

**CONVENTION ON THE PROTECTION AND
USE OF TRANSBOUNDARY WATERCOURSES
AND INTERNATIONAL LAKES**

**CONVENTION ON THE TRANSBOUNDARY
EFFECTS OF INDUSTRIAL ACCIDENTS**

Joint ad hoc expert group on water and industrial accidents

Second meeting, 15-16 April 2002

MINUTES OF THE SECOND MEETING ¹

1. The second meeting of the expert group took place at the Environmental Management Institute in Budapest.
2. The following countries were represented: Armenia, Croatia, Czech Republic, Germany, Hungary, Poland, Romania, Russian Federation, Slovakia, Switzerland and Ukraine. The expert nominated by the Netherlands was unable to attend. The UNECE secretariat serviced the meeting. The list of participants is annexed.
 1. **Opening of the meeting, adoption of the agenda and adoption of the report of the first meeting**
3. Mr. Peter Kovacs, Hungary, opened the meeting and chaired the discussion on items 1 to 7. Mr. Martin Schiess, Switzerland, chaired the discussion on items 8 to 10.
4. The expert group adopted its agenda as set out in working paper JEG3 of 15 March 2002. Due to the heavy workload of the expert group, particularly on agenda item 2, the envisaged technical visit was cancelled.
5. The expert group also adopted the report of its first meeting held in Berlin on 18-19 October 2001 (working paper JEG2 of 7 November 2001).

¹ Prepared by the secretariat in consultation with the Chairpersons of the Joint ad hoc expert group.

2. Draft annex to the legally binding instrument on civil liability for transboundary damage caused by hazardous activities within the scope of the Water and Industrial Accidents Conventions

6. Work on this agenda item was the main task of the meeting. As requested by the Chairman of the Working Group on Civil Liability, and based on a draft proposal by Switzerland, the expert group has drawn up a list of hazardous substances and their threshold quantities, which are dangerous for the aquatic environment in case of their release as a result of an industrial accident. This list will constitute a draft annex to the legally binding instrument, and will facilitate the identification of hazardous activities by the Working Group on Civil Liability.²

7. The experts group also exchanged views on the compilation of an annex on financial limits for liability under article 4 of the draft instrument (envisaged as annex II). The preferred option was to link such limits to the risk potential of the hazardous activity. The group was, however, of the opinion that the drawing up of such an annex would require the involvement of representatives of the insurance sector and lawyers, and requested the secretariat to inform the Working Group accordingly.³

8. To prepare the ground for further work on annex II, the experts agreed to submit to the secretariat – by end of June 2002 – information about the costs of accidents that occurred in their countries, and recalled work done earlier by Switzerland for OECD.

3. Consideration of an inventory of existing safety guidelines/best practices for the prevention of accidental transboundary water pollution

9. The expert group considered ways and means of drawing up the inventory based on earlier information (e.g. documents of the 1999 ECE Seminar on the prevention of chemical accidents and limitation of their impact on transboundary waters (MP.WAT/SEM.1/3), held in Hamburg, Germany (4-6 October 1999)) and recently submitted documentation by France, Hungary and Ireland (in response to the request of the secretariat of 19 February 2002 to the focal points under both Conventions). The expert group noted that information on progress made in compiling the inventory will be submitted to the second meeting of the Conference of the Parties to the Industrial Accidents Convention (6-8 November 2002).

10. The expert group recommended that the inventory should have four entries as follows:

² At the third meeting (4-6 May 2002), the Working Group on Civil Liability welcomed the work undertaken and inserted the proposal as annex I in the draft instrument.

³ At the third meeting (4-6 May 2002), the Working Group on Civil Liability has set up an open-ended ad hoc group to draft annex II in the composition as proposed by the expert group. This open-ended group will tentatively meet in Geneva on 4-5 July 2002.

- Safety guidelines adopted ECE-region-wide (e.g. recommendations of the Hamburg seminar);
- Safety guidelines adopted by international river commissions (e.g. joint bodies for the rivers Elbe, Danube and Rhine);
- Safety guidelines adopted by bilateral joint bodies;
- National safety guidelines and/or technical standards.

11. The expert group requested the secretariat to draw up a web site, to be structured as described above, and insert, as appropriate, available information. It noted that the secretariat would be in a position to commence work in the second half of 2002.

12. The expert group also requested its members from Armenia, Croatia, Russian Federation, Slovakia and Ukraine to submit relevant information to the secretariat by end of May 2002 at the latest.

4. Assistance in the adapting these guidelines/best practices to the specific needs and circumstances in river basins in the UNECE region

13. The expert group took note of the progress made in: (a) the German project on technology transfer for plant-related water protection in Moldova, Romania, and Ukraine; and (b) the work undertaken by Germany on checklists for the investigation and assessment of industrial plants with substances and preparations, which are hazardous for water.

14. The expert group was also briefed on the development of a GIS-based potential pollution inventory by the Hungarian Ministry for Environment.

15. The expert group noted with regret that the representative of WHO/EURO was unable to attend and provide detailed information on the outcome of a project aimed at developing a methodology for rapid health and environmental risk assessment of industrial activities (work plans of both the Industrial Accidents and Water Conventions). A leaflet on the methodology was circulated to the participants.

16. The expert group decided to include a discussion on this methodology in the agenda of its next meeting, and recalled that other organizations/institutions may also be interested to share their experience with the ad hoc group at this meeting. In this context, the expert group noted the readiness of Poland to provide written information on the SPEARS programme; and the readiness of Romania to share with the expert group its experience with the application of the above-mentioned methodology (see paragraph 15) in Romania.

5. Facilitating the exchange of information on the functioning of existing alarm and notification systems at national, regional and local levels within the framework of the Conventions and the international river commissions (Rhine, Elbe and Danube) through joint consultations of points of contact and river alarm experts

17. The expert group recalled its decision, taken at the first meeting, to convene consultations among its experts, the focal points from the Rhine and the Danube Alarm Systems and the points of contact under the UNECE Industrial Accident Notification System. Such consultations were requested in order to see if there were issues of common interest and/or possible areas for joint action.

18. As a first step, Mr Schiess has convened such a consultation with Swiss representatives. It showed that the Rhine alarm system and the Swiss part of the industrial accidents notification system could be easily linked through fax or other communication channels. Similar optimizations could be made in other countries.

19. The group urged Mr. Kovacs and Mr. Huijser to submit as soon as possible information on the outcome of their consultations within Hungary and the Netherlands, respectively. Afterwards, the expert group would evaluate the outcome of the consultations and forward proposals, as appropriate, to the Meeting/Conference of the Parties to both Conventions.

6. International response exercises

20. A representative of Hungary informed the expert group about the outcome and the conclusions of the international workshop and exercise, held in Hungary in 2001 (see document CP.TEIA/2001/6 - MP.WAT/WG.1/2001/4 of 30 January 2002) and showed a video on the exercise.

21. The secretariat informed the expert group on the status of preparations for the Polish-Russian transboundary response exercise and an international seminar on the cooperation to prevent and respond to transboundary effects of industrial accidents, which will be held in Ketrzyn (Poland) on 13-15 June 2002 (see document CP.TEIA/2002/2 - MP.WAT/WG.1/2002/1 of 26 March 2002).

7. Drawing up guidelines for establishing model cross-border contingency plans and disseminating them widely among UNECE member countries.

22. The expert group took note of progress made with the pilot study to draw up a joint contingency plan for the Samos River shared by Hungary and Romania, and invited the representatives of these countries to provide further information at the next expert group meeting.

23. The expert group also noted that the Bureau of the Water Convention at its meeting on 24-25 April 2002 will consider issues linked to contingency planning.⁴

8. Work plan, and date and venue of the third meeting

24. The expert group reviewed its work plan adopted at the first expert group meeting (see working paper JEG2, chapter III).

25. It agreed that one of the priority issues to be dealt with is linked to the preparatory work on safety guidelines for pipelines. The expert group appreciated the offer of the Russian Federation to prepare a discussion paper on this issue, which would mainly reflect Russian's experience, both at the national and transboundary levels.

26. The expert group also took note of the information by the secretariat that – following the outcome of the Hamburg seminar – an evaluation is expected to be made (after five and ten years, respectively) on how countries implement these recommendations. Participants noted that the expert group – being established under both Conventions – would be the most competent body to initiate and conduct this evaluation.

27. The agenda of the third meeting would therefore include:

- Report by the secretariat on establishing/updating the web site on the inventory of safety guidelines (item (a) of the work plan);
- Exchange of experience in the use of environmental and health risk assessments (item (b) of the work plan);
- Safety guidelines/best practice for pipelines, including the discussion paper by the Russian Federation (item (c) of the work plan);
- Progress report, including conclusions, by Mr. Huijser, Mr. Kovacs and Mr. Schiess on alarm/notification systems (item (d) of the work plan);
- Experience on contingency planning for transboundary waters (item (f) of the work plan; see discussion under item 7 of these minutes).
- Preparatory work to initiate reporting by the Parties on the implementation of the recommendation of the Hamburg seminar.

⁴ As to the activity of the joint expert group on contingency planning, the Bureau of the Meeting of the Parties to the Water Convention noted the readiness of Slovakia to share with the expert group its experience regarding contingency planning for Hungarian-Slovak transboundary waters, and the Tisza River basin. Mr. Milan Matushka (Slovakia) offered to explore, jointly with the Hungarian Co-Chairman of the expert group, Mr. Peter Kovacs, the possibility of conducting such an exchange of experience either as part of the next meeting of the Working Group on Water Management (early 2003) or as part of the April 2003 meeting of the expert group in the Russian Federation.

28. The expert group welcomed the readiness of the Russian Federation to convene the third meeting next spring, most probably April 2003 in Moscow. The expert group also appreciated the offer of Croatia to host the fourth meeting.

9. Other business

28. The expert group noted the information by the secretariat about the forthcoming international conference on sustainable water management of transboundary waters in Europe (Miedzzydroje, Poland, 21-24 April 2002), which will mark the 10th anniversary of adoption of the Water Convention. It includes the exchange of experience on matters dealt with by the expert group.

29. The representative of Germany drew the attention of the expert group to the workshop on the facilitation of the exchange of safety management systems and safety technology, with Germany as lead country, to be held in Chisinau on 4-5 November 2002 in conjunction with the second meeting of the Conference of the Parties to the Industrial Accidents Convention.

30. The expert group noted the information by the secretariat that it will invite soon the Co-Chairpersons to draft the report on activities of the joint expert group for submission to the second meeting of the Conference of the Parties to the Industrial Accidents Convention for examination, and that the secretariat was ready to assist, as appropriate, in drafting.

10. Closure

The Co-Chairman, on behalf of the expert group, thanked the Government of Hungary for the excellent arrangements made for the second meeting. Experts from the eligible countries appreciated the financial support by donor countries that enabled their participation.

Annex

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