

Bureau of the Conference of the Parties (fifteenth meeting)
Working Group on Implementation (eleventh meeting)

Joint meeting, 13-14 July 2009

MINUTES OF THE MEETING

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 the Working Group on Implementation (WGI) was held in Geneva (Switzerland) on 13-14 July 2009.
2. The following members of the Bureau attended the meeting: Mr. Chris Dijkens (Netherlands), Chairperson of the CoP, Mr. Cristiano Piacente (Italy), Mr. Bernard Gay (Switzerland), Vice-chairpersons, Ms. Irma Gurguliani (Georgia), Mr. Gerhard Winkelmann-Oei (Germany), Mr. Altynbek Yegizbayev (Kazakhstan), Ms. Suzana Boranovic (Serbia).
3. The following members of the WGI participated to the meeting: Mr. Gunnar Hem (Norway), Chairman of the Working Group, Ms. Anahit Aleksandryan (Armenia), Mr. Vadim Lozhechko (Belarus), Mr. Hrvoje Buljan (Croatia), Mr. Pavel Forint (Czech Republic), Mr. Massimo Cozzone (Italy), Ms. Svetlana Stirbu (Republic of Moldova), Mr. Tomas Trcka (Slovakia) and Ms. Sandra Ashcroft (United Kingdom).
4. Ms. Albena Karadjova (secretary to the Convention), Ms. Catherine Masson (Team Leader of the Pollution Prevention Team), Mr. Lukasz Wyrowski and Ms. Virginia Fusé (secretariat) also attended. In addition, Ms. Emilija Kupeva-Nedelkova (tFYR of Macedonia), Ms. Francesca Bernardini and Ms. Ella Behlyarova (Water Convention secretariat) and Mr. Viktor Novikov (Zoi Environment Network) participated in the meeting.
5. Ms. Cathy Bieth (France), Ms. Jasmina Karba (Slovenia) and Mr. Tobias Biermann (European Commission), Bureau members, Mr. Francisc Senzaconi member of the Working Group on Implementation, informed in advance the secretariat that they could not participate to the meeting.

I. Reporting procedure for the Convention's implementation

6. The Bureau and WGI established at its last January 2009 joint meeting a Task Force on reporting procedure and mandated it to: (a) evaluate the reporting procedure, (b) examine possible changes to the reporting format, and (c) present the results of its work at the next joint meeting.
7. Mr. Hem informed the Bureau and the WGI, on behalf of the Task Force, that the Task Force had examined the reporting procedure and had worked out a proposal for the new reporting format as well as the guidelines for completing the new format. Mr. Hem presented then the main changes introduced to the proposed new format compared with the existing one.

8. The Bureau and WGI discussed the proposed new reporting format and the guidelines. The Task Force was requested to provide further clarification on the questions repeating throughout the reporting format and asking a self-evaluation from the reporting countries.

9. The Bureau and WGI welcomed the new reporting format and the guidelines. At the same time, they invited the Task Force to reformulate the self-evaluation questions and to consider making a better explanation in the guidelines of the responses expected from countries. They also requested to circulate electronically the revised documents to all members of the Bureau and WGI at the beginning of September for final approval by 15 September 2009. It was agreed that the new reporting format would be finalized by the end of September, so that the fifth reporting round, using the new reporting format, could be initiated in October 2009.

II. Assistance Programme

III.I. Indicators and criteria for the implementation of the Strategic Approach

10. The Bureau and WGI established at its last January 2009 joint meeting a task force on indicators and criteria to support the implementation of the Strategic Approach. The Task Force was requested to elaborate indicators and criteria for the area of work “identification of hazardous activities”.

11. On behalf of Ms. Jasmina Karba, Chair of the Task Force, the secretariat presented the outcome of the work carried out since the last joint meeting. The Task Force had elaborated a table with 5 indicators and their respective criteria, proposed for six levels of implementation. Using the table, each country is expected to rate itself for each indicator against the criteria set and conclude on its level of implementation. The Task Force had tested its table with 7 countries (western countries and countries from EECCA and SEE – not only members of the Task Force). The testing countries were requested, on the one hand, to provide their feedback on the table and, on the other, to rank themselves. The secretariat had collected a number of comments that were presented at the joint meeting.

12. The Bureau and WGI agreed with the approach adopted by the Task Force in the formulation of indicators and criteria. As for the content of the table they provided the following comments, which they requested the Task Force to consider at its next meeting. In particular it was noted that:

a) Of the two options for the indicator “collection of data” – i.e. authorities collecting raw data or processed data- it was suggested that the Task Force considered including only the second option – processed data – also in the light of the “polluter-pays principle”;

b) The indicator “Mechanism for data analysis” should be retained even if deleting the first option”;

c) The first indicator “classification of hazardous activities” could be considered to be merged with the indicator “mechanism for data analysis”;

d) The wording of the cells corresponding to the 6 levels (ex. insignificant progress, slight progress etc.) should be reconsidered;

e) The number of levels was adequate. It shouldn't be higher, but at the same time it shouldn't be lower either, to allow countries to move more quickly from level to level, which would be a psychological advantage.

13. The members of the Bureau and of the WGI also took some operational decisions on how to continue the work on indicators and criteria, in particular:

(a) Requested the Task Force to prepare indicators and criteria for the next two areas of work by the end of 2009 and to present them at the next joint meeting;

(b) Agreed to start testing the indicators and criteria elaborated for the first three areas of work in their personal capacity, after they would be presented at the next joint meeting, where the timing for the testing would also be decided;

(c) Requested the Task Force to complete the indicators and criteria for the three remaining areas of work in the first half of 2010. In this way the indicators and criteria for the six areas of work could be presented at the next meeting of the CoP (tentatively scheduled in November 2010)

14. In connection with the implementation of the Strategic Approach and to the preparation of action plans by EECCA and SEE countries, the Bureau requested the Task Force to elaborate a template for action plans to help countries in the elaboration of their own plans.

II.II. Implementation phase

15. The Bureau and WGI were informed about the outcome of activities carried out under the implementation phase of the Assistance Programme. In particular:

(a) Mr. Pavel Forint reported on the outcome of the training session on Integrated approaches to major hazard prevention (Prague, 11-13 February 2009). He highlighted that participants had concluded that cooperation and coordination between authorities were essential in improving industrial safety and that more work would need to be done in this area in their respective countries. The participants also identified, throughout the training session, aspects with which their countries should be able to deal by themselves. For other work external assistance would be needed. The secretariat noted that some of the concept papers to be presented at the joint meeting were further elaborated based on the outcome of the Prague training session;

(b) Mr. Cristiano Piacente and Mr. Massimo Cozzone, supported by the secretariat, updated the Bureau and WGI on the progress in implementing the pilot project for Bulgaria, Romania and Serbia on Joint response to emergencies from spills of hazardous substances into the Danube River. The project, as it was agreed by its recipients' countries, would consist of three phases (technical workshop for discussing the management of emergencies, in-field exercise and final seminar). The technical workshop (phase I) was organized in Drobeta Turnu-Severin, Romania, on 16-18 June 2009 and allowed the three recipients countries to exchange information on their emergency procedures and to elaborate and agree on the scenario for the in-field exercise (phase II). It was agreed that the in-field exercise would take place at the end of September 2009 in the Serbian region of Prahovo, where the three project countries have a common border. The scenario of the exercise foresaw a pollution of the Danube River derived from an accident at a petroleum storage. The outcome of the in-field exercise and lessons learned would be reviewed at the final seminar – scheduled for the end of October/beginning of

November 2009 – which would be open to the participation of other countries within the implementation phase of the Assistance Programme;

(c) Ms. Suzana Boranovic informed about the results of the national training session for Serbian inspectors on identification of hazardous activities. The national training session was organised as a follow-up to the Minsk training on identification of hazardous activities organised in October 2008. Serbian participants to the Minsk training shared the experience gained with inspectors from the Ministry of Environment and Spatial Planning on: (a) application of the Annex I of the Convention and the location criteria, (b) analysing data, in particular for assessment of possible risks. One of the results of the national training session was a decision to review the list of hazardous activities based on the knowledge acquired. The Bureau and WGI thanked Ms. Boranovic for the report and proposed her to share her experience with other countries;

(d) Ms. Anhit Aleksandrayn provided a general outline on the bilateral project between Armenia and Germany “Assistance in Raising Public Awareness and Preparedness in the Zones affected by Industrial Emergencies”. Mr. Winkelmann-Oei provided further details informing that Germany had decided to finance the project at the request of the Minister of Nature Protection of Armenia and because it concerned a cross-cutting area involving different UNECE environmental conventions. He also reported that Germany was concerned by the lack of follow-up to the project on the part of the Armenian Ministry of Nature Protection, especially in sharing the project results at other industrial sites in Armenia. Due to this, the organization of a project final workshop with possible invitation of representatives of other EECCA and SEE countries was withheld. The Bureau and the WGI took note of the concern expressed by Mr. Winkelmann-Oei and stressed that full commitment from the countries was a prerequisite for the good outcome of every project. The Bureau and the WGI would take this aspect increasingly in consideration in the future.

16. The Bureau and the WGI thanked the presenters and expressed their appreciation for the interesting outcome of the activities organised within the Assistance Programme. In this respect, the Chairperson thanked the secretariat for the well written reports prepared after each event. He also observed that, because of the nature of the reports and their length, the interesting information and valuable conclusions contained in them might not get disseminated as widely as it would be desirable. For this reason he proposed to the Bureau and to the WGI and asked the secretariat to find a way, also through the internet site, to make the main ideas arising from the activities, easy-accessible to a wider public, allowing taking advantage of them.

17. The Bureau and the WGI shared the idea of the Chairperson and agreed that a more attractive way of presenting the activities organised should be also used during the sixth meeting of the CoP to gain more interest and should be part of a wider strategy to improve the visibility of the results within the Convention. The Bureau and WGI, in case of need, would sustain the recruitment of external support.

18. Presentation of project proposals for future activities under the implementation phase of the Assistance Programme.

(a) Ms. Suzana Boranovic presented a proposal for a training session on evaluation of safety reports for Croatia, Serbia and tFYR of Macedonia. The proposed training should focus on hands-on work during which country experts, supported by facilitators, would analyse different safety reports and through it gain better understating on good quality safety reporting. The training should also allow preparation of checklist for safety reports evaluation and, as follow-up, develop guidance for operators for the preparation of safety reports. The Bureau and WGI

appreciated the initiative of the three countries and the project proposal. They suggested discussing with the facilitators of the training session the choice and the number of topics not to overload the participants with information. Mr. Winkelmann-Oei offered to explore a possibility that Germany would provide financial contributions to the training session, also allowing the organization of a visit to industrial installations for reviewing the developed checklists. The Bureau and WGI approved the project proposal;

(b) Ms. Irma Gurguliani presented a project to improve the legislation in Georgia. The objective of the project was to assess the existing national legislation in the area of prevention of industrial accidents, identify gaps and draw up an action plan to eliminate them. In order to achieve those objectives, the project suggested that three governmental experts appointed by Georgia should be trained on the assessment of the legislation in a partner country and, following the training, prepare an analysis of the Georgian legislation on major hazard prevention and an action plan to improve it. The Bureau and WGI commented positively on the willingness of Georgia to improve the legal framework. At the same time a number of recommendations were made to re-formulate the project proposal with the support of the secretariat. In particular Georgia was invited to take into consideration: (a) the sustainability of the project and the needed commitment from the Government of the country; (b) the preparation of the analysis and action plan prior to the consultation(s) with the partner country (one week consultation(s) rather than a few weeks' training could be organized), (c) better identification of the expertise and competences needed from the Georgian experts involved in the project and (d) a better identification of the deliverables of the project (e. g. sketches of the changes to be made and of the way to carry out the task). According to the suggestions received, the budget of the project proposal should be revised. The Bureau and WGI agreed to review the revised project proposal, and to eventually approve it by e-mail if no further questions would arise;

(c) Ms. Emilja Kupeva-Nedelkova recalled to the Bureau and WGI that tFYR of Macedonia had been accepted to the implementation phase only in November 2008 and could not participate to the Minsk training session on Identification of Hazardous activities of October 2008. For this reason she presented a project proposal for a national training session on identification of hazardous activities. The main objective of the training session was to improve the knowledge of governmental experts in the identification of hazardous activities under the Convention and the Seveso II directive as well as to enhance awareness of industry with respect to the potential risk. The Bureau and WGI welcomed the project proposal and suggested that the country examine and use as appropriate the material prepared for the Minsk activity. The project was approved.

(d) Ms. Svetlana Stirbu presented a project proposal for a national training session on identification of hazardous activities for Moldova so that the information obtained in the Minsk activity could be transferred to other officers. In this training session the representatives of the Transnistrian region should also be invited. The Bureau and WGI welcomed the project, which was in line with sustainability and which took advantage of activities previously organised. The meeting also requested to Ms. Stirbu to include in the project the elaboration of a manual on the identification of hazardous activities that the Moldovan experts could use in the future. This would grant an increased sustainability. Consequently, the budget would need to be reviewed. Ms. Masson also suggested contacting the ECE colleagues dealing with GHS for the participation to the project. The project was approved.

II.III. Preparatory phase

Awareness-raising Mission to Albania and Bosnia and Herzegovina

19. The secretariat, on behalf of Ms. Jasmina Karba, leader of the mission's team, reported on the outcome of the Awareness-raising mission to Albania held on 21-22 May 2009. The mission was organised with the aim of presenting the basic tasks under the Convention and to assist the country to start identifying the gaps and the actions to be taken to overcome them. The country committed to send to the Bureau, through the secretariat, a report identifying the gaps in implementing the basic tasks and an action plan with the steps to be taken to eliminate the gaps. The report and action plan should be delivered by the end of September 2009. The secretariat also provided the Bureau and WGI with updated information from Albania and, more precisely on the nomination of a new Focal Point under the Convention, who had been since then in contact with the secretariat. The Bureau welcomed the result of the mission and looked forward to seeing the report and action plan. The Bureau and WGI members additionally encouraged Albania to further implement the remaining basic tasks.

20. The secretariat updated the meeting on the preparations for the Awareness-raising mission to Bosnia and Herzegovina and on the contacts established with the competent authority in the country. The secretariat informed that the mission was tentatively scheduled for 22-23 September in Sarajevo. Additionally, the secretariat informed the participants to the meeting that it was looking for financial and/or in-kind contribution to carry out the mission.

Implementation of the remaining basic tasks

21. The secretariat reported on the communication with Kyrgyzstan, Tajikistan and Uzbekistan regarding the finalization of basic tasks. In particular the difficult communication with those three countries was highlighted, and examples of some misunderstandings in communication were presented. These misunderstandings could have been one of the reasons for not having received yet reports on the implementation of the basic tasks. The secretariat informed that it had contacted again, prior to the joint meeting, all three countries and offered arranging meetings between countries' representatives and the members of the Bureau and/or WGI to discuss the implementation of the last basic tasks.

22. Mr. Viktor Novikov working with UNEP Zoi Environment Network, which was cooperating and supporting the Convention in activities for Central Asia, informed the Bureau and WGI about his visits to the three countries. He reported that despite the difficult situation, due to reorganisation in the ministries or in incoming elections, representatives from Kyrgyzstan and Tajikistan had received positively the offer from the secretariat and had confirmed orally their readiness to hold the proposed meeting. The written confirmation would need to wait until September. For Uzbekistan the situation was more complex and the Ministry of Foreign Affairs would need to be involved.

23. The Bureau agreed that, in order to have mutual understanding of the needs under the Convention, higher level officers within the countries should be contacted and involved. To this end Bureau and WGI welcomed the idea that their delegation would visit the capitals to meet the ministries concerned in Central Asia. Mr. Yegizbaev agreed with the report from Mr. Novikov and with the decision of organizing countries' visits. He offered to become a member of the delegation. The secretariat would update on the organization of such visits as soon as more information would be available.

III. Joint Expert Group

24. At the last January 2009 joint meeting the Bureau, supported by the WGI, decided to establish, in cooperation with the Bureau of the Water Convention, a task force to elaborate a strategy for the Joint Expert Group (JEG). The Task Force had been composed of members of both Bureaux.

25. Mr. Gerhard Winkelmann-Oei, co-Chair of the JEG, presented the strategy for the functioning of the JEG.

26. Representatives from the secretariat of the Water Convention presented the outcome of the discussion on the strategy of the Bureau of the Water Convention and the Working Group on Integrated Water Resource Management. During their meetings, which took place in the week preceding the joint meeting, the strategy for the JEG had been accepted.

27. After the presentation on the strategy for the JEG, there was a discussion concerning the interpretation of Chapter VI, Chairmanship. The following interpretation was agreed: each Bureau would appoint one co-chair, taking into account offers from countries, when deciding the next task for the JEG. Until then, the current co-chairs were invited to continue their functions. The Bureau adopted the strategy.

28. Discussing the modalities to implement the strategy for the JEG and the areas of work under it, delegates to the meetings under the Water Convention highlighted the need for the JEG to tailor its work to the requirements of the countries, including the needs of the water sector. To this end, it was decided that the best approach would be to circulate a questionnaire among all focal points of the Water and Industrial Accidents Conventions and request them to indicate, by replying to the questionnaire, their priority needs and identify specific activities to be carried out by the JEG.

29. The Bureau and WGI considered the proposal from the colleagues of the Water Convention and agreed to request the Task Force, which developed the strategy for the JEG, to work out a questionnaire on time for the Meeting of the Parties of the Water Convention in November 2009. It was recommended that the questionnaire be concise and with closed questions.

30. Mr. Winkelmann-Oei, supported by the secretariat, reported on the preparations to the workshop and the exercise, which would be hosted by Germany and Poland on Joint management of transboundary emergencies involving water paths (Slubice, Poland 8-10 September 2009). With the agreement of the Bureau, the workshop and joint exercise would be organized under the auspices of the Conference of the Parties. The event might give a possibility to look for the future UNECE-wide developments needed in the area of joint management of transboundary emergencies, and be addressed possibly by JEG. Mr. Winkelmann-Oei invited experts from Italy to participate to the event. Ms. Cristiano Piacente thanked for the invitation and accepted it on behalf of Italian experts.

IV. UNECE Industrial Accident Notification System

31. The secretariat reported on the establishment of a Task Force on IAN system and the organisation of analytical exercises in view of the Fourth consultation for points of contact planned for the beginning of 2010. Austria, Croatia, France, Italy, the Netherlands, Romania and Switzerland volunteered to join the Task Force. The exact date for the first Task Force meeting was being agreed with the aim to hold it by the end of September 2009.

32. The Bureau and the WGI took note of the developments.

V. Review of long term programme of work

33. The Bureau, with the support of the WGI, discussed the modalities to review the long term programme of work under the Convention (ECE/CP.TEIA/15/Add.1, annex I, decision 2006/4) as entrusted by the Conference of the Parties.

34. The secretariat recalled the reasons that brought the CoP to a decision to review the long-term programme of work. To this end a note was presented, as requested by the Bureau and WGI at their last January 2009 joint meeting, on the possible way of reviewing the long-term programme of work. In particular Bureau and WGI members were asked to assess (a) whether the current long-term programme of work still served its purposes, (b) whether its structure should remain unchanged or should reflect a more strategic view, (c) how to harmonize the Strategic Approach and the long-term programme of work, and (d) whether to include issues under the Convention other than those already present.

35. The Bureau and WGI agreed that the current format of the long-term programme of work was no longer suited to serve its scope especially after the adoption of the Strategic Approach. In addition, they also agreed that the document should tackle more the strategic aspect, rather than being a repetition of the workplan in the long-term.

36. The Bureau decided to establish a task force to elaborate a proposal for the structure and the content of the Convention's long term strategy, whose final version should be ready for discussion at the sixth meeting of the Conference of the Parties in 2010. Mr. Dijkens, Mr. Gay and Mr. Hem expressed their readiness to be part of the Task Force. Mr. Piacente informed that Italy would consider the possibility of nominating members to the Task Force too. The Bureau and WGI recommended that Mr. Tobias Biermann joined the Task Force. Other Bureau and WGI members were also invited to consider joining the Task Force.

VI. Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters

37. The secretariat recalled that at its last meeting in November 2008, the CoP invited the delegation of the European Community (EC) to provide legal review of the compatibility between the Protocol on Civil Liability and the respective EC legislation. After the CoP an e-mail was sent to the representatives of the EC participating to the CoP. The secretariat presented the reply received from Mr. Tobias Biermann on behalf of the European Commission.

38. The secretariat from the Water Convention reported on the way the communication from the Commission was received in their last Bureau meeting. The Bureau of the Water Convention

was not satisfied with the reply from the EC and felt that the main reason for not supporting the ratification of the Protocol was political, rather than legal. Therefore it was proposed to initiate a formal communication between the Chairpersons of the Bureaus and EC. Additionally it was decided to define activities mainly addressed to non-EU countries to build up capacity to ratify the Protocol.

39. The Bureau and the WGI agreed that the reply received was not as accurate as it should have been and that it did not exhaustively show the incompatibility between the Protocol and EU legislation. Nonetheless, it decided not to follow the suggestion from the Bureau of the Water Convention to initiate a formal communication with the European Commission. The Bureau would inform the Conference of the Parties on the situation in this respect at its 6th meeting – as requested at the 5th meeting of the Conference of the Parties in Geneva –. The Bureau also encouraged the Bureau of the Water Convention to report in a similar way to their Meeting of the Parties, which would be held in November 2009.

40. Taking note that, in the communication from the European Commission to the secretariat, its representatives encouraged non-EU countries to ratify the Protocol, the Bureau agreed on the need to keep the issue in the workplan and to organise activities to non-EU countries, when requested.

VII. Future meetings of the Bureau and WGI

41. The Bureau and the WGI decided to hold their next joint meeting in the last week of January 2010. Mr. Trcka invited the members of the Bureau and of the WGI to Bratislava, Slovakia for their next Joint meeting. The organisational details would be discussed with the secretariat and further information would be provided to the Bureau and WGI members closer to the meeting.

VIII. Other business

42. The Bureau, supported by the WGI, considered a proposal to organize, in cooperation with the UNECE Committee on Housing and Land Management, a joint workshop related to the prevention of industrial accidents and its inter-linkages with land-use planning and management. They agreed that it would be positive to organise such a workshop in connection with the next meeting of the CoP, which would be in the year of the tenth anniversary from the entry into force of the Convention.

43. The Bureau and the WGI decided to mandate to the Task Force, established to review the long-term programme of work, also with the task of elaborating a programme for the seminar and to present it at the next joint meeting. The Task Force should meet in October 2009.

44. Mr. Winkelmann-Oei offered to provide some German studies on the matter.

45. The Bureau and WGI reviewed their list of tasks, with which they had been entrusted at the last meeting of the Conference of the Parties, (Geneva, 25-27 November 2008) and they requested the secretariat to update this list according to the decisions taken during the joint meeting.

46. With reference to the decision of the Bureau and WGI to increase the visibility of the results achieved under the Convention and to give an easy access to it through the website, the

secretariat informed the Bureau that, because of time constraints, the secretariat was not in the position to work on the web-site on one hand to better display the results and, on the other hand, to harmonise it in accordance with UNECE rules. To this end, the secretariat proposed to hire a consultant. The Bureau and WGI welcomed the proposal and requested that the consultant hired for updating the website also would develop a communication strategy.

IX. Closing of the Joint meeting

47. Mr. Dijkens thanked the members of the Bureau and the Working Group on Implementation for the active participation and the secretariat for the organisation. Mr. Dijkens closed the meeting.