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

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**PROGRESS REPORT OF THE JOINT AD HOC EXPERT GROUP  
ON WATER AND INDUSTRIAL ACCIDENTS**

Prepared by the Co-Chairmen with the assistance of the Conventions' secretariats

**Introduction**

1. The present document summarizes the key results of the work undertaken by the joint ad hoc expert group on water and industrial accidents since the first meeting of the Conference of the Parties to the UNECE Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention), held in November 2000 in Brussels. During this time the joint expert group held three meetings on: (i) 18-19 October 2001 in Berlin; (ii) 15-16 April 2002 in Budapest; and 4 July 2002 in Geneva (extended meeting 1). This report is being submitted to the second meeting of the Conference of the Parties to the Industrial Accidents Convention as well as to the Parties of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention).

### **Background**

2. Major industrial accidents may cause far-reaching transboundary effects and may lead to accidental water pollution. Therefore, the Signatories to the Industrial Accidents Convention and the Parties to the Water Convention decided to cooperate on issues related to the prevention of accidental pollution of transboundary waters.

3. As a result of this cooperation, a workshop on the prevention of chemical accidents and limitation of their impact on transboundary waters was held in Berlin (7-9 May 1998). Taking into account the results of this workshop, the seventh meeting of the Signatories to the Industrial Accidents Convention (13-15 May 1998) proposed that a joint ad hoc expert group on water and industrial accidents (joint expert group) be established under both Conventions. This proposal was endorsed by the first meeting of the Working Group on Water Management, established under the Water Convention, in September 1998. In the following, two meetings of the joint expert group were held, during which the seminar on the prevention of chemical accidents and the limitation of their impact on transboundary waters (Hamburg, 4-6 October 1999) was prepared. The conclusions and recommendations of this seminar were then adopted at the second Meeting of the Parties to the Water Convention, held in The Hague (23-25 March 2000) and endorsed by the first meeting of the Conference of the Parties to the Industrial Accidents Convention, held in Brussels (22-24 November 2000).

4. The Parties to both Conventions extended the mandate of the joint expert group to support and provide guidance in the implementation of the above recommendations and agreed on the group's future work plan as contained in decision 2000/5 on the prevention of accidental water pollution taken by the first meeting of the Conference of the Parties to the Industrial Accidents Convention (ECE/CP.TEIA/2 Annex VI).

## **I. MAJOR ACTIVITIES**

5. This section of the report provides information on the results of the work of the joint expert group in the major areas falling under its responsibility:

### **(a) Inventory of existing safety guidelines and best practices for the prevention of accidental transboundary water pollution**

6. An inventory of existing safety guidelines and best practices for the prevention of accidental transboundary water pollution is being developed and according to the joint expert group's recommendation will gradually be made available through the Internet (<http://www.unece.org/env/teia/water.htm>) by the secretariats of the two Conventions. The aim is to create an information platform concerning guidelines for the prevention of accidental water pollution. According to the decision of the joint expert group, the inventory will have the following four sections:

- (i) UNECE regional safety guidelines (e.g. recommendations of the Hamburg seminar);
- (ii) Safety guidelines adopted by international river commissions (e.g. joint bodies for the Elbe, Danube and Rhine Rivers);
- (iii) Safety guidelines adopted by bilateral bodies; and
- (iv) National safety guidelines and/or technical standards.

7. The input for levels (i) and (ii) of the inventory was provided by the joint expert group. Moreover, the joint expert group addressed a request to all focal points under the two Conventions to provide an information concerning levels (iii) and (iv). A response to this request was received from five countries: Croatia, France, Germany, Hungary and Ireland. They provided additional national information. However, this process should be considered as an ongoing one and all countries are welcome to provide further relevant information in order to make this inventory meaningful.

(b) Assistance in adapting these guidelines to the specific needs and circumstances in river basins

8. The delegation of Germany introduced a project on technology transfer for plant-related water protection in the Republic of Moldova, Romania and Ukraine. The aim of this project is to assist countries of Central and Eastern Europe to introduce safety measure for hazardous activities with special emphasis on the protection of transboundary rivers. To this effect, checklists have been prepared on the basis of the safety recommendations from the International Commission for the Protection of the Rhine and the International Commission for the Protection of the Elbe for the investigation and assessment of industrial plants with substances and preparations which are hazardous for water (<http://www.ingenius-berlin.de/jeg/web/methodology.html> ). The joint expert group agreed that this checklist methodology is a helpful tool for analysing necessary measures for hazardous activities in respect to dangers for waters.

9. The joint expert group also took note of the recent developments in the Danube basin where an orientation scheme for the international alert system has been created and an inventory of hazardous locations has been compiled. Furthermore, a methodology for the analysis of accidental risk spots has been developed.

10. The joint expert group was also briefed on the development of a GIS-based potential pollution inventory by the Hungarian Ministry for Environment.

11. Another project aimed at developing a methodology for rapid environmental and health risk assessment of industrial activities is being developed by Italy as lead country, under the auspices of WHO/EURO. The outcome of the project will be considered by the joint expert group at one of its future meetings.

(c) Drawing up safety guidelines and best practices for tailing dams, pipelines, and navigation of ships on rivers

12. The joint expert group decided to treat the preparation on safety guidelines for pipelines as a priority. As the first step, the delegation of the Russian Federation offered to prepare a discussion paper reflecting the Russian experience, both at the national and transboundary levels. The paper will be available to the joint expert group in advance of its fourth meeting, tentatively scheduled to take place in the Spring of 2003.

13. The joint expert group also agreed to tackle the issues concerning guidelines and best practices for tailing dams and navigation of ships on rivers after completing the above task.

(d) Alarm and notification systems

14. The joint expert group noted that adequate response measures to industrial accidents often depend on the effectiveness of early warning and alarm systems. To this end, it stressed that river alarm systems and the UNECE Industrial Accident Notification System should be as effective as possible and operational at all times. The joint expert group also agreed that there is a need for further coordination between the focal points of river alarm systems and the network of points of contact under the UNECE Industrial Accident Notification System.

15. In Switzerland, a consultation has carried out between the focal point within the Rhine River Alarm System in Basel and the point of contact within the UNECE Industrial Accident Notification System in Zurich. The relevant coordination and communication channels were improved as a result of this consultation. The joint expert group recommended that similar consultations between the focal points of river alarm systems and points of contact within the UNECE Industrial Accident Notification System should take place in other UNECE member countries.

(e) International response exercises

16. The joint expert group considered response exercises to simulated accidents and relevant training as an important element of maintaining effective response capabilities. To this end, it welcomed the outcome of two such events organized within the framework of the UNECE Industrial Accidents and Water Conventions:

- (i) International workshop and exercise on industrial safety and water protection in transboundary river basins - Tiszaújváros (Hungary), 3-5 October 2001 (CP.TEIA/2001/6 - MP.WAT/WG.1/2001/4); and
- (ii) Polish-Russian transboundary response exercise "Kotki 2002" and international seminar on preparedness for and response to industrial accidents and the mitigation of their transboundary effects – Ketrzyn (Poland), 13-15 June 2002 (CP.TEIA/2002/4 - MP.WAT/WG.1/2002/3).

(f) Transboundary contingency planning

17. The key elements of a pilot study to draw up a joint contingency plan for the Samos River, shared by Hungary and Romania, was presented to the joint expert group. Progress in implementing this project will be further considered by the group at its future meetings. The joint expert group will continue to promote drawing up joint contingency plans in the transboundary context.

(g) Methodologies to identify hazardous activities that handle smaller amounts of substances than those specified in annex I to the Industrial Accidents Convention

18. The joint expert group will consider this issue at a later stage.

## **II. UNFORSEEN ACTIVITIES**

19. A new legally binding instrument on civil liability for transboundary damage caused by hazardous activities, within the scope of both Conventions is currently under negotiation within the Intergovernmental Working Group on Civil Liability (Working Group) as decided by the joint special session of the governing bodies of the Industrial Accidents and Water Conventions, held in Geneva on 2-3 July 2001.

20. At the request by the Working Group, the joint expert group provided technical advice in the process of drawing up the civil liability instrument.

21. Firstly, the joint expert group drew up a draft list of hazardous substances and their threshold quantities, which are dangerous for the aquatic environment in case of their release as a result of an industrial accident. This list will constitute annex I to the legally binding instrument and will facilitate the identification of hazardous activities falling under its scope.

22. Secondly, at an extended meeting of the joint expert group, draft financial limits for the purpose of the civil liability instrument, which will constitute its annex II, were drawn up. Legal experts from interested UNECE member countries and a representative of the insurance sector also attended this meeting. 1/

## **III. FUTURE ACTIVITIES**

23. The joint expert group plans to continue work to accomplish the tasks included in its work plan and in particular to draw up safety guidelines/best practices for transportation of substances dangerous for the environment by pipelines.

24. Furthermore, following decisions of the Parties to both Conventions, the joint expert group will support and provide guidance in the implementation of the conclusions and recommendations of the Hamburg seminar. They mainly concern safety measures for

hazardous activities to prevent accidental water pollution. The Parties to both Conventions are expected to implement these conclusions and recommendations, by 2005 (for market economy countries) and by 2010 (for countries with economies in transition) and report to the Conference of the Parties to the Industrial Accidents Convention and the Meeting of the Parties to the Water Convention. The governing bodies will review the implementation of these conclusions and recommendations.

25. This review will require a common reporting scheme and an evaluation of the individual reports received from Parties to both Conventions. The group's experts, taking into account the fact that the joint expert group is the only joint body under the two Conventions, considered that it would be the most appropriate body to undertake these two tasks.

26. The Conference of the Parties to the Industrial Accidents Convention and the Meeting of the Parties to the Water Convention are expected to decide accordingly.

#### **IV. ASSESSMENT OF THE JOINT EXPERT GROUP**

27. The joint expert group has the potential to substantially support the work carried out within the frameworks of both the Industrial Accidents and Water Conventions. It can become an important forum for the exchange of information on issues related to the prevention of accidental pollution of transboundary waters. Although for this to happen several conditions would have to be met:

(a) The joint expert group has to receive equal and firm support from the governing bodies of both Conventions. The work done by the group has to be demand driven and the demand should come from both forums;

(b) Experts representing some countries with economies in transition require support for their participation in the work of the joint expert group. Financial support should be secured by joint efforts and contributions from both the Parties to the Industrial Accidents as well as the Water Conventions;

(c) Participation of experts should be enhanced; more UNECE member countries should be represented and actively participating in the group's work. Countries that expressed interest in nominating experts to the group and so far were not represented should nominate their experts as soon as possible. All other UNECE member countries are invited to follow as well;

(d) An important point for a successful outcome of the group's work is also the continuity in the participation of the nominated experts from each country;

(e) Each issue in the group's work plan should find a lead country that would be responsible for advancing relevant projects forward;

(f) Meetings of the joint expert group should be held at such intervals as to ensure the achievement of results expected by both governing bodies. They should preferably be held in different UNECE member countries represented in the group on a rotation basis. In this respect, the offers to host future meetings in the Russian Federation and Croatia are welcome.

### **Notes**

1/ The extended meeting of the joint expert group was held following a request from the Working Group on Civil Liability (Working Group) to draw up a draft of annex II concerning financial limits to the legally binding instrument on civil liability for transboundary damage caused by hazardous activities, within the scope of both conventions made at the Working Group's third meeting (MP.WAT/AC.3/2002/6 – CP.TEIA/AC.1/2002/6, paragraph 44). In order to achieve the goal set out above, the invitation to participate in the third meeting of the joint expert group was extended to legal experts from interested UNECE member countries and representatives of the insurance sector.