

5 February 2014

English only

Economic Commission for Europe

Conference of the Parties to the
Convention on the Transboundary
Effects of Industrial Accidents

Working Group on Implementation

Twenty-second meeting

Bootle, 26 and 27 November 2013

Minutes of the twenty-second meeting

I. Opening of the meeting and adoption of the agenda

1. The Working Group on Implementation (WGI) under the Convention on the Transboundary Effects of Industrial Accidents held a meeting in Bootle, United Kingdom, at the Health and Safety Executive on 26 and 27 November 2013, at the invitation of the Health and Safety Executive.

2. The following members of the Working Group attended the meeting: Ms. S. Ashcroft (United Kingdom of Great Britain and Northern Ireland), Chair; Mr. E. Baranovsky (Belarus); Mr. H. Buljan (Croatia); Mr. T. Valanto (Finland); Mr. L. Iberl (Germany); Mr. M. Merkofer (Switzerland); and Ms. A.-S. Eriksson (Sweden). Ms. S. Milutinovic, (Serbia), Vice-Chair; Mr. Francisc Senzaconi (Romania) and Ms. E. Kupeva Nedelkova (the former Yugoslav Republic of Macedonia) could not participate.

3. The WGI especially regretted the absence of members from countries under the Assistance Programme who could not participate because of financial constraints. At the same time the WGI members regretted the repeated absence of some members. **The WGI decided to raise both issues at the upcoming joint meeting with the Bureau.**

II. Reporting on implementation

4. The secretariat reported on letters it had sent initiating the seventh round of reporting under the Convention by Parties and countries beneficiaries to the Assistance Programme. The letters, sent on 10 September 2013, described small changes to the reporting format, as mandated by the Conference of the Parties, and explained how to complete the reports. They also encouraged reporting Parties and countries to highlight good practices. The reporting format in English, French or Russian, together with the explanatory guidelines, was attached to the letters. Parties and reporting countries were requested to submit their implementation report by 31 January 2014. By the time of the meeting, the secretariat had received the national report from Monaco.

(a) Division of work for assessing the national reports on implementation.

5. WGI members **agreed on the schedule and division of work for the assessment of the national implementation reports.**¹ Each WGI member was requested to read all national reports which the secretariat would make available through a password-protected web-page. In particular, members would work in teams of two which would be responsible for the assessment of particular sections of the national reports. The teams were requested to send their assessment together with their draft conclusions to the secretariat one week before the next WGI meeting. Conclusions would be discussed at that meeting and used to compile the overall report on implementation for the COP. It was also decided that the secretariat would inform absent members about the decisions taken.

6. **WGI members**, following the discussion and decision at their previous meeting, **decided that it would be important to include in the assessment and in the conclusions, information identified on good practices.**

7. **The WGI also decided to request the Bureau to possibly make one of their members available** to provide a back-up to WGI members who might not be in a position to fully participate.

Follow-up actions:

- *The secretariat to draft a message informing (absent) WGI members about the split of responsibilities.*
- *The secretariat to monitor receipt of implementation reports and translate them if needed.*
- *The secretariat to monitor the collection of information on good practices.*

(b) Systematisation of the review of national implementation reports.

8. The WGI reviewed previous decisions taken concerning the procedures for assessing the national implementation reports, and in particular:

o The decision taken at the meeting on 29 January 2013 to create a systematisation for the assessment of the reports.

o The decision taken at the meeting on 4–5 June 2013 to prepare a draft matrix for the review of the national implementation reports, to be discussed at the current meeting. Mr. Merkofer and the secretariat were tasked to prepare it, pending additional information to be provided by one of the WGI members.

9. Since no additional information was provided by the WGI member in charge, despite efforts made by the secretariat and the Chair, and since no further suggestions concerning both the matrix and the systematisation were made at the meeting, **the WGI regretfully decided to abandon the discussion on the systematisation, including the development of a matrix.**

(c) Communication with the Russian Federation concerning its obligation to report under the Convention.

10. The secretariat updated the Working Group on its communication with the Russian Federation and reported that the Russian Federation nominated a new focal point under the Convention. In addition the WGI was informed that the Russian Federation agreed to submit the national report on implementation after the second half of 2014. The secretariat also expressed that more information would be shared during the joint meeting with the Bureau on 27-28 November 2013.

¹ The division of work among WGI members is attached to these minutes.

11. **WGI members welcomed the renewed dialogue with the country and the nomination of a new focal point** whose participation is important for the Convention. Members also expressed their understanding of the complex organisation of the country and discussed that simply the number of installations could hamper the preparation of the national implementation report. **In this regard, they decided that the Chair of the WGI would write to the newly appointed focal point, encouraging him to fill in the report with as much information as possible by the reporting deadline and informing him that a complete implementation report could be presented at the meeting of the Conference of the Parties in autumn 2014. The message from the Chair² would also include information on the fact that a WGI member (Mr. Baranovsky) would contact the Russian focal point to introduce him to his role as a focal point**, in particular when it comes to the coordination of inputs for the preparation of the implementation report.

12. **The WGI also decided to request the Bureau to insert in the agenda of the Conference of the Parties a presentation from the Russian Federation.**

Follow-up actions:

- *The secretariat to prepare a draft letter to the Russian Federation, to be sent by the WGI and Bureau Chairs, encouraging the country to submit an, even incomplete, implementation report by the reporting deadline.*
- *The secretariat to coordinate the contact with Mr. Baranovski.*
- *The secretariat to remind to the Bureau about the request from the WGI concerning the insertion of a presentation slot for the Russian Federation as one of the agenda items at the next CoP.*

III. Assistance Programme management

(a) Self-assessment and action plan submitted by Uzbekistan.

13. The WGI discussed the self-assessment and action plan submitted by Uzbekistan and **it agreed that additional assistance would be needed by the country to prepare both its self-assessment and the action plan.** The WGI also acknowledged that Uzbekistan indicated the need to receive assistance on notification of hazardous activities to neighbouring countries and that this need for assistance was consistent with the activity described in the table of activities for 2014 presented by the secretariat. **The WGI decided therefore to recommend such activity for approval by the Bureau** and specified that the organisation of such activity could also be merged with further training in preparing the self-assessment and the action plan, in order to maximise resources.³

Follow-up actions:

- *The secretariat to communicate the feedback to Uzbekistan.*
- *The secretariat to support Uzbekistan in the preparation of a project proposal.*

(b) Replies, received by countries beneficiary of the Assistance Programme, to the email sent on behalf of the Group's Chair.

14. As decided at the previous meeting, the secretariat reported on replies received from countries beneficiary of the Assistance Programme to the email sent on behalf of the Group's Chair, in which countries were asked to provide information about the reasons for

² At the joint meeting of the Bureau and WGI it was decided that the communication to the Russian Federation would consist of a joint message by the Chair of the WGI and the Chair of the Bureau.

³ Resources for providing support to Uzbekistan would need to be identified.

failing to submit self-assessments (or their revised versions) and action plans. In particular, the secretariat reported that only 3 out of 9 countries replied to the email, and that two of them (Albania and Azerbaijan) indicated that the persons participating in the training had left the ministry without passing on the knowledge to other colleagues. The third country, Tajikistan, reported having difficulties at the level of the institutional framework in submitting the documents, among others because it was a non-Party. **The WGI decided to:**

- o **Reply to the three countries as follows:** For **Albania and Azerbaijan**, since delays and problems with the quality of documents were mainly due to change of personnel, the WGI decided to **organise an activity** which would provide an explanation on the functioning of the indicators and criteria, and would be followed by a session specifically focusing on governance and transfer of knowledge within the ministries. For **Tajikistan**, it was decided **that a reply would be prepared which would encourage the country** to continue its efforts, also recalling the achievements from a previous awareness-mission.

(c) Further Assistance Programme activities.⁴

15. The WGI discussed also further matters related to the Assistance Programme and decided to proceed as follows:

- o **Open a discussion with the Bureau** concerning the various degrees of responsiveness of Assistance Programme countries.

- o **Proceed as follows with countries** (apart from Tajikistan) **that have never submitted neither a self-assessment nor an action plan** (that is to date Bosnia and Herzegovina and Kazakhstan): **for Bosnia and Herzegovina**, a new Party, it was decided to implement the activity suggested in the table of activities for 2014 (support to new Party) presented by the secretariat; **for Kazakhstan**, the only Party in Central Asia, it was decided to try a multiple approach: on the one side to write the country a diplomatic letter encouraging it to take the lead in the Region and to share its experiences, e.g. through the use of the indicators and criteria. On the other side, the country could potentially be engaged in cooperation with the Interstate Council for Industrial Safety within the CIS secretariat. Mr. Baranovsky volunteered to identify a contact person within the CIS secretariat. The WGI also decided to explore the possibility of including the Interstate Council for Industrial Safety within the CIS to the list of strategic partners.

- o **Concerning countries in the Caucasus**, it was also **decided to focus on Georgia** and possible requests for assistance stemming from the mission held in November 2013⁵. Given the sensitivity of the area, the meeting agreed to explore the possibility to which Azerbaijan and Armenia could be involved. Finally it was decided to postpone discussions about Armenia and Ukraine until the next meeting in summer.

Follow-up actions: The secretariat to:

- *Reply to Albania, Azerbaijan and Tajikistan as above.*
- *Take actions for organising the activity/mission to Bosnia and Herzegovina.*
- *Write a diplomatic letter to Kazakhstan.*
- *Coordinate with Mr. Baranovski for involving Kazakhstan through the Interstate Council for Industrial Safety.*

⁴ An update on the activity in Kyrgyzstan and further steps to take were discussed at the joint meeting of the Bureau and WGI, held back-to-back with this meeting.

⁵ The report of the mission to Georgia was presented at the joint meeting of the Bureau and WGI on 27-28 November 2013.

- *Follow-up with self-assessments and action plans from Georgia and possible cooperation with Armenia and Azerbaijan.*

(d) Proposals received concerning the editorial review of the Benchmark document (Indicators and Criteria).

16. At the previous meeting, the WGI requested the secretariat to research possibilities and related costs for the review of the Benchmarks document (Indicators and Criteria). The secretariat presented three options proposed by Zoi Environment Network⁶. **WGI members decided to recommend to the Bureau the option that would include:**

- Involvement of countries with good results in using the Strategic Approach and adding them as 'lighthouses' to the text.
- A focus on graphics and visual information and facilitation of assistance in the countries requesting support.
- The organisation of 1-2 days-training session on the use of the indicators and criteria, the development of indicators and collection of data to improve the substance of the benchmarks document (with the involvement of some members of the WGI and the Bureau) and presentation of the country status in a format that communicates well and has a reasonable cost per country.

17. The preferred option would cost CHF 50,000, but there would be possibilities to reduce the cost to CHF 40,000. Compared with the two others, the preferred option presented the advantage of:

- Providing assistance (also direct assistance with activities on site) to countries that need support in implementing the Strategic Approach while testing the revised version of the document (the WGI identified Albania and Azerbaijan);
- The revision would be done in a structured way and it would also include good practices.

18. At the same time **the WGI decided that particular attention should be given to creating the terms of reference for the contract and specific breaking points where quality check would be carried out by the WGI/ members of Bureau.**

Follow-up actions: The secretariat to start the implementation of the activity as soon as possible, in particular through the following:

- *Contact ZOI to explore whether a reduction of cost would be possible and to agree on the terms of reference for the review on the indicators and criteria.*
- *Inform the two identified countries about the project and agree on tentative dates for the two missions.*

(e) Decision on recommendation of assistance activities (within the Assistance Programme) from the table containing activities for 2014 presented by the secretariat.

19. **WGI members decided to recommend to the Bureau the organisation of the following activities in 2014/15**, contained in a list presented by the secretariat and compiled taking into account the programme of work and country:⁷

- National follow-up session on the development of a safety report for the former Yugoslav Republic of Macedonia (postponed from 2013)

⁶ The secretariat contacted three possible NGOs/individual consultants that could have undertaken the task. Only one of them was available to carry out the task during the required time.

⁷ Final decisions on priorities for the assistance programme are reflected in the minutes of the joint meeting of the Bureau and the Working Group on Implementation, held on 27–28 November 2013.

- Support towards ratification and re-engagement for Uzbekistan (could possibly include other Central Asia countries) on notification of hazardous activities, possibly in 2015, if funds would become available.
- Support to new Party: Bosnia and Herzegovina.
- Supporting national coordination (focus on Georgia, possible involvement of Armenia and Azerbaijan).
- For 2015: Support to ratification and implementation (5 Central Asia countries through the project proposal submitted to the Russian Federation).

Follow-up actions: The secretariat to follow-up with the Russian Federation concerning the project proposal submitted.

(f) Status of self-assessment and action plans in the countries.

20. This agenda item was carried forward from the meeting in June 2013. The Working Group briefly discussed whether there was a need to be more specific in suggesting to countries beneficiary to the Assistance Programme, the legal status self-assessments and action plans should have, to allow the effective use of the instruments and to ensure full support from national authorities. **The WGI decided for the time being to keep the status quo**, that is to leave up to each country to decide on the legal status of both documents. **At the same time members took note of the fact that some focal points are in a difficult situation**, since they are alone in pushing the implementation of the plan amongst other authorities in the country.

(g) Terms of reference for the implementation of projects under the Assistance Programme.

21. Despite the fact that the document was to be presented and discussed at the joint meeting, the WGI members decided to briefly discuss the issue, since they identified misunderstandings in the new version of the document that was prepared after the Bureau meeting in June. **WGI members decided to seek clarification at the Joint meeting.**

22. WGI members also regretted the fact that updates on past, current and planned assistance activities would only be provided at the Joint meeting of the Bureau. They also observed that such information was essential for their role in managing the Assistance Programme. **Members of the group therefore requested the secretariat to prepare a table consisting of a list of countries under the Assistance Programme and specifying which of them submitted self-assessments and action plans, project proposals etc. Group members also requested the table to be updated and that it be added as a standing item to the WGI agenda. The WGI would also use the table for the purpose of reporting to the Bureau on the Assistance Programme.**

IV. Schedule of meetings

23. The Working Group decided on its next meetings as follows:

- **For the meeting to review the national implementation reports:** on **5-6 May 2014**. Romania offered to host the meeting. In case the date of 5-6 May would not be possible, the WGI decided that 14-15 April 2014 should be the alternative dates.⁸
- **For the meeting to review the implementation of the Assistance Programme**, and in view of the meeting of the Conference of the Parties, it was decided to meet

⁸ Following the meeting, it was agreed to hold the next WGI meeting on 14–15 April 2014 in Romania. The secretariat is awaiting confirmation on the venue from Romania.

on **2-3 July** 2014. As an alternative, the group considered meeting on 1-2 July. The WGI also requested the secretariat to check with Ms. Milutinovic regarding possibly holding the meeting in Serbia.

Follow-up actions:

- *The secretariat to be in contact with Romania to confirm the date and venue of the next meeting. The preliminary booking in Geneva to be kept until mid-February just in case.*
- *The secretariat to get in contact with Serbia to see whether organising the meeting at the proposed dates would be feasible and, in the meanwhile, book a suitable room in Geneva as back-up.*

V. Coordination with other implementation and compliance mechanisms

24. At its previous meeting in June, the WGI discussed the level of participation of NGOs to the activities of the Convention. It then mandated the secretariat to gather information about the attendance of NGOs in the activities and at different meetings organised by the other ECE Multilateral Environmental Agreements. The WGI took note of the different status and roles that the NGOs play in the 5 ECE MEAs. **It further decided not to take any further action on this agenda item for the time being.**

Follow-up actions: The secretariat to keep in mind this presentation, in case there is desire to follow-up.

VI. Presentation of the main decisions taken and closing of the meeting

25. The WGI reviewed the decisions taken at the meeting and agreed on the content of a report to be presented at the Joint meeting with the Bureau.

26. The WGI members thanked the Chair for the organisation of the meeting and the hospitality. The Chair closed the meeting on 27 November 2013.

Annex: Division of work among WGI members for the review of the 2012/13 implementation reports

The WGI decided to divide the work on reviewing the national implementation reports according to the respective sections of the reports (see below). It was agreed that two members would work in teams to review a particular section and that they would **provide their joint assessment one week before the next WGI meeting to the secretariat.**

Section	WGI members in charge
Policy for implementation of the Convention	Ms. Sandra Ashcroft and Mr. Leo Iberl
Identification and notification of hazardous activities	Ms. Emilija Kupeva and Mr. Martin Merkofer
Prevention of industrial accidents	Mr. Leo Iberl and Ms. Suzana Milutinovic
Emergency preparedness and response	Ms. Ann-Sofie Eriksson and Mr. Tapani Valanto
Mutual assistance	Mr. Francisc Senzaconi and Mr. Evgeny Baranovsky
Scientific and technological cooperation and exchange of information / participation of the public	Mr. Hrvoje Buljan and Mr. Martin Merkofer
Decision-making on siting and reporting on past industrial accidents	Ms. Ann-Sophie Eriksson and Mr. Francisc Senzaconi