to the Convention.² Cyprus acceded to the Convention on 31 August 2005 and for this country the Convention entered into force in late 2005. Therefore the WGI considered that the reporting obligation pursuant to article 23 of the Convention for the period ending in 2005 does not apply to Cyprus.

8. The WGI expressed satisfaction that 37 national implementation reports from Parties (Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Monaco, Norway, Poland, Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland and the United Kingdom as well as the European Community) were made available to it for consideration. Six additional reports were submitted by East European, Caucasian and Central Asian (EECCA) and South-East European (SEE) countries, in accordance with the declaration adopted at the High-level Commitment Meeting held in Geneva on 14-15 December 2005 – CP.TEIA/2005/12, namely by Georgia, Kyrgyzstan, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, and Uzbekistan.³

9. The WGI expressed concern that reports were not available from Spain and the Russian Federation, noting that the competent authorities of the Russian Federation did not provide a report within the second round of reporting either.

10. The WGI also requested the secretariat to invite the Turkish authorities to submit a report on a voluntary basis. The report should, among others, emphasize this country's difficulties and challenges in implementing/acceding to the Convention.

11. The secretariat was also invited to contact the authorities of Serbia and Montenegro to seek an implementation report for the whole of the country.

IV. Review of national implementation reports

12. All reports were available for review by the WGI in English. An external translator whose costs were covered from the Convention's trust fund earlier translated nine reports that were submitted in Russian into English.⁴

13. The WGI, in preparation for this meeting, agreed to analyze the national reports based on a work distribution proposed by Mr. Gay. Two-member teams, following the same distribution of tasks as for the September 2005 Training session in Warsaw on drawing up national implementation reports (CP.TEIA/2005/6), reviewed each main section of all available reports before the meeting. In addition, the secretariat provided a compilation of the information on the competent authorities and the points of contact for accident notification and mutual assistance.

14. WGI members shared their general impressions from the review at the meeting pointing out weak and strong points in their respective sections. This exchange of views led to formulating some general conclusions of the third implementation report. These were, among others :

- (a) UNECE member countries of Eastern Europe, Caucasus, Central Asia and South

² Belgium deposited its instrument of ratification on 7 April 2006 and will become the 35th Party to the Convention.

³ An implementation report was also received from Serbia, one of the states of the state union of Serbia and Montenegro, which is a UNECE member.

⁴ The translation of these reports internally by the services of the United Nations Office in Geneva, due to limited resources, was not possible.

Eastern Europe need to be assisted through the assistance programme in order to implement the Convention's provisions and thus be able to become Parties to the Convention. Countries from these subregions that are already Parties also need to be assisted in applying this legal instrument in practice. Many EECCA and SEE countries identified challenges to implementation/accession to the Convention in their implementation reports. This information, which on the whole is of much better quality than in the second round of reporting, together with the findings of the fact-finding teams that are expected to visit these countries will prove to be useful in planning capacity-building activities within the assistance programme;

(b) Since the second implementation report, Parties had made significant progress in identifying their hazardous activities. However, a number of countries still need assistance in developing their capacities to conduct such identifications, in particular in applying annex I to the Convention and the location criteria contained in the guidelines to facilitate the identification of hazardous activities. Drawing up of further guidance seems to be necessary;

(c) Parties should strive to achieve effective horizontal and vertical coordination and cooperation between competent authorities. This seems to be problematic to varying degrees in many countries;

(d) The development of bilateral cooperation (notification of hazardous activities, contingency plans, local notification systems, joint response exercises, information to and participation of the public) should be further encouraged. The WGI considered this to be an area requiring further development in many cases. However, it noted good examples and agreed to advertise them. To this end, Ms. Mogor agreed to explore the possibility of a Hungarian presentation at the fourth meeting of the CoP;

(e) The effectiveness of the UNECE Industrial Accident Notification System should be increased through its regular testing. The WGI supported further efforts in this direction and agreed with the proposal to enhance the communication procedures within the System; and

(f) In view of the problems mentioned by some Parties from the EU in applying annex I and the decision of the CoP to establish the Working Group on Development (WGD) for, in a first step, amending annex I to the Convention with the aim of bringing it up-to-date and closer to the amended annex I of the "Seveso II" Directive, the WGI took note with satisfaction that the WGD had completed its review and finalized a proposal to amend annex I to the Convention.

15. The WGI noted with satisfaction the progress in implementing the Convention by many UNECE member countries. It also recognized an enhancement of the quality of the national implementation reports. It considered the above mentioned training session to have played a key role in raising the completeness and quality of the responses provided by many countries.

16. On the other hand, the WGI noted that three reports received from Armenia, Croatia and Greece still need a substantial improvement – the information in a number of sections needs to be made more specific and substantial. The Chairman agreed to address the persons responsible for compiling the national reports in these countries with a request to complete the missing information and resubmit their reports as soon as possible.

17. The WGI, when discussing part A of section III of the reporting format, concerning legislation transposing the Convention noted difficulties in assessing whether this legislation is relevant and which articles of the Convention it relates to. In order to facilitate its work in the fourth round, the WGI decided to add an editorial note to request countries to provide this

additional information.

V. Preparation of the third report on the implementation of the Convention

18. The WGI decided that each of the WGI members and the secretariat would prepare draft proposals of text for their respective sections together with draft conclusions. These contributions would be received, evaluated and used for the first draft by the rapporteurs as they see fit. To this end, the WGI agreed on a set of evaluation criteria as annexed to these minutes.

19. The WGI discussed and decided to modify the thrust and the structure of the third report on the Convention's implementation as compared to the second one. It decided that the main text of the report should be shorter to enhance readability and to give more prominence to the conclusions and recommendations. Besides an introduction and a quantitative analysis of reporting, the report would also include a qualitative analysis of the national implementation reports (see also para. 18) by section together with conclusions and recommendations. The report would also give an overall assessment of the Convention's implementation. The report would contain maps and certain issues would be presented in tabular or graphic form in the text itself or in annexes. Mr. Savov committed to provide the WGI with proposals for some map and graphic presentations.

VI. Organization of further work

19. The following timetable was agreed for the preparation of the third implementation report:

- (a) 21 April – submission of contributions by WGI members and the secretariat to the rapporteurs;
- (b) 12 May – circulation of the first draft of the report to WGI by the rapporteurs;
- (c) 26 May – provision of comments by WGI members to the rapporteurs;
- (d) 9 June – circulation of the second draft of the report to WGI by the rapporteurs;
- (e) 23 June – provision of final comments by WGI to the rapporteurs;
- (f) 27 June – submission of draft report by the rapporteurs to the WGI Chairman;
- (g) 30 June – finalization of the draft report by the Chairman in cooperation with the secretariat

VII. Information on the progress of implementation of the assistance programme

20. Mr. Ludwiczak briefly recalled the outcome of the High-level Commitment Meeting (Geneva, 14-15 December 2005), in particular the declaration adopted by the heads of delegation of EECCA and SEE countries. Albania, although not present at the meeting, expressed interest in becoming a recipient country of the assistance programme.

21. Mr. Wyrowski informed the WGI on the status of preparations and coordination of fact-finding missions to EECCA and SEE countries. He informed the WGI on the composition of the fact-finding teams and the timetable for their missions. Two WGI members (Mr. Cozzone and Mr. Trcka) will take part in some of them. Eight missions will take place in May-June (Azerbaijan,

Armenia, Belarus, Bulgaria, Republic of Moldova, Romania, The former Yugoslav Republic of Macedonia and Tajikistan). Further five missions will be implemented in September-October (Bosnia and Herzegovina, Georgia, Kyrgyzstan, Serbia and Montenegro and Ukraine). The dates for the missions to the remaining EECCA and SEE countries are still under discussion.

22. The WGI appreciated the progress made by the secretariat in the implementation of this part of the programme and noted with satisfaction the number of missions that will take place before the fourth meeting of the CoP. The WGI was looking forward to the outcome of the missions and their reports. The coordinating efforts of the secretariat were supported.

23. The WGI, invited by the secretariat, also initially discussed how it sees its future role in providing guidance to the Bureau and the secretariat on how to effectively organize and conduct the foreseen capacity-building activities within the implementation phase of the assistance programme. The WGI members, in principle, supported a suggestion of its increased involvement in the further implementation of the programme.

VIII. Other business

24. The members of the WGI, on the invitation of the Chairman, informed each other about their availability for re-election to the WGI for the term 2007-2008. Mr. Gay informed the other members that he served as Chairman of the Group for two terms and that he would like to see someone taking over these tasks in the term following the fourth meeting of the CoP. The majority of WGI members confirmed their availability in principle, subject to the approval of their respective authorities.

IX. Closing of the meeting

25. The Chairman reviewed the outcome of the meeting, concluding that the WGI made considerable progress in the preparation of the requested implementation report for the CoP. Mr. Gay thanked Mr. Heidler and the Austrian authorities for having hosted the meeting in Vienna and all members of the Group and the secretariat for their active participation and closed the fifth meeting of the WGI.

Section/question(s)	Criteria for the evaluation of the quality of the answer(s) to the question(s)	Criteria for the evaluation of the implementation (for Parties)	Criteria for the evaluation of the implementation (for non-Parties)	Remarks
Competent authority/ point of contact (Q.1, Q.10-Q.17)	Clarity Completeness, Correctness of information	Changes in between reports have been communicated Point of contact is operational 24h/day Results of the latest test of the UNECE IAN System	Changes in between reports have been communicated Point of contact is operational 24h/day Results of the latest test of the UNECE IAN System	
Legislation (Q.2)	Description is sufficient to assess the coverage of the Convention No irrelevant legislation listed References to the articles of the Convention are given	The legislation is in place and in force	The legislation is in place and in force	For non-Parties (EECCA and SEE), the quality of the answer can still be evaluated as good even if the criteria are not fulfilled when obstacles relating to legislation are mentioned in the answers to questions Q.3-Q.6
Problems and obstacles to ratification/implementation, requests for assistance (Q.3-Q.6)	Extent Clarity and specificity Coherence between obstacles mentioned and requests made Coherence with reported implementation	-	-	
Identification and notification of hazardous activities (Q.7-Q.8)	Completeness of the information for each installation mentioned Relevance for transboundary effects	Hazardous activities have been identified according to the Convention and notified to all Parties affected Bilateral activities are taking place where	Activities involving dangerous substances identified Bilateral activities are taking place where necessary	Notification of activities involving dangerous substances by non-Parties are a plus

Prevention of industrial accidents (Q.9)	Extent Clarity and specificity of the information No reference to emergency preparedness No repetition of legislation	necessary Standard prevention measures are in place	Standard prevention measures are in place	
Establishment of regional, local IAN Sys. (Q.18)	Clarity and specificity of the information Correctness of the information	-	-	Compatibility between reports of neighbouring countries may be used to check the correctness of the information in general
Emergency preparedness (Q.19-Q.20)	Extent, clarity and specificity of the information No reference to prevention measures	Standard emergency preparedness measures are in place	Standard emergency preparedness measures are in place	
Scientific and technological cooperation and exchange of information (Q.21)	-	-	-	General assessment only
Participation of the public (Q.22-Q.24)	Clarity Relevance and completeness of information provided	Legal provision for public participation are in place, also for the public in neighbouring Parties	Legal provisions for public participation are in place, also for the public in neighbouring Parties	
Decision-making on sitting (Q.25-Q.26)	-	-	-	General assessment only
Reporting on past industrial accidents (Q.27-Q.28)	-	-	-	General assessment only