

**Bureau of the Conference of the Parties (twelfth meeting)
Working Group on Implementation (ninth meeting)**

Joint meeting 17 April 2008

MINUTES OF THE JOINT MEETING¹

Introduction

1. A joint meeting of the Bureau of the Conference of the Parties (CoP) to the Convention on the Transboundary Effects of Industrial Accidents and of the Working Group on Implementation (WGI) was held in Karlstad (Sweden) on 17 April 2008 at the invitation of the Swedish Rescue Agency.

2. The following members of the Bureau and of the WGI attended the meeting: Ms. Giuliana Gasparrini (Italy), Chairperson of the CoP, Mr. Bernard Gay (Switzerland), and Mr. Lajos Katai-Urban (Hungary), Vice-chairpersons, Mr. Nikolay Savov (Bulgaria), Mr. Pavel Forint (Czech Republic), Mr. Tobias Biermann (European Commission), Mr. Leo Iberl (Germany), Mr. Massimo Cozzone (Italy), Mr. Chris Dijkens (Netherlands), Mr. Francisc Senzaconi (Romania), Ms. Jasmina Karba (Slovenia) and Ms. Helena Nasslander (Sweden). Mr. Lukasz Wyrowski, officer in charge for the Industrial Accidents Convention and Ms. Virginia Fusé, secretariat also attended. In addition, Mr Cristiano Piacente and Ms. Elisabetta Scialanca (Italy) participated in the meeting.

3. Ms. Anahit Aleksandryan (Armenia), Mr. Aleksadr Dokuchaev (Belarus), Mr. Gerhard Winkelmann-Oei (Germany), Mr. Gunnar Hem (Norway), chairman of the WGI, Ms. Anna Balakireva (Russian Federation) and Mr. Tomas Trcka (Slovakia) did not attend.

4. Ms. Ausra Sablinskiene (Lithuania) has left the Fire and Rescue Department of the Ministry of Interior in Lithuania and is no longer available as member of the WGI.

5. Ms. Katalin Gorog (Hungary) participated in the meeting in place of Judit Mogor (Hungary), who has left the National Directorate General for Disaster Management in Hungary.

6. Apologies for non-attendance were passed on from Ms. Albena Karadjova, the newly appointed Secretary of the CoP.

7. The joint meeting reiterated its concern about the continuous absence of the representative of the Russian Federation to its meetings.

¹ Prepared by the secretariat in consultation with the Chairperson and Vice-Chairpersons

I. Assistance Programme

I.I. Fact-finding missions

8. The secretariat presented the joint meeting the advanced English version of the report of the fact-finding mission to Kazakhstan. The joint meeting, after having considered the recommendation of the report, decided to invite Kazakhstan to participate in the implementation phase of the Assistance Programme and requested secretariat to communicate this decision accordingly.

9. The secretariat informed the joint meeting that the report was finalized without participation of the team leader of the fact-finding mission to Kazakhstan) with whom the contact for finalizing the report could not be re-established. The joint meeting decided therefore that the secretariat should send a letter to the team leader informing about contract termination.

10. The joint meeting was also informed that, following the decision taken at the last meeting (Tonsberg, 23-24 October 2007), the secretariat invited Albania to organize a fact-finding mission once the country will have completed the implementation of the basic tasks under the Convention. So far Albania did not replied to the invitation letter.

I.II. Reports on the completion of the implementation of basic tasks

11. The secretariat presented to the joint meeting the report sent by Uzbekistan's State Committee of Nature Protection on its completion of the basic tasks. Kyrgyzstan and Tajikistan, despite repeated communication inviting both countries to finalize the implementation of basic tasks and report on it to the Bureau of the CoP, failed by the time of the joint meeting to submit any information in this respect.

12. The joint meeting appreciated the description of the situation regarding the attempt to finalize the implementation of basic tasks and the willingness to accede to the Convention by Uzbekistan. It decided that although it cannot invite yet Uzbekistan (the basic tasks remain unimplemented) to join the implementation phase of the Assistance Programme, it will address the requests expressed by Uzbekistan in its report. To this end the joint meeting invited the secretariat to prepare two letters. The first one should be addressed to the State Committee of Nature Protection explaining the accession process to the Convention and should also inform Uzbekistan that an advisory mission can be organized to Uzbekistan if so requested. The objective of the mission would be to provide advices regarding the accession process and discuss steps on strengthening the implementation of the Convention. The other letter addressed to the Ministry of Foreign Affairs should invite the Ministry to nominate authorities in Uzbekistan for notification of hazardous activities to neighbouring countries and cooperation within the Industrial Accidents Notification System.

13. With regard to Kyrgyzstan and Tajikistan the joint meeting invited the secretariat to repeat the communication on the completion of basic tasks and to reiterate the steps to be taken by them regarding the continuation in the Assistance Programme. The letters should also invite both countries to prepare at least progress reports to be presented to the fifth meeting of the CoP

I.III. Capacity building activities under the implementation phase of the Assistance Programme

14. Mr. Bernard Gay reported briefly on the outcome of the capacity building activity aimed at initiating a process to further strengthen legal and institutional frameworks in the countries of EECCA and SEE held in Kyiv, Ukraine from 5 to 7 December 2007. Mr. Gay informed that participants left Kyiv with the great advantage of having worked – in most cases for the first time – for two and a half days with their counterparts in the country. They obtained thus a much improved understanding of the implementation process and prepared a good basis in order to continue the analysis and development of detailed plans of actions drafted by different authorities of the same country in cooperation.

15. The secretariat reported that at the time of the joint meeting four countries (Armenia, Moldova, Georgia and Ukraine) submitted their draft action plans. The secretariat is having discussion with the countries to ensure that more specific and detailed information is included in these action plans.

16. The joint meeting welcomed the initiation of the process to further strengthen legal and institutional frameworks. It requested the secretariat to continue discussion with countries aimed at ensuring submission of action plans containing detailed information on the deficiencies identified and on the actions to be taken to remedy the situation. The joint meeting decided that those EECCA and SEE countries that will have prepared good and detailed action plans should be invited to present them at the fifth meeting of the CoP. This decision will be taken by the Bureau at its meeting in July based on available action plans.

17. Mr. Pavel Forint supported by the secretariat reported on the outcome of the workshop on strengthening the safety measures at hazardous activities, organized in Vadul-lui-Voda, Moldova on 13 - 14 December 2007. He informed that the workshop above all allowed participants to become really aware of the importance of cooperation and coordination between authorities in ensuring industrial safety and of a need to establish more integrated administrative framework, involving all authorities dealing with safety.

18. The secretariat introduced briefly letters received from Moldova which acknowledged the workshop as starting a process on strengthening safety at hazardous activities and requested support in establishing integrated administrative framework for ensuring safety. Mr. Forint informed the meeting that the Czech Republic is ready to continue helping Moldova under the Assistance Programme and in particular in this area.

19. The joint meeting welcomed the outcome of the workshop, thanked the Czech Republic for continuing its work and invited it to start designing an activity with the aim to establish the integrated administrative framework for ensuring safety.

I.IV. Assistance to countries that lack capacities in implementing the basic tasks

20. Mr. Katai-Urban and Ms. Karba, reported on the outcome of the awareness-raising mission organized on 26-27 November 2007 to The Former Yugoslav Republic of Macedonia. The mission allowed Macedonian authorities to gain understanding on different tasks under the Convention as well as to receive valuable information on good practice in implementing them. The country has already submitted its action plan, containing detailed actions to be undertaken and their timeframe for ensuring implementation of the basic tasks.

21. The joint meeting welcomed the outcome of the awareness-raising mission and the work done by TfYR of Macedonia in the follow-up, in particular the development of the action plan. It then proposed to invite TfYR of Macedonia to present its action plan at the fifth meeting of the CoP as well as to report on the progress made in implementing the plan.

II. Activities carried out under the Joint Expert Group (JEG) on Water and Industrial Accidents

22. In the absence of Ms. Aleksandryan and Mr. Winkelmann-Oei, who co-chaired the workshop on the safety of Tailing Management Facilities (TMF), held in Yerevan from 12 to 13 November 2007, the secretariat reported on its outcome in particular regarding the safety guidelines and good practices for TMFs. The joint meeting was also informed about the progress in finalizing the guidelines.

23. The secretariat, on behalf of Mr. Gerhard Winkelmann-Oei, Co-chairman of the JEG, informed about the deliberations and conclusions of the eighth JEG meeting held in Yerevan on 15 November 2007 in particular regarding the future activities and the creation a JEG core group for more effective realization of the JEG's workplan.

24. The joint meeting welcomed the results of the workshop on the safety of TMFs and the progress in finalizing the guidelines. With regard to the JEG activities it decided that a progress report should be discussed at the Bureau meeting in July.

III. UNECE Industrial Accident Notification (IAN) System

25. Mr. Senzaconi and the secretariat informed about the outcome of the Third consultation and a training for points of contact designated for industrial accident notification and mutual assistance within the UNECE IAN System, which was held in Sibiu, Romania from 1 to 3 April 2008. The points of contact decided to continue testing the IAN system and also to perform more comprehensive exercises, carried out between neighbouring countries, based on a scenario and thus focused on an analysis of emergencies corresponding to real situations. A steering group consisting of representatives of points of contact should finalize the scenario for the comprehensive exercises and draw up a plan for them. The communication tests and the exercises should be performed using the Web-based application in its exercise mode. Furthermore, the points of contact, for the sake of further harmonization between notification systems, recommended that data format used in the IAN System should be evaluated and an analysis undertaken on the added value of using a data format developed within the framework of the notification system of the International Atomic Energy Agency. This task should be also carried out by the steering group. With regard to the Web-based application it should be set operational after a training period lasting until 1 June 2008.

26. The joint meeting welcomed the efforts of the Third consultation to further improve the effectiveness of the IAN System.

IV. Assistance Programme – Future capacity building activities, Strategic plan

IV.I. Training on identification of hazardous activities

27. The secretariat presented briefly the concept for the organization of the training on the identification of hazardous activities to be organized under the Assistance Programme for eligible countries of EECCA and SEE facing problems in this area of work. The secretariat explained the idea of conducting the training, the schedule for planning as well as the budget needed.

28. The joint meeting welcomed the concept and appreciated the work done by Mr. Henk van der Veen (Netherlands) and the secretariat in preparing it. The joint meeting invited the secretariat to take steps according to the proposed schedule and in cooperation with the Netherlands to organize the training in one of the EECCA or SEE countries. It also recommended that the training should be supported by two types of experts: experts with mainly chemical background and experts with experience on the Convention's implementation.

29. Mr. Dijkens appreciated the decision by the joint meeting and informed that the Netherlands will continue in cooperation with the secretariat to prepare the training. He also mentioned that the Netherlands will provide two experts for the training. Ms. Gasparrini and Mr. Savov also informed that respectively Italy and Bulgaria will contribute with expertise to the activity.

IV.II. Strategic plan

30. Mr. Dijkens on behalf of the task force presented a second version of the Strategic Plan, redrafted following the recommendations of the last joint meeting and the comments provided by a number of Bureau and WGI members. The plan provides a basis for EECCA and SEE countries to work continuously on strengthening the implementation of the Convention and it is, at the same time, a tool to make an assessment on progress achieved and to secure funds for assistance activities.

31. The joint meeting expressed appreciation for the work carried by the task force. It agreed that the second draft version describes the approach to be promoted among EECCA and SEE countries and which should be warmly received by donors.

32. Mr. Biermann informed that the European Community (EC) decided on several financial instruments with clear rules and procedures. He supported the idea contained in the plan that the EECCA and SEE countries should be invited to make use, to extend possible, of funds available through EC instruments according to their rules and procedures, but he disagreed with any particular highlighting of these instruments, or their description in the strategic plan.

33. Mr. Gay suggested to show in the document the context of the strategic plan, so that it will be clear that funds from the EC instruments still may be available, not for the assistance programme itself, but for projects that may be the results of activities within the assistance programme. He also recommended to further polish up the document to make it more concise and self-promoting. The joint meeting recommended that the task force should also make an attempt to further clarify the use of EC funds for projects focused on safety.

34. The joint meeting decided that the plan will be submitted to the CoP as a pre-session document for approval and consequently for the implementation.

IV.III. Other capacity building activities

35. Mr. Piacente informed the joint meeting that the concept for the project with the aim to promote the joint management of transboundary emergencies involving large spills of hazardous substances to the Danube river has been revised following the recommendation of the last joint meeting and that Italy should be able to present more concrete information to the Bureau meeting in July 2008.

V. Reporting on the implementation of the Convention

36. On behalf of Mr. Hem, chairman of the WGI, Mr. Senzaconi reported on the outcome of the WGI meeting held back to back on 15 and 16 April 2008. He informed that all the Parties to the Convention with the exception of Albania and Russian Federation have sent their reports. In addition, apart from Tajikistan, all EECCA and SEE countries committed under the Assistance Programme but not yet Parties also submitted their reports, as did Turkey as a UNECE member state. The WGI informed that it decided to send formal letters to the three countries which did not comply with reporting obligations/commitment to urge them to submit the reports.

37. The WGI found through its evaluation that there are no major changes compared to the previous reporting round, even if some improvements can be seen in EECCA and SEE reports, which will be noted in the overall report. Mr. Senzaconi also informed about the recommendations of the WGI to evaluate the reporting format in view of the future developments (adoption of strategic plan, possible development of set of indicators). Such an evaluation, if pursued, should be done by WGI supported by its former members after the fifth meeting of the CoP.

38. The joint meeting took note on the reporting and supported the decision of WGI to urge Albania and Russian Federation to comply with their reporting obligation as well as Tajikistan to obey its commitment. Furthermore, it agreed that a precondition to organize a fact-finding mission to Albania should be the receipt of the national implementation report.

39. The joint meeting also agreed that the WGI, depending on decisions regarding possible future developments, should make an evaluation of the reporting format. The results of such an evaluation should be submitted to the joint meeting for its consideration, before any other actions are taken.

VI. Preparation for the fifth meeting of the CoP

40. The joint meeting invited the secretariat to prepare the first draft of the annotated agenda for the fifth meeting of the CoP to be circulated between the members of the Bureau and the chairman of the WGI by the end of June. It also requested the secretariat to prepare a list of documents to be submitted to the fifth meeting of the CoP.

41. In view of the preparation of the CoP meeting and future workplan the secretariat informed on the use and present state of financial resources provided to the Trust Fund of the Convention as well as on contribution provided in-kind.

42. The joint meeting, at the initiative of Ms. Gasparrini, discussed the composition of the future Bureau and WGI. First of all the joint meeting agreed that the CoP should be informed about the systematic absence from the WGI meetings of Ms. Balakireva from the Russian Federation. It then agreed that both the Bureau and WGI should make an effort to identify active representatives of EECCA and SEE who could be elected as future Bureau and WGI members. The joint meeting agreed unanimously to propose the delegate of the Netherlands (Mr Dijkens) for election as the chairperson of the CoP, and the delegates of Switzerland (Mr. Gay) and Italy (Ms. Gasparrini) as Vice-chairpersons. All three persons accepted their nomination.

43. With regard to the venue for the Bureau meeting on 7-8 July aimed at the preparation of the fifth CoP, the invitation from Ms Gasparrini and Italy to Rome was appreciated and accepted by the Bureau. As in the previous years the Bureau invited the Chairman of the WGI to attend this meeting.

VII. Other business

VII.I. Status of the new Annex I

44. The secretariat informed that it did not receive, within the 12 months from its communication on adoption of annex I by the fourth meeting of the CoP, any notification from any of the Parties on its inability to approve the amendment of Annex I. Therefore according to the Convention (art. 26.4) the new Annex I entered into force on 19 March 2008. The joint meeting requested the secretariat to send a letter to all Parties with this information.

VII.II. UNEP initiative to develop a flexible framework for developing countries to improve industrial safety

45. The Joint meeting was briefed by the secretariat about the initiative of UNEP to develop a flexible framework - a set of guidance for the developing countries worldwide - which should aim at helping the authorities in these countries to strengthen the legal and institutional frameworks for industrial safety. The secretariat informed that it shared good practice and promoted the approach of the Assistance Programme within UNEP brainstorming group.

46. The joint meeting welcomed the promotion of the Assistance Programme within the UNEP initiative and agreed that the secretariat should participate to future meeting of the UNEP brainstorming group.

VII.III. Others

47. The secretariat reported on difficulties with translating non-parliamentary documents and presentations from Russian to English. It informed that this translation is not ensured by the UN Office Document Management Service and the secretariat itself does not have capacities in making the translation. The joint meeting was also informed that arranging separate contracts for translation is impossible in short time, since it is required that requests are made 60 days before the start of the contract. In view of growing need for translation of non-parliamentary documents between English and Russian, the secretariat made a proposal to arrange a permanent contract for translation through which the translation will be ensured on demand and payment will be made using a fixed rate per 1000 words translated.

48. The joint meeting welcomed the proposal by the secretariat and requested it to arrange accordingly the “translation on demand”. At the same time the joint meeting expressed its dissatisfaction about the inflexibility of UN to support the work under the Convention with adequate mechanisms to provide effective translation when needed.

VIII. Closing of the joint meeting

49. Ms. Gasparrini thanked the Bureau and WGI members for the fruitful deliberation in agreeing on important issues under the Convention. She then thanked Ms. Nasslander and the Swedish Rescue Agency for hosting the joint meeting in Karlstad.

50. Ms Gasparrini closed the meeting.