



Item 3

Amendment to the Convention: Changes in related provisions and annexes

**Presentation by Ms. Claudia Kamke,
UNECE Industrial Accidents Convention Secretariat**

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I. Background

- COP-8 (Dec 2014) mandated the Working Group on Development (WGD) also to consider changes in related provisions of and annexes to the Convention, for adoption at its ninth meeting





I. What needs to be amended?

- Preamble
- Article 8 (Emergency preparedness)
- Annex V (Analysis and evaluation)
- Annex VIII (Information to the public pursuant to article 9)
- Article 7 (Decision-making on siting)





Preamble

- Amend the 6th preambular paragraph to align the preamble with developments in international law and to acknowledge other ECE instruments of special relevance to the Convention
- At the end of the sixth preambular paragraph add the text in bold below to 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,**

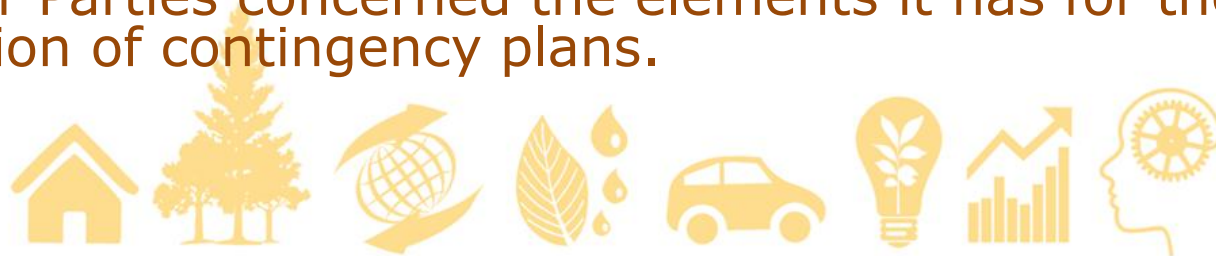




Article 8: Emergency preparedness (1)

- Insert a sentence to align the provision with EU legislation, which requires the involvement of the personnel working on-site in the preparation of the on-site contingency plans
- In para 2 insert the below text in bold to read as follows:

2. The Party of origin shall ensure for hazardous activities the preparation and implementation of on-site contingency plans, including suitable measures for response and other measures to prevent and minimize transboundary effects. **The plans shall be drawn up in consultation with the personnel working on-site, including long-term relevant subcontracted personnel.** The Party of origin shall provide to the other Parties concerned the elements it has for the elaboration of contingency plans.





Article 8: Emergency preparedness (2)

- Insert language to provide for opportunities for the public to participate, required by article 7 of the Aarhus Convention and article 12 of the Seveso III Directive
- In para 3 insert the below text in bold to read as follows:

3. Each Party shall ensure for hazardous activities the preparation and implementation of off-site contingency plans covering measures to be taken within its territory to prevent and minimize transboundary effects. In preparing these plans, **opportunities for the public shall be provided in accordance with article 9 bis and** account shall be taken of the conclusions of analysis and evaluation, in particular the matters set out in annex V, paragraph 2, subparagraphs (1) to (5). Parties concerned shall endeavour to make such plans compatible. Where appropriate, joint off-site contingency plans shall be drawn up in order to facilitate the adoption of adequate response measures.





Annex V: Analysis and evaluation (1)

- Amend the language in para 2, to ensure a consistent use of terminology throughout the entire Convention
 - Use the term "human being" (in line with the wording in article 1, paragraph (c)) instead of "people" and the term "environment" instead of "non-human environment"
 - Avoid duplication in the use of terms (e.g. definition of "effects" already covers the concepts of "people" (human beings) and "environment" (fauna, flora, etc.))
 - Use the term "public" instead of "people" (as defined in art. 1)
- ⇒ With regard to the above changes, annex V, paragraph 2, subparagraphs (1) to (9) would read as follows:





Annex V: Analysis and evaluation (2)

2. The following table illustrates, for the purposes of the related Articles, matters which should be considered in the analysis and evaluation, for the purposes listed:

Purpose of analysis	Matters to be considered
Emergency planning under Article 8	<p>(1) The quantities and properties of hazardous substances on the site.</p> <p>(2) Brief descriptive scenarios of a representative sample of industrial accidents possibly arising from the hazardous activity, including an indication of the likelihood of each.</p> <p>(3) For each scenario:</p> <ul style="list-style-type: none">(a) The approximate quantity of a release;(b) The extent and severity of the resulting consequences both for people human beings and for the non-human environment in favourable and unfavourable conditions, including the extent of resulting hazard zones;(c) The time-scale within which the industrial accident could develop from the initiating event;(d) Any action which could be taken to minimize the likelihood of escalation. <p>(4) The size and distribution of the population in the vicinity, including any large concentrations of people potentially in the hazard zones.</p> <p>(5) The age, mobility and susceptibility of that population.</p>



Annex V: Analysis and evaluation (3)

<p>Decision-making on siting under Article 7</p>	<p>In addition to items (1) to (5) above:</p> <p>(6) The severity of the harm inflicted on people human beings and the environment, depending on the nature and circumstances of the release.</p> <p>(7) The distance from the location of the hazardous activity at which harmful effects on people and the environment may reasonably occur in the event of an industrial accident.</p> <p>(8) The same information not only for the present situation but also for planned or reasonably foreseeable future developments.</p>
<p>Information to the public under Article 9</p>	<p>In addition to items (1) to (4) above:</p> <p>(9) The people public who may be affected by an industrial accident.</p>





Annex VIII: Information to the public pursuant to article 9 (1)

- Amend paras 5, 6, 7 and 9 to ensure a consistent use of terminology throughout the entire Convention
- Avoid duplication in the use of terms (e.g. definition of “effects” already covers the concepts of “population” (human beings) and “environment” (fauna, flora, etc.)
- Align the wording with language employed in annex V, Part 2, paragraphs 1 and 3, of the Seveso III Directive
- Use the term “the public in the areas capable of being affected” (as mentioned in art. 9) instead of “affected population”





Annex VIII: Information to the public pursuant to article 9 (2)

- Paragraphs 5, 6, 7 and 9 in annex VIII would 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 control measures to address the industrial accident.**

6. Adequate information on how the affected ~~population~~ **public in the areas capable of being affected** will be warned and kept informed in the event of an industrial accident.

7. Adequate information on the actions the affected ~~population~~ **public in the areas capable of being affected** should take and on the behaviour they should adopt in the event of an 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 at the time of an accident.**



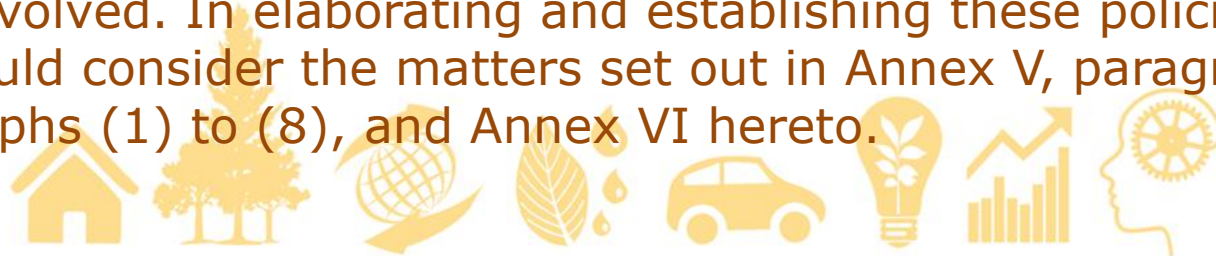


Article 7 (Decision-making on siting): possible additional change

- Replace the term “population” with “public” to ensure a consistent use of terminology throughout the entire Convention:

Article 7 Decision-making on siting

Within the framework of its legal system, the Party of origin shall, with the objective of minimizing the risk to the ~~population~~**public** and the environment of all affected Parties, seek the establishment of policies on the siting of new hazardous activities and on significant modifications to existing hazardous activities. Within the framework of their legal systems, the affected Parties shall seek the establishment of policies on significant developments in areas which could be affected by transboundary effects of an industrial accident arising out of a hazardous activity so as to minimize the risks involved. In elaborating and establishing these policies, the Parties should consider the matters set out in Annex V, paragraph 2, subparagraphs (1) to (8), and Annex VI hereto.





Thank you for your attention

