



Item 3

Amendment to the Convention: Article 1 (Definitions)

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5th meeting of the
Working Group on Development
11-13 May 2015
Geneva





Background

- COP-7 (Nov 2012) requested the Working Group on Development (WGD), among others, to evaluate the need for amending the Convention's definitions
- WGD discussed the issue at its third (Sep 2013) and fourth (Apr 2014) meetings, recommending to COP-8 (Dec 2014) that there was a need to amend art. 1 (definitions) of the Convention
- COP-8 mandated WGD to prepare a draft amendment revising art. 1, considering also related changes in the Convention, for adoption at its ninth meeting





Rationale for the amendment of art. 1 (definitions)

- Alignment with other ECE Conventions (Aarhus and Espoo Conventions)
- Alignment of definitions to internationally accepted developments
- Improve clarity
- Improve legal certainty
- Internal consistency within the Convention





What is proposed?

- Revise definition of “effects”
- Revise definition of the “public”
- Add definitions on:
 - “Notification of hazardous activities”; and
 - “Notification of an industrial accident”





Definition of “effects”: rationale

- WGD-3 and WGD-4 considered that the current definition of «effects»:
 - Was outdated and did not reflect the current state of art (refers still to «flora and fauna»)
 - Needed to be updated to reflect the current state of art and technical progress (use of «biological diversity and its components» is suggested, like in the Aarhus Convention)





Definition of “effects”: draft text

- In article 1, paragraph (c) (i), replace “flora and fauna” with “biological diversity and its components”, to 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~~
biological diversity and its components;





Definition of the “public”: rationale

- WGD-3 and WGD-4 considered that the current definition of the «public»:
 - Referred only to natural and legal persons, not to associations and groups (e.g. NGOs) which should be added
 - Was not aligned with other ECE MEAs, particularly not with the Aarhus Convention, and other relevant legislation





Definition of the “public”: draft text

- In paragraph (j) after “persons”, insert: “and, in accordance with national legislation or practice, their associations, organizations or groups”, to 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;**





Definition on “Notification of HA and of an IA”: rationale

- WGD-3 and WGD-4 considered that:
 - Definitions be added if additional clarity is needed
 - There had been confusion in the past among Parties regarding the difference between the «notification of HA» and «notification of an IA»
- Rationale for amending art. 1 on definitions was also to add legal certainty and to improve clarity and internal consistency within the Convention





Definition on “Notification of HA and of an IA”: draft text

- After paragraph (j), insert:

(k) “Notification of hazardous activities”, according to article 4 of the Convention, means the formal procedure of sharing with an affected Party information about hazardous activities, so that the affected Party can put in place adequate preventive and preparedness measures;

(l) “Notification of an industrial accident”, according to article 10 of the Convention, means the formal procedure of informing an affected Party, without delay, about an industrial accident with transboundary consequences that occurred in the area of the Party of origin, so that the affected Party can take adequate response measures.





Thank you for your attention

