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MEETING OF THE PARTIES TO THE CONVENTION ON
THE PROTECTION AND USE OF TRANSBOUNDARY
WATERCOURSES AND INTERNATIONAL LAKES

Working Group on Integrated Water Resources Management

Third meeting,
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Item 5 (a) of the provisional agenda

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

Report by the Co-Chairpersons of the Joint Ad Hoc Expert Group on Water and Industrial
Accidents and the secretariat

INTRODUCTION

1. 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

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(Water Convention) at their respective last meetings (Rome, 15–17 November 2006 and Bonn, Germany, 20–22 November 2006) reviewed the work carried out by the Joint Ad Hoc Expert Group on Water and Industrial Accidents (hereinafter, Joint Expert Group) in the period 2000–2006 and endorsed the Group’s progress report (ECE/CP.TEIA/2006/9 - ECE/MP.WAT/2006/7).

2. At their respective meetings, the two Conventions’ governing bodies also discussed the future workplan for the Joint Expert Group as contained in the progress report’s chapter III, and subsequently adopted the workplan with the proviso that the Group should examine similar work done under other forums related to guidelines (e.g. for ship navigation of rivers) before drawing up its own new ones (ECE/CP.TEIA/15/, paras. 70–74).

3. With regard to accomplishing the tasks listed in the workplan, the Joint Expert Group was entrusted to decide on the most suitable methods of work. The Group was also requested to report on the results of its work to the future Conference of the Parties to the Industrial Accidents Convention and Meeting of the Parties to the Water Convention. The Group’s activities and outputs are outlined in item 3.1 of the Industrial Accidents Convention’s programme of work for 2007–2008, established by decision 2006/4 of the Conference of the Parties (ECE/CP.TEIA/15/Add.1, appendix I).

4. In view of the upcoming fifth meeting of the Conference of the Parties to the Industrial Accidents Convention and the third meeting of Working Group on Integrated Water Resources Management under the Meeting of the Parties to the Water Convention, the present document was prepared to summarize the key results of work under the Joint Expert Group since November 2006.

5. During this time, the Joint Expert Group held its eighth and ninth meetings (Yerevan, 15 November 2007 and Geneva, 9–10 July 2008, respectively). The reports of both meetings are available at: <http://www.unece.org/env/teia/water.htm>.

I. MAJOR ACCOMPLISHMENTS

6. The Joint Expert Group focused its efforts on two tasks considered to be priority items in the workplan adopted in 2006. These tasks addressed: (a) provision of guidance and assistance to countries with economies in transition in the implementation of the conclusions and recommendations of the seminar on the prevention of chemical accidents and the limitation of their impact on transboundary waters (Hamburg, 4–6 October 1999); and (b) drawing up guidelines and good practices for tailings management facilities. In addition, the Group continued or initiated dealing the tasks described below in section C of this chapter.

A. Provision of guidance and assistance to countries with economies in transition in the implementation of the conclusions and recommendations of the Hamburg seminar

7. The Joint Expert Group investigated the possibility of organizing technical visits to hazardous activities in countries with market economies to study implementation of the Hamburg

seminar's conclusions and recommendations. It was foreseen that such visits should focus on capacity-building as well as the transfer of knowledge and good practices to countries with economies in transition.

8. The investigation showed that the organization of such visits was very difficult, in particular due to security concerns, as operators cannot easily lift restrictions on access to the hazardous installations.

9. In view of the above, the Joint Expert Group assessed other ways to facilitate the transfer good practices and knowledge on implementing the conclusions and recommendations of the Hamburg seminar. It decided that experts from countries with economies in transition should be invited to participate in the training session on the "Application of the checklist method for inspection and assessment of the safety level of the potential hazardous activities" organized for Moldovan and Ukrainian inspectors by the German Federal Agency for Environment (Odessa, Ukraine, 28–30 May 2008). These experts' participation will result in a model evaluation of how useful the training session was in terms of transferring knowledge on implementing the conclusions and recommendations of the Hamburg seminar.

10. The evaluations prepared by representatives of Armenia, Georgia, Moldova and Uzbekistan were presented to the Joint Expert Group's ninth meeting. These representatives concluded that the training – organized by Germany, with the use of checklist methodologies, in particular checklists addressing the recommendations and conclusions of the Hamburg seminar – could be helpful for participating authorities with respect to identifying standards and/or legislation to further improve safety at hazardous installations potentially dangerous to water. Checklists were also considered to be a useful means to improve coordination between different inspection authorities and to help enhance the effectiveness of inspections, which was very important given the scarcity of resources.

11. The evaluations also contained the recommendation that the Joint Expert Group explore possibilities to organize training sessions on the use of checklist methodology in countries with economies in transition. During the training sessions, participants should work at hazardous installations for which wastewater, fire protection, transshipment or flood protection was a priority concern, and the training sessions should allow participants to draw conclusions on how they could improve their countries' policies vis-à-vis better ensuring safety at such installations.

12. Taking into account the conclusions made and recommendations presented, the Joint Expert Group decided that the most effective way of providing assistance would be through holding similar national training sessions, which should be organized to address country-specific needs. The Group agreed that the best framework under which such training could be organized was the Industrial Accidents Convention's Assistance Programme for countries of Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE). The Group therefore invited those countries with economies in transition that participate in the Assistance Programme to include in their national action plans, established and initiated under the Programme, strategies for implementing the Hamburg seminar's recommendations and conclusions, and to specify their concrete needs for assistance.

13. The Joint Expert Group also agreed that a helpful tool for countries with economies in transition in elaborating their strategies for implementing the conclusions and recommendations of the Hamburg seminar would be a paper describing lessons learned from countries with market economies. To this end, preparation of such a document should be explored.

B. Drawing up guidelines and good practices for tailings management facilities

14. To address the safety of tailings management facilities (TMFs) and draw up safety guidelines and good practices for TMFs, the Joint Expert Group established a steering group with expertise on mining and tailings. In the process of developing the guidelines, the steering group organized a workshop on the safety of tailings management facilities, held on 12 and 13 November 2007 in Yerevan¹, and a technical visit to a TMF in Ararat (Armenia), which took place on 14 November 2007. The work of the steering group and the organization of the workshop were supported financially by Germany. The report of the workshop is contained in the document ECE/CP.TEIA/SEM.3/2007/2 - ECE/MP.WAT/SEM.8/2007/2.

15. The workshop provided a forum for competent authorities and experts from the public and private sectors to discuss and share good practices, in particular relating to safety management systems, inspections and emergency planning for TMFs as well as TMF pre-construction and closing. Issues of abandoned and/orphan TMFs, including their decommissioning and remediation as well as training and education for mining professionals on safety, were also discussed. In addition, the workshop provided an opportunity to review the first draft of the guidelines prepared by the steering group prior to the workshop and to collect suggestions and comments on the safety principles, recommendations and technical annex in the guidelines.

16. After the workshop, the steering group drafted a second version of the guidelines, which was translated into Russian and circulated to all UNECE member countries, as well as representatives of TMF operators, for final comments. Some comments received were reviewed and included in the third version, which was submitted to the ninth meeting of the Joint Expert Group. At this ninth meeting, the guidelines (as contained in ECE/CP.TEIA/2008/9 - ECE/MP.WAT/WG.1/2008/7) were finalized by the Group, which recommended their submission to the next meetings of the governing bodies of both Conventions for endorsement.

17. The Joint Expert Group noted its appreciation of the support of Germany, Armenia and the independent experts in developing the safety guidelines and good practices for TMFs.

C. Other activities

18. The Joint Expert Group agreed that the list of existing safety guidelines and good practices for prevention of accidental transboundary water pollution (available at <http://www.unece.org/env/teia/water.htm>) should be further improved, and most of all that they

¹ See <http://www.unece.org/env/teia/water/tailingdams/yerevan-document.htm>.

should be more comprehensive, in order to best serve their role.

19. The Joint Expert Group had been involved in different bilateral and multilateral projects (providing guidance and support as well as advertising the projects) assisting countries with economies in transition in introducing safety measures for hazardous activities, with a special emphasis on the prevention of accidental water pollution. Among them was a subregional seminar on “Alarm Thresholds at Transboundary River Basins (Chernovtsy, Ukraine, 15 October 2007)² organized under the German- Moldovan Ukrainian project, “Transboundary risk management at the Dniester River Basin”³.

20. The Joint Expert Group began addressing the subject of establishing guidance for cross-border contingency planning. A first draft outline of guidance was drafted and shared for comments with Parties to both Conventions on 27 May 2008. At the same time, the Joint Expert Group explored the ongoing work carried out under other projects related, inter alia, to cross-border contingency planning, in order to get acquainted with these projects’ results and consider them in terms of its own work (e.g. the project on strategies for implementation of the requirements of the European Union (EU) Water Framework Directive under article 11 (3) (L) for the prevention and reduction of the effects of unforeseeable water pollution of industrial plants, and the work on mutual assistance in the event of accidental pollution incidents carried out under the auspices of the International Commission on the Protection of the Danube River).

21. At the time of its ninth meeting, the Joint Expert Group had not received any comments on the first draft outline for guidance.

II. CHALLENGES AND BASIS FOR FUTURE WORK

22. The Joint Expert Group faced certain challenges in implementing its workplan as adopted by the two Conventions’ governing bodies at their respective last meetings. The main challenge was insufficient support provided from Parties to both Conventions. Only a few countries from Western and Central Europe – namely Germany, Hungary, the Czech Republic, the Netherlands, Poland, and a few countries from EECCA and SEE subregions – had participated regularly in the Group’s meetings. Even more limited were the leadership and commitment by countries for activities: without Germany, it would have been nearly impossible to continue with the implementation of the Group’s workplan.

23. An important observation in this regard is that the diversity of work foreseen in the workplan required different types of expertise. Countries often could not identify a single expert who could respond to multiple requirements; at the same time, countries could not afford to be represented by several experts at the meetings.

24. The lack of adequate participation rendered it difficult to consult on the Joint Expert Group’s draft documents in its meetings. Moreover, the lack of replies from many Parties –

² <http://www.dnestrschutz.com/html/naieiadu.html>.

³ www.dnestrschutz.com.

namely, the experts from competent authorities under both Conventions, but especially the Water Convention– to invitations to provide comments and/or suggestions on the draft outlines was also an impediment to reaching the results expected in the adopted workplan.

25. To continue the work of the Joint Expert Group and to maintain its role as an important forum for exchanging information and providing support or guidance on issues related to the prevention of accidental pollution of transboundary waters, Parties to both Conventions need to address the challenges faced by the Group.

26. The governing bodies to both Conventions should therefore discuss the reasons for inadequate participation and the resulting limited support and commitment for the Joint Expert Group's undertakings. To make the work more efficient, it is essential that the countries clearly express their specific needs to the Group.

27. The governing bodies of the two Conventions may wish to reflect on ways to improve the functioning of the Joint Expert Group, in particular to ensure both a broader representation of the Parties and more effective leadership for activities. In doing so, functioning modalities (e.g. organization of separate meetings on specific topics, under the leadership of different countries) should be discussed. In this respect, the issue of the capacity of the two Conventions' secretariats to service a greater number of meetings should be taken into consideration. The two governing bodies might also request their Bureaux to hold consultations on the Group's future.

28. The governing bodies may also wish to review and amend the current workplan of the Joint Expert Group (contained in the annex to this document) with the view to its adoption as a basis for Group's future activities. This review should aim at: (a) providing guidance and specifying concrete needs and demands for existing elements of the workplan; and/or (b) identifying new elements that would address the current concerns of Parties related to prevention of accidental water pollution.

III. PROPOSAL ON FUTURE ACTIVITIES

29. The Joint Expert Group, taking into account its current workplan, agreed to present for consideration of the Parties to both Conventions four elements of the workplan which could be undertaken by the Group in the biennium 2009–2010. Work on these elements would be carried out with the understanding that the Joint Expert Group would receive the requisite commitment and lead country support (including financial support):

(a) *Provision of guidance and assistance to countries with economies in transition in the implementation of the conclusions and recommendations of the Hamburg seminar.* In line with the conclusions and discussion of its ninth meeting, the Joint Expert Group would concentrate its efforts on developing a paper on lessons learned from implementing the conclusions and recommendations of the Hamburg seminar. Such a paper, prepared with the assistance of a consultant, on one hand could be a helpful tool for countries with economies in transition (see para. 13), and on the other would help countries with market economies to learn

from each other and further strengthen work in this area. An important part of this undertaking would be a multi-stakeholder workshop to collect lessons learned. For this, the Group would provide its support to Hungary, which had offered to explore the possibility of organizing such an event at the Group's ninth meeting.

(b) *Provision of guidance for establishing cross-border contingency plans.* The Joint Expert Group could continue the work commenced in 2008 related to establishing guidance for cross-border contingency planning. Initially, it requested countries to identify the needs and demands in this area; thereafter, it would agree on the most effective way to deliver the outputs requested. Furthermore, to make the best use of other relevant experiences, the Joint Expert Group would take into account the work carried out under, inter alia: (i) the project on strategies for implementation of the requirements of the EU Water Framework Directive under article 11 (3) (L) for the prevention and reduction of the effects of unforeseeable water pollution of industrial plants; and (ii) the work on mutual assistance in the event of accidental pollution incidents, carried out under the auspices of the International Commission on the Protection of the Danube River.

(c) *Promotion of the organization of response exercises, in particular in the transboundary context.* The Joint Expert Group would further promote and support the organization of transboundary response exercises and be a forum for collecting and exchanging the lessons learned from such exercises. The Group would aim at developing a paper on lessons learned, which could be a support tool for the less advanced countries with respect to improving their preparedness and response systems to emergencies involving transboundary waters.

(d) *Assistance in implementing the guidelines and good practices developed by the Joint Expert Group, and in particular for safety of pipelines and TMFs.* The Joint Expert Group would support countries willing to implement safety guidelines and good practices for pipelines and/or TMFs. The assistance, if requested, might comprise formulating and implementing projects aimed at the application of specific principles or recommendations of the guidelines, which could be, for example, developing a checklist methodology for the inspection and assessment of safety levels for pipelines or TMFs.

Annex

Elements of the workplan of the Joint Ad Hoc Expert Group on Water and Industrial Accidents adopted by the governing bodies to the Convention on the Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes at their respective meetings in Rome (15–17 November 2006) and Bonn, Germany (20–22 November 2006)

- (a) Provision of guidance and assistance to countries with economies in transition in the implementation of the conclusions and recommendations of the Hamburg seminar;
- (b) Drawing up of guidelines and good practices for tailing dams;
- (c) Facilitation of the exchange of information on the functioning of alarm and notification systems at the national, regional and local levels established within the framework of the two Conventions and/or international river commissions (e.g. Rhine, Elbe and Danube) through: (i) joint consultations of representatives of points of contact designated under the UNECE Industrial Accident Notification System and river alarm systems; and (ii) integration of monitoring and assessment systems and early warning systems in transboundary rivers;
- (d) Provision of guidance for establishing cross-border contingency;
- (e) Promotion of the organization of response exercises, in particular in the transboundary context;
- (f) Drawing up of guidelines and good practices for the navigation of ships on rivers;
- (g) Maintenance and updating of existing safety guidelines and good practices for the prevention of accidental transboundary water pollution and provision of guidance on their adaptation to specific needs and circumstances in river basins;
- (h) Development of methodologies to identify hazardous activities that handle smaller amounts of substances than those specified in annex I to the Convention on the Transboundary Effects of Industrial Accidents.
