

**CONVENTION ON THE TRANSBOUNDARY
EFFECTS OF INDUSTRIAL ACCIDENTS**

JEG7/ 14 January 2004

**CONVENTION ON THE PROTECTION AND
USE OF TRANSBOUNDARY WATERCOURSES
AND INTERNATIONAL LAKES**

**JOINT AD HOC EXPERT GROUP ON
WATER AND INDUSTRIAL ACCIDENTS**

Fourth meeting, 30-31 October 2003
Kaliningrad, Russian Federation

MINUTES OF THE FOURTH MEETING ¹

Introduction

1. The fourth meeting of the Joint ad hoc expert group on water and industrial accidents ² (joint expert group) was held on 30-31 October 2003 in Kaliningrad (Russian Federation).
2. The meeting of the joint expert group was co-chaired by its two Co-Chairmen: Mr. Peter Kovacs (Hungary) and Mr. Martin Schiess (Switzerland).
3. The meeting was attended by: Mr. Vadim Lojetchko (Belarus), Mr. Gerhard Winkelman-Oei (Germany), Mr. Lajos.Katai-Urban and Mr. Zoltan Levai (Hungary), Mr. Sergiu Galitchi (Republic of Moldova), Mr. Wilfred van Gogh and Mr. Philip J. Huijser (Netherlands), Mr. Anatoly Medvedev, Mr. Konstantin Saprikin, Mr. Sergey Mokrousov, Mr. Dmitri Poletaev, Mr. Michail A. Sobolev and Ms. Olga E. Pichuzh kibna (Russian Federation), Mr. Yuri Yuschenko (Ukraine), Mr. Rainer Enderlein (Secretary of the Meeting of the Parties to the Water Convention) and Mr. Sergiusz Ludwiczak (Secretary of the Conference of the Parties to the Industrial Accidents Convention).

I. Opening of the meeting

4. The joint expert group adopted the agenda for its fourth meeting as contained in JEG6/23 June 2003 with an additional item: Other projects of relevance to the work of the joint expert group.
5. Mr. Schiess opened the meeting, welcomed the participants and expressed appreciation to Mr. Poletaev and his staff for making all the necessary arrangements for the meeting to take place in Kaliningrad. He also recalled the outcome of the discussion

¹ Prepared by the secretariat in consultation with the Co-Chairpersons of the Joint ad hoc expert group on water and industrial accidents.

² Under the auspices of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) and the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention).

concerning the prevention of accidental water pollution at the second meeting of the Conference of the Parties to the Industrial Accidents Convention. This discussion was based on the group's progress report (CP.TEIA/2002/11) prepared by the two Co-Chairmen for submission to the governing bodies of the two Conventions. The mentioned document will also be considered at the third Meeting of the Parties to the Water Convention to be held on 26-28 November 2003 in Madrid.³

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

6. Mr. Enderlein provided the meeting with information on the adoption of the Protocol on 21 May 2003 in Kiev at the second Joint special session of the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, within the fifth Ministerial Conference "Environment for Europe". He also briefly introduced the relevant joint decision taken by Parties to both Conventions contained in the annex to the report of the Joint special session (see ECE/MP.WAT/7 – ECE/CP.TEIA/5).

7. Mr. Schiess recalled the joint expert group's contribution in preparing the Protocol's draft technical annexes on hazardous substances and their threshold quantities and on financial limits at its second meeting on 15-16 April 2002 in Budapest and at its third (extended) meeting on 4 July 2002 in Geneva, respectively.

III. Review of the location criterion related to the water path contained in the Guidelines to facilitate the identification of hazardous activities for the purposes of the Industrial Accidents Convention

8. Mr. Ludwiczak introduced the request of the Conference of the Parties to the Industrial Accidents Convention addressed to the joint expert group to review, and provide further guidance on, the location criterion related to the water path contained in the Guidelines to facilitate the identification of hazardous activities for the purpose of the Convention (ECE/CP.TEIA/2, annex IV, appendix, paragraph 5 (b)). He also pointed out that, notwithstanding the guidelines, Parties had an obligation to take measures to identify all hazardous activities which are capable of causing transboundary effects within their jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity, according to article 4, paragraph 1, of the Convention.

9. The joint expert group had before it two relevant proposals for discussion of this item. The proposals were submitted respectively by:

(a) The delegation of Germany – the key approach of this proposal was to leave the water related location criterion unchanged (i.e. all activities along or within the catchment areas of transboundary or border rivers, transboundary or international lakes,

³ At their third meeting, the Parties to the Water Convention took the conclusions and recommendations contained in this document fully into account when agreeing on their future joint activities with the Parties to the Industrial Accidents Convention.

or within the catchment areas of transboundary groundwaters would be considered in the guidelines as capable of causing transboundary effects in case of an accident) and to introduce a limitation on the number of activities to be notified to neighbouring countries depending on the existence of river warning and alarm systems; and

(b) The delegation of Switzerland and the Conventions' secretariats – the key approach of this joint proposal was to limit the water related location criterion by leaving the decision to select hazardous activities among those from which substances falling under category 3, 4, 5 or 8 of part I of annex I to the Convention may be released into watercourses as capable or not capable of causing transboundary effects through the water path to the competent authority of a given country and by verification of this decision through bilateral consultations with potentially affected Parties.

10. After having considered the two above-mentioned proposals, the joint expert group drew up a compromise proposal, which included important issues of both original proposals. The group, apart from amending subparagraph 5 (b) of the Guidelines, also decided to slightly modify the main body of the paragraph.

11. The final amended text of paragraph 5 of the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (ECE/CP.TEIA/2, annex IV, appendix), as agreed by the joint expert group is annexed to these minutes.

12. In accordance with the original request, the new proposed text of paragraph 5 of the Guidelines will be submitted to the Bureau and the Conference of the Parties to the Industrial Accidents Convention for further consideration and decision. The Bureau of the Water Convention will also be informed on the action taken.

IV. Status of drawing up an inventory of existing safety guidelines/best practices for the prevention of accidental transboundary water pollution

13. Mr. Enderlein informed the joint expert group on the current status of drawing up the inventory within the Internet home pages of the Conventions (see <http://www.unece.org/env/teia/water/inventory.htm>) according to the structure agreed by the joint expert group at its second meeting on 15-16 April 2002.

14. The joint expert group appreciated the work done by the secretariat and agreed that the members of the expert group, if they have not already done so, should submit their inputs to the inventory without further delay. The expert group also requested the Conventions' secretariats to circulate once more information on the inventory to the respective focal points with the request to submit further information on (a) safety guidelines adopted by bilateral joint bodies; (b) national safety guidelines and/or technical standards; and (c) other related guidelines and activities following the format of the inventory at the above web site. Moreover, the expert group invited the focal points to inform the secretariats about the needs to adapt these guidelines/best practices to the specific requirements and circumstances in river basins in the UNECE region.

15. The expert group noted that work on a pilot project to develop a methodology for rapid health and environmental risk assessment of industrial activities, which was part of

the work plan under the Water Convention and its Protocol on Water and Health, has been finalized by Italy in cooperation with countries in the Danube basin and WHO/EURO. Detailed information is available at the water and sanitation web site of WHO/EURO (<http://www.who.dk/watsan>, please select “publications”).

V. Safety guidelines/best practices related to off-site pipelines

16. The expert group noted with appreciation the work undertaken by the federal Mining and Industrial Supervision (Gosgortekhnadzor) of the Russian Federation to give an overview regarding the safety performance of off-site pipelines in this country. This overview deals with safety performance indicators (e.g. fatalities, ruptures, injury frequency, oil spills and gas releases, damage prevention), the analysis of pipeline safety performance and an assessment of future challenges regarding pipeline safety (e.g. goal oriented safety regulation, pipeline integrity programmes and risk-based justification of measures). In the ensuing discussion, additional information was provided on the legal and regulatory basis in the Russian Federation on civil liability aspects of pipeline accidents including insurance. The expert group invited the Russian Federation to consider compiling a background paper on the basis of the orally submitted overview so as to share the Russian experience with other countries.

17. In addition to the discussion on pipeline safety, the Russian company Lukoil presented materials regarding provisions for industrial and ecological safety in the process of the development of the oil field Kravtsovskoye, which is located on the Baltic Sea’s continental shelf of the Russian Federation.

VI. Review of implementation of the conclusions and recommendations of the Hamburg seminar

18. Mr. Schiess introduced the request of the Conference of the Parties to the Industrial Accidents Convention and the Meeting of the Parties to the Water Convention to the joint expert group to:

(a) Establish a common reporting scheme on the implementation of the conclusions and recommendations of the Hamburg seminar (CEP/WG.4/SEM.1/1999/3, annex I), adopted by the two governing bodies in 2000.

(b) Evaluate individual country responses and to compile a first joint implementation report to be presented to both governing bodies, possibly at a joint meeting in 2006.

19. In response to this request, the joint expert group agreed that the reporting scheme should make it possible to collect substantial information on the implementation of the conclusions and recommendations of the Hamburg seminar and at the same time be as simple as possible. The group decided to include relevant substantial questions in a letter to be sent to Parties to both Conventions (to market economy UNECE member countries in 2005 and to transition economy UNECE member countries in 2010) by the Conventions’ secretariats, a draft of which would be prepared by Mr. Kovacs and submitted to the group at its fifth meeting for further action.

20. The joint expert group agreed on the following timetable concerning the process of compiling the first implementation report:

- Adoption of the reporting scheme – joint expert group’s fifth meeting (2004)
- Dissemination of the letter containing the reporting scheme – January 2005
- Deadline for submission of country replies – June 2005
- Analysis of country replies – joint expert group’s sixth meeting (2005)
- Preparation of the first implementation report – September-December 2005
- Consultation on the contents of the report within the joint expert group via electronic means – January 2006
- Deadline for submission of report for translation – March 2006

VII. Facilitating the exchange of information on the functioning of existing alarm and notification systems at national, regional and local levels within the framework of the Conventions and the international river commissions (Rhine, Elbe and Danube) through joint consultations of points of contact and river alarm experts

21. The joint expert group postponed the discussion on issues of common interest and/or possible areas for joint action between river alarm and warning systems and the the UNECE Industrial Accident Notification System pending the outcome of the consultation and training session for the points of contact for industrial accident notification and mutual assistance within the UNECE Industrial Accident Notification System to be held on 10-11 November 2003 in Bratislava.

22. Mr. van Gogh and Mr. Huijser introduced the Infra-web system, a new way of registration, communication and dispatch of incidents. The system, foreseen for road, water and air incidents, is planned to be fully operational in the Netherlands from 1 January 2004. Furthermore, the system can be easily adjusted and used for communication purposes under different alarm and warning systems.

23. The joint expert group was of the opinion that information on the system should be disseminated among potentially interested countries.⁴

VIII. International response exercises

24. Mr. Ludwiczak reported on the Polish-Russian transboundary response exercise and an international seminar on the cooperation to prevent and respond to transboundary effects of industrial accidents, which was held in Kętrzyn (Poland) on 13-15 June 2002 (CP.TEIA/2002/2 - MP.WAT/WG.1/2002/1).

25. The joint expert group agreed that tests of warning systems and response exercises are an important contribution to maintaining proper preparedness and response capabilities in case of an accident. The group expressed its support for further activities in this area, especially of a transboundary nature. To this end, the delegations of the

⁴ Following this suggestion, the system was presented by Mr. Van Gogh at the Consultation and training session for the points of contact for industrial accident notification and mutual assistance within the UNECE Industrial Accident Notification System (10-11 November 2003, Bratislava)

Republic of Moldova and Ukraine agreed to explore the possibility of organizing such exercises and report back to the group at its fifth meeting.

IX. Drawing up guidelines for establishing model cross-border contingency plans and disseminating them widely among UNECE member countries

26. Mr. Kovacs reported on the progress made in the drawing up of joint contingency plans for the Samos and Tisza Rivers.

27. Mr. Enderlein informed the joint expert group on contingency planning for Hungarian-Slovak transboundary waters, where two types of contingency plans have been drawn up: one for rivers that cross the border and the other for rivers that form the border between the two countries. A description is contained in the publication “Joint Transboundary Water Commission (TWC) – Slovak-Hungarian Water-Quality Working Group” (see the proceedings of the Second International Conference on Sustainable Water Management in Europe on the web site of the Water Convention at <http://www.unece.org/env/water/meetings/conf2/proceedings/session3b.pdf>).

28. The joint expert group agreed that experience, achievements and lessons learned in the process of drawing up joint transboundary contingency plans should be further examined and disseminated among all UNECE member countries. The joint expert group invited therefore Parties and non-Parties to inform the secretariats about their experience accordingly.

X. Strategic Partnership on Water for Sustainable Development – East European, Caucasian and Central Asian Component of the EU Water Initiative

29. Mr. Enderlein informed the joint expert group on bilateral and multilateral assistance projects that are or may become part of the Strategic Partnership decided upon at the Kiev Ministerial Conference (see ECE/CEP/94/Rev.1, paragraph 51; and ECE/CEP/111, paragraphs 22 and 23). The secretariat of the Water Convention is currently developing an action programme related to integrated water resources management in a transboundary context and is also seeking information by countries on on-going and planned projects of relevance to water and industrial accidents. Once finalized, the action programme would also be made available to the expert group for further consideration of its possible involvement in assistance projects.

XI. Other projects of relevance to the work of the joint expert group

30. The joint expert group was informed about the bilateral or multilateral projects aimed at increasing industrial safety and enhanced water protection:

(a) “Environmental Safety in Cellulose Plants of the Kaliningrad Region”, launched by the German Federal Environmental Agency and introduced at the meeting by Mr. Soiref and Mr Winkelmann-Oei. Its aim is to further elaborate the checklist-methodology (introduced at the first meeting of the joint expert group - see <http://www.umweltbundesamt.de/anlagen/jeg/methodology.html>) by providing a

methodology for scanning the safety of installations in special branches of hazardous industries (in this case the pulp and paper industry). Further information is available at: (www.wttc.de/PDF/UNECE.PDF);

(b) “Technology transfer for plant related water protection in Ukraine”, introduced by Mr. Yuschenko and Mr. Winkelmann-Oei. This project is the third part of the general project “Technology transfer for plant related water protection in Romania, Moldavia and Ukraine”. Its aim is to identify industrial installations, which use dangerous substances and generate dangerous sewage and increase the level of safety of their operation, especially with regard to water protection. The Dnepr, Dniestr, and Tisza are the main target rivers. Further information is available at: (www.rdmweltschutz.de/themen/en/start_en.html);

(c) “Transboundary cooperation for hazard prevention in the Kura-river basin”, set up by the German Federal Environmental Agency and introduced at the meeting by Mr. Winkelmann-Oei. The project’s aim is to facilitate the implementation of the Industrial Accidents Convention by Armenia, Azerbaijan and Georgia. It was launched as a response to the Subregional Workshop on the implementation of the Convention (Erevan, Armenia, 13-15 March 2003). Further information is available at: (www.kura.iabg.de/index_engl.htm);

(d) “Development of the transboundary warning and alarm system for the Neman River catchment area”, launched by the German Federal Environmental Agency and introduced at the meeting by Mr. Winkelmann-Oei. Its main objective is to implement measures of major accident prevention in the Neman River basin focusing on industrial installation related water protection and a cross-border hazard management between Belarus, Lithuania and the Russian Federation. The concrete activities of this project comprise: (i) drawing up of an international warning and alarm system; (ii) implementation of international warning centres for transboundary communication; (iii) identification of all hazardous industrial installations, including contaminated sites; and (iv) drawing up of recommendations to implement guidelines/best practices, directives and legal instruments (UNECE, Helcom, EU-Directives). Further information is available at: (http://www.neman.iabg.de/contact_engl.htm).

31. Mr. Galitchi and Mr Winkelmann-Oei also informed the joint expert group about the outcome of a Subregional Seminar on industrial safety and hazard prevention at transboundary rivers, held in Chisinau on 26-27 June 2003. A representative of the German Environment Ministry (BMU) chaired the seminar. Its main objective was to enhance cooperation in the field of industrial safety and risk management between Romania, the Republic of Moldavia and Ukraine using the German experience. Further information is available at: (www.umweltbundesamt.de/anlagen/publikationen.html).

XI. Date and venue of future meetings

32. The joint expert group agreed to meet at its fifth meeting, preferably on 3-4 June 2004 in Croatia following an indication of this delegation made at the group’s second meeting. The secretariats were requested to contact the Croatian authorities to see if this would be possible. The delegations of the Republic of Moldova and Ukraine also indicated that their countries could hold future meetings of the group.

XIII. Closing of the meeting

33. Mr. Schiess concluded that the joint expert group achieved the main tasks set out in the agenda for its fourth meeting. On behalf of the entire group, he expressed appreciation to the authorities of the Russian Federation for holding the meeting in Kaliningrad and for the excellent arrangements made for it. He thanked all the members of the group for their active participation and then closed the fourth meeting on 31 October.

Annex

New text of paragraph 5 of the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (ECE/CP.TEIA/2, annex IV, appendix)
(As agreed by the Joint ad hoc expert group on water and industrial accidents, at its fourth meeting - new wording is **highlighted in bold** and deletions are ~~crossed-out~~)

Location criteria

5. The following two location criteria shall apply for the purpose of ~~identifying hazardous activities capable of causing transboundary effects under the~~ **article 4, paragraph 1 of the Convention**:

(a) Within 15 kilometres from the border, for activities involving substances that may cause a fire or explosion or involving toxic substances that may be released into the air in the event of an accident;

(b) Along or within catchment areas of transboundary and border rivers, transboundary or international lakes, or within the catchment areas of transboundary groundwaters, ~~2/~~ for activities involving substances falling under category 3, 4, 5 or 8 of part I of annex I to the Convention **that may be released into watercourses in the event of an accident causing transboundary effects**. A catchment area of a transboundary river or lake is defined as the whole drainage area of this river or lake with a common outlet.

The judgement whether a hazardous activity is capable of causing a transboundary effect should be made by the competent authority of a Party, preferably in consultation with joint bodies ~~2/~~ and be based, among others, on the existence of river warning and alarm systems and the distance ~~3/~~ between the location of the hazardous activity and the border.

Notes

~~2/ A list of major transboundary watercourses (i.e. any surface waters or groundwaters which mark, cross or are located on boundaries between one or more States) and international lakes has been compiled within the framework of the UN/ECE Convention on the Protection and Use of transboundary Watercourses and International Lakes on the basis of information provided by Parties and other UN/ECE member countries. The term "major" implies that there may be a significant transboundary impact through these waters. It was, however, left to the discretion of the countries to decide which of these waters were considered to fulfil the condition of "significant transboundary impact". Thus, the list includes not only big, but also medium and small watercourses. This list will soon be available through the Internet at the following address: www.unece.org/env/water and will be updated regularly.~~

2/ Joint body means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between Riparian Parties.

3/ The Joint ad hoc expert group on water and industrial accidents recommended that this distance should correspond to approximately a flowing period of two days of average flow velocity.