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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

### **Working Group on Implementation**

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

Geneva, 29 and 30 January 2015

#### **Minutes of the meeting**

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

1. The following members of the Working Group on Implementation (WGI) attended the meeting: Ms. Sandra Ashcroft (United Kingdom); Mr. Evgeny Baranovsky (Belarus); Ms. Lina Buciene (Lithuania); Mr. Hrvoje Buljan (Croatia); Mr. Leo Iberl (Germany); Mr. Martin Merkofer (Switzerland); Ms. Suzana Milutinovic (Serbia); Mr. Pieter Westerbeek (Netherlands). Ms. Helena Fridh (Sweden) could not participate to the meeting.

3. The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (ECE), represented by Mr. Sergiusz Ludwiczak, Ms. Franziska Ilg-Hirsch, Ms. Virginia Fusé, Mr. Nikolay Savov and Ms. Claudia Kamke.

4. The meeting was opened by Ms. Ashcroft, Chair.

5. The WGI adopted the provisional agenda (CP.TEIA/2015/WG.2/Agenda) without changes.

6. The secretariat recalled that at the eighth meeting of the Conference of the Parties (CoP-8) the Russian Federation indicated that it would nominate a member of the WGI. The secretariat also informed participants having received communications that the member had been identified, but that the relevant steps towards the official nomination could not be finalized on time for allowing the participation in the meeting. The secretariat was to inform the WGI members as soon as the nomination of the member would be finalized.

**ACTION ITEM: The secretariat to inform the WGI about the nomination of the member from the Russian Federation**

### **II. Election of the Chair and Vice-Chairs**

7. According to the terms of reference, the WGI re-elected Ms. Sandra Ashcroft and Ms. Suzana Milutinovic respectively as Chair and Vice-Chair of the Group for the next biennium.

### III. Implementation of the Convention

8. The Chair, with the support of the secretariat, informed participants about the issuing of a corrigendum to the seventh report on the implementation of the Convention (2012–2013 ECE/CP.TEIA/2014/4, the document and ECE/CP.TEIA/2014/4/Corr.1, the corrigendum). The corrigendum contained a rectification concerning the notification of hazardous activities to neighbouring countries by Slovenia.

9. The Working Group discussed the format of the overall report on implementation, and suggested that the detailed analysis of the different sections of the national implementation reports and the general conclusions derived from them should be maintained in one official document in future reports. This would avoid a more detailed, separate report issued as unofficial document. The secretariat clarified that in this case the word limit of the report issued as an official document needed to be respected (10,700 words).

9. The secretariat informed the meeting about the finalization of the guidance document clarifying the role and tasks of national focal points. The guidance was translated into Russian, posted in both languages on the Convention's webpage<sup>1</sup> and circulated to national focal points in August 2014, as requested by the WGI at its last meeting.

10. The Working Group reconfirmed the usefulness of the paper and discussed how to ensure its wider distribution as well as how to raise awareness at the national level of its content. It was agreed that the guidance document be again circulated to national focal points and competent authorities, through a message by the secretariat, asking national focal points to distribute the paper to relevant ministries, agencies and persons at the national level, including the head of the department in which the national focal point is located.

**ACTION ITEM: The secretariat to circulate the guidance on focal points as decided**

#### **Timeline and actions in view of initiating the eighth round of reporting under the Convention**

11. The Chair recalled that CoP-8 requested the WGI to prepare the eighth report on the implementation of the Convention (2014–2015) for review at CoP-9. The secretariat further recalled that the CoP requested the WGI to further simplify the format and guidelines including engaging in a dialogue where necessary with reporting countries.

12. The secretariat recalled decisions of the previous Working Group on Implementation concerning the dates of initiation of the reporting round and the deadline to be provided to Parties for reporting. The deadline for reporting would remain at the end of January, to allow the WGI to compile the overall report on implementation on time to be submitted as official document. The secretariat also recalled the CoP-8 decision on strengthening the implementation of the Convention (Decision 2014/1 contained in ECE/CP.TEIA/30/Add.1) stating that, starting from the 8<sup>th</sup> reporting round the national reports not submitted on time would not be assessed by the WGI.

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<sup>1</sup> <http://www.unece.org/environmental-policy/conventions/industrial-accidents/envteiacontact.html>

13. The WGI members decided that this element should be mentioned in the official letter initiating the reporting round and that Parties and other reporting countries were to be invited to send to the secretariat the report as soon as ready. Parties were to be invited, in more informal contacts, to strive to submit the report by the deadline. Eventual missing information could be requested by WGI members during the dialogue that might follow.

14. The WGI requested the secretariat to inform it in early December 2015 how many reports were received and then send a reminder to those who had not submitted a report or not contacted the secretariat in this regard. Particular attention was to be paid to those Parties or reporting countries that had not reported or reported late at the seventh reporting round. These countries were to be reminded of their delay or lack of reporting in the previous round. Such earlier reminder, compared to previous reporting rounds, would provide WGI members with more time to engage in a dialogue with Parties and reporting countries concerning the content of the report, as advised by CoP-8.

15. The WGI, having started discussing a possible update of the location criteria at previous meetings, decided that for the eighth reporting round the location criteria to be used were the ones previously adopted by the CoP (contained in ECE/CP.TEIA/12). The Guidance document on land-use planning to be prepared as requested by CoP-8 for adoption by CoP-9 or CoP-10 would provide further indications with regard to additional work required.

#### **Timeline and procedure for updating the guidelines**

16. The WGI requested the secretariat to suggest initial changes to the guidelines on reporting marking them in track mode and to share them via email among the members. In addition it requested the secretariat to send via email for discussion the overarching questions raised during the previous reporting period, which would need to be considered to modify the reporting guides. The secretariat was to compile the outcome of the discussion in a version to be used as basis for discussion at the next meeting. A timeline for carrying out these steps was agreed at the meeting<sup>2</sup>.

17. The WGI discussed how to deal with the assessment made in the seventh report on the implementation of the Convention (ECE/CP.TEIA/2014/4) about areas in the Convention for which Parties and committed ECE countries would need to further improve their policies, in particular with regard to the inclusion of transboundary aspects, in order to meet the Convention requirements.

18. The members of the Group requested the secretariat to create a table indicating what was to be done for each of the areas for follow-up, how this should be delivered and the level of priority. They considered the areas for follow-up vis-à-vis activities adopted in the workplan and made some preliminary considerations as follows:

- (i) The exchange of experiences and good practices should be continued, including exploring the use of innovative IT solutions such as webinars. In addition, the WGI decided to take stock of the work by the JEG with regard to the testing of the checklist on contingency planning on accidents related to transboundary waters, as decided by CoP-8, in order to consider whether

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<sup>2</sup> Following the meeting, a revised timeline was proposed by the secretariat and agreed with WGI members.

producing common emergency plan guidelines to improve cooperation between neighbouring countries.

- (ii) Training on identification of hazardous activities and their notification to neighbouring countries was considered as important. Further to the planned capacity building activities under the Assistance Programme other innovative means such as webinars could be considered to make the training available.
- (iii) Several members of the WGI informed the Working Group that risk-assessment software was being prepared at the Joint Research Centre (JRC) of the European Commission. The system could be shared also with other countries/for instance outside the European Union within the Convention. Clarification should be sought from the JRC about the timeline for preparation of their work and the feasibility of making it more widely available.
- (vi) The result of activities such as seminars, capacity-building activities etc. already carried out should be shared with all Parties and reporting countries to decrease as much as possible the risk of duplicating work.

19. The WGI was to continue this discussion at future meetings.

20. While discussing the collection of good practices, the Working Group considered the possibility of creating, in the medium-long term, guidance for the implementation of the Convention that would also include good practices collected. In this respect, the WGI requested the secretariat to circulate the implementation guides of other ECE MEAs for information. The secretariat made hard copies of these Guides available at the meeting. The discussion about implementation guidance to the Convention would be re-considered when preparing the next workplan and taking stock of the preparation of the guidance for the implementation of Annex I.

21. In the meanwhile, it was decided that the eighth overall report on implementation should contain links to activities or tools available that would suggest good practices/possible solution for issues identified by Parties and reporting countries in their national reports. These links could be to presentations from previous activities organised under the Convention, or other good practices identified and shared by members of the WGI.

22. The aim was to gradually collect enough good practices to create a "questions and answers" page that could be initially posted on the Convention's website. Members of the WGI were to provide to the secretariat respective links and presentation.

#### **ACTION ITEMS:**

##### **The secretariat to:**

- **Circulate a track-changes version of initial changes to the guidelines for reporting to the members, together with overarching questions to guide the work of the secretariat**
- **Insert in the letter initiating the reporting round the elements decided upon at the meeting**
- **Create a table that would allow WGI members to monitor implementation in the current biennium of areas for follow-up identified during the previous reporting round**

- **Circulate the electronic version of the implementation guide of other ECE MEAs and of UNEP to the WGI members**
- **Check with JRC about the availability of a risk-assessment software.**

**The WGI members to:**

- **Monitor the implementation of areas for follow up identified in the previous reporting round**
- **Indicate to the secretariat links or presentations of good practices that would be the basis of elements indicated in the implementation report and in the web-page for questions and answers.**

#### **IV. Assistance Programme management**

23. The secretariat provided updated information, through the Assistance Programme tracking table, about planned and future activities within the Assistance Programme. The WGI considered the information presented in view of its role in providing substantive guidance to the carrying out of assistance activities and possible partnerships and decided:

- (i) The secretariat should include in the Assistance programme tracking table information whether activities were based on the Strategic Approach;
- (ii) Countries in which activities beyond the Strategic Approach were to be carried out should be requested to submit self-assessments and action plans in the area(s) linked to the activity organized, together with a project proposal;
- (iii) The secretariat should update the tracking table after every mission and activity carried out and make it available to the members of the Working Group one month before each meeting to provide enough time for questions and reviews, depending on the participation of the Working Group members to the activities organised;
- (vi) Activities under the preparatory and implementation phase of the Assistance Programme should continue to be based on the Strategic Approach;
- (v) Multilateral and subregional projects can provide a value-added measure in order to reach out to several countries at once;
- (vi) When submitting projects for capacity building activities under the Assistance Programme, the beneficiary countries should identify, to the extent possible, strategic partners and relevant stakeholders (including industry) that could provide financial or in-kind support for these activities.

24. In addition, the secretariat provided an update on the situation in all the countries beneficiaries of the Assistance Programme, regarding the implementation of the Strategic Approach. The WGI discussed the information and decided on follow-up activities:

- (i) The secretariat should prepare and send letters to the countries, reminding them of the decision of CoP-8 about increasing the ownership of the beneficiary countries of the Programme, among others through the preparation of self-assessment and action plans and the submission of project proposals;

- (ii) The letters should also highlight the new user-friendly version of the “Benchmark” document as a means to support national efforts to implement the Convention;
  - (iii) The letters should be tailored according to the progress made by the countries, reminding them of some specific commitments, undertaken by them during recent capacity-building activities (e.g. during the national training sessions on the use of indicators and criteria Albania and Azerbaijan committed to update and submit a self-assessment and action plan, during national capacity-building activities under the Assistance Programme Montenegro and Kyrgyzstan committed to start working on the development of a self-assessment and action plan, and Georgia committed to update its self-assessment and to submit it with an action plan).
  - (vi) The letters should remind countries to submit a self-assessment and an action plan (Georgia, Kazakhstan, Kyrgyzstan, Montenegro, Tajikistan and Ukraine), to update already submitted ones (Albania, Armenia, Azerbaijan and the former Yugoslav Republic of Macedonia) or to include information about recent capacity-building activities (Belarus, Republic of Moldova and Serbia) to the Working Group via the secretariat within a specified timeline for the Working Group to assess the results at its next meeting.
  - (v) The letters should also acknowledge whenever countries follow good practices in areas of the Strategic Approach and (i.e. Belarus, Republic of Moldova, Serbia and Uzbekistan) and invite these countries to submit project proposals, considering also bilateral and multilateral cross-border cooperation project proposals.
  - (vi) Georgia and Montenegro, to which specific missions were organised to explain the functioning of the indicators and criteria, were to be invited in the next meeting of the Working Group, by means of a teleconferencing (via telephone or internet conference) in order to report on the progress achieved and the next steps in the implementation of the Strategic Approach.
25. The Working Group discussed the schedule, organization of work and next steps regarding the documentation on the effectiveness of the Assistance Programme, as requested by CoP-8. The secretariat presented to the Working Group a list of the available information sources on the Assistance Programme which could be used to consider its effectiveness. On this basis, the Working Group discussed next steps to determine whether the information available was sufficient for documenting the effectiveness of the Assistance programme.
26. The Working Group discussed further information available beyond the sources listed which should be included in its analysis, i.e. the number of beneficiary countries that have acceded to the Convention, the number of countries that have notified hazardous activities to their neighbours. Furthermore, the Working Group discussed the identification of possible criteria for documenting the effectiveness of the Assistance programme.
27. The Working Group asked that the secretariat to develop a template for a matrix, which would contain existing information from all relevant documents (national fact-finding mission reports, implementation reports, self-assessments and action plans, reports from capacity-building activities, etc.), prepared under the Convention and the Assistance Programme. The matrix would be completed, maintained and used by WGI members when further discussing whether the existing documentation would be sufficient in order to assess the effectiveness of the Assistance Programme. It also requested the secretariat to initiate an electronic

consultation in order to make progress before the next meeting of the Working Group.

**ACTION ITEMS:**

**The secretariat to:**

- **Prepare and send letters to beneficiary countries**
- **Develop a template for a matrix, which would contain existing information from all relevant documents (national fact-finding mission reports, implementation reports, self-assessments and action plans, reports from capacity-building activities, etc.) to support the WGI in assessing whether the documentation is sufficient to evaluate the effectiveness of the Assistance Programme**
- **Initiate an electronic discussion among WGI members on the effectiveness of the Assistance Programme.**

**V. Role of the WGI in the development of the Convention**

28. The Chair, supported by the secretariat, recalled decisions taken at CoP-8 concerning the development of the Convention following which, the Working Group was expected to be involved in different ways. In particular the WGI discussed the following areas for developing the Convention:

**a) Preparation of CoP guidance through a draft decision on “Reporting obligations with regard to periodicity, public accessibility and other issues” for submission to CoP-9**

29. The WGI considered including in the above-mentioned guidance, that the reporting on the implementation of the Convention should be carried out in a four-year cycle - the reason for the suggestion being that a four-year period would better allow to capture changes in policies and activities undertaken by Parties and reporting countries, compared to a two-year cycle. It would also provide more time for the WGI to carry out the other activities expected during the alternative two-year cycle.

30. Since the reporting on implementation to the CoP was, at the time of writing, linked to the meetings of the governing body (therefore having a two-year cycle), it was decided that in the year of the CoP in which the WGI would not report on implementation, the WGI could report on sharing of good practices.

31. Concerning the accessibility of national reports on implementation, it was discussed to whom the reports should be accessible and how should they be made accessible. In the latter respect, it was noted that there were two possible types of understanding when mentioning “making the national reports publicly available”. On one side, it could be understood as reports being permanently accessible, that is that they would be publicly available on the website of the Convention. On the other side, it could be understood that they could be made accessible upon request. Further discussion on both aspects was needed.

32. Following a recent development within the European Commission, concerning information transferred to it by member states, the WGI requested the secretariat to verify who owned information communicated to the United Nations and posted on its website, with specific reference to the national reports on implementation submitted by Parties and other reporting countries.

33. It was decided that further discussion on the content of the guidance was needed at the next meeting and that the secretariat, two weeks before the meeting, would send to the WGI more detailed elements for consideration so that they could start identifying proposals to put forward during the meeting.

#### **b) Compliance**

34. The CoP decided that the Working Group on Development, in cooperation with the WGI, was to consider the introduction of a compliance mechanism and in the affirmative, to prepare a draft decision.

35. The WGI discussed different aspects of compliance related to the Convention and the role that the body could play in it. It decided that the issue would need further discussion, also taking stock of WGD discussions.

36. The WGI requested the secretariat to make available to the members of the Working Group information about compliance mechanisms of the other ECE Conventions, as well as compliance mechanisms under the UNEP Chemical Conventions. The secretariat recalled that information on the compliance mechanisms of other ECE MEAs was made available to CoP-8. It was also decided to ask, through the secretariat of the Aarhus Convention, to include in the agenda of the next meeting of Chairs of compliance and implementation committees a brief discussion on the advantages of compliance mechanisms.

#### **c) Terms of Reference for the Working Group on Implementation**

37. The Chair recalled that CoP-8 mandated the Bureau to prepare revised terms of reference for the Convention's subsidiary bodies, including those for the WGI. She suggested that the WGI might wish to provide the Bureau with its view and additional information, especially in view of its involvement in the discussions on compliance (including on increasing the number of members from 10 to 12).

38. The WGI decided to present two draft terms of reference to the Bureau for its meeting in summer 2015:

- (i) One including only the updates included by the secretariat in order to align the WGI's role with current practice and additional comment by Bureau members before and in follow up to the Bureau meeting in The Hague in June 2014, with additional comments by the WGI with regard to its role and functions as indicated in the ToR
- (ii) The other one also including a possible role with regard to compliance. A decision on this role would need to be taken in cooperation with the WGD, taking in account the views of the WGI.

#### **ACTION ITEMS:**

##### **The secretariat to:**

- **Verify the ownership of information stored in the United Nations website and inform the WGI**
- **Send to the WGI members elements for discussion for the draft decision on reporting and accessibility of reports two weeks before the next meeting**
- **Share information on compliance mechanism of the UNEP Chemicals Conventions, further to information previously shared on the ECE MEA compliance mechanisms**



- **To prepare the two draft versions of ToR to be shared with the Bureau and circulate them among the WGI members.**

**The WGI to:**

- **Prepare information to be shared during the meeting on the draft decision**

**The WGI Chair to:**

- **Ask the Chair of the Aarhus Convention to insert in the agenda of the next meeting of Chairs of compliance and implementation committees the issue of advantages of compliance mechanism**

## **VI. Schedule of meetings**

39. The Working Group exchanged views on possible options for its next meeting dates and decided in follow-up to the meeting to meet in Geneva on 30 June - 1 July 2015.

## **VII. Closing of the meeting**

40. The Chair thanked the secretariat and members of the body for their support in advance of and during the meeting, before closing the meeting on 30 January 2015.

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