

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

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

Joint Ad Hoc Expert Group on Water and Industrial Accidents

Ninth meeting,
Geneva, 9-10 July 2008

REPORT OF THE MEETING

Introduction

1. The Joint Ad Hoc Expert Group on Water and Industrial Accidents (JEG) held its ninth meeting on 9-10 July 2008, in Geneva. Mr. Gerhard Winkelmann-Oei (Germany) and Mr. Peter Kovacs (Hungary) co-chaired the meeting.
2. The meeting was attended by Ms. Anahit Aleksandryan (Armenia); Mr. Armin Heidler (Austria), Mr. Pavel Danihelka (Czech Republic); Ms. Irma Gurgulani (Georgia); Mr. Massimo Cozzone and Ms. Costanza Testino (Italy); Ms. Svetlana Stirbu (Moldova); Mr. Hendrik van der Veen (the Netherlands); Mr. Radoslaw Czarla (Poland); Ms. Durda Dordevic (Serbia); Ms. Lendita Dika (The former Yugoslav Republic of Macedonia); and Ms. Mihaela Popovici (Secretariat of the International Commission for the Protection of the Danube River- ICPDR). The meeting was serviced by the UNECE secretariat: Mr. Lukasz Wyrowski (Industrial Accidents Convention¹) and Ms. Ella Behlyarova (Water Convention²).

I. Opening of the meeting and adoption of the agenda

3. Mr. Winkelmann-Oei opened the meeting and welcomed the participants. JEG adopted the agenda for its ninth meeting as set out in the document JEG.17/ 26 May 2008. It also adopted the report of its previous meeting (JEG 15 November 2007) and agreed that it will apply in future the similar procedure on adoption of the reports of its previous meetings.
4. The secretariat briefed the JEG on outcomes of the meeting of the Bureau of the Industrial Accidents Convention (7-8 July 2008, Rome) and of the ninth meeting of the Working Group on Monitoring and Assessment under the Water Convention (17-18 June 2008, Geneva).

*This document was not formally edited.

¹Convention on the Transboundary Effects of Industrial Accidents.

² Convention on the Protection and Use of Transboundary Watercourses and International Lakes

5. The Bureau of the Industrial Accidents Convention reviewed the status of JEG's activities and expressed its appreciation to the accomplished achievements. It also discussed possible directions for future work and stressed that any undertakings by JEG should be needs driven and that leadership of countries should be more pronounced.

6. The Working Group on Monitoring and Assessment was briefed on the progress in the JEG's work and was invited to express its view on a draft outline of the guidance for cross border contingency planning (JEG.17-Inf.2). There were no comments provided by the Working Group on this document. The JEG took note of this report and agreed to invite to its next meeting a representative of the Working Group to inform about the activities taking place under its framework with the view of identifying possible areas for cooperation between these two bodies.

II. Safety guidelines/good practices for tailing management facilities

7. The secretariat introduced the draft safety guidelines and good practices for tailing management facilities (JEG.17-Inf.1 /version 24 June 2008), prepared by the steering group with expertise in mining and tailings. JEG discussed the draft, amended it, and agreed that further comments should be sent to the secretariat within the upcoming week. If there will be no more comments provided, the secretariat will finalise the draft taking into consideration the outcomes of the discussion during the meeting. Furthermore, JEG agreed to submit the draft to the Bureau of the Industrial Accidents Convention and to the Working Group on Integrated Water Resource Management under the Water Convention. The above bodies would consider the draft guidelines and decide on their possible submission to the Conventions' governing bodies, for adoption.

8. Mr. Winkelmann-Oei also informed the meeting about a German project on raising public awareness of mining issues carried out in Armenia.

III. Technical visit to a hazardous activity to study the implementation of conclusions and recommendations of Hamburg seminar

9. Further to the decision taken at the previous JEG meeting, experts from countries with economies in transition were invited to participate in the training on "Application of the checklist method for inspection and assessment of the safety level of the potential hazardous activities" organized by the German Federal Agency for Environment for Moldavian and Ukrainian inspectors in Odessa on 28-30 May 2008. As a result, an evaluation of the training in particular related to the application of checklist methodology addressing the implementation of conclusions and recommendations of Hamburg seminar, was prepared by the experts from Armenia, Georgia, Moldova and Uzbekistan.

10. The evaluation concluded that this kind of trainings on the use of checklist methodologies, in particular checklists addressing the recommendations and conclusions of Hamburg seminar, was helpful for participating authorities to identify standards and or legislation to be developed in order to further improve the safety at hazardous

installations dangerous to water. The use of checklist was also considered useful to improve the coordination between different inspection authorities and should lead to enhancing the effectiveness of inspections, which is very important taking into account the scarce resources.

11. The evaluation also contained a recommendation to the JEG to explore possibilities of organizing training sessions on the use of checklist methodology in countries with economies in transition. During the training sessions participants should work at hazardous installations for which waste water, fire protection, transshipment or flood protection is a high concern and the training should allow participants to draw conclusions on how they can improve their countries' policy in better ensuring safety at such installations.

12. Taking into account the conclusions and recommendations presented by experts of countries with economies in transition, JEG decided that the most effective way of providing assistance will be through holding national training sessions, which should be organized addressing countries' specific needs. Furthermore, it agreed thereon that the best framework, under which such training could be organized was the Assistance Programme launched under the Convention on the Transboundary Effects of Industrial Accidents for countries of Eastern Europe, Caucasus, Central Asia (EECCA) and South-Eastern Europe (SEE). JEG invited therefore those countries with economies in transition that participate in the Assistance Programme to include in their national action plans, established and initiated under the Assistance Programme, their strategies on implementing the recommendations and conclusions of Hamburg seminar and to specify in there concrete needs for assistance.

13. JEG also agreed that a helpful tool for countries with economies in transition in elaborating their strategies on implementing the conclusions and recommendations of Hamburg seminar will be a paper describing lessons learnt from countries with market economies in this area. To this end, it agreed to explore possibilities to hire a consultant, who could collect lessons learnt from countries with market economies and draw up the paper under the Group's supervision. JEG also welcomed the proposal of Hungary to organize a multi-stakeholder consultation/seminar combined with a technical visit for countries with market economies on the lessons learnt. The members of the JEG present at the meeting agreed to promote this event, which should contribute to developing the paper on lessons learnt. The countries with market economies were requested to inform the secretariat about their interest in participating in such event by 10 September 2008. The countries with economies in transition were also requested to inform the secretariat on their interest to participate in this event and, furthermore, to put forward proposals on what issues should be reflected in the seminar's program.

IV. Provisions of guidance for cross border contingency plans

14. Mr. Kovacs presented a draft outline of cross-border contingency planning (JEG.17-nf.2). He explained that the draft was prepared on the basis of both the experience of Hungary and on other available material on the subject.

15. JEG took note of the draft document and one comment was made that the list of dangerous substances should be as inclusive as possible. At the same time JEG explored other ongoing work related to the cross-border contingency planning. In this respect, Mr. Winkelmann-Oei informed JEG about the outcomes of the meeting organized by the Hamburg Institute for Hygiene on strategies for implementation of the requirements of the Water Framework Directive under article 11 (3) (L) for prevention and reduction of the effects of unforeseeable water pollution of industrial plants, held in Leipzig (Germany), in November 2007 and made announcement on the workshop to be organised under this project in Lübeck, Germany on 13-15 October 2008.

16. Furthermore, Ms. Mihaela Popovici informed about work on mutual assistance in case of accidental pollution incidents carried out under ICPDR co-ordination. The work started with a survey on the current situation related to the existence of agreements and related procedure on mutual assistance in different countries in the Danube River Basin. The major conclusion was made that all eleven countries that responded to the questionnaire have cross-border, bilateral or trilateral agreements on mutual assistance and that the majority of them were willing to have a joint agreement under the umbrella of ICPDR, which would facilitate mutual assistance. She informed that countries should decide in due course on how to proceed further with this work.

17. JEG took note on the presentations and agreed that any further work on this subject should benefit from already available experiences and it might make sense to wait for the outcomes of the above activities and use them for its work rather than to launch a new similar process in parallel with them. Furthermore, it considered that linking the international response exercise (see item V) with a discussion on the issue of cross-border contingency planning would be very effective combination.

18. The secretariat and the co-chairs expressed their concern that there were no any comments received from the focal points of both Conventions to the draft outline of cross-border contingency planning, especially if such set of guidance would be helpful for countries in improving contingency planning in transboundary context. In this respect, JEG extended the deadline for comments by 10 September 2008. In addition, it invited countries to indicate whether they already have transboundary agreements on the subject and what are the needs for future work. Thereafter, taking into consideration the feedback from countries, JEG will agree on further work in this area.

V. Promotion of international response exercises

19. Mr. Cozzone updated JEG on the progress in implementing the project as presented in the previous meeting on the joint management of transboundary emergencies involving large spills of hazardous substances into the Danube. The meeting was informed that still formal confirmation to join the project is awaited from Bulgaria and that only recently the confirmations were received from Serbia and Romania. For this reasons the first phase of the project including a workshop focused on analysis of tools for risk assessment and of the past accidents was moved to the first half of 2009. The

exact date for the workshop should be agreed at the kick-off meeting planned for second half of September 2008.

20. Mr. Winkelmann-Oei informed about the planned response exercise involving Germany and Poland in 2009 that would be organized back-to-back with a workshop on lessons learned from transboundary response exercises.

21. Mr. Danihelka informed about the planned response exercise involving Austria, Czech Republic and Slovakia.

22. The Expert Group welcomed these proposals and requested the secretariat to keep it informed of future developments.

23. The secretariat informed about the outcome of the Third consultation of points of contact including organization of comprehensive analytical exercises, based on scenarios of real emergency situations between neighboring countries.

VI. Facilitation of the exchange of information on the functioning of alarm and notification systems.

24. The secretariat informed about the simple web-based application developed and introduced under the UNECE Industrial Accidents Notification System to facilitate the work of the points of contact for notifying industrial accidents or requesting mutual assistance

VII. JEG plan of work

25. Further to the decision taken at its previous meeting, JEG agreed that the following areas of work would not receive a priority in the current workplan: (a) maintenance and updating of existing safety guidelines and good practices for the prevention of accidental transboundary water pollution and provision of guidance on their adaptation to the specific needs and circumstances in river basins; (b) development of methodologies to identify hazardous activities that handle smaller amounts of substances than those specified in annex I to the Industrial Accidents Convention and (c) drawing up of guidelines and good practices for the navigation of ships on rivers.

26. The secretariat presented the draft progress report on JEG's activities. JEG noted with satisfaction its major accomplishments, such as (a) follow up on implementation of the conclusions and recommendations of the Hamburg seminar and (b) draft guidelines and good practices for tailing management facilities. It also discussed challenges encountered during the implementation of the work plan. The key ones included: (a) insufficient general support provided from Parties to both Conventions; (b) lack of response to JEG's work from many Parties, especially experts representing Parties to the Water Convention; and (c) diversity of the foreseen work that required different types of expertise. In this respect, JEG invited the governing bodies of both Conventions to consider these challenges and decide on JEG's future work accordingly. The progress

report will be finalised by the Co-chairpersons and the secretariat for the submission to the Conventions' governing bodies through the Bureau of the Industrial Accident Convention and through the Working Group on Integrated Water resources Management under the Water Convention, respectively.

VIII. Other business

27. The International Commission on the Protection of the Danube River informed about its work on mutual assistance in case of accidental pollution incidents (see item IV).

IX. Date and venue of future meetings

28. Pending the respective decision of the Convention's governing bodies, JEG preliminary agreed to hold its next meeting, in the first part of 2009. It also noticed that, if feasible, it will be good to organize JEG meetings back to back with a visit to industrial facilities.
