



**Economic and Social  
Council**

Distr.  
GENERAL

CP.TEIA/2004/4  
9 July 2004

ORIGINAL: ENGLISH

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**ECONOMIC COMMISSION FOR EUROPE**

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

Third meeting, 27-30 October 2004  
Budapest  
(Item 7 of the provisional agenda)

**DRAFT DECISION 1/  
AMENDING THE GUIDELINES TO FACILITATE THE IDENTIFICATION OF  
HAZARDOUS ACTIVITIES FOR THE PURPOSES OF THE CONVENTION**

Prepared by the Bureau of the Conference of the Parties on the basis of an amendment  
proposed by the joint ad hoc expert group on water and industrial accidents

The Conference of the Parties,

Recalling its decision 2000/3 on Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention, taken at its first meeting on 22-24 November 2000 (ECE/CP.TEIA/2, annex IV), in accordance with article 18, paragraph 6, of the Convention,

Acknowledging the review of the location criterion related to the water path contained in the Guidelines carried out by the joint ad hoc expert group on water and industrial accidents,

1. Amends paragraph 5 of the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention as set out below; 2/

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1/ Background information related to the draft decision is contained in the annex to this document in order to facilitate the discussion at the meeting of the Conference of the Parties.

2/ For easy reference and comparison with the original wording of paragraph 5 (b) of the Guidelines, the new wording is **boldfaced** and deletions are ~~crossed out~~.

2. Invites the Convention's secretariat to issue the Guidelines as a publication, together with the texts of this decision and decisions 2000/3 and 2002/1.

**AMENDMENT TO 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)**

**Location criteria**

5. The following two location criteria shall apply for the purpose of identifying hazardous activities capable of causing transboundary effects under 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 2/ of transboundary and border rivers, transboundary or international lakes, or within the catchment areas of transboundary groundwaters, 2/ for activities involving substances **that fall falling** under category 3, 4, 5 or 8 of part I of annex I to the Convention **and that may be released into watercourses in the event of an accident. 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. Whether or not such an activity is capable of causing a transboundary effect in such an event should be decided by the competent authority of the Party of origin, preferably in consultation with joint bodies. 3/ The decision should depend, among other things, on the existence of river warning and alarm systems and the distance 4/ 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](http://www.unece.org/env/water) and will be updated regularly.~~

**2/ 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.**

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

**4/ 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.**

## Annex

### **BACKGROUND INFORMATION**

1. The identification of hazardous activities is one of the key obligations under the Convention. Its implementation is a precondition for fulfilling other obligations, in particular the notification of these activities to neighbouring countries, according to article 4.

2. Therefore, in accordance with article 18, paragraph 6, of the Convention, the Conference of the Parties, at its first meeting, agreed on the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention as appended to decision 2000/3 (ECE/CP.TEIA/2, annex IV).

3. During a discussion on the Convention's implementation, in particular the identification of hazardous activities, at the second meeting of the Conference of the Parties, some Parties complained that the location criterion related to the water path (contained in para. 5 (b) of the above Guidelines) was too broad. In some cases many activities would be identified as falling within the scope of the Convention, though few would have a potential for transboundary effects. It was suggested that a review should be undertaken and further guidance provided on this criterion.

4. To this end, the Conference of the Parties requested the joint ad hoc expert group on water and industrial accidents (joint expert group) to review and provide guidance on the location criterion related to the water path with a view to possibly limiting this criterion (ECE/CP.TEIA/7, paras. 30 and 41 and annex I – decision 2002/1, para. 6 (a)). It was also agreed that the joint expert group would report back to the Conference of the Parties through its Bureau.

5. At its fourth meeting, which was held in Kaliningrad (Russian Federation) on 30-31 October 2003, the joint expert group considered two proposals:

(a) In the first, the key approach 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, or within the catchment areas of transboundary groundwaters would be considered in the Guidelines as capable of causing transboundary effects in the event of an accident) and to limit the number of activities to be notified to neighbouring countries depending on the existence of river warning and alarm systems;

(b) In the second, the key approach was to limit the water-related location criterion by letting a country's competent authority decide which of these 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) could actually cause transboundary effects through the water path and verifying this decision through bilateral consultations with potentially affected Parties.

6. After considering both proposals, the joint expert group drew up a compromise proposal for amending subparagraph 5 (b) of the Guidelines and also decided to modify the introductory sentence of paragraph 5 (see JEG7/14 January 2004, annex).

7. The Bureau discussed the proposal at its fifth meeting in Budapest on 18-19 March 2004 and decided to:

(a) Accept the amended text of paragraph 5 (b) as proposed by the joint expert group;

(b) Accept the editorial modifications proposed by the UNECE secretariat; and

(c) Maintain the original text of the introductory sentence of paragraph 5 and not consider the amendment proposed by the joint expert group.