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English only

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## **Economic Commission for Europe**

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

### **Bureau**

#### **Twenty-seventh meeting**

The Hague, Netherlands, 16 and 17 June 2014

### **Minutes of the meeting**

#### **I. Opening of the meeting and adoption of the agenda**

The following members of the Bureau attended the meeting: Mr. C. Dijkens (Netherlands), Chair; Mr. G. Hem (Norway), Vice-Chair; Ms. J. Karba (Slovenia), Vice-Chair; Ms. A. Aleksandryan (Armenia); Mr. G. Winkelmann-Oei (Germany); Ms. S. Stirbu (Republic of Moldova); Mr. B. Gay (Switzerland); and Mr. P. Forint (Czech Republic). Mr. C. Piacente (Italy) was unable to participate in the meeting. Mr. Alexandros Kiriazis, successor of Ms. J. Michielssen (European Union), participated on her behalf. Ms. S. Ashcroft (United Kingdom), Chair of the Working Group on Implementation, participated also in the meeting which was serviced by the secretariat to the United Nations Economic Commission for Europe (ECE), represented by Mr. Sergiusz Ludwiczak, Ms. Franziska Ilg-Hirsch and Ms. Claudia Kamke.

The Bureau adopted the provisional agenda (CP.TEIA/2014/B.1/Agenda) without changes.

#### **II. Financing and overall implementation of the workplan**

The secretariat reported on contributions to and expenditure from the Convention's trust fund, and presented information for incorporation into a draft paper on the use of financial resources in the biennium 2013–14. The Bureau discussed the information provided by the secretariat and agreed on the following:

(a) The document on the use of financial resources in the biennium 2013–14 should continue to be presented in the format agreed by the Conference of the Parties (COP) at its fifth meeting;

(b) Both financial and in-kind contributions should be acknowledged in the document on the use of financial resources in the biennium 2013–14. In-kind contributions should continue to be indicated with their estimated value alongside financial contributions in the detailed list of expenditures and be made more visible in the introductory text;

(c) In accordance with the sustainable financial mechanism, the secretariat should remind Parties to provide financial and/or in-kind contributions when sending out the letters inviting them to participate in the upcoming COP;

(d) Letters sent to Parties inviting them to make financial and in-kind contributions should be sent to the Minister of the competent authority(ies). These letters should always be copied to focal points.

The Chair reported that the small group on financing had not yet met. He invited the group members (Chris, Gunnar, Sandra and Svetlana) to meet on 22 August 2014 in Geneva, Switzerland, to discuss how to: (i) Ensure financial sustainability of the Convention's trust fund in order to build a financial reserve for implementation of the 2015–2016 workplan; (ii) Strengthen cooperation with strategic partners; and (iii) Review the document on the use of financial resources 2013-2014 to ensure visibility of both financial and in-kind contributions.

The secretariat reported on problems with the current system for providing financial support to participants from Eastern and South-Eastern Europe, the Caucasus and Central Asia which was agreed at the seventh meeting of the COP (Stockholm, 14–16 November 2014) and was aligned with the system used by the Committee on Environmental Policy that considered GDP as a basis for the type of support to be provided. In particular, the secretariat informed the meeting that the current system has led to a lack of participation of some countries from Eastern and South-Eastern Europe, the Caucasus and Central Asia in meetings held under the Convention as well as to a high administrative burden for the secretariat with regard to the booking of trips for participants who receive full financial support, i.e. on top of the daily subsistence allowance (partial financial support) also an air ticket.

In light of the above challenges and to align the Convention's practices with those in other ECE MEAs, the secretariat proposed a simplified system to provide financial support which would enable the participation of more countries and reduce the administrative work for the secretariat. The proposed new system of financial support was based on the practices and experiences by the Aarhus and Air Conventions which used similar systems. The Bureau agreed with the principles of the new proposal and suggested that it be presented at the upcoming meeting of the COP for adoption, provided that the secretariat would include further information, such as sample calculations, estimations on the overall budgetary impact as well as information on financial support systems in other Conventions. It also suggested that the new financial system be tested at COP-8 in order to allow the Conference of the Parties to take a decision on its continued use in the future. The secretariat was requested to inform the countries receiving financial support in due time about the amended financial support system.

### **III. Preparations for the Eighth meeting of the Conference of the Parties**

The secretariat informed the meeting about the venue and dates of the next COP which will be held on 3–5 December 2014 in Geneva, Switzerland. It also presented an overview of the expected official documentation for consideration by the COP. The Bureau discussed the documents and agreed on the following:

#### **a) Annotated provisional agenda**

The secretariat informed the meeting about the proposed programme for the COP with which the Bureau agreed with some adjustments, notably to the agenda items on "Assistance Programme" and "Exchange of Information", in particular a seminar on enhancing industrial safety in the ECE region which the Bureau advised to focus on the exchange of good practices amongst Parties, as well as with industry, academia, NGOs and international organizations. Ms. Ashcroft and Ms.

Karba volunteered to support the secretariat with the organization of the seminar on “Enhancing industrial safety in the ECE Region.”

**b) Activities of the Bureau since the seventh meeting of the COP**

The meeting discussed the draft report on the Bureau’s work during the biennium 2013–2014 and decided to change the way of reporting by the Bureau in comparison to previous year to allow the Bureau to highlight its activities and to report on progress made rather than listing all workplan activities. The Chair and Vice-Chairs volunteered to support the secretariat with the finalization of the report, in particular with the drafting of the part on the evaluation of activities carried out and progress made. The meeting also agreed to continue its previous practice of backing up its written report to the COP with a presentation by the Chair.

**c) Seventh report on the Implementation of the Convention (2012–2013)**

The Chair of the Working Group on Implementation (WGI) informed the Bureau about the status of reporting within the 2012–2013 reporting round and presented the draft of the seventh report on the implementation of the Convention which will be submitted to the COP. The Bureau provided comments on the report which the WGI Chair intended to discuss with the entire WGI at its next meeting (Geneva, 2–3 July 2014) in order to agree on the finalization of the report. The Bureau also requested the WGI Chair to discuss with WGI the possibility to prepare a draft decision on strengthening the implementation of the Convention in order to emphasize certain conclusions and recommendations of the report on the implementation of the Convention. In the affirmative, the WGI would consult the draft decision with the Bureau before its submission to the COP.

**d) Use of financial resources in 2013–2014**

The document on the use of financial resources was discussed under agenda item 2.

**e) Progress report on the Assistance Programme**

The Bureau agreed with the draft outline of the document on the Assistance Programme prepared by the secretariat and the proposed approach to focus this document not only on the report of activities in the biennium 2013-2014, but also on the activities carried out during the past decade and their assessment. The Bureau recommended that this document provide the basis for the COP to discuss the continued delivery of assistance activities in the framework of the Convention, with due account to the needs of the beneficiary countries, strategic partnerships, sustainable financing and long-term impact. The Bureau considered that an enhanced focus on subregional activities for the future delivery of assistance activities may merit consideration. Furthermore, the Bureau discussed and agreed that the time was not ripe for an evaluation of the Assistance Programme which could be carried out at a later stage in time.

**f) Priorities, workplan and resources under the Convention for 2015-2016**

The secretariat presented a first draft of the workplan for the biennium 2015-2016, structured according to the long-term strategy as per previous practices for review and discussion by the Bureau. They agreed with the principle approach to the draft workplan and requested the secretariat to make adjustments for its finalization, such as the following:

(a) The budget of the activity on “Sharing of good practices on land-use planning” should be adjusted to 35.000 USD. It should be implemented with partners, possibly also with the European Union’s Joint Research Centre.

(b) The reference to the Civil Liability Protocol should be put on a waiting list and the budget should be reduced to 25.000 USD accordingly.

No agreement could be reached whether to include the drafting of an Implementation guide for which the secretariat circulated a resources estimate in the draft 2015-2016 workplan. The secretariat indicated that work that could feed into an implementation guide on the amended Annex I could begin in the next biennium. Work to prepare a more encompassing implementing guide addressing the different legal provisions would be more useful to begin following agreement on amendments to the Convention, i.e. possibly as of 2017-2018.

The meeting also suggested that the WGI at its upcoming meeting (Geneva, 2-3 July 2014) discuss whether the recommendations derived from the seventh report on the implementation of the Convention were adequately reflected in the workplan for 2015–16. The WGI Chair agreed to report back on the outcome of the discussion after the meeting.

**g) Draft decision, including the revised annex I, for adoption at the COP**

The Chair of the Working Group on Development (WGD) informed the meeting about the decisions regarding the revision of Annex I to the Convention, taken at the fourth WGD meeting (Geneva, 28-29 April 2014), and invited the Bureau to comment on the draft decision for adoption by the COP. The Bureau, making minor editorial comments, agreed with the draft decision of the revised Annex I and requested the WGD Chair, supported by the secretariat, to write to the Executive Secretary of ECE to request circulating the revised Annex I at least 90 days in advance of the COP to Parties.

**h) Proposal for prioritization of possible amendments of the Convention and COP guidance, including recommendations of the subsidiary body(ies) in charge**

The Chair of the WGD informed the meeting about the decisions regarding the other possible amendments to the Convention, taken at the fourth WGD meeting (Geneva, 28-29 April 2014), and invited the Bureau to comment on the draft COP document on proposed prioritization of amendments<sup>1</sup> and COP<sup>2</sup> guidance prepared by the secretariat. The Bureau agreed to propose to the COP that the WGD should be mandated with negotiating and preparing draft elements of text for all amendments, with the exception of the opening of the Convention to UN member States beyond the ECE region, for which the discussion at COP-8 needs to be awaited.

The Bureau also agreed to propose to the COP that WGD should be the main body charged with the preparation of COP guidance for the majority of the

<sup>1</sup> The Working Group on Development, at its fourth meeting, agreed to propose to the Conference of the Parties to amend the following articles of the Convention: (i) Article 1 to revise the definitions; (ii) Article 9 to strengthen provisions on public participation; (iii) Article 18, para.1 to modify the frequency of meetings; and (iv) Article 29 to clarify the application of amendments to new Parties.

<sup>2</sup> The Working Group on Development, at its fourth meeting, agreed to recommend that the following issues would best be addressed by means of guidance by the Conference of the Parties: (i) Clarifying the scope of mutual assistance (art. 12); (ii) Reporting obligations with regard to periodicity, public accessibility and other issues (art. 23); (iii) Provisions on land-use planning (art. 7); (iv) Provisions on the review of compliance (art. 23); and (v) Terms of reference of the subsidiary bodies.

issues to be addressed through such guidance and that WGD should be charged with the organization of this work including the possible establishment of subsidiary groups. The Bureau recommended that the WGD should closely cooperate with WGI in addressing the terms of a possible compliance mechanism. WGI should be the body mandated by the COP with the preparation of draft COP guidance on reporting obligations with regard to periodicity, public accessibility and other issues (art. 23). The Bureau itself would prepare an update of the Terms of Reference of the subsidiary bodies under the Convention for review and adoption by the COP at its forthcoming meeting.

**i) Background paper on the opening of the Convention to UN member States beyond the ECE region**

The secretariat presented an outline of a background document on the possible opening of the Convention to the UN member States outside of the ECE region, prepared on the basis of the request by WGD-4. The Bureau welcomed the document and recommended that the secretariat include further considerations in the document, such as the advantages and disadvantages to be considered regarding the opening of the Convention to non-ECE region member States including neighbouring countries, possible alternatives to amending the Convention, and the experience from other ECE MEAs. The secretariat informed the Bureau that in addition to the document reviewed, a document prepared for the attention of the Committee on Environmental Policy will be available as background information for the discussions at COP-8. The Bureau discussed whether representatives of non-ECE region member States should be invited to COP-8, in order to better understand whether there would be an interest in the Convention and concluded that it would be premature to do so. It invited the secretariat to get in contact with the other UN regional commissions and global organizations such as UNEP to see whether they would have an interest in participating in COP-8. In this context the Bureau invited the secretariat to investigate which initiative with a similar objective and scope of the Convention existed worldwide and to reflect this information, to the extent feasible, in the background document to be prepared for COP-8.

**j) Document on the ratification status**

The secretariat provided an update on the status of ratifications which had increased from 40 to 41 Parties in this biennium due to the accession of Bosnia and Herzegovina to the Convention on 21 May 2013.

**k) Compliance regimes under ECE multilateral environmental agreements**

The secretariat presented a draft paper on compliance regimes under ECE multilateral environmental agreements that should be submitted to the COP following the request by WGD-4. The Bureau welcomed the paper and requested the secretariat to include further issues into the final version, such as a reference to the financial considerations, experiences of other ECE multilateral agreements and objectives of compliance procedures.

**l) Elections**

The Bureau discussed a possible composition of the Bureau and the WGI for the next biennium. It requested the Chair, supported by the secretariat, to further engage in the preparation of a proposal, based on the expressions of interest received at the meeting and taking into account a balanced representation of the different geographical subregions of ECE.

#### **IV. Opening of the Convention to United Nations member States outside of the ECE region**

This issue was addressed when discussing the background paper on the opening of the Convention under agenda item III (i).

#### **V. Terms of Reference of the Convention's subsidiary bodies**

As requested by the Bureau at its last meeting, the secretariat made a presentation clarifying the mandates of the Bureau, WGD and WGI, based on their Terms of Reference (ToR) adopted by the COP and the evolution of roles and mandates since then. In light of the discussion and a recommendation by the WGD at its fourth meeting to prepare COP guidance through the adoption of updated ToR for the three subsidiary bodies, the Bureau agreed to start preparing a proposal for amendments to the ToR of the above-mentioned bodies. An updated proposal would be circulated amongst Bureau members with the objective of reaching agreement and proposing it for adoption at COP-8. The proposal would be circulated for the consideration by all Parties in advance of CoP-8, attaching it to the report of the Bureau on its activities.<sup>3</sup> The Bureau decided to use electronic communication in between its meetings to work on the ToRs and to agree on an updated picture of the Convention's governance structure on the ECE homepage.

#### **VI. Joint Expert Group on Water and Industrial Accidents**

The secretariat, based on input provided by the JEG Co-chair from the Industrial Accidents Convention, made a presentation on the progress made concerning the development of a checklist/methodology for contingency planning for accidents affecting transboundary waters. The secretariat informed the meeting that the Water Convention secured funding, provided by Germany, for a consultant to finalize the draft checklist/methodology and that Hungary kindly offered to host a meeting of the JEG on 6-7 October 2014 to review the draft checklist/methodology before submitting it for adoption the Eighth meeting of the Conference of the Parties to the Industrial Accidents Convention.

The meeting welcomed these developments and suggested that the secretariat, supported by Mr. Winkelmann-Oei, would contact the consultant to provide the relevant material and advice to allow for a timely finalization of the checklist/methodology for the upcoming COP. The meeting also encouraged the Bureau Chair to organize the previously suggested teleconference between the Chairs of the Industrial Accidents and Water Convention with the JEG Co-Chairs before the upcoming meeting of the COP.

#### **VII. Outstanding action items from the last Bureau meeting**

The secretariat briefed the meeting about the progress made regarding the implementation of further activities, such as with the publication of the "safety guidelines and good industry practices for tailings management facilities" which, in its English version, was shared as a hard copy at the meeting. The Russian version

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<sup>3</sup> Following the meeting and initial discussions on the terms of reference of the three bodies, the Bureau decided not to prepare an updated proposal for adoption at COP-8.

would be available in due course in advance of the next meeting of the Conference of the Parties.

Following an update provided by the secretariat on the upgrade of the ECE IAN System, the Bureau noted with satisfaction that the System had been successfully launched in the first half of 2014 and supported the carrying out of further test, once all Points of Contacts will have re-registered in the System.

The Bureau also discussed possible closer cooperation with other organizations, on the basis of background information provided by the secretariat, and agreed that the European Environmental Bureau, Green Cross International and UN Office of Disaster Risk Reduction (UNISDR) should be added as partners, visible on the Convention website. With regard to UNISDR, the secretariat briefed the Bureau of the two upcoming preparatory meetings organized by the UNISDR for the third World Conference on Disaster Risk Reduction to be held in Geneva, on 14-15 July 2014 and 17-18 November 2014<sup>4</sup>. The secretariat invited Bureau members to consider participation in these events with a view at raising awareness of the Convention in the Disaster Risk Reduction community. Alternatively, Bureau members could also consider liaising with their national delegations to ensure that reference could be made in respective statements.

The Bureau also welcomed the progress made with the translation of the cartoons on the Convention into French and Russian, the outcomes of the inter-agency meeting held on 27 May 2014 and the actions taken by the secretariat to encouraged all Parties and other ECE member States to report on major accidents using the European Union's major accident reporting system (eMARS).

### **VIII. Proposed schedule of meetings for 2014/15**

For planning purposes, the secretariat provided an overview of provisionally scheduled meetings in 2014–2015. The meeting agreed on the dates and requested the secretariat to indicate them, upon confirmation, on the Convention's homepage.

### **IX. Capacity building activities**

#### **(a) Assistance Programme activities**

The WGI Chair reported on the number, quality and the WGI's evaluation of the self-assessments and/or action plans received by beneficiary countries of the Assistance Programme. She also informed the meeting about planned Assistance Programme activities and reported that country specific information would in future be collected in a table, allowing the WGI to keep better track of the progress made of a country in implementing the Convention. The Bureau welcomed this approach and supported the activities planned, in particular also the testing of the more user-friendly version of the indicators and criteria in Albania and Azerbaijan in fall 2014.

Mr. Winkelmann-Oei, supported by the secretariat, updated the meeting on the progress made in the implementation of the Danube Delta project, highlighting the added value of the finalized safety guidelines and good industry practices for oil terminals for all ECE countries, whether Party to the Convention or not. The

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<sup>4</sup> More information about the preparatory process for the Third World Conference to be held in Sendai, Japan, 14-18 March 2015, is available at <http://www.wcdr.org/preparatory>

meeting welcomed the safety guidelines and agreed with Mr. Winkelmann-Oei's proposal to submit them to COP-8 for its consideration and recommendation of use by Parties and non-Parties.

**(b) Other capacity building activities**

The meeting discussed the implementation of the following work plan activities:

- (i) Progress made on the development of a guide on methodology for hazard rating, in collaboration with partners

The secretariat briefed the meeting on the progress made with the hazard rating guide which was developed in partnership with the European Union's Joint Research Centre and shared with the members in advance of the meeting. The Bureau welcomed the document, in particular the idea of launching it during a webinar in fall 2014, and requested that it be presented at the Conference of the Parties.

- (ii) The delivery of the workshop on the development of guidelines on transboundary risk assessment (RIECO), possibly including the characterization of exposure risks (lead country: Republic of Moldova)

The meeting was briefed on the project progress and results by Mr. Dijkens and Ms. Stirbu who stressed the benefits of cooperation with WHO. The Bureau expressed support for the further implementation of such partnership activities in the future.

- (iii) Risk management at tailings management facilities: development of a checklist and practical exercises – report on the first steering committee meeting

Mr. Winkelmann-Oei briefed the meeting about the implementation of the project, its outputs and a possible follow-up project with Armenia and Ukraine. The meeting welcomed the products and recommended that they be presented at the upcoming COP. It also supported the implementation of a follow-up project and requested the secretariat to reflect this accordingly in the next workplan.

**X. Other business**

The Bureau decided to hold its next meeting on 2 December 2014 in Geneva, back-to-back with the Eighth meeting of the Conference of the Parties.

**XI. Closing of the meeting**

The Chair thanked the secretariat and members of the Bureau for their support in advance and during the meeting before closing the session on 17 June 2014.

Bureau members and the secretariat thanked the Chair for the hosting of the Bureau meeting in The Hague and the associated hospitality.