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English only

Economic Commission for Europe

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

Working Group on Implementation

Thirtieth meeting

Geneva, 27 and 28 April 2016

Minutes of the meeting

I. Opening of the meeting and adoption of the agenda

1. The following members of the Working Group on Implementation attended the meeting: Ms. Sandra Ashcroft (United Kingdom of Great Britain and Northern Ireland), Chair; Ms. Suzana Milutinovic (Serbia), Vice-Chair; Mr. Evgeny Baranovsky (Belarus); Mr. Hrvoje Buljan (Croatia); Mr. Leo Iberl (Germany); Ms. Anna Tsarina (Russian Federation); Ms. Helena Fridh (Sweden); and Mr. Martin Merkofer (Switzerland).¹

2. Two members were absent: Ms. Lina Buciene (Lithuania), who had informed the secretariat that she could not continue in the Working Group due to a change in responsibilities; and Mr. Peter Westerbeek (Netherlands) who had informed the Chair about his absence due to sickness. Participants expressed their appreciation to Ms. Buciene for her excellent support. The Working Group noted with regret the repeated absence of Mr. Westerbeek.

3. The meeting was serviced by the secretariat to the United Nations Economic Commission for Europe (UNECE).

4. The Working Group on Implementation adopted the provisional agenda (CP.TEIA/2016/WGI.1/Agenda) without changes.

II. Review of the national implementation reports

5. The secretariat recalled that the eighth reporting round on the Convention's implementation had been initiated with letters sent to Parties on 28 August 2015, accompanied by the reporting format and guidelines. The letters inviting countries to submit an implementation report were also sent to non-Parties beneficiary of the Assistance Programme, in the light of their commitment to report on the implementation of the Convention, expressed at a high-level meeting (Geneva, 14–15 December 2005).

6. The secretariat also recalled that the deadline for the submission of the national implementation reports had been set for 31 January 2016 and that, in accordance with a decision by the Conference of the Parties, the Working Group should assess only those reports received within the deadline.

7. The secretariat informed the meeting that 32 out of 41 Parties had submitted their national implementation reports by the deadline: Austria, Belarus, Belgium, Bulgaria,

¹ Mr. Merkofer attended the meeting on 28 April 2016 only.

Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom. Four Parties submitted their reports after the deadline: Armenia, European Union, Finland and France. In addition, five Parties had not submitted their reports by the time of the meeting: Albania, Azerbaijan, Bosnia and Herzegovina, Greece and Montenegro.

8. The secretariat also informed the Working Group that, out of the five Assistance Programme countries which are not Parties but committed at the high-level meeting in 2005 to report on the implementation of the Convention, only one had submitted a report by the deadline (Uzbekistan). Georgia, Kyrgyzstan, Tajikistan and Ukraine had not yet provided their implementation reports by the time of the meeting.

9. The Working Group expressed its satisfaction that 32 Parties and one committed UNECE country had made their implementation reports available by the deadline, noticing with appreciation that the number of Parties and committed countries which had submitted their implementation reports to the secretariat by the deadline had almost doubled compared with the last reporting round, from 18 to 33. Although late, the Working Group also welcomed the submission of the report by the European Union, which had not submitted a report in recent reporting rounds.

10. At the same time, the Working Group regretted that nine Parties and four committed countries failed to submit their implementation reports within the deadline. The Working Group noted with concern that Bosnia and Herzegovina — a new Party since 21 May 2013 and a beneficiary country under the Assistance Programme — and Greece had again not submitted their implementation reports. The Working Group also expressed concern regarding the absence of the national implementation reports from Montenegro, which had provided its report for analysis in the last reporting round, and the majority of committed UNECE countries (Georgia, Kyrgyzstan, Tajikistan and Ukraine) which were not yet Parties to the Convention.

11. The Working Group decided that the secretariat, together with the Chair, should write an official letter to those Parties and committed countries that had not yet submitted their reports, reminding them about their obligation or commitment respectively. The Working Group regretted that it would not be able to include the results of neither these national reports nor those submitted late in its eighth report on the implementation of the Convention, which would be submitted to the next meeting of the Conference of the Parties (Ljubljana, 28–30 November 2016). The Chair offered to include key results from those reports submitted late in her presentation at the eighth meeting of the Conference of the Parties.

ACTION ITEMS:

- **Secretariat to send an official letter to those Parties and committed countries that have not yet submitted their reports, encouraging them to do so**
- **Chair to include key results from those implementation reports submitted late in her presentation at the eighth meeting of the Conference of the Parties**

III. Preparation of the eighth report on implementation

12. At a previous meeting, the Working Group had decided to divide the work on reviewing the national implementation reports according to the sections of the reports, as follows: (a) policy for implementation of the Convention and scientific and technological cooperation and exchange of information (Ms. Ashcroft and Mr. Westerbeek); (b) the identification and notification of hazardous activities with the potential to cause transboundary effects (Ms. Buciene and Ms. Milutinovic); (c) the prevention of industrial

accidents (Mr. Merkofer and Ms. Tsarina); (d) emergency preparedness, response and mutual assistance (Mr. Baranovsky and Ms. Fridh); and (e) public participation, decision-making on siting and reporting on past industrial accidents (Mr. Buljan and Mr. Iberl).

13. According to the agreed division of work, Working Group members presented their assessments of the respective sections of the national implementation reports and discussed a number of conclusions. Among others, the Working Group found that the overall quality of reporting had improved compared with the previous reporting round, that many countries followed the reporting guidelines adequately and that some, whether Parties to the Convention or not, applied the indicators and criteria in the benchmarks document. The Working Group appreciated that, compared with the previous reporting round, more Parties provided good practices, including weblinks, in their implementation reports and it requested the secretariat to make these available on the UNECE website. It also appreciated that some countries (Austria, Hungary and United Kingdom) provided in their reports, on a voluntary basis, the names and addresses of their hazardous activities, which it considered to help improve the understanding of the specific disaster risks and to prepare for them, in accordance with the priorities one and three of the Sendai Framework for Disaster Risk Reduction 2015–2030.²

14. Following the above discussions, the secretariat proposed the next steps and a timeline for the preparation of a draft eighth report on the implementation of the Convention. The Working Group agreed with the proposal to send the updated written inputs for the report to the secretariat by 12 May 2016. It requested the secretariat to prepare, based on the written inputs and the findings at the meeting, the draft eighth report on implementation and to circulate it to the Working Group by 26 May 2016 for comments by 3 June 2016. The Working Group also requested the secretariat to circulate an updated version of the draft eighth report on implementation by 13 June 2016, for discussion at its next meeting (Geneva, 16–17 June 2016).

ACTION ITEMS:

- **By 12 May – Members of the Working Group to send their updated written inputs to the secretariat**
- **By 26 May – Secretariat to compile the written inputs into a draft report and circulate it for comments to the Working Group**
- **By 3 June – Members of the Working Group to provide written comments on the draft report to the secretariat**
- **By 13 June – Secretariat to circulate the updated report to the Working Group for discussion at its 31st meeting (Geneva, 16–17 June 2016)**

IV. Areas of follow-up in the seventh report on implementation

15. The Working Group discussed, based on a background note provided by the Vice-Chair, to which extent the areas for follow-up identified in the seventh report on the implementation of the Convention had been addressed or would require further work. The Working Group concluded that most of the areas for follow-up still remained valid and that it would be important to bring this situation to the attention of the Bureau for its consideration in the drafting of the workplan for 2017–2018. Members of the Working Group agreed to send, at the same time as submitting their written inputs for the eighth report on implementation, their assessment of those areas for follow-up from the seventh report on implementation which should be retained. The secretariat was requested to include those areas also in the eighth report.

² Available from www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf.

ACTION ITEMS:

- **By 12 May – Working Group to send the assessment of areas for follow-up from the seventh report on implementation which should be retained to the secretariat**
- **By 26 May – Secretariat to include the assessment by the Working Group in the draft eighth report on the implementation of the Convention**

V. Draft decision clarifying the reporting requirements under the Convention

16. The Chair recalled that the Working Group on Implementation had been requested by the Conference of the Parties at its eighth meeting to prepare a draft decision clarifying the reporting requirements under the Convention, including with regard to the length of the reporting period and the public availability of the national implementation reports. She also recalled that the Working Group, at a previous meeting, had agreed to shift from a two- to a four-year reporting period, which would be captured in the decision. The Chair invited the Working Group to discuss the issue of making the reports publicly available and to provide further elements for inclusion in of the draft decision.

17. Members of the Working Group stressed the need to explain the rationale for the shift to a four-year reporting period in the draft decision, to clarify the role of the Working Group in the review of the national implementation reports and to encourage committed countries not yet Parties to the Convention to submit implementation reports. Several members also reiterated their concerns with regard to making the implementation reports publicly available, fearing that this would decrease the openness by countries and thus the overall quality of reporting, as some information included in current reports would not normally be shared with the public but only with competent authorities. The Chair suggested discussing this topic also with other UNECE implementation and compliance bodies at the next informal meeting of the informal network of their chairs (Geneva, 20 June 2016). The Working Group agreed with the proposal.

18. Mr. Iberl presented a proposal for the possible transition from the biennial reporting period towards a four-year reporting cycle, explaining that the proposal would significantly reduce the burden of reporting for all Parties and committed countries and that it would harmonize the cycle with the reporting cycle and modalities for the European Union Seveso III Directive. The Working Group discussed the proposal, provided further comments and agreed on the reporting periods, deadlines for submission of the national implementation reports and the availability of the overall reports on the implementation of the Convention, as follows:

Reporting round	Reporting period	Deadline for submission	Availability of an overall report on the implementation of the Convention
ninth	2016–2018 (three years)	31 October 2019	End of 2020 (11 th meeting of the Conference of the Parties)
tenth	2019–2022 (four years)	31 October 2023	End of 2024 (13 th meeting of the Conference of the Parties)
eleventh	2023–2026 (four years)	31 October 2027	End of 2028 (15 th meeting of the Conference of the Parties)

19. The Working Group requested the secretariat to prepare, based on the discussion, a draft decision clarifying the reporting requirements, for review at its next meeting.

ACTION ITEM:

- **Secretariat to prepare, based on the discussion, a draft decision clarifying the reporting requirements, for review by the Working Group at its next meeting**

VI. Draft terms of reference of the Working Group on Implementation

20. The Chair reported that the Working Group on Development at its sixth meeting finalized its exchange of views on the possible introduction of a compliance mechanism, agreeing that the Working Group on Implementation should continue monitoring and identifying deficiencies in the implementation of the Convention. It should also engage in providing support to Parties and committed countries, for instance, through recommendations for strengthening the implementation of the Convention, within the framework of its mandate. In that regard, the Working Group on Development recommended that the terms of reference of the Working Group on Implementation be updated to ensure that it could support Parties and committed countries in strengthening their implementation of the Convention most effectively. The Working Group on Development observed that that could be achieved within the current review of the terms of reference of the Working Group on Implementation, agreed by the Conference of the Parties at its eighth meeting.³

21. With regard to the above, the Working Group discussed additions to its terms of reference and added two further paragraphs to strengthen its engagement with Parties, committed and other reporting countries in implementing the provisions of the Convention. It also requested clarification on some issues, among others on the meaning of introducing “through the Bureau” in paragraph 4 (c).⁴ The secretariat clarified that this would not mean that the Bureau could change the findings and recommendations by the Working Group but that all documents for the Conference of the Parties, including the overall reports on the implementation of the Convention, should go through the Bureau which prepares the meetings of the Conference of the Parties.

22. The Working Group on Implementation requested the secretariat to prepare, based on the discussion, an updated version of the terms of reference for the Working Group on Implementation, for discussion and final comments at its next meeting.

ACTION ITEM:

- **Secretariat to prepare an updated version of the terms of reference for the Working Group on Implementation, for discussion at the next meeting**

VII. Assistance Programme – Status of action items from the previous meeting of the Working Group and next steps

(a) Assessment of the effectiveness of the Assistance Programme

23. The Chair recalled that the Conference of the Parties requested the Working Group on Implementation, with the support of the Bureau and the secretariat, to carry out an analytical review to determine whether the information available was sufficient to document and assess the Assistance Programme’s effectiveness. In that context, it also requested the Working Group to assess whether there was a need for an independent external evaluation of the Assistance Programme and to report its findings to the Conference of the Parties at its ninth meeting.

³ The Conference of the Parties at its eighth meeting requested the Bureau to review the terms of reference of the Convention’s subsidiary bodies, and to prepare revised terms of reference for review and adoption by the Conference of the Parties at its ninth meeting (ECE/CP.TEIA/30, para. 48).

⁴ Paragraph 4 (c) would read as follows, with the proposed addition: “Draw conclusions and make draft recommendations to strengthen the implementation of the Convention on the basis of the above report and submit these, through the Bureau, to the Conference of the Parties for adoption;”

24. The secretariat presented the outcome of its collection of indicators for four test countries (Armenia, Belarus, Kyrgyzstan and Serbia). The Chair informed the Working Group that she had invited her colleague Miles Burger, a social scientist from the United Kingdom, to attend the discussion over the phone. During the discussion the Working Group concluded the following:

(a) Although there is a lot of information available in the documents prepared under the Assistance Programme, there is a need for additional quantitative and qualitative information from beneficiary countries to be identified and collected in order to allow complete assessments of the progress made and thus to determine the effectiveness of the Assistance Programme;

(b) In order to receive further qualitative information, there is a need to enter into contact with the beneficiary countries. This could, for example, be done by conducting interviews (over the phone or in person) and sending them questionnaires for completion;

(c) A small-scale analysis, during which some but not all beneficiary countries would be approached, could help improve the understanding of the impact of an assistance activity, thus allowing an assessment of the effectiveness of the Assistance Programme;

(d) The assessment of the Assistance Programme could be led by the Working Group, supported by the secretariat and an external evaluator, as needed and depending on the availability of dedicated financial resources. Alternatively the Working Group could appoint an independent expert for this task;

(e) Any evaluation carried out should not significantly impact the secretariat's human resources to service assistance activities or divert funds from other activities under the workplan. The evaluation should be targeted at improving future activities and the approach to be taken to implement them.

25. The Working Group also discussed several challenges related to the assessment of the Assistance Programme, such as outdated contact details for participants in past activities, where collected. Also people might have moved on, given that some of the activities had been held up to 10 years ago. The Working Group also discussed the issue of how to measure impact of rather intangible activities (e.g., high-level missions) and how to ensure that the information is valid.

26. The Working Group requested the secretariat to prepare, based on the discussion, a draft document for discussion at its next meeting. It also requested the secretariat to provide further information on the approach to the assessment for further discussion.

(b) Others

27. The secretariat reported that it had received the feedback from Ms. Fridh and Ms. Buciene on the self-assessment from Armenia and from Mr. Merkofer and Mr. Iberl on the self-assessment and action plan from Serbia. It also reported that Georgia was planning to prepare a project proposal. The Working Group agreed to postpone discussion on these matters until its next meeting.

ACTION ITEM:

- **Secretariat to prepare a draft document on assessing the effectiveness of the Assistance Programme, for discussion by the Working Group at its next meeting**

VIII. Closing of the meeting

28. The Chair thanked the secretariat and members of the Working Group for their support in advance of and during the meeting, before closing the meeting at 5 p.m. on 28 April 2016.