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## Economic Commission for Europe

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

### Working Group on the Development of the Convention

#### Seventh meeting

Geneva, 12–14 April 2016

Item 2 of the provisional agenda

#### Amendment to the Convention

## Proposed amendment to the Convention

### Note by the secretariat

#### *Summary*

At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents requested the Working Group on the Development of the Convention (Working Group on Development) to prepare a draft amendment to the Convention, for review and adoption at the ninth meeting of the Conference of the Parties (ECE/CP.TEIA/30, paras. 40–41).

The present document outlines the Working Group's efforts to elaborate a draft text, and provides an explanation of the draft revised text contained in annex I. The text of the draft amendment in annex I was revised by a small group of legal experts in cooperation with the secretariat, following Parties' comments at the sixth meeting of the Working Group on Development (Geneva, 30 November–2 December 2015). Annex II sets out the draft decision for amending the Convention, prepared by the Chair of the small group of legal experts in cooperation with the secretariat.

The Working Group will be invited to discuss and reach agreement on the outstanding draft text for amending the Convention, including the draft decision to which it will be annexed, for submission to the Conference of the Parties at its ninth session for adoption of the amendment.

## Introduction

1. At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) requested the Working Group on the Development of the Convention (Working Group on Development) to prepare a draft amendment on articles 1 (definitions), 9 (information to, and participation of the public), 18 (Conference of the Parties) and 29 (ratification, acceptance, approval and accession) of the Convention, considering also related provisions, articles and annexes, for adoption at the ninth meeting of the Conference of the Parties. This decision was based on the Working Group's recommendation (see ECE/CP.TEIA/WG.1/2014/3, annex II). The Working Group was also requested to prepare draft text to open the Convention for accession by Member States of the United Nations beyond the United Nations Economic Commission for Europe (ECE) region, as part of the same amendment.

2. At its fifth (Geneva, 11–13 May 2015) and sixth (Geneva, 30 November–2 December 2015) meetings, the Working Group on Development considered draft text for an amendment to the Convention, prepared by the secretariat in cooperation with the small group of legal experts and a legal consultant, as well as the draft text submitted by Parties. Members of the Working Group provided comments and agreed on the majority of the draft amended text. Agreement remains to be reached on the proposed changes to the preamble and some elements of article 9.

3. The present document sets out the previous considerations by the Working Group and provides an explanation of the draft revised text. The draft amended articles are presented in annex I in a consolidated manner, showing changes to the Convention text. This includes changes agreed at the Working Group's fifth and sixth meetings as well as additional changes to article 9 proposed by the small group of legal experts, in line with its terms of reference and the Working Group's requests at its previous meeting. For clarity, in the consolidated text, text that has been deleted is shown in strike-through characters, while new text is indicated in bold type. The additional changes proposed by the small group and text that have not yet been agreed are shown in square brackets. The draft decision for amending the Convention, prepared by the Chair of the small group of legal experts in cooperation with the secretariat, is contained in annex II. More information about the Working Group's mandate received from the Conference of the Parties at its eighth meeting can be found in the document containing the draft amendment discussed at the previous meeting (see ECE/CP.TEIA/WG.1/2015/13).

## I. Article 1

### A. Consideration by the Working Group at its fifth and sixth meetings

#### Definition of “the public”

4. At its fifth meeting, the Working Group on Development agreed on the amended definition of “the public”, as proposed.

#### Definition of “effects”

5. Also at its fifth meeting, the Working Group suggested changes to the definition of “effects” in order to achieve closer alignment with the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Convention on Environmental Impact Assessment in

a Transboundary Context (Espoo Convention). The secretariat was tasked to review the alignment with other ECE multilateral environmental agreements and to prepare a revised draft on that basis.

6. At its sixth meeting, the Working Group reviewed the proposed adjustments made by the secretariat and suggested further changes. It agreed to replace “biological diversity and its components” with “biodiversity.” Following a discussion on the proposed elements for inclusion, the Working Group agreed on a revised definition of “effects” that achieved consistency with the Protocol on SEA, while not introducing effects on natural sites and the climate.

#### **Notification of hazardous activities and an industrial accident**

7. At its fifth meeting, the Working Group discussed the need to clarify the difference between the notions “notification of hazardous activities” and “notification of an industrial accident” by adding two definitions to article 1, given that there had been confusion among ECE countries in the past, as reported by members of the Working Group on Implementation. Based on the deliberations by the Working Group on Implementation presented by its Chair, at the sixth meeting, the Working Group on Development agreed not to introduce additional definitions. It agreed to amend the heading of article 4 of the Convention to include “notification” so that it read: “Identification, notification, consultation and advice”. This should improve clarity and visibility with regard to the notification requirement in article 4, distinct from the requirement for industrial accident notifications in article 10.

### **B. Rationale for the revised draft text**

8. The proposed amendment of article 1 contains the changes agreed by the Working Group at its two previous meetings. The proposed amendment to article 1 aligns the Industrial Accidents Convention more closely with other ECE multilateral environmental agreements, while adjusting the definitions to internationally accepted developments. It also improves clarity, legal certainty and internal consistency.

## **II. Article 9**

### **A. Consideration by the Working Group at its fifth and sixth meetings**

9. At its fifth meeting, the Working Group considered options for revising article 9 based on an initial draft prepared by the secretariat in cooperation with a legal expert. Working Group members exchanged views and raised several concerns, requesting the small group of legal experts to prepare a revised draft amended text of article 9, proportionate to the Convention’s objectives and taking into account the mandate received from the Conference of the Parties as well as the discussions held at the meeting.

10. Following the intersessional preparation of draft text by the small group of legal experts and the secretariat, and considering comments and draft text submitted by Parties, the Working Group agreed at its sixth meeting to base its deliberations on article 9 on a proposal by the European Union. Several adjustments were made to the text.<sup>1</sup> Among

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<sup>1</sup> A more detailed description of the changes made and agreed can be found in the report of the sixth meeting of the Working Group on Development (ECE/CP.TEIA/WG.1/2015/7, forthcoming).

others, Parties agreed to: (a) make information available to the public “in electronic databases” (art. 9, para. 1 (d)), in line with the requirement set out in article 5, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention); (b) add “whenever possible and appropriate” to the requirement to ensure public consultation and participation in decision-making regarding the development or significant modification of off-site contingency plans referred to in article 8 (art. 9 bis, para. 2 (c)); and (c) not to introduce the term “public concerned” in articles 9, 9 bis or 9 ter and the definitions under article 1, as had been proposed by the small group of legal experts.

11. The small group of legal experts was requested to review the text of the proposed articles 9 and 9 bis, with the aim of removing the reference to the principles of articles 5 and 6 of the Aarhus Convention and to extract and develop selected key principles for the Working Group’s review at its seventh meeting.

## **B. Rationale for the revised draft text**

12. The text reflects the changes agreed by the Working Group at its sixth meeting. At the same time, it includes in brackets the changes proposed by the small group of legal experts, in accordance with the mandate received from the Working Group at its sixth meeting and its terms of reference.

13. The small group identified the following principle from article 5 of the Aarhus Convention as being relevant for insertion into the draft text of article 9: the information given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity shall be provided in a timely and effective manner so as to ensure transparency.

14. The small group identified the following principles from article 6 of the Aarhus Convention as relevant for insertion into the draft text of article 9 bis:

(a) The public shall be permitted to submit its views and concerns to the competent authority responsible for making the relevant decision at a time when all options in relation to that decision are open;

(b) In making known its views and concerns, the public shall be permitted to submit comments, information and analyses to the competent authority responsible for making the relevant decision;

(c) The competent authority responsible for making the relevant decision shall duly take into account the views and concerns expressed by the public in reaching its decision;

(d) When the decision is taken, the competent authority responsible for making the relevant decision shall ensure that the public is promptly informed of the outcome of that decision together with its reasons.

15. To ensure legal clarity, the small group also proposed to delete in article 9, paragraph 2 “[including in affected Parties]”, as the term “the public in the areas capable of being affected” captures the public in the Party of origin and the affected Party.

### **III. Article 18**

#### **A. Consideration by the Working Group at its fifth and sixth meetings**

16. At its fifth meeting, the Working Group agreed to amend article 18, as proposed. The proposed text ensures that the current practice of meeting every two years complies with the Convention.

### **IV. Article 29**

#### **A. Consideration by the Working Group at its fifth and sixth meetings**

17. At its fifth meeting, the Working Group agreed in principle to the opening of the Convention to United Nations Member States beyond the ECE region, while stressing the need to carefully consider the budgetary implications. It considered two options for draft text amending article 29 on the opening of the Convention, but did not reach a conclusion on the issue. At its sixth meeting, the Working Group considered the budgetary implications related to the opening of the Convention on the basis of background information presented by the secretariat (ECE/CP.TEIA/WG.1/2015/9). The Working Group agreed to recommend to the Conference of the Parties the opening of the Convention to United Nations Member States beyond the ECE region and regional economic integration organizations constituted by sovereign States members of the United Nations. It agreed to achieve this in the legal text through amending paragraph 2, rather than by adding a paragraph 2 bis.

18. At its fifth meeting, the Working Group on Development agreed with the proposed revisions to article 29 with regard to the application of amendments to new Parties, with the reservation that the reference to article 27 be deleted if it was decided to open the Convention for accession by Member States of the United Nations from outside the ECE region. Following the agreement reached by the Working Group at its subsequent meeting, the reference to article 27 was deleted.

#### **B. Rationale for the revised draft text**

19. The revised draft text for the application of amendments to new Parties and for the opening of the Convention for accession by Member States of the United Nations beyond the ECE region reflects the changes agreed at the fifth and sixth meetings of the Working Group on Development. The Russian version of the document has been corrected to make clear that paragraph 5 refers only to new Parties that ratify, accept or approve the Convention, responding to the concerns expressed by the Russian Federation at the Working Group's previous meeting.

20. The proposed changes ensure that when new Parties ratify, accede to or approve the Convention, they are automatically deemed to have ratified, acceded to or approved amendments to the Convention. At the same time, the amendment contains draft text for opening the Convention for accession by Member States and regional economic integration organizations constituted by sovereign States Members of the United Nations beyond the ECE region.

## **V. Proposals for amendments in related provisions and annexes**

### **A. Consideration by the Working Group at its fifth and sixth meetings**

21. At its fifth meeting, the Working Group discussed numerous proposed changes to related provisions and annexes. It expressed general support for an amendment to the preamble, while indicating several concerns with regard to replacing “people” and “affected population” or deleting the phrases “on people and the environment” and “on the population and the environment” in several annexes. In the light of the comments made at the meeting, the Working Group requested the small group of legal experts, in accordance with its terms of reference, to review the provisions, articles and annexes related to all the proposed amendments, in order to achieve alignment with the entire draft amendment.

22. The small group suggested significantly reducing the number of related changes. The Working Group at its sixth meeting discussed the remaining changes on the basis of the small group’s conclusions, reaching agreement to amend annex VIII, with adjustments made at the meeting, while deciding not to amend article 8 or annex V to the Convention. Agreement on the proposed text to the preamble remains to be reached, following concerns expressed by the Russian Federation with regard to mentioning the Aarhus Convention.

### **B. Rationale for the revised draft text**

23. The text reflects the changes agreed by the Working Group on Development at its fifth and sixth meetings. It ensures consistency with the amendments proposed to be made and otherwise updates the Convention to reflect developments in the field of the prevention of, preparedness for and response to industrial accidents and international law, by including references to other multilateral environmental agreements.

## **VI. Draft decision amending the Convention**

24. The Working Group will be invited to discuss and reach agreement on the outstanding draft text for amending the Convention on which it had not previously reached agreement, which is presented in square brackets. It will also be invited to agree on the draft decision contained in annex II to which it will be annexed, for forwarding to the ninth meeting of the Conference of the Parties.

25. In line with the request by the Working Group at its sixth meeting, a draft decision amending the Convention was prepared by the Chair of the small group of legal experts, in cooperation with the secretariat, for the Working Group’s review, with due regard to:

(a) ECE practice as reflected in decisions amending other multilateral environmental agreements to open them to accession by United Nations Member States beyond the ECE region, including the decisions amending the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) (ECE/MP.WAT/14, decision III/1), adopted by the Meeting of the Parties to the Water Convention at its third meeting (Madrid, 26–28 November 2003), and the Espoo Convention (ECE/MP.EIA/4, decision II/14), adopted by the Meeting of the Parties to the Espoo Convention at its second meeting (Sofia, 26–27 February 2001);

(b) The decision by the Working Group at its sixth meeting, stressing that the issue of safeguards to address any potential budgetary implications of the Convention’s opening be reflected in the preamble of the decision on an amendment.

26. The Working Group will be invited to review and comment on the draft decision amending the Convention and to agree on the final version. The draft decision will include in its annex the actual amendment, i.e., the text contained in annex I to the present document, with changes agreed by the Working Group at its seventh meeting following its review of the text in square brackets. The draft decision along with the amendment will be presented in a pre-session document to the Conference of the Parties at its ninth meeting (Slovenia, 28–30 November 2016), for its review and adoption.

## Annex I

### Proposed amendment to the Convention on the Transboundary Effects of Industrial Accidents

#### A. Article 1

1. In article 1, paragraph (c) (i), replace “, flora and fauna” by “ and biodiversity”.
2. In article 1, paragraph (c), reverse the order of subparagraphs (iii) and (iv).
3. In article 1, new paragraph (c) (iv), replace “(i) and (ii)” by “(i), (ii) and (iii)”.
4. As a result of the above changes, article 1, paragraph (c), should read as follows:
  - (c) “Effects” means any direct or indirect, immediate or delayed adverse consequences caused by an industrial accident on, inter alia:
    - (i) Human beings, ~~flora and fauna~~ **and biodiversity**;
    - (ii) Soil, water, air and landscape;
    - ~~(iv)~~(iii) Material assets and cultural heritage, including historical monuments;
    - ~~(iii)~~(iv) The interaction between the factors in ~~(i) and (ii)~~ **(i), (ii) and (iii)**.
5. In paragraph (j) after “persons”, insert: “and, in accordance with national legislation or practice, their associations, organizations or groups”.
6. As a result of the above change, article 1, paragraph (j), should read as follows:
  - (j) “The public” means one or more natural or legal persons **and, in accordance with national legislation or practice, their associations, organizations or groups**.

#### B. Article 4

7. Replace the heading of article 4 by a new heading reading: “Identification, notification, consultation and advice”.

#### C. Article 9

8. Replace the heading of article 9 by a new heading reading: “Information to the public”.
9. In article 9, paragraph 1, insert after the first sentence a new sentence reading: “[Such information shall be provided in a timely and effective manner so as to ensure transparency.]”.
10. In article 9, paragraph 1, replace the second sentence by a new sentence reading:

This information shall:

  - (a) Be transmitted through such channels as the Parties deem appropriate;
  - (b) Include the elements contained in Annex VIII hereto;
  - (c) Take into account matters set out in Annex V, paragraph 2, subparagraphs (1) to (9);



(d) Without prejudice to Article 22 be easily accessible and preferably also be made available in electronic databases;

(e) Be periodically reviewed and updated as necessary.

11. In article 9, replace paragraphs 2 and 3 by a new paragraph reading:

2. In the event of an industrial accident or imminent threat thereof, the Parties shall provide without delay information to the public in the areas capable of being affected [or the competent authorities of the affected Party], which enables the public to take measures to prevent or mitigate harm arising from that threat.

12. As a result of the above changes, article 9 should read as follows:

Article 9

Information to, ~~and participation of~~ the public

1. The Parties **[of origin]** shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. **[Such information shall be provided in a timely and effective manner so as to ensure transparency.]** This information shall:

(a) Be transmitted through such channels as the Parties deem appropriate;

(b) ~~shall~~ include the elements contained in Annex VIII hereto; ~~and should~~

(c) Take into account matters set out in Annex V, paragraph 2, subparagraphs (1) to ~~(4) and (9)~~;

(d) **Without prejudice to Article 22 be easily accessible and preferably also be made available in electronic databases;**

(e) **Be periodically reviewed and updated as necessary.**

**2. In the event of an industrial accident or imminent threat thereof, the Parties shall provide without delay information to the public in the areas capable of being affected [or the competent authorities of the affected Party], which enables the public to take measures to prevent or mitigate harm arising from that threat.**

13. After article 9, insert two new articles reading:

Article 9 bis

Public consultation and participation in decision-making

1. The Party of origin shall, in accordance with the provisions of this Convention, give the public in the areas capable of being affected an early, adequate and effective opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures. [The public shall be permitted to submit comments, information and analyses to the competent authority responsible for making the relevant decision at a time when all options in relation to that decision are open. The competent authority shall duly take into account the views and concerns expressed by the public in reaching its decision, and when the decision is taken the competent authority shall ensure that the public is promptly informed of the outcome of that decision together with its reasons.]

2. The Parties shall ensure that consultation and participation as outlined in paragraph 1 takes place at least in decision-making procedures concerning:

(a) The development or significant modifications of measures taken for the prevention of industrial accidents to reduce the risk of industrial accidents in accordance with Article 6;

(b) Siting in accordance with Article 7, including decisions on significant modification to existing hazardous activities;

(c) The development or significant modification of off-site contingency plans referred to in Article 8, whenever possible and appropriate;

and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.

3. The Parties shall ensure that consultation and public participation procedures established under this Article provide that the public in the areas capable of being affected is given at least the information referred to in Article 9, paragraph 1[, and also that the information is given in the manner established in that paragraph.]

Article 9 ter

Access to justice

The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide the public being or capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.

14. As a result of the above changes, articles 9 bis and 9 ter should read as follows, based on the current paragraphs 2 and 3 of article 9 of the Convention:

#### **Article 9 bis**

##### **Public consultation and participation in decision-making**

~~2.1.~~ The Party of origin shall, in accordance with the provisions of this Convention ~~and whenever possible and appropriate,~~ give the public in the areas capable of being affected an **early, adequate and effective** opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures. **[The public shall be permitted to submit comments, information and analyses to the competent authority responsible for making the relevant decision at a time when all options in relation to that decision are open. The competent authority shall duly take into account the views and concerns expressed by the public in reaching its decision, and when the decision is taken the competent authority shall ensure that the public is promptly informed of the outcome of that decision together with its reasons.]**

2. The Parties shall ensure that consultation and participation as outlined in paragraph 1 takes place at least in decision-making procedures concerning:

(a) The development or significant modifications of measures taken for the prevention of industrial accidents to reduce the risk of industrial accidents in accordance with Article 6;

(b) Siting in accordance with Article 7, including decisions on significant modification to existing hazardous activities;

(c) **The development or significant modification of off-site contingency plans referred to in Article 8, whenever possible and appropriate;**

and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.

**3. The Parties shall ensure that consultation and public participation procedures established under this Article provide that the public in the areas capable of being affected is given at least the information referred to in Article 9 paragraph 1[, and also that the information is given in the manner established in that paragraph.]**

#### **Article 9 ter**

##### **Access to justice**

3. The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide ~~natural or legal persons who are~~ **the public** being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.

## **D. Article 18**

15. In article 18, paragraph 1, replace “a year” with “every two years”.

16. As a result of the above change, article 18, paragraph 1, should read as follows:

1. The representatives of the Parties shall constitute the Conference of the Parties of this Convention and hold their meetings on a regular basis. The first meeting of the Conference of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, a meeting of the Conference of the Parties shall be held at least once ~~a year~~ **every two years** or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

## **E. Article 29**

17. In article 29, paragraph 2, after “Article 27” insert: “ as well as any other State that is a Member of the United Nations and regional economic integration organizations constituted by sovereign States members of the United Nations”.

18. As a result of the above change, article 29, paragraph 2, should read as follows:

2. This Convention shall be open for accession by the States and organizations referred to in article 27 **as well as any other State that is a Member of the United Nations and regional economic integration organizations constituted by sovereign States members of the United Nations.**

19. In article 29, after paragraph 4, insert a new paragraph reading:

5. Any State or organization that ratifies, accepts or approves this Convention, failing an expression of a different intention by that State or organization, shall be considered:

(a) A Party to the Convention as amended by any amendment that has entered into force;

(b) To have ratified, accepted or approved any amendment to the Convention that has been adopted but has not yet entered into force.

20. As a result of the above change, article 29, paragraph 5, should read as follows:

**5. Any State or organization that ratifies, accepts or approves this Convention, failing an expression of a different intention by that State or organization, shall be considered:**

(a) A Party to the Convention as amended by any amendment that has entered into force;

(b) To have ratified, accepted or approved any amendment to the Convention that has been adopted but has not yet entered into force.

## **F. Related articles and annexes**

### **1. Preamble**

21. At the end of the sixth preambular paragraph insert: “ and its Protocol on Strategic Environmental Assessment[, as well as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters]”.

22. As a result of the above change, the sixth preambular paragraph should read as follows:

*Conscious* of the role played in this respect by the United Nations Economic Commission for Europe (ECE) and recalling, inter alia, the ECE Code of Conduct on Accidental Pollution of Transboundary Inland Waters and the Convention on Environmental Impact Assessment in a Transboundary Context **and its Protocol on Strategic Environmental Assessment[, as well as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters]**,

### **2. Annex VIII**

23. In annex VIII, paragraph 5, after “environment” insert: “ and measures to address the industrial accident”.

24. In annex VIII, paragraph 9, after “accident” insert: “. This should include advice to cooperate with any instructions or requests from the emergency services”.

25. As a result of the above changes, annex VIII, paragraphs 5 and 9, should read as follows:

5. The general information relating to the nature of an industrial accident that could possibly occur in the hazardous activity, including its potential effects on the population and the environment **and measures to address the industrial accident;**

9. General information on the emergency services’ off-site contingency plan, drawn up to cope with any off-site effects, including the transboundary effects of an industrial accident. **This should include advice to cooperate with any instructions or requests from the emergency services;**

## Annex II

### Draft decision amending the Convention on the Transboundary Effects of Industrial Accidents

*The Conference of the Parties,*

*Expressing* the firm belief that cooperation among States on measures for the prevention of, preparedness for and response to industrial accidents with transboundary effects contributes to sustainable development,

*Recalling* the special importance of protecting people and the environment against the effects of industrial accidents,

*Considering* the conclusions reached by the Working Group on the Development of the Convention at its fifth, sixth and seventh meetings held in the biennium 2015–2016,

*Wishing* to strengthen and clarify the provisions of the Convention, in particular those related to public participation,

*Desiring* to promote cooperation beyond the United Nations Economic Commission for Europe (ECE) region on measures for the prevention of, preparedness for and response to industrial accidents with transboundary effects and to share its experience with other regions,

*Wishing* to allow Member States of the United Nations not members of ECE to become Parties to the Convention,

*Conscious* of the need for relevant safeguards to be in place to address any potential adverse financial implications for States or organizations that are already Parties to the Convention, arising from the opening of the Convention to States not members of ECE,

1. *Adopts* the amendment to the Convention, as contained in the [appendix]/[annex] to this decision;
2. *Calls* upon Parties to the Convention to deposit their instruments of acceptance of the amendment rapidly;
3. *Urges* any State that ratifies, accepts or approves the Convention to simultaneously ratify, accept or approve the above amendment until its entry into force;
4. *Encourages* United Nations Member States situated outside the ECE region, in particular those bordering it, to accede to the Convention;
5. *Invites* interested United Nations Member States to take part in the Convention's meetings as observers and to participate in the activities under the Convention's workplan;
6. *Requests* the secretariat to inform the United Nations Treaty Section about this procedure so that appropriate arrangements can be made and to disseminate information on the procedure to interested Member States of the United Nations that are not members of ECE.

[Appendix]/[Annex]

Amendment to the Convention on the Transboundary Effects of Industrial Accidents