

UNECE Convention on the Transboundary Effects of Industrial Accidents

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Fourth report on the Convention's implementation

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Outline of presentation

- WGI activities and reporting process
- Evaluation of the reports:
 - Competent Authorities
 - Implementation (Legislation; Problems/Obstacles)
 - Identification of hazardous activities
 - Prevention
 - Notification and mutual assistance
 - Emergency preparedness
 - Scientific and technological cooperation and exchange of information
 - Participation of the public
 - Decision-making on siting
- Conclusions: Quality/overall assessment of reporting/implementation



Working Group on Implementation

- Elected members from Czech Republic, Germany, Hungary, Italy, Lithuania, Norway, Romania, Russian Federation Slovakia and Sweden
- 4 meetings (3 as joint meetings with Bureau)
- Some changes in composition of WGI
- Non-attendance of the elected representative of the Russian Federation



Fourth reporting round on implementation

- Initiated by Secretariat with letter of 22.08.07 to Parties and other UNECE member countries with deadline for reporting 31 January 2008
- By deadline reports received from 35 Parties + EC, 7 countries from EECCA/SEE committed under the Assistance Programme, and Turkey as other UNECE member state
- Albania and the Russian Federation (Parties) and Tajikistan (committed) did not submit their report by deadline or before the final meeting of the WGI
- Official reminders by letters, after which Albania has reported, but no responses from the Russian Federation and Tajikistan
- **WGI**
 - *expresses appreciation of the contributions received*
 - *recommends that the Russian Federation is reminded by the CoP of its reporting obligations*
 - *recommends that Tajikistan is reminded by the CoP of its commitment*



Competent Authorities (Q1)

- All reporting countries have appointed Competent Authorities
- Some changes in contact information have been noted
- Need for immediate update of contact information in case of changes is vital



Implementation (Q 2 – 6)

- Most Parties and other UNECE member countries reporting have established legislation that seems relevant, but general description does not allow for a thorough evaluation of completeness and quality of legislation
- Still only a few countries provided references to relevant articles of the Convention
- Very few responses from countries subject to Seveso II as regards legislation on issues beyond the Directive
- General observation as in previous round: Quality of legislation varies between regions



Implementation - Recommendations regarding legislation

■ WGI

- *encourages countries to provide a clearer and more comprehensive description of legislation and appurtenant control mechanisms in future reporting rounds*
- *reiterates the request for references to specific articles*
- *asks countries having implemented Seveso II to provide a more comprehensive description of legislation, particularly as regards those fields that are not covered by the Directive*
- *recommends that a list of the differences between Seveso II and the Convention should be elaborated*



Implementation - Problems/obstacles

- Western and Central European countries encountered no problems, whilst most EECCA and SEE countries specified various obstacles and needs for assistance
- Needs for assistance are sorted and listed in the annex to the report according to the Convention's working areas and cross-cutting areas as defined in the Kiev legal and institutional capacity building activity (2007)
- Future assistance should be based on countries' analysis of these areas cfr. the proposed Strategic Approach for the Assistance Programme
- **WGI**
 - ***recommends the Strategic Approach based on analysis and supports further capacity building activities for the identification of assistance needs***
 - ***recognizes the need to follow up the requested assistance in practice***
 - ***calls for adoption of the Strategic Approach for the Assistance Programme and for continued commitment from donors***



Identification of hazardous activities (Q 7 – 8)

- All Parties/Members have submitted information, except one
- Some changes from previous reporting were noted. This may be due to different reasons, e.g. actual changes in installations, better understanding of Annex I or actual problems in applying the Annex.
- Improvement in bilateral cooperation was noted, however reporting indicates that such cooperation may be general rather than directed at identification as such
- **WGI**
 - ***stresses the importance of proper identification and continuous updating of relevant information***
 - ***invites countries to initiate cooperative activities in this regard***
 - ***recommends a training session on identification and notification under the Assistance Programme.***



Prevention (Q 9)

- Differing specificity and quality of replies, as previously
- Many only referring to Seveso II implementation or to legislation rather than to practices
- EECCA and SEE countries still facing considerable problems, cfr. annex to the report
- **WGI**
 - ***encourages advanced countries to give clear descriptions and evaluation of preventive measures applied in order to communicate best practices to countries in need of assistance***
 - ***invites EECCA and SEE countries to be active in strengthening prevention and to this end cooperate with Bureau and WGI in preparing capacity building activities and advisory sessions***



Notification and mutual assistance (Q 10 – 18)

- Presently 43 members of the IAN network.
- 24 countries report to have established regional/local notification systems
- Results from tests in 06 and 07, discussed at the Third consultation of points of contact (Sibiu 04.08), indicate that many failures are due to outdated contact details
- **WGI**
 - *recommends that national points of contact should regularly test if contact details are up-to-date, using the web based application and conduct exercises based on scenarios*
 - *welcomes the implementation of the web-based application for the IAN System*
 - *invites countries to share good practice on notification*
 - *encourages countries to set up notification systems at regional/local level*



Emergency Preparedness (Q 19 – 20)

- Level of detail varies and limited detail on testing/revision procedures
- Level of cross border cooperation *in practice* is uncertain
- **WGI**
 - ***encourages countries in future reporting to focus more on efficiency and effectiveness of implemented measures***
 - ***invites countries to harmonize contingency plans in a transboundary context and report results***
 - ***invites EECCA and SEE countries to look for possibilities to test and revise their plans, and to this effect utilize the Assistance Programme***



Scientific and technological cooperation and exchange of information (Q 21)

- A majority of Parties are engaged in bi- and multilateral programmes – some are very extensive
- Note the achievements of the Joint Ad Hoc Expert Group on Water and Industrial Accidents (tailing facilities)
- ***WGI reiterates its satisfaction with Parties and other countries undertaking bi- and multilateral cooperation under the Convention, and urges the continuation of such activities***



Participation of the public (Q 22 – 24)

- Most Parties have formally implemented the provisions regarding public participation, but little information on how the legislation is applied
- Many only refer to implementation of the Aarhus Convention
- Still room for greater and more active involvement of the public
- Some countries still do not give potentially affected public in neighboring countries access to such participation or equal access to judicial and administrative procedures
- ***WGI points to a number of good examples of participation models, and the Assistance Programme should take up these issues***



Decision-making on siting (Q 25 – 26)

- Very general replies received which did not allow for a full assessment of state of play
- Most countries handle these issues through their land use planning systems
- Some countries apply risk assessments in this regard, but no country referred to particular methodologies or specific risk acceptance or decision criteria
- ***WGI recommends that information exchange on this topic should be strengthened and invites countries that do not have adequate systems to apply available guidance material***





Quality of reporting and assessment of implementation

- Overall quality of reports as in previous rounds gives sufficient input to draw fairly good conclusions
- Further descriptions and evaluations of the working areas and cross cutting areas and how they are inter-linked in national legislation and practices would have been valuable in order to establish a more complete picture
- Even if there is an improvement in reporting from EECCA and SEE countries there is still need for improvement, particularly as regards collection of data to be reported
- Better national coordination and cooperation is vital to achieve this
- WGI recommends the Strategic Approach for the Assistance Programme to be applied with self evaluation as a basic element



Quality of reporting and Assessment of implementation (continued)

- Progress in implementation was difficult to measure based on current reports
- Continued Active engagement of Western and Central European countries is vital, also by showing further progress they are achieving in implementing the Convention (practical application)
- Need to strengthen practical application of the Convention (particularly on implementation of legislation and procedures) in EECCA/SEE countries is obvious – Assistance Programme and its Strategic Approach should be seen as the right tool
- New and simplified reporting procedure, focusing on progress achieved and practical application, should be investigated

Important: future reporting should aim at collecting the **most relevant information on implementation status and progress**, ensuring that **EECCA and SEE countries learn from good practices** of other countries, but imposing **NO additional burden**

