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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-first meeting
Stockholm, 4-5 June 2013

Minutes of the twenty-first meeting

I. Opening of the meeting and adoption of the agenda

1. The Working Group on Implementation under the Convention on the Transboundary Effects of Industrial Accidents held a meeting in Stockholm, Sweden on 4 and 5 June 2013, at the invitation of the Swedish Civil Contingencies Agency.
2. The following members of the Working Group attended the meeting: Ms. S. Ashcroft (United Kingdom of Great Britain and Northern Ireland), Chair; Ms. S. Milutinovic, (Serbia), Vice-Chair; Mr. E. Baranovsky (Belarus); Mr. H. Buljan (Croatia); Mr. T. Valanto (Finland); Mr. L. Iberl (Germany); Mr. M. Merkofer (Switzerland); Ms. A.-S. Eriksson (Sweden) and Ms. E. Kupeva Nedelkova (the former Yugoslav Republic of Macedonia). Mr. Francisc Senzaconi (Romania) could not participate.

II. Reporting on implementation

3. The Working Group on Implementation (WGI) followed up on decisions taken at its meeting on 29 January 2013 on reporting on the implementation of the Convention, as per the mandate received by the Conference of the Parties (CoP) at its seventh meeting (Stockholm, 14-16 November 2012). In particular the WGI discussed: (a) the review of the reporting format and guidelines as modified by the secretariat; (b) whether it would be feasible to send to Parties a pre-populated reporting format containing the replies of previous years; (c) possibility of a systematic analysis of the implementation reports by linking the analysis to the benchmarks (ECE/CP.TEIA/2010/6).

(a) Review of the reporting format and guidelines

4. The Working Group discussed the mandate from the CoP and agreed on how to modify the reporting format accordingly, including adding questions on Response aspects and Mutual assistance. The WGI also agreed to make some additional changes to clarify questions that were consistently misunderstood in previous reporting rounds (especially question on notification of hazardous activities to neighbouring countries). **The Working Group agreed on the changes in the reporting format. It also decided to split the questions on Response aspects from the ones on mutual assistance. The Working Group also agreed to adopt this split in the Benchmark document, in order to keep the consistency with the text of the Convention and with the reporting format. In addition, the secretariat was requested to update the guidelines according to the changes made in the reporting format and circulate them for email approval by the WGI members to**

be ready (in the three UNECE languages) for being sent to the Competent Authorities and focal points in September 2013;

(b) Feasibility to send to Parties pre-populated reporting formats

5. The Working Group followed up on earlier discussions on investigating the possibility of pre-populating the reporting format with replies provided by Parties and reporting countries in previous reporting rounds. The aim was to simplify the procedure to review the national reports. **The members of the Working Group decided against pre-population** because of the changes made to the reporting format that would entail some information from previous rounds to be moved in other parts. **The WGI therefore decided that the letter initiating the next reporting round would: a) explicit mention that, because of the revision in the format, some of the information contained previous reports would need to be moved under other questions; b) inform that, in case a country would have difficulty retrieving previous national reports submitted, the secretariat would provide the electronic file; and c) highlight that previously provided information should be copied (the version: “see previous report” would not be accepted).**

(c) Systematic analysis of the implementation reports by linking the analysis to the Benchmarks (Indicators and criteria), (ECE/CP.TEIA/2010/6)

6. At the meeting on 29 January 2013, the WGI decided to investigate ways for a more systematic assessment of the national implementation reports, using the indicators and criteria contained in the Benchmark document. The secretariat was requested to prepare a background document on the basis of input from members of the WGI. The secretariat presented at the meeting information collected from the only two inputs received¹. The presentation included the suggestion to split national reports on implementation received in two groups; one group containing reports that only required updates from previous rounds (submitted by Parties and reporting countries having previously reported with a satisfactory level of information) and the other group of reports that needed a thorough assessment (submitted by Parties and reporting countries, which either did not send a report in the previous round or whose information in the previous round was considered by the WGI members insufficient). The WGI would assess more in depth the reports for the second group.

7. **The WGI decided to further discuss the topic at the next meeting in November 2013 and that the assessment of the national implementation reports in spring 2014 would be carried out as in the past round. Additionally, the Working Group agreed that during the period between this meeting and November, the secretariat was to prepare, with the support of members of the WGI, a draft matrix to be used for the assessment of the national reports.** The aim of the matrix would be to be as effective as possible, while sparing the limited resources of the WGI.

8. **The WGI also discussed the possibility of effectively using additional information from Parties and countries in electronic format on the different areas of the Convention available for different stakeholders** (for instance guidance to local authorities on preparedness etc.), as requested in the Convention under art. 3.2 and art. 15. **The Working Group proposed that such information be made available to other countries through the Convention’s website. The availability of such material would not be mandatory, but optional. This should be mentioned and clarified in the guidelines and in the cover letter initiating the reporting round.**

¹ Because of the scarce material the background document was not produced and was replaced by a presentation.

9. In discussing the difficulties that some Parties and reporting countries had on the establishment of policies and frameworks on notification of hazardous activities to neighbouring countries, **the WGI recommended that at the next CoP meeting, the secretariat would invite Parties to present good practices on notification of hazardous activities to neighbouring countries. These presentations should also contain practices and examples on consultations between neighbouring countries on whether to include or not a given hazardous installation in the list.**

10. **The Working Group decided to review the reporting format and the guidelines by email and to further request the secretariat to arrange translations in French and Russian in time for the reports to be sent to the Parties in September 2013.**

11. The secretariat reported on the correspondence with the Russian Federation concerning the lack of submission of implementation reports and the consequent impossibility to assess the status of the implementation of the Convention for four consecutive rounds. The secretariat reported that, following the mandate from the CoP the Executive Secretary of the ECE sent a letter to the Ministry of Foreign Affairs of the Russian Federation on 11 January 2013. The secretariat received on 6 March a reply from the Deputy Minister of Natural Resources and Environment, informing that the lack of reporting was due to internal restructuring of the Ministry and informed that a new national institution that would be responsible, among other tasks, of the identification of hazardous activities was to be established that could in the future implement the reporting obligation

12. **The WGI decided to reply to the letter through diplomatic channels. The Chair and Vice Chair of the WGI, and Mr. Baranovski were to provide comments to the draft letter signed by the ECE Executive Secretary². At the same time, the WGI decided that other approaches were to be followed towards the Russian Federation. On one side, trying to identify high-level international meetings, where high-level representatives of the UNECE would be able to speak to high-level representatives of the Russian Federation (either from the Ministry of Foreign Affairs or the Ministry of Natural Resources and Environment). On the other side, more investigation on the possible use of contacts acquired by the WGI Chair during her participation to the 10th International Forum on Industrial Safety (Saint Petersburg, May 29 – June 1) should be carried out.**

13. Members of the WGI participating to the small groups created under the Working Group on the Development of the Convention reported to the meeting of their concern for the scarce participation of representatives of Eastern countries in the work of the two groups and **the WGI decided to raise this issue to the Bureau at its meeting on 11-12 June 2013.**

III. Assistance Programme management

14. The secretariat recalled the outcome of its mission to the Republic of Moldova in February 2013, organised back-to-back with a mission within the framework of the third Environmental Performance Review of the Republic of Moldova. The aim of the mission was to support the country to revise its self-assessment and prepare its action plan. The secretariat highlighted the added value of such mission. Among the positive elements the following were noted: a) the possibility of gathering together a higher number of participants from the same country; b) the discussions among the participants lead to a better understanding of the indicators and criteria that lead to a more detailed self-assessment and to the preparation of the action plan. **The WGI took note of the mission**

² At the time of finalising the present minutes, a reply, signed by the Executive Officer of the UNECE, was addressed to the Russian Federation through diplomatic channels.

and appreciated that the country submitted their revised self-assessment and an action plan within the deadlines set during the mission.

15. The secretariat reported having sent letters signed jointly by the Chair of the WGI and of the Bureau to beneficiary countries having not complied with their commitment to submit self-assessments and action plans. It also informed that only three countries had replied by the time of the meeting: Georgia, Kyrgyzstan and the Republic of Moldova. In particular **the WGI members discussed the letter received from Georgia, reconfirming its commitment to implement the Convention in view of its ratification as well as its request for additional assistance to carry out the self-assessment and the action plan. The WGI expressed appreciation for the renewed commitment of the country and decided that the Chair of the WGI would reply requesting more information concerning the kind of assistance needed.**³

16. **The WGI also supported the assistance activity requested by Kyrgyzstan during the meeting of the CoP (Stockholm, 14-16 November 2012) for which the secretariat could ensure funding through the cooperation with the Water Convention. Members of the Group highlighted that this kind of activity was particularly useful to increase the awareness of the Convention at this period in which there was no focal point.**

17. The secretariat informed which countries had submitted self-assessments and action plans by the time of the meeting and supported the Chair in reporting on the work of the small operational group tasked with the review of those documents. **On the basis of the two reports, the WGI acknowledged that the beneficiary countries under the Assistance Programme could be divided (for operational purposes) into three main groups:** a) countries consistently participating in activities under the Assistance Programme, keeping constant contact with the secretariat and having progressed sensibly since the beginning of the Programme; b) countries that, despite the participation to activities have some difficulties either in the implementation of the Convention or in the use of the tools under the Assistance Programme, but that nonetheless have a clearly designated focal point, with which the WGI through the secretariat could be in contact and that continue in their work towards the implementation of industrial safety and c) countries that either lack a focal point or that, for internal reasons have a very limited contact with the WGI and that look to have major issues both in the implementation of the Convention and in the use of its tools.

18. **The WGI also acknowledged that some countries in group b and c still had a need to receive support in the implementation of the Strategic Approach and in the preparation of self-assessments and action plans.**

19. **The Working Group decided to proceed with a step-by-step approach towards the countries in the second and third group not having submitted self-assessments and action plans. The Chair was to start communication via email with participants in the training on the indicators and criteria and the focal points with question concerning the reasons for not having submitted self-assessments or action plans and suggest them to contact the secretariat to highlight their issues.**

20. On the basis of the replies received, the WGI would decide on the way forward. One of the possibilities would be that missions, composed of WGI members from the region, could be organised to support countries to go through the indicators and criteria. Pilot, countries in group b could be selected. **The WGI decided that further discussions on this last aspect would take place at its next meeting in November.**

³ The meeting of the Bureau on 11-12 June received an update from the secretariat informing what kind of assistance Georgia would appreciate to receive. Therefore the letter mentioned in these minutes was not to be sent.

21. **The Working Group provided the final approval to the project of national training session in Croatia, Serbia and the former Yugoslav Republic of Macedonia in the area of prevention.** Preliminary consensus was provided by members of the WGI and of the Bureau via e-mail consultation.

22. The Chair reported on the work of a second working group, tasked with the review of the Benchmarks document. In particular she reported on the preliminary investigation started by the secretariat on the scope of the review. The Working Group extensively discussed the outcome of the investigation and in particular whether to start the review of the substance of the document first and afterwards working on its presentation to make it more attractive and more user-friendly, or whether to start with the simplification of the text and an editorial review. In this second case, after the review, the document would be tested before making an assessment on whether a review of the substance would be needed. The prevailing opinion was that the document was good and addressed the set objectives. **Therefore the WGI decided to choose the second option and to start with an editorial review. It therefore mandated the secretariat to research on possibilities and related costs for the review. After the review and before testing it, the revised document would be sent for check to WGI members (and volunteers from the Bureau) with two questions to reply: whether the text was easier to read and whether the content corresponds to the original version.**

23. **Due to lack of time the Working Group decided to postpone the discussion on the status that self-assessments and action plans should have in the beneficiary countries to the next meeting in November.**

24. The Working Group reviewed the first draft of the Terms of reference for the implementation of projects under the Assistance Programme. The document was mandated by the Conference of the Parties and the WGI approved by email the general content that the document should have. **The WGI discussed the document and appreciated its aim and content. It recommended the secretariat to introduce changes and requested that it be submitted to the Bureau for further discussions.** Among the changes that the WGI requested to present to the Bureau was the one of unofficial consultations between the beneficiary country and the Bureau on the availability of resources to implement activities, before starting the steps to prepare project proposals.

25. The WGI briefly discussed the need for aggressive fundraising for activities under the Assistance Programme. It decided to ask the Bureau, and especially the Bureau member representing the European Commission, whether the Convention could follow the example of the Water Convention on National Policy Dialogues, and whether the European Commission could support the process by making funds available. The participation of the Convention in activities organised under the framework of the Strategic Approach to International Chemicals Management (SAICM) and the Global Environment Facility (GEF) was also recommended.

IV. Coordination with other implementation and compliance mechanisms

26. The Chair reported on her participation in the first meeting of the Network of Compliance and Implementation Bodies of ECE Multilateral Environmental Agreements (MEAs), held in Geneva on 25 March 2013. In particular, she highlighted the usefulness of the meeting to share practices and information with representative of similar bodies. While the discussion was mainly on compliance, implementation was also discussed and was to be further discussed in future meetings. Another topic touched upon was the membership of the bodies in the five MEAs and the mention, concerning the Aarhus Convention's Compliance Committee of the possibilities of conflict of interests of the members and the requirement that members are persons of integrity. The Chair observed that this could be a

possible way out for the WGI, when members could be presented with conflicts of interest rising when assessing project proposals or self-assessments and action plans. A member of the WGI, who would opt to exclude himself/herself from participating in some assessments, would avoid conflicts of interest and maintain the integrity of being a WGI member. Lastly, the Chair also mentioned that the participants discussed the involvement of the public in meetings of the governing bodies.

27. **The WGI discussed whether and how to involve NGOs in meetings under the Convention. The secretariat was requested to investigate how other Conventions make NGOs aware of meetings to be organised to ensure openness in their participation. Concerning access to information and public participation, the WGI also briefly discussed whether to make national implementation reports publicly available through the Convention's website. It concluded that this matter should be discussed by the Working Group of Development and a final decision was to be taken by the CoP.**

28. The Chair also presented the outcomes of her participation to the 10th International Forum on Industrial Safety and reported having collected several contacts to be better explored with the support of the secretariat.

V. Schedule of meetings

29. The Working Group confirmed that its next meeting would be in the United Kingdom on 26–27 November 2013, back to back with a joint meeting with the Bureau on 27-28 November and in March 2014, possibly in Romania, pending the confirmation from Mr. Senzaconi. Each meeting would be one and a half days long. The WGI requested the secretariat to contact Mr. Senzaconi to ask updates on the availability of Romania to host the meeting. The decision was to be communicated at the latest by the next meeting in November.

VI. Presentation of the main decisions taken and closing of the meeting

30. The WGI reviewed the decisions taken at the meeting and agreed on the content of a report to be made at the Bureau meeting on 11-12 June 2013.

31. The Chair thanked Ms. Eriksson and Sweden for the very good organisation of the meeting and for the hospitality and closed the meeting on 5 June 2013.