

**Joint meeting of the Bureaux of the
Governing Bodies**

MINUTES OF THE JOINT MEETING OF THE BUREAUX¹

Introduction

1. The joint meeting of the Bureaux of the Meeting of the Parties to the UN/ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Conference of the Parties to the UN/ECE Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) was held in Geneva in the afternoon of 19 February and continued in the morning of 20 February 2001.

2. It was attended by:

- Mr. Carel de Villeneuve (Netherlands), Mr. Sergei Tveritinov (Russian Federation), Mr. Manuel Varela (Spain), Mrs. Phani Daskalopoulou-Livada (Greece), Mr. Milan Matuska (Slovakia), Mr. Willem Cofino (Netherlands) - on behalf of the Water Convention Bureau;

- Mr. Ernst Berger (Switzerland), Mr. Jürgen Wettig (European Commission), Mr. Evgeny Gorshkov (Russian Federation), Mr. Pal Popelyak (Hungary), Mr. Ulf Bjurman (Sweden), Mr. Fabrizio Colcerasa (Italy), Mr. Janusz Zurek (Poland) and Mr. Jim Makris (United States) - on behalf of the Industrial Accident Convention Bureau;

- Mrs. Maria Galambos, Mr. Lajos Katai-Urban, Mr. Tamas Koszeghy (Hungary), Mr. Attila Tanzi (Italy), Mr. Jürg Bally (Switzerland), and Mrs. Patricia Charlebois (Joint UNEP/OCHA Environment Unit) - as invited participants;

- Mr. Kaj Barlund, Mr. Keith Bull and Mr. Branco Bosnjakovic – representing the UN/ECE secretariat as well as by Mr. Rainer Enderlein and Mr. Sergiusz Ludwiczak (Convention's Secretaries) who serviced the joint meeting.

¹ Prepared by the secretariats of the two Conventions, in consultation with the Chairperson of the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Chairperson of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents.

3. Mr. Kaj Barlund, Director of the UN/ECE Environment and Human Settlements Division addressed the joint meeting welcoming members of both Bureaux. He recalled the accident at Baia Mare (Romania) in early 2000 and its consequences as the background for the Swiss proposal to negotiate an international instrument on civil liability for damage caused by hazardous activities within the scope of both UN/ECE Conventions. He mentioned that this initiative received considerable support from many UN/ECE member countries and the European Commission and that the Conference of the Parties to the Industrial Accidents Convention stressed the need for an appropriate regime on civil liability. Mr. Barlund also stated that the UN/ECE is happy to provide the forum for the joint special session of the two governing bodies in this respect.

4. The joint meeting was co-chaired by Mr. Carel de Villeneuve, Chairperson of the Meeting of the Parties to the Water Convention and Mr. Ernst Berger, Chairperson of the Conference of the Parties to the Industrial Accidents Convention.

5. The joint meeting had the following items on its agenda:

- (a) Adoption of the agenda for the joint meeting;
- (b) Joint special session of the governing bodies of the UN/ECE Water and Industrial Accidents Conventions:
 - (i) Outcome of the first meeting of the Working Group on Legal and Administrative Aspects under the Meeting of the Parties to the Water Convention – Report on responsibility and liability in relation to accidental water pollution;
 - (ii) Items for the provisional agenda for the joint special session;
 - (iii) Preparation of other documentation;
 - (iv) Rules of procedure for the joint special session;
 - (v) Chairmanship of the joint special session;
 - (vi) Dates for the joint special session;
 - (vii) Financial support for representatives of countries in transition.
- (c) International workshop and exercise on “Industrial safety and water protection”;
- (d) Joint ad hoc expert group on water and industrial accidents.

I. Adoption of the agenda

6. The Bureaux adopted the agenda for its joint meeting (see para. 5).

II. Joint special session of the governing bodies of the UN/ECE Water and Industrial Accidents Conventions

- (i) Outcome of the first meeting of the Working Group on Legal and Administrative Aspects under the Meeting of the Parties to the Water Convention – Report on responsibility and liability in relation to accidental water pollution

7. Mrs. Daskalopoulou-Livada, Chairperson of the Working Group, introduced the report on responsibility and liability in relation to accidental water pollution and provided further clarification as to legal and administrative issues linked to responsibility and liability.

- (ii) Items for the provisional agenda for the joint special session

8. The Bureaux examined the items for the provisional agenda for the joint special session, based on a draft prepared by the Convention's secretariats, and decided to:

- (a) Request the Convention's secretariats to finalize the agenda in consultation with the Chairpersons of both Bureaux;
- (b) Request the Convention's secretariats to invite experts to brief the participants of the joint special session on legal, technical and other issues linked to responsibility and liability in case of water-related accidents. In order to ensure the proper preparations for this briefing, Bureaux members agreed to communicate to the secretariat by 20 March 2001 at the latest, questions for which they would seek an answer by the invited experts;
- (c) Invite the national focal points under the Conventions to provide their replies to a questionnaire on the Lugano Convention, prepared by the Water Convention's Working Group on Legal and Administrative Aspects (see annex to this report). The replies would be sought from focal points in those ECE countries that are members of the Council of Europe. The replies should be communicated to the secretariat by 9 April 2001 at the latest to ensure the preparation of documents for the joint special session.

- (iii) Preparation of other documentation

9. The Bureaux decided to submit three documents to the joint special session: one containing the above mentioned report of the Working Group on Legal and Administrative Aspects, the second with the compilation of the replies by the focal points to the questionnaire on the Lugano Convention and the third one containing a draft instrument on liability and compensation to illustrate the key elements of such a regime to be prepared by the delegation of Switzerland.

10. The Bureaux members noted that 20 April 2001 was the deadline for the Conventions' secretariats to submit properly edited meeting documents to the UN Conference Service for translation and distribution.

(iv) Rules of procedure for the joint special session

11. The Bureaux decided to suggest to the joint special session to apply, *mutatis mutandis*, the Rules of Procedure of the UN Economic Commission for Europe on the understanding that decisions will be made by consensus among the Parties to the Conventions present at the joint special session.

(v) Chairmanship of the joint special session

12. The Bureaux decided to suggest to the joint special session to elect a Chairperson from among the representatives of Parties to the Conventions present at the joint special session. They also recommended that the Chairperson or one of the other Officers of the Meeting of the Parties to the Water Convention and the Chairperson or one of the other Officers of the Conference of the Parties to the Industrial Accidents Convention are elected as Vice-Chairpersons of the joint special session.

(vi) Dates for the joint special session

13. The Bureaux, after discussing substantial preparations for the joint special session (see paras. 7-9), decided that it will be held from 2 to 3 July 2001, at the Palais des Nations at Geneva and requested the secretariats to make the necessary arrangements. This date was agreed upon to have the maximum time available for a possible negotiation process to draw up an instrument on civil liability to be adopted at the Ministerial Conference “Environment for Europe “ (Kiev, 21-23 May 2003).

(vii) Financial support for representatives of countries in transition

14. The Bureaux expressed its opinion that it would be important for representatives of countries with economies in transition to take part in the joint special session. Therefore, they asked potential donor countries to explore the possibility of supporting financially the participation of representatives of these countries in the session, in accordance with the guiding principles for financial assistance adopted by the Conference of the Parties to the Industrial Accidents Convention (ECE/CP.TEIA/2, annex X, appendix II).

III. International workshop and exercise on “Industrial safety and water protection”

15. The Hungarian delegation presented in detail a proposal of organizing an international workshop in conjunction with an exercise, which was initially discussed at the first meeting of the Conference of the Parties and included in its work plan for 2001-2002.

16. The Bureaux:

- (a) Welcomed the proposal and the work done by the Hungarian delegation;

(b) Agreed that this event, as a joint undertaking within the framework of both Conventions would take place in Tiszađjv<ros from 3 to 5 October 2001. It also recommended that other international organizations are invited to contribute substantially to the workshop and exercise, in particular the UNEP/APELL programme, the Joint UNEP/OCHA Environment Unit as well as the International River Commissions. In this context, the secretariat informed the Bureaux that the first two organizations have already expressed considerable interest in participating and contributing to the workshop;

(c) Endorsed in principle the general outline of the workshop and scenarios for the exercise, on the understanding that the transboundary impact of industrial accidents would be specifically dealt with, and requested the secretariats to both Conventions to prepare, in cooperation with the Hungarian delegation an information note for dissemination among focal points under both Conventions and international organizations;

(d) Set up a small international steering group to assist the Hungarian authorities responsible for the event in drawing up a detailed programme of the workshop and inviting appropriate speakers. This group, apart from representatives of the Hungarian Organizing Committee, would comprise Mr. E. Berger, Mr. W. Cofino, Mr. Jim Makris, Mr. V. Sakharov (Joint UNEP/OCHA Environment Unit), Mr. E. Goldschmitt (UNEP/APELL) and the Secretaries of both Conventions. The group would, in principle, work by means of electronic communication, however, one meeting was suggested to take place before finalizing the programme in the beginning of May;

(e) Agreed to seek financial means to support the participation of experts representing Parties and/or speakers from other UN/ECE member countries according to the eligibility for such support contained in the decision taken by the Conference of the Parties to the Industrial Accidents Convention (ECE/CP.TEIA/2, annex X, appendix II).

IV. Joint ad hoc expert group on water and industrial accidents

17. The Bureaux were briefed on the hitherto achievements of the joint ad hoc expert group and the relevant decision on its future activities, taken by the Conference of the Parties to the Industrial Accidents Convention (ECE/CP.TEIA/2, annex VI). In this connection, the Bureau of the Water Convention expressed its full support to continue working together within the joint ad hoc expert group and agreed with its work programme (ECE/CP.TEIA/2, annex VI, para. 7), adopted by the Conference of the Parties with the reservation expressed by Mr. De Villeneuve at that meeting (ECE/CP.TEIA/2, para.34).

18. The Bureaux:

(a) Welcomed the offers of Germany and Hungary to host meetings of the joint ad hoc expert group on water and industrial accidents and agreed to schedule the first meeting to take place in Berlin on 18-19 October 2001 and the second to take place in Budapest in the spring of 2002;

(b) Requested the secretariats to both Conventions to inform the participants of the joint ad hoc expert group, those already nominated at the first meeting of the Conference of the Parties and those to be nominated from within the framework of the Water Convention, on the planned meetings and their agendas in due time.