

**Working Group on the Development of the Convention**

**First meeting, Geneva, 20 May 2005**

**MINUTES OF THE FIRST MEETING 1/**

**Introduction**

1. The first meeting of the Working Group on the Development of the Convention, a subsidiary body of the Conference of the Parties (CoP) to the UNECE Convention on the Transboundary Effects of Industrial Accidents, was held in Geneva on 20 May 2005.
2. It was attended by: Ms. Anahit Aleksandryan (Armenia), Mr. Nikolay Kenanov and Mr. Nikolay Savov (Bulgaria), Mr. Pavel Forint (Czech Republic), Mr Wolfgang Gierke and Mr. Roman Trebbe (Germany), Ms. Katalin Gorog (Hungary), Ms. Loretta De Giorgi (Italy), Mr. Igors Ponomarjovs and Mr. Pauls Zirnitis (Latvia), Mr. Chris Dijkens (Netherlands), Ms. Elena Klovach (Russian Federation), Mr. Bernard Gay (Switzerland), Mr. Tobias Biermann and Ms. Olga Kopiczko (European Commission) and Mr. Sergiusz Ludwiczak (UNECE, Secretary of the CoP).
3. Mr. Olivier Kervella and Ms. Rosa Garcia Couto (UNECE, Transport Division, Dangerous Goods and Special Cargoes Section) attended the meeting at the invitation of the Chairman and the Convention's secretariat.

**I. Opening of the meeting and short introduction**

4. Mr. Ludwiczak opened the first meeting of the Working Group welcoming its participants. He recalled Decision 2004/4 establishing the Working Group on the Development of the Convention (ECE/CP.TEIA/12, annex IV), taken by the CoP at its third meeting on 27-30 October 2004, and the Group's key task, which was to carry out a review of annex I to the Convention. He also conveyed the Bureau's guidance (Minutes of the Bureau's sixth meeting – COPB12/26 April 2005) to the Group, that it should take into account the GHS and keep in mind making the Convention's annex as compatible as possible with that of the "Seveso II" Directive (Directive). In view of the difficulties faced by some UNECE member countries when applying annex I, Mr. Ludwiczak underlined that while reviewing annex I and subsequently drawing up any amendments to it, the Group should try to keep it simple and take into account the views of as many Parties to the Convention as possible.

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1/ Prepared by the secretariat in consultation with the Chairman of the Working Group on the Development of the Convention.

5. The meeting participants shortly introduced themselves. Mr. Ludwiczak introduced Mr. Kervella and Ms. Garcia Couto who are responsible for the Globally Harmonized System (GHS) within the UNECE Transport Division.

6. Mr. Biermann, who was appointed by the Bureau at its sixth meeting (Warsaw, 10-11 March 2005) as the Chairman of the Working Group, recalled the basis for undertaking a review process of the substance annex of the Directive, among others the causes and outcomes of two accidents at Toulouse and Enschede, and reported on the concrete amendments adopted. He offered the technical expertise of other Commission's services, mainly the Major Accidents Hazard Bureau (MAHB) in cooperation with the European Chemicals Bureau and their assistance, which could be made available to this Group if needed.

7. The Working Group welcomed the future support of the MAHB.

## **II. Adoption of the agenda**

8. The Working Group adopted the agenda for its first meeting as contained in WGD1/12 April 2005.

## **III. General exchange of views on the content of annex I to the Convention and on the process of its review**

9. The participants of the meeting were in agreement that the review of annex I to the Convention should take into account all the scientific knowledge that is currently available and all the arguments that led to amending the annex of the Directive. The Group would review and propose possible changes to annex I, taking into account the real needs of the UNECE member countries, which are Parties to the Convention. Furthermore, the Group would try not to increase the degree of difficulty in applying the annex as a result of its possible amendment.

10. The Group took note that it had approximately one year to carry out the review of annex I and to finalize a possible proposal for amending it. The draft proposal would have to be submitted at the end of May 2006 to the Bureau of the CoP for further action.

## **IV. Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and possible implications for the work of the Working Group**

11. Mr. Kervella introduced the key elements of the Globally Harmonized System, which was adopted in 2002 and recommended by the World Summit on Sustainable Development to be implemented by 2008. The GHS is a worldwide system for classification of chemicals and targets all sectors concerned by chemical safety. Substances are classified according to three main categories of hazards: physical, health and environmental. Each of them is further divided into hazard classes.

12. Referring to possibilities to take into account the GHS in the revised annex I, Mr. Kervella suggested that his Section would make an attempt to replace the current notes of annex I with notes, which would reflect the GHS classification. He also suggested to reexamine if the categories of substances listed in annex I are exhaustive from the point of the Convention' intended scope. Currently, categories listed in the annex are listed in 9 hazard chapters of the GHS, out of 26.

13. The Working Group was in agreement that the GHS would have to be incorporated into annex I to the Convention as well as into the relevant annex to the Directive at some point. It also recognized the advantages to undertake this task jointly between the UNECE and the European Commission, wherever possible. At the same time, the Group was cautious to take a final decision on the timeframe for this work at this meeting.

14. The Working Group welcomed Mr. Kervella's proposal that his Section would prepare, by the end of June 2005, a revised set of notes for annex I, which would reflect the GHS classification. It decided to set up a small group composed of experts from Germany, Netherlands and the UNECE secretariat to review the new proposed notes and provide the Working Group with further guidance (the review would start with the physical hazard "flammable"). The experts were also requested to examine the 26 hazard chapters of the GHS and recommend their possible relevance to the Convention. The above expert group would meet, if necessary, in September and report to Working Group at its next meeting.

## **V. Review of annex I**

15. Mr. Biermann presented a comparative analysis between the relevant annexes to the Convention and the Directive.

16. The Working Group analyzed and discussed the categories of substances and preparations (Part I) and the named substances (Part II) listed in annex I to the Convention. The Group agreed to introduce modifications regarding: petroleum products and substances dangerous for the environment following recommendations of a technical working group, which carried out a joint task for the European Commission and the UNECE. The Group also decided to introduce two separate categories for explosives, in line with relevant amendments in the "Seveso II" Directive. The outcome of this discussion in terms of concrete proposals to delete or add text to the annex are contained in a working document of the Group entitled "Draft of new annex I", which is available for easy reference on the Convention's web site.

17. The Working Group decided to postpone its final decision on how to handle ammonium nitrate and potassium nitrate in the "named substances" part of the annex until its next meeting. The meeting fully recognized the substantive scientific work undertaken by the services of the European Commission on these substances following the Toulouse accident. It suggested handling both substances in the annex as they were treated in the amended Directive. The "Draft of new annex I" contains the proposed modifications. At the same time, the Group recommended to all Parties, in particular those represented at the meeting to examine whether they could accept the proposed classification and threshold quantities.

18. The Working Group agreed that Mr. Biermann would verify which of the named substances are sufficiently covered as a category in part I of annex I. Mr. Savov volunteered to analyze the differences in the thresholds of these substances between the Convention and the Directive. Proposed modifications would be reflected in the working document.

## **VI. Organization of further work**

19. The Group decided that its working document “Draft new annex I” would reflect all deleted and added text throughout the review process until it is submitted to the Bureau of the CoP. The document will remain available on the Convention’s web site.

20. The Working Group suggested to meet at the end of October 2005. It requested the Chairman and the Secretary of the CoP to define the exact dates and venue for the meeting.

## **VII. Closing of the meeting**

21. The Chairman reviewed the outcome of the Working Group’s meeting, concluding that it had made considerable progress in reviewing annex I to the Convention. Mr. Biermann thanked all members of the Group for their active participation and closed the first meeting of the Working Group on the Development of the Convention.