

Economic Commission for Europe

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

Bureau

Forty-fourth meeting

Geneva (online), 18 September 2020

Minutes of the meeting

1. Opening of the meeting and adoption of the agenda

1. The Chair opened the online meeting of the Bureau and welcomed the participants. The Deputy Director of the ECE Environment Division also addressed the Bureau, highlighting the secretariat's extensive efforts in the past weeks to find organizational, substantive and procedural solutions for organizing the eleventh meeting of the Conference of the Parties (CoP-11) in Geneva, and the Chair's and Vice-Chairs' support. He also positively noted the related financial support intended to be provided by Germany, the former host.

2. The following Bureau members were present: Ms. Torill Tandberg (Norway), Chair; Mr. Michael Struckl (Austria), Vice-Chair; Ms. Jasmina Karba (Slovenia), Vice-Chair; Mr. Evgeny Baranovsky (Belarus); Mr. Pavel Forint (Czechia); Mr. Camille Siefriidt (European Union); Ms. Wivi-Ann Wagello-Sjölund (Finland); Mr. Gerhard Winkelmann-Oei (Germany); and Mr. Martin Merkofer (Switzerland).¹ Mr. Leo Iberl (Germany), Chair of the Working Group on Implementation (WGI), also attended the meeting. In addition, Mr. Georg Arens (German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety) participated as an observer in the discussion on the organization of the eleventh meeting of the Conference of the Parties (CoP-11). The meeting was serviced by the ECE secretariat.

3. The Bureau adopted the agenda (CP.TEIA/2020/B.2/Agenda), noting an updated name of the operating procedures to facilitate remote participation and decision-making in meetings of the CoP, now specifically referring to "extraordinary circumstances."

¹ Ms. Suzana Milutinovic (Serbia) had informed the Chair and the secretariat that she would not be able to attend the meeting. In writing to the Chair and secretariat, she agreed on the updated provisional agenda for CoP-11 and the draft operating procedures.

2. Preparations for the eleventh meeting of the Conference of the Parties (CoP-11)

4. The main purpose of the meeting was to review and plan for the different scenarios and steps to be taken in organizing CoP-11 in light of Germany no longer being in the position to host the meeting due to the extraordinary circumstances of the COVID-19 pandemic.

(a) Practical arrangements

5. The Bureau expressed understanding for the decision by Germany, taken in early September, not to host the meeting due to the pandemic. It welcomed the secretariat's efforts in preparing and presenting new options for CoP-11 within short notice. The Bureau discussed the following options:

(a) **Option A:** a hybrid meeting in Geneva, Switzerland on 7–9 December 2020 at the United Nations Office at Geneva, including three two-hour morning sessions in total (one per day, 10:00-12:00), a significantly shortened provisional agenda with a focus on decision-making, a restriction of 59 in-person participants with safe distancing, presence of the Chair and the secretariat, remote participation through a virtual platform and on site interpretation for all in-person and remote participants. This is the most cost-efficient option, as the room and the interpretation services will be provided by the United Nations Office at Geneva, covered through the ECE Regular Budget. The Convention's trust fund, thanks to a contribution from Germany, will cover additional costs related to the technical support for the virtual platform, and the costs of organizing two preparatory online events, with English and Russian simultaneous interpretation and technical support to use a respective virtual platform;

(b) **Option B:** a fully virtual meeting from Geneva, Switzerland sometime in December at another venue (such as the United Nations International Computing Centre (UNICC)), including two two-hour sessions daily, for three days, shortening the provisional agenda presented at the forty-third meeting of the Bureau, the presence of the Chair and the secretariat, remote participation through a virtual platform and on site interpretation for all in-person and remote participants. This option is significantly more costly, as it would require engaging, through UNICC, a simultaneous interpretation provider, and respective technical support, covered from the Convention's trust fund;

(c) **Option C:** a hybrid meeting in Geneva, Switzerland on 30 November–2 December at the International Conference Centre Geneva (CICG), including with the full provisional agenda presented at the forty-third meeting of the Bureau, a restriction on in-person participants with safe distancing, remote participation through a virtual platform and on site interpretation for all in-person and remote participants. This option would likewise be rather costly, requiring the Convention's trust fund to cover costs related to interpretation and technical support (whereas the meeting room would be offered by the Swiss Confederation).

6. The Bureau, in agreement with the secretariat, agreed to pursue Option A and thanked the secretariat for having secured the last suitable slot available for a hybrid meeting room, with interpretation, for 2020. Bureau members expressed support for holding the meeting still in December to ensure the workplan for the next biennium is approved and the decisions, which have been prepared in the course of this year, taken before the end of the current biennium. It also noted that it would be preferred to maintain the planning for a CoP in 2020, because numerous other intergovernmental meetings have been postponed to 2021. Bureau members stressed that facilitating

remote participation was a prerequisite during the COVID-19 pandemic. At the same time, they welcomed the possibility for in-person participation of one representative per country² and encouraged Parties and non-Parties which may not be in a position to travel to Geneva, in view of the pandemic, to consider the engagement of their Geneva-based Permanent Missions to represent them in the Conference, further to the remote participation by other delegates, which is not limited in numbers.

7. The representative of Germany who participated in the capacity of an observer mentioned Germany's intention to financially support a CoP-11 held in Geneva, which was welcomed by the Bureau.

8. The Bureau discussed and agreed on the shortened provisional agenda (ECE/CP.TEIA/41), prepared by the secretariat according to Option A. It welcomed the preparation of the provisional agenda within such a short time and supported the focus on decision-making with the key items to be decided upon being placed early in the agenda. In particular, the Bureau decided the following:

(a) The meeting will highlight the implementation of the Convention, based on the Working Group on Implementation's report from the ninth reporting round (ECE/CP.TEIA/2020/5) and the progress report on assistance activities carried out in 2019–2020 (ECE/CP.TEIA/2020/4);

(b) The meeting will address the implications of the pandemic for industrial safety. The delegations are invited to reflect on this issue and share experiences of lessons learned;

(c) The meeting will hold a round-table discussion on financing, where the Parties will be invited to give their views on the financial situation and to indicate their pledges (financial and in-kind) for the new workplan 2021–2022, either through statements or by using the chat function;

(d) A seminar on safety in tailing management facilities in the ECE region and beyond will be organized in advance of the meeting as a fully virtual event, instead of as part of it. A draft decision on strengthening mine tailings safety in the ECE region (ECE/CP.TEIA/2020/3) will be circulated to the Parties prior to the eleventh meeting, in accordance with the rules of procedures for the meetings of the Conference of the Parties. The decision is expected to be adopted at CoP-11, following the seminar;

(e) An advance information session on the Conference of the Parties will be organized to brief Parties about the conduct of the meeting and provide an opportunity to clarify any questions related to the meeting organization, including on substantive matters (see further information below).

9. Some Bureau members expressed concern that interventions might impact the time allotted for decision-making. In response, the Chair expressed the importance of the time periods for reviewing decisions. The Chair and secretariat highlighted that the "advance circulation procedure", provided in the operating procedures (see below), will help build consensus before CoP-11 begins and should ensure sufficient time for decision-making during the shortened provisional agenda. The Bureau encouraged Parties to follow the operating procedures, particularly the "advance circulation procedure" for submitting any advance comments by 9 November 2020.

² The meeting room can only hold a maximum of 59 persons.

10. Due to the shortened provisional agenda decided upon, the Bureau agreed to organizing an advance information session on CoP-11 to be held in Geneva (online) on 30 October 2020. The objectives of this session will be to:

(a) Present the Annotated provisional agenda for the eleventh meeting (ECE/CP.TEIA/41) and the envisaged proceedings for this Conference, focused on decision-making;

(b) Introduce the Draft operating procedures to facilitate remote participation and decision-making in meetings of the Conference of the Parties due to extraordinary circumstances (ECE/CP.TEIA/2020/11);

(c) Present all draft decisions for adoption by the Conference, including the Draft decision on strengthening mine tailings safety in the United Nations Economic Commission for Europe region and beyond (ECE/CP.TEIA/2020/3), Draft decision on strengthening the implementation of the Convention (ECE/CP.TEIA/2020/6) and Draft decision on guiding principles for financial assistance (ECE/CP.TEIA/2020/10);

(d) Present the Priorities, workplan and resources for the Convention for 2021–2022 for adoption (ECE/CP.TEIA/2020/9); and

(e) Provide a space for delegations to ask questions, seek clarifications, receive any additional information and to discuss.

11. The Bureau encouraged Parties to participate in the advance information session. The Chair and the secretariat noted that holding this event is important to prepare Parties for participating in meetings under the extraordinary circumstances of the COVID-19 pandemic. All delegations intending to participate in CoP-11, including delegates from Permanent Missions, will be invited to the advance information session.

12. The Bureau also agreed to scheduling the seminar on mine tailings safety as a separate online event for a maximum of 3 hours in advance of CoP-11 on 1 December 2020. One member of the Bureau expressed concerns that separating the seminar might deter participation and that the seminar should not be held too far in advance of the CoP. In view of this, the Bureau encouraged Parties and non-Parties to attend the seminar, as a preparatory seminar before the adoption of the draft decision on strengthening mine tailings safety in the ECE region (ECE/CP.TEIA/2020/3) at CoP-11. The Chair also requested the secretariat to set up a meeting of the small group preparing the seminar to prepare the organization of the seminar within the new online format.

13. The Bureau requested the secretariat to share information on the new dates of CoP-11 with the new provisional agenda, once issued, and the updated overview of deadlines and preparatory events with all Focal Points, and to follow-up with writing formally to Competent Authorities with a new formal invitation letter. The Bureau stated that the change in plans should be understandable for Parties due to the extraordinary circumstances.

(b) Operating procedures to facilitate remote participation and decision-making

14. At its forty-third meeting, the Bureau requested the secretariat to prepare a draft document for facilitating meetings that require remote participation due to the extraordinary circumstances of COVID-19, for its review. On this basis, the Chair

invited the secretariat to present the Draft operating procedures to facilitate remote participation and decision-making in meetings of the Conference of the Parties due to extraordinary circumstances (ECE/CP.TEIA/2020/11). The secretariat informed the Bureau that it prepared the draft operating procedures according to the rules of procedure of the Convention, and with consideration of international good practices, operating procedures adopted and applied by other intergovernmental bodies and in consultation with colleagues at ECE and the United Nations Office of Legal Affairs. The Chair expressed her comfort in the process of developing the operating procedures and thanked, on behalf of the Bureau, the secretariat for preparing and presenting the draft document.

15. The Bureau was invited to review and discuss the draft operating procedures. Some members of the Bureau expressed that they consulted the document several times due to its legal nature, and then found it to be logical and understandable, while another member stated finding it overwhelming at first read. The secretariat confirmed that the registration form mentioned in paragraph 13 of the draft document is provided through the Indico registration webpage for CoP-11, and emphasized the importance of Parties registering their correct email address. The Bureau recognized the importance of explaining the operating procedures to Parties at the CoP-11 advance information session, which should help explain the procedures and raise Parties' awareness and understanding of them. The Bureau requested to amend paragraph 14 of the draft operating procedures to allow Parties to submit copies of credentials to the secretariat by email through their Permanent Missions as soon as possible but no later than 10 days before meetings start, explaining that an earlier submission would not be feasible. The secretariat, referring to their consultations with the Office of Legal Affairs, expressed the importance of credentials and that submissions through Permanent Missions allow for extra checking and scrutiny for determining quorum. One member of the Bureau asked whether the availability of updated draft decisions and documents for adoption, following the advance circulation procedure, could be advanced. In response, the secretariat explained that it had negotiated internally with the Document Management Section of the United Nations Office at Geneva, which agreed to produce translations of documents into the three official languages, on the basis of the submissions by Parties in any of these languages, within the given timeframe.

16. The Bureau endorsed the draft operating procedures and recommended their adoption and use by CoP-11. It requested the secretariat to finalize the document, with the requested amendment, for editing and subsequent circulation to Parties and to prepare to present and explain the document at the advance information session. It recognized that the operating procedures do not replace the Rules of Procedure of the Meeting of the Conference of the Parties which continue to apply. At the same time, the Bureau recognized that the operating procedures are needed for meetings under extraordinary circumstances, and can significantly facilitate their conduct. The Bureau encouraged Parties to consult the operating procedures and to submit any eventual comments on the draft at least four weeks prior to CoP-11, by 9 November 2020.

(c) Membership of the Bureau

17. The secretariat updated the Bureau on the submissions received of candidatures for nomination of Bureau membership 2021–2022 and for nomination in WGI membership for 2021–2024 thus far. The Chair invited those Bureau members ready to stand for another election to provide updates on their submissions, as agreed upon at the forty-third meeting of the Bureau, and to follow-up with nominations by the respective competent authorities. The Bureau encouraged Parties to submit candidatures for nomination in the Bureau and the WGI.

(d) Amendment of the Convention

18. At its forty-third meeting, the Bureau requested the secretariat to prepare a factsheet of information and links that chronicle the history of the proposed amendment to the Convention. Accordingly, the secretariat prepared and presented the factsheet to the Bureau. The Chair reiterated her intentions, voiced at the previous meeting of the Bureau, to organize a prospective information meeting with the Russian Federation, the European Union, the Republic of Moldova, Norway, Switzerland and Serbia to share information on respective positions and to agree on how an update of consultations be reported to CoP-11. She stated her intention to hold a one-hour virtual meeting prior to CoP-11. One Bureau member expressed concerns in trying to find a solution to the amendment prior to CoP-11 due to a lack of developments on the side of the concerned Parties whose positions remained unchanged. The Chair and the secretariat recalled that Parties at CoP-10 invited the Chair and Vice-Chairs of the Bureau to facilitate consultations with a view to respective positions possibly becoming closer, and to report back on the outcome of those consultations at the next meeting of the Conference.³ The Bureau took note of the Chair's intentions, as agreed with the Vice-Chairs, to facilitate an informal exchange before CoP-11 to better understand the respective positions of Parties, and to be aware of the handling of the item at the CoP itself. The Chair stated her intentions to send invitations and to hold the informal exchange.

(e) Implementation of the 2019–2020 workplan in view of the COVID-19 pandemic

19. The secretariat updated the Bureau on the implementation of the workplan for 2019–2020, in view of the COVID-19 pandemic. It presented information on activities that have changed or been prolonged due to the pandemic. It also stated that the workplan is moving ahead with the implementation of the Long-term strategy for the Convention until 2030 strongly, but engagement with virtual meetings for CoP-11 and its other activities, and contributions to those of partner organizations are resource intensive. The Bureau took note of and welcomed the efforts made by the secretariat under the extraordinary circumstances to implement activities in another, mostly virtual form and to engage in some additional activities (such an online teaser on land-use planning and industrial safety) as in-person assistance activities had to be postponed. It also noted the resource-intensity, particularly on the side of human resources, of the organization of and participation in virtual and hybrid meetings, including CoP-11.

(f) Resource mobilization for 2021–2022 workplan

20. The Chair requested Bureau members to provide information on their intentions to provide financing to support the implementation of the 2021–2022 workplan and to lead respective workplan items. The secretariat informed the Bureau of funded and unfunded activities and intentions communicated by Parties to date. Several Parties have indicated that they plan to continue their regular contributions. At this stage, the secretariat had not received any indication for additional project-related funds which are essential to continue implementing the programme of work in its current scale, including the more recent activities fully supportive of the implementation of the Long-term strategy until 2030, including engagement with the Sendai Framework for Disaster

³ See ECE/CP.TEIA/38, paragraph 37, available at <http://www.unece.org/index.php?id=46249>.

Risk Reduction, Natural hazards triggering technological disasters (or Natech), land-use planning, National Policy Dialogues on industrial safety in Eastern Europe and the Caucasus, and enhanced partnership with other international and regional organizations. The lack of additional and exceptional funds leaves uncertainty for many activities in the workplan at this stage. Germany informed the Bureau it had started a study into management of Tailing Management Facilities (TMF) involving Kyrgyzstan, with the aim for the study to be completed by October 2020 as a basis for a project to be started in 2021. Germany expressed intentions to have an exchange of ideas with Belarus to clarify technical details for beginning the project.

21. The Chair encouraged the Bureau members to secure funding from their own authorities, or possibly also, by reaching out to other authorities – either in their own countries, or other countries with whom they may have closer contacts. The Bureau encouraged the organization of a meeting of its small group on financing in advance of CoP-11 to further discuss resource mobilization efforts to ensure funding for the 2021–2022 workplan. The Bureau further encouraged Parties to support the workplan as it can only be marginally implemented with the current indications regarding contributions. The secretariat requested Parties to communicate pledges prior to CoP-11, four weeks in advance of the meeting, to facilitate any update of the workplan in advance, hoping to remove items currently in square brackets.

3. Other business

22. No other business was discussed.

4. Closing of the meeting

23. The Chair closed the meeting on 18 September 2020. She proposed that a short Bureau meeting of about two hours be held remotely after the TMF seminar but prior to CoP-11. The Bureau agreed on the morning of 2 or 3 December 2020 for its next meeting. The Chair thanked everyone for their participation, questions and comments.