

Decisions taken by the Working Group on the Development of the Convention (Working Group on Development) at its sixth meeting, 30 November – 2 December 2015

The Working Group on Development, at its sixth meeting, decided as follows:

Agenda item 2 – Terms of Reference of the Working Group on Development

- Took note of and agreed with the amended terms of reference of the Working Group on Development, as proposed by the Bureau
- Agreed to change its name formally from “Working Group on the Development of the Convention” to “Working Group on Development,” in order to streamline and harmonize work and facilitate the preparation of official documents

Agenda item 3 – Accession by Member States of the United Nations from outside the UNECE region

- Confirmed its support for the opening of the Convention expressed at its fifth meeting, following its consideration of possibly budgetary implications and ways of addressing them
- Agreed to recommend to the Conference of the Parties the opening of the Convention
- Suggested that the Conference of the Parties engage in a discussions on the approach and strategy with regard to the opening
- Agreed to address the issue of safeguards in the preamble of the decision on an amendment to forwarded to the Conference of the Parties at its ninth meeting
- Tasked the small group of legal experts, in cooperation with the secretariat, to prepare the draft decision amending the Convention with regard to its opening

Agenda Item 4 – Guidance by the Conference of the Parties

Agenda Item 4a – Review of compliance

- Agreed that the Working Group on Implementation (WGI) should continue to monitor and identify deficiencies in the implementation of the Convention and to engage in providing support to Parties and committed countries, for example, through recommendations for strengthening the implementation of the Convention and industrial accident prevention, preparedness and response within the framework of its mandate
- Recommended that the Terms of Reference for the WGI be updated to ensure that the WGI can most effectively support Parties and committed countries in strengthening their implementation of the Convention. This can be achieved within the update of the Terms of Reference of the WGI, agreed by the Conference of the Parties at its eighth meeting.
- Decided that it would report to the Conference of the Parties at its ninth meeting on its deliberations on introducing a compliance mechanism
- Agreed that there was a need of additional analysis of the needs and benefits of introducing a compliance mechanism for the Industrial Accidents Convention and suggested that such a discussion take place at a future meeting of the Conference of the Parties
- Supported the proposal by the WGI to change the reporting cycle from two to four years.

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Agenda Item 4 – Guidance by the Conference of the Parties

Agenda item 4b – Safety and land-use planning

- Took note of the outline of the guidance document on land-use planning, siting and related safety aspects and the comments by the small group of experts on land-use planning
- Took note of the next steps for preparing the guidance document, including the preparation of a survey and a Joint workshop, together with the UNECE Espoo Convention and its Protocol on Strategic Environmental Assessment and the Committee on Housing and Land Management, to be held on 13 April 2016

Agenda item 4c – Scope of mutual assistance

- Agreed to capture its discussions on the scope of mutual assistance in the meeting report
- Agreed there was no need to clarify the scope of mutual assistance through a separate decision by the Conference of the Parties
- Reconfirmed its prior conclusion arising from its fourth meeting that the scope of mutual assistance does not need clarification through an amendment to the Convention
- Agreed that the scope of mutual assistance applies to accidents with potential transboundary effects

Agenda item 5 – Amendment to the Convention

Article 1 - Definitions

- Agreed on a revised definition of “effects” in order to achieve consistency with the Protocol on Strategic Environmental Assessment, while not introducing effects on natural sites and climate and replacing “biological diversity and its components” with “biodiversity.”

Article 4 - Identification, consultation and advice

- Agreed to amend the Heading of Article 4 to include “notification” for it to read “Identification, notification, consultation and advice”

Article 9, 9bis and 9ter

- Thanked the small group of legal experts and the secretariat for preparing proposals which provided useful input to the debate
- Thanked the Russian Federation, the European Union and Switzerland for providing comments on these proposals and proposed draft elements of text in advance of the meeting
- Agreed to base its deliberations on the proposal by the European Union circulated in advance of the session
- Agreed on proposed amended text for Articles 9, 9bis and 9ter
- Agreed to mandate the small group of legal experts to review the text of proposed Article 9 and 9 bis in order to remove reference to principles of Articles 5 and 6 of the Aarhus Convention and extract and develop selected key principles for the Working Group’s review

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Agenda item 5 – Amendment to the Convention

Article 29

- Clarified that the proposed amendment to add paragraph 5 to Article 29 referring to any State or organization that ratifies, accepts or approves the Convention refers to future ratification, acceptance or approval processes.
- Requested the secretariat to correct the Russian translation of the proposed paragraph 5 to Art. 29, taking into account the comments and concerns expressed at this meeting
- Agreed on amending Article 29 paragraph 2 to add that – in addition to UNECE Member States referred to in article 27 - the Convention shall be open for accession by any other State that is a member of the United Nations and by regional economic integration organizations constituted by sovereign States members of the United Nations.

Related articles, provisions and annexes

- Could not reach agreement on amendments to the preamble of the Convention.
- Agreed not to amend Article 8
- Agreed on amendments to Annex VIII following the discussion during the recent meeting of the Working Group