

Bureau of the Conference of the Parties

MINUTES OF THE SECOND MEETING¹

Introduction

1. The second meeting of the Bureau of the Conference of the Parties (CoP) to the UNECE Convention on the Transboundary Effects of Industrial Accidents was held in Geneva on 6-7 February 2002.

2. It was attended by Mr. Ernst Berger (Switzerland) – Chairperson of the CoP, Mr. Evgeny Gorshkov (Russian Federation), Mr. Pal Popelyak (Hungary), Mr. Ulf Bjurman (Sweden) as Bureau members representing Parties and by Mr. Fabrizio Colcerasa (Italy), Mr Janusz Zurek (Poland) and Mr. Jim Makris (United States) as Bureau members representing other UNECE member countries. Ms. Anahit Alexandrian (Armenia), Mrs. Patricia Charlebois (Environmental Emergencies Section of UNOCHA), Bo Libert (Regional Adviser ENHS/UNECE) and Mr. Rainer Enderlein (Secretary to the Water Convention) were present at parts of the meeting as invited participants. Mr. Sergiusz Ludwiczak (Convention Secretary) serviced the meeting.

I. Opening and adoption of the agenda

3. Mr. Berger opened the second meeting of the Bureau welcoming all its members and invited participants. He recalled the key decisions of the Bureau, taken at its first meeting in February 2001 (Minutes: COPB2/19 March 2001 and COPB3/19 March 2001), and the activities held under the Convention since that meeting. Looking forward, he also named the key events planned for 2002. Mr. Berger expressed the view that the work already done and planned for this year is well in line with the decisions taken by the first meeting of the CoP. He expressed his hope that this second meeting would concentrate on the operational aspects, which have to be decided upon to achieve the goals given by the first meeting of the CoP.

4. The Bureau adopted the agenda for its first meeting as contained in COPB4/24 January 2002.

II. Substantive issues for the agenda of the second meeting of the Conference of the Parties (CoP) in Chisinau on 6-8 November 2002

5. The Bureau held a general debate concerning items to be included in the agenda of the second meeting of the CoP. It agreed that emphasis should be placed on such items as:

¹ Prepared by the secretariat in consultation with the Chairperson of the Conference of the Parties.

- (i) Implementing the Convention (including the Conclusions and Recommendations based on the Report on the Implementation of the Convention and the process of its preparation – see item II (a));
- (ii) Assisting countries facing difficulties in ratifying and/or implementing the Convention; and
- (iii) Promoting bilateral cooperation at national and local levels under the Convention.

6. The Bureau decided to include at least two presentations on the experience in establishing and developing bilateral cross-border cooperation within the framework of the Convention in the agenda of the second meeting of the CoP. In this context, the Bureau invited the delegations of Germany and Hungary to share their experience in building up cross-border cooperation with their neighbours.

7. The Bureau also agreed that relevant reports and products resulting from different activities performed within the framework of the Convention in the period 2000-2002 should be submitted to the CoP for endorsement or information.

8. The Bureau, taking into account the UNOG deadlines for submitting papers for the CoP (14 August - Provisional agenda; 28 - August all other documents), decided to endorse them by means of electronic communication. The expected documents for submission to the second meeting of the CoP and those appointed by the Bureau to be responsible for their preparation and presentation are listed in annex I to these minutes.

(a) Report on the Implementation of the Convention - Working Group on Implementation (WGI)

9. Mr. Ludwiczak informed the Bureau on the ratification status of the Convention: Denmark had ratified and Monaco acceded to the Convention since the first meeting bringing the number of Parties to twenty-three.

10. He also informed that the reporting format for the country implementation reports have been sent to all UNECE member countries in July 2001 and that a letter reminding countries of the deadline for submission of these reports – 31 March 2002 was sent by the secretariat on 31 January 2002. The first meeting of the WGI is tentatively scheduled for April/May 2002 in Brussels, on the invitation of the European Commission. Its task, according to CoP Decision 2000/2, is to compile the first Report on Implementation of the Convention and on its basis draw up conclusions and recommendations for adoption by the CoP.

11. The members of the Bureau representing Parties to the Convention exchanged their experience in providing the information requested by the reporting format. The Bureau agreed that the most difficult part to complete was the identification of hazardous activities. Mr. Berger, Mr. Gorshkov and Mr. Popelyak informed that work in their countries is under way and that they would meet the deadline. According to Mr. Bjurman, Sweden had no hazardous activities meeting the criteria under the Convention. Ms. Alexandrian submitted the report on behalf of Armenia at the Bureau meeting.

12. The Bureau decided that a presentation on the experience and difficulties, if any, on responding to the reporting format should be made by one of the Parties to the Convention at the second meeting of the CoP. It asked the WGI to make the appropriate selection and make the necessary arrangements with the representative of that country.

13. The Bureau agreed that, while the Report should be prepared by the WGI and submitted for translation by 28 August, the draft Conclusions and Recommendations, also prepared by the WGI, would be finalized by the Bureau only after the Workshop on the Implementation of the Convention, to be held in Yerevan from 19 to 21 September 2002, due to its expected significant contribution to the latter document.

(b) Joint ad hoc expert group on water and industrial accidents (JGE)

14. Mr. Enderlein informed the Bureau of the outcome of the first meeting of the JGE, held on 18-19 October 2001 in Berlin (Minutes: JEG2/7 November 2001), at the invitation of the German Government. In particular, he drew the attention of the Bureau on the selection of priority issues from within the work made by the JGE. The Bureau took note of this information and discussed in detail which of the tasks decided by the first meeting of the CoP could be accomplished as priorities until the second meeting of the CoP. It requested that this outcome of the group's work be submitted to the second meeting of the CoP, taking into account the deadline for submission of documents of 28 August 2002.

15. The Bureau also took note of the request of the Chairperson of the Working Group on Civil Liability to the JGE inviting it to prepare an annex to the legally binding instrument on civil liability containing a list of hazardous substances dangerous for the aquatic environment (for the purpose of defining the hazardous activities under the future protocol).

(c) Workshop on the facilitation of the exchange of safety technologies – open-ended group

16. Mr. Ludwiczak provided information on the outcome of the two meetings of the open-ended group, held in Chisinau (Republic of Moldova) on 5-6 July and 26-27 November 2001 (Minutes: OEG/TECHTR/2/25 October 2001 and OEG/TECHTR/3/10 December 2001 - draft), and in particular the draft programme for the workshop on the facilitation of the exchange of safety technologies.

17. The Bureau exchanged views concerning the programme and the expected outcome of the workshop. It expressed its general support, however its members recommended that more emphasis be given to the issue of availability of financial resources and the role of financial institutions in the workshop programme. The Bureau members agreed to submit further concrete proposals and suggestions, especially concerning Session II – Examples of technology and know-how transfers. The Bureau also took note of the fact that the workshop would take place just before the second meeting of the CoP and thus the outcome of the workshop would be reported orally and possible conclusions for consideration by the Parties would be made available on the first day of their meeting. Mr. Makris and Mr. Zurek expressed their willingness to contribute to the workshop by making a presentation and/or chairing one of its sessions.

18. The Bureau and the secretariat expressed its appreciation to the Government of Germany for supporting this activity both substantially and financially. It also expressed thanks to the Government of the Republic of Moldova for its willingness to host the workshop. The Bureau members agreed to submit any comments they may have to the workshop programme, to the secretariat by the end of March 2002.

(d) Sub-regional Workshop on the Implementation of the Convention in Yerevan, (Armenia) on 19-21 September 2002

19. Mr. Berger stressed that the Chair attaches great importance to this workshop and to the issue of assisting countries with economies in transition in their process to ratify and implement the Convention. This approach was supported by the Bureau.

20. Mr. Ludwiczak informed the Bureau on the concept of the workshop. During the two and a half days, the workshop will address the following three major issues:

- (i) Status of implementation of the Convention in selected NIS countries and identification of related problems encountered by them;
- (ii) Information on the Convention and how it is being implemented in other UNECE member countries; and
- (iii) Drawing up of a possible internationally sponsored assistance programme.

Regarding the status of preparations for the workshop, Mr. Ludwiczak informed the Bureau that an official letter was sent to the Armenian authorities, asking the Armenian authorities to formally announce their willingness to host the workshop. A similar letter will then be sent to the selected NIS countries, asking them to reply to a questionnaire regarding their experience with ratification. These answers would be used to prepare a background paper highlighting the key problems to implementation/ratification so that a productive discussion at the workshop could develop. The paper would be prepared by Armenia, based on replies from the selected NIS countries. In the course of preparing this workshop, due account would be taken of the work done under the auspices of the Signatories to the Convention with regard to central European countries in 1993.

21. The Bureau decided that the workshop should be open to all UNECE member countries and that information on it should be widely disseminated. It also decided that it would agree on the composition of an international team of experts to take an active part in the workshop by addressing the main concerns after the background document will be available. In principle, the Bureau members agreed to participate, taking also into account a Bureau meeting to take place in conjunction with the workshop to discuss the Conclusions of the Working Group on Implementation (see item VII of these minutes).

22. Ms. Alexandrian provided information on the organizational details such as: the meeting room, translation services, and accommodation. The Bureau expressed its appreciation for her efforts. Ms Alexandrian agreed to supply the Bureau with a final version of the budget after her negotiations with the organizers in Yerevan. She will also put forward a request for financial support to cover some of the communication expenses related to the workshop.

23. The Bureau agreed that the organization of the workshop as well as participation of three experts (representing the prevention and response authorities and the industry sector) from each of the eight selected counties would be financed from the resources under the Convention. An estimated budget of USD 30,000 was agreed upon.

(e) International Workshop and Exercise in Tiszaujvaros, (Hungary) on 3-5 October 2001

24. Mr. Popelyak reported on the outcome of the workshop and the concept and results of the response exercises to two simulated accidents (Report: CP.TEIA/2001/6 - MP.WAT/WG.1/2001/4). He expressed the view of the Hungarian authorities involved that the event was successful. He also expressed appreciation to all the speakers at the workshop and to Mr. Berger and the secretariat for their input in preparing and conducting the workshop.

25. Mr. Popelyak also distributed to the Bureau members a report containing a compilation of all the presentations given at the workshop and a videotape containing scenes from the exercise. Both were very much appreciated.

26. The Bureau agreed with the conclusions of the workshop and decided that they should be submitted to the CoP for endorsement at its second meeting. The Bureau members were in agreement that such activities, having a strong practical dimension and involving actors at local level should be promoted and supported (see also item III (f) of these minutes). In this context, further links with the APELL programme were recommended. Mr. Colcerasa informed that Italy, specifically, would be willing to support similar activities in the future.

27. The Bureau congratulated the Hungarian authorities for the excellent arrangements made for the workshop and exercise and to its Government for hosting the event and thus contributing to the implementation of the work plan under the Convention. It also expressed thanks to the Environmental Emergencies Section of the UNOCHA for financially supporting some of the experts from countries with economies in transition.

(f) Transboundary response exercise planned in Poland/Russian Federation

28. Mr. Ludwiczak informed the Bureau, that following one of the conclusions of the Tiszaujvaros workshop (CP.TEIA/2001/6 – MP.WAT/WG.1/2001/4, para 13 (e)), Poland and the Russian Federation submitted a joint proposal to organize a transboundary response exercise to a simulated accident at the border between Poland and the Kalinigrad Region of the Russian Federation. The exercise would be supplemented with a workshop. The event is tentatively scheduled on 13-15 June 2002.

29. The Bureau expressed its support for the event and the fact that it will take place under the auspices of both the Industrial Accidents and the Water Conventions. It requested the secretariat to meet and work closely with the organizers, in particular, to develop the workshop programme to include issues of cross-border cooperation at the

local level². The Bureau also requested that the outcome and possible conclusions of the workshop and exercise be reported to the second meeting of the CoP.

30. Mr. Zurek and Mr Gorshkov were very much interested in the event and would coordinate the information between the relevant Ministries after their return home.

31. Mr. Bjurman expressed his concern whether the Council of the Baltic Sea States is aware of this event.

III. Organizational and financial issues related to the second meeting of the CoP

32. The secretariat, on behalf of the host country – the Republic of Moldova, provided information on the details of the organization of the second meeting of the CoP and the expected budget for it (a copy of the budget, prepared by the host authorities was presented to the Bureau members). An Organizing Committee was set up under the leadership of the Minister of Ecology, Construction and Territorial Development of the republic of Moldova. The second meeting of the CoP will take place from Wednesday, 6 November to Friday, 8 November 2002.

33. The Bureau requested the secretariat to work closely with the host authorities and the Government of Italy, who pledged financial resources for the organization of the second meeting of the CoP, to work out the details of providing this support. Mr. Colcerasa agreed to be in contact with the Ministry of Environment of Italy in order work out the modalities of its support. Mr. Berger, together with the secretariat, would oversee all the necessary preparations.

IV. Intergovernmental negotiation process to draw up a legally binding instrument on civil liability for transboundary damage caused by hazardous activities

34. The Secretaries of the Industrial Accidents and the Water Conventions provided the Bureau with up-to-date information on the status of drawing up the instrument. They recalled the outcome and decisions of the Joint Special Session of the governing bodies of the two Conventions, held in July 2001 (Report: ECE/MP.WAT/7 – ECE/CP.TEIA/5). Following that session an intergovernmental Working Group on Civil Liability was established to draw up the instrument, which already held two meetings (Reports: MP.WAT/AC.3/2001/2 – CP.TEIA/AC.1/2001/2 and MP.WAT/AC.3/2002/3 – CP.TEIA/AC.1/2002/3, respectively).

35. At its last meeting, on 4-6 February 2002, the Working Group decided to limit the scope of application of the future protocol to damage due to an industrial accident occurring in the course of a hazardous activity that has caused transboundary effects on transboundary waters. It is in the course of negotiating the substantive part of the protocol. Three more meetings are scheduled in 2002. Many delegations expressed their view that the protocol could be ready for its adoption within the framework of the fifth Ministerial Conference “Environment for Europe”. The latest version of the draft

² Following the meeting of the Bureau, a meeting of the organizers and the secretariat was scheduled to take place in Ketrzyn, (Poland) on 28 February – 1 March.

protocol (MP.WAT/AC.3/2002/4 – CP.TEIA/AC.1/2002/4) as well as all other documents of the Working Group are available on the Convention's Internet home page.

36. Information on the status of the negotiations will be provided at the second meeting of the CoP.

V. Financial resources under the Convention

37. Mr. Ludwiczak provided the Bureau with detailed information on the status of financial resources available for activities under the Convention, including all the direct trust fund financial contributions, in-kind contributions as well as expenditures for the period 1 January 2000- 31 January 2002. On behalf of the UNECE secretariat and the eligible countries with economies in transition, he expressed appreciation to all the donor countries and organizations whose contributions facilitate the implementation of the work plan under the Convention. He also informed the Bureau that apart from the Trust Fund for the Assistance to Countries in transition (TFACT), an Industrial Accidents Convention Project was put in operation in mid 2001, within the UNECE Local Technical Cooperation Trust Fund as the key trust fund under the Convention in the future. The Bureau decided to submit a note to the CoP on the status of financial resources under the Convention.

38. The Bureau also expressed its appreciation to the donor countries and organizations that have already contributed financially to the activities under the Convention and invited other countries to explore the possibility of doing so as well. This matter would be taken up further at the second meeting of the CoP.

39. Mr. Enderlein informed the Bureau that due to different financial arrangements to support projects under the Water Convention, financial resources to support the participation of eligible water experts from countries with economies in transition in the "joint ad hoc expert group on water and industrial accidents" and the negotiation meetings of the "civil liability protocol" could not be made available by donor countries. The Bureau discussed this matter and concluded that it is not appropriate to expect that the water experts' participation would be exclusively covered from the Industrial Accidents Convention's Trust Fund, as it was the case in the past. The Bureau requested Mr. Enderlein to raise this issue at the next Water Convention's Bureau meeting. In the meantime, he would draw the attention of the Chairpersons of that Bureau to this fact, and invite them to consult with the Chairperson of the Conference of the Parties to the Industrial Accidents Convention.

VI. Plan of meetings/workshops in 2002

40. The following meetings/workshops are envisaged to take place in 2002:

15-16 April	Second meeting of the Joint ad hoc expert group on water and industrial accidents (Budapest)
6-8 May	Third meeting of the Intergovernmental Working Group on Civil Liability (Geneva)
23-24 May	First meeting of the Working Group on Implementation (Brussels)

13-15 June	Transboundary exercise between Poland and the Russian Federation
2-4 September	Fourth meeting of the Intergovernmental Working Group on Civil Liability (Geneva)
September	Possibly , third meeting of the Joint ad hoc expert group on water and industrial accidents
16-17 September	Third meeting of an open ended group to prepare the workshop on the facilitation of the exchange of safety technologies (Chisinau)
19-21 September	Sub-regional workshop on the implementation of the Convention (Yerevan)
4-5 November	Workshop on the facilitation of the exchange of safety technologies (Chisinau)
6-8 November	Second meeting of the Conference of the Parties (Chisinau)
11-13 November	Fifth meeting of the Intergovernmental Working Group on Civil Liability (Geneva)

VII. Third and future meetings of the Bureau

41. The Bureau decided that it would hold its third meeting in conjunction with the sub-regional workshop in Yerevan on Saturday afternoon, 21 September 2002, in order to incorporate the outcome and conclusions of this workshop into the Conclusions and Recommendations on the Implementation of the Convention, prepared by the WGI, and to discuss final preparations and resolve outstanding issues for the second meeting of the CoP. Depending on the needs, the Bureau also agreed that it might meet directly before the second meeting of the CoP in Chisinau.

VIII. Other business

42. Mr. Makris raised the issue of raising awareness of the Convention and work carried out within its framework in light of the upcoming World Summit on Sustainable Development. The Bureau expressed a strong view that the solutions and provisions of the Convention are continuously valid and that any possible decisions aimed at developing new formulas or undertaking new work in the field of accident prevention, preparedness, and response to, should be avoided. However, in the light of the terrorist attacks on New York and Washington on 11 September 2001, discussions and future work under the Convention should take into account scenarios of possible strikes on hazardous activities.

43. Mr. Bjurman raised the issue of a possible amendment of annex I to the Convention in view of the current process of amending the EU “Seveso II” Directive. The Bureau agreed to come back to this issue at a later time. In any case an amendment of the Convention would require an official proposal submitted by a Party to it.

44. The secretariat provided the Bureau with information on:

(i) A process aimed at drawing up guidelines for strengthening compliance with and implementation of multilateral environmental agreements in the UNECE region for possible adoption at the fifth Ministerial Conference “Environment for Europe”;

(ii) Two documents being prepared within the framework of the UNECE Committee on Environmental Policy: An analysis of the links between the Aarhus Convention and the other UNECE multilateral environmental agreements; and An analysis of good practices in public participation in international fora.

IX. Closing of the meeting

45. Mr. Berger concluded that the second meeting of the Bureau has achieved its objectives set out in the beginning. He thanked all its members and invited participants for their active participation at the meeting as well as their promised inputs during the preparations for the meeting of the CoP. He also expressed appreciation to the Secretary of the Convention for his input to the work under the Convention.

Annex I

Major documents foreseen for the second meeting of the Conference of the Parties (Bureau members or other persons responsible for their preparation and presentation at the CoP)

No	Document	Responsible	Deadline for submission to secretariat
1	Provisional agenda	Mr. Berger	1 July
2	Report on the Implementation of the Convention	Mr. Wettig	21 August
3	Conclusions and Recommendations to No 2	Mr. Wettig	21 August
4	Report on the Subregional Workshop on the Implementation of the Convention	Mr. Berger	Will be submitted after deadline
5	Progress report on the work of the joint ad-hoc expert group on water and industrial accidents	Mr. Schiess (Switzerland)/Mr. Kovacs (Hungary)	21 August
6	Report on the International Workshop and Exercise on Industrial Safety and Water Protection in Transboundary River Basins - (Tiszaújváros (Hungary), 3-5 October 2001	Mr. Popelyak	Available
7	Report on the Polish-Russian Transboundary Response Exercise "Kotki 2002" and the International Seminar on the Preparedness for and Response to Industrial Accidents and the Mitigation of their Transboundary Effects	A representative of Poland	21 August
8	Conclusions of the Workshop on the facilitation of the exchange of safety management systems and safety technologies	Mr. Dinkloh (Germany)	Will be available only at the CoP
9	Draft work plan for 2003-2004	Mr. Berger	21 August
10	Draft decision on the resources for 2003-2004	Mr. Berger	21 August

Annex II
Status of financial resources under the Convention

RESOURCES UNDER THE UNECE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS								
LOCAL TRUST FUND								
	Contributors	Direct contributions			In-kind contributions			
Years		Pledged	Actual	Expenditures		Pledged	Actual	Comments
31-Dec-99			-	-	-			
2000								
	Poland	-	-				?	1/
	Hungary	-	-				?	2/
	Italy	-	-				?	3/
	European Commission	-	-				?	4/
31-Dec-00			-	-	-			
2001								
	European Commission	€ 50,000	\$ 45,700					
	Switzerland	-	-			SFr. 16,100	\$ 8,970	5/
	Germany	-	-			€ 30,000	\$26,580	6/
	Hungary	-	-				?	7/
	OCHA	-	-				\$ 5,895	8/
31-Dec-01			\$ 45,700		-			
2002								
	Switzerland	SFr. 70,000	\$ 41,667	\$ 8,503	5xparticipation at 2nd WGCL in Geneva (February)			
	Hungary					?		JEG meeting 9/
	Poland					?		Exercise 10/

Basins in Tiszaujvaros (October)

8/ Participation of five experts from countries in transition in the International workshop and exercise on Industrial Safety and Water Protection in Transboundary River Basins in Tiszaujvaros (October)

9/ Organization of the second meeting of the joint ad hoc expert group on water and industrial accidents in Budapest (April)

10/ Organization of a transboundary response exercise to a simulated exercise and a seminar on the Polish-Russian border (June)

11/ Contribution to the organization of the Subregional Workshop on the implementation of the Convention in Yerevan (September)

12/ Contribution to the organization of the Workshop on facilitation of the exchange of safety technologies and the second meeting of the CoP in Chisinau (November)

13/ Organization of the Workshop on facilitation of the exchange of safety technologies in Chisinau (November), participation of experts from countries in transition; third preparatory meeting in Chisinau (September) and possibly contribution to the organization of the third meeting of the joint ad hoc expert group on water and industrial accidents in the Russian Federation

14/ Organization of the second meeting of the Conference of the Parties in Chisinau (November)

RESOURCES UNDER THE UNECE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS					
TFACT - Direct contributions					
Years	Contributors	Pledged	Actual	Expenditures	
31-Dec-99			\$ 12,249		
2000					
	Switzerland	SFr. 20,000	\$ 12,500	\$ 2,986	2xparticipation at 2nd OEG in Warsaw (January)
				\$ 622	1xparticipation at JEG in Budapest (April)
31-Dec-00			\$ 21,142		
2001					
	Switzerland	SFr. 60,000	\$ 36,585	\$ 6,594	4xparticipation at 1st WGCL in Geneva (November)
	Norway	-	\$ 11,217		
31-Dec-01			\$ 62,350		
2002					
				\$ 30,000	3xparticipation at three WGCL meetings in Geneva (May, September and November)
				\$ 10,000	7xparticipation in exercise PL-RF
				\$ 20,000	13xparticipation in second meeting of the CoP
31-Dec-02			\$ 62,350		