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English only

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## Economic Commission for Europe

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

#### Working Group on Implementation

##### Forty-third meeting

Geneva (online), 12-13 October 2021

### Minutes of the meeting

#### 1. Opening of the meeting and adoption of the agenda

1. Ms. Helena Fridh, Chair of the Working Group on Implementation, opened the meeting. In addition to her, the following members of the Working Group attended the meeting: Mr. Pavel Chukharev (Vice-Chair, Belarus); Ms. Reelika Kuusik (Estonia); Ms. Laura Vizbule (Latvia); Ms. Nicolette Bouman (Netherlands); Mr. Vitalii Mutaf (Republic of Moldova); Ms. Anna Tsarina (Russian Federation); Ms. Sanja Stamenkovic (Serbia); Ms. Mária Šebestová (Slovakia);<sup>1</sup> and Mr. Raphaël Gonzalez (Vice-Chair, Switzerland).

2. The Chair welcomed the members of the Working Group and of the secretariat, including Ms. Francesca Bernardini, new Chief of the Transboundary Cooperation section. Ms. Vizbule informed the participants that she would after this meeting no longer be available to support the Working Group's activities as she was changing jobs. The Working Group thanked Ms. Vizbule for her excellent support to the Group's work and encouraged her to facilitate the identification of a person from Latvia who could replace her in the Working Group on Implementation, in line with the Group's terms of reference.

3. The meeting was serviced by the secretariat to the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents.

4. The Working Group adopted the agenda (CP.TEIA/2021/WGI.3/Agenda) without changes.

#### 2. Implementation of the Convention, including reporting

5. The secretariat reported on the sending of high-level letters from the Executive Secretary, as requested by the Working Group at its forty-first meeting, to facilitate the submission of implementation reports from those countries which had not yet submitted their implementation reports for the ninth reporting period (2016-2018). The secretariat reported that this resulted in the submission of the national implementation reports by the remaining two Parties – Albania and Bosnia and Herzegovina. It also reported that the Focal Points from Georgia and Tajikistan had contacted the secretariat with the request to share the reporting format and guidelines with them, indicating their intention to submit their reports shortly, while no response from Kyrgyzstan has yet been received.

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<sup>1</sup> Ms. Šebestová attended the meeting for half an hour at the beginning of each day.

6. The Working Group welcomed the submission of the additional reports from Parties, welcoming in particular that Bosnia and Herzegovina had submitted its implementation report for the first time since having become a Party to the Convention in 2013. The Working Group requested the secretariat to follow up with Kyrgyzstan via its permanent mission in Geneva to facilitate the submission of the country's implementation report. It agreed that the subregional groups would make use of the information provided by these countries when updating their country dossiers and defining the engagement strategies. The Working Group also requested the members of the subregional groups to inform the secretariat of potential good practices in these additional reports, for their update of the tables of good practices on the Convention's website.

7. The Chair invited the members of the Working Group to share their key findings from analysing the implementation reports submitted after the deadline,<sup>2</sup> based on their written analyses circulated in advance of the meeting. The Group concluded that the results from the analyses of the late implementation reports are consistent with those presented in the 9<sup>th</sup> report on the implementation of the Convention. During the discussion, the Working Group also agreed on the following:

(a) Inform Kazakhstan that hazardous activities are such with transboundary effects only, given that the country seems to have identified all industrial facilities which store hazardous substances at or above the thresholds determined in the Convention. The subregional group agreed to send a follow-up message to Kazakhstan, once a new Focal Point will have been identified;

(b) Encourage Uzbekistan to use the official reporting format, so as to provide information on all areas of work under the Convention which currently is not the case (e.g. information on decision-making on siting is missing);

(c) Include the Good Practices identified in the late reports also into the Tables of Good Practices on the Convention's website. The secretariat was requested to update the Tables on Good Practices, based on the discussion and inputs by the Working Group, in advance of the next meeting.

8. The Chair thanked the section teams for their work and update. Ms. Bouman and Ms. Šebestová who had not yet analysed the late reports for the sections Policy for the implementation of the Convention and Scientific and technological cooperation committed to share their written analysis with the Working Group by end-November 2021.

9. The secretariat presented a document with recommendations on possible improvements to be introduced into the 10<sup>th</sup> reporting format and guidelines, compiled based on recommendations by the previous members of the Working Group. The Working Group discussed the document and agreed with the recommendations presented therein. It also suggested including references to the provisions of the Convention into each section of the reporting format to better understand the meaning of the obligations under the Convention. In addition, the Working Group requested the secretariat to include a question on inclusion (including in relation to gender, age and disability – in view of the related commitments, such as the UNECE Gender action plan and the United Nations Disability Inclusion Strategy). It also stressed the importance of countries' providing information on all sections using the reporting format and its intention to approach in the future those countries systematically which did not use the reporting format with a request to do so.

10. The Working Group agreed to update the reporting format for the 10<sup>th</sup> reporting format and guidelines, based on the feedback from the former Working Group and the discussions

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<sup>2</sup> The reports from the following countries were analysed: Azerbaijan, Denmark, Estonia, Greece, Kazakhstan, Luxembourg, Montenegro, Netherlands and Uzbekistan.

at the meeting. The Chair invited the Working Group members in charge of the sections<sup>3</sup> to send proposals for updates in the reporting format (not yet the guidelines) by 15 December 2021. The Chair also requested the secretariat to compile these into a draft reporting format for the 10<sup>th</sup> reporting round for discussion by the Working Group on Implementation at its next meeting, with a view to updating the reporting guidelines after that meeting.

### **3. Collection of good practices and exchange of information**

11. The Chair invited the preparatory group for the Working Group's Special Session for a seminar on good practices and lessons learned in implementing the Industrial Accidents Convention to report on the progress made in the organization of the seminar. As the lead of the preparatory group, the Working Group member from the Netherlands presented an overview of the draft concept note and draft agenda for the Special Session which would be held on 3-4 February 2022 as a hybrid meeting from the United Nations Office at Geneva. She summarized the approach taken to select good practices for the seminar, stressing the importance of regional balance, presenting also lessons learned and transboundary examples, closing implementation gaps identified in the 9<sup>th</sup> report and covering the key areas of work under the Convention. She also expressed appreciation towards the secretariat for the support provided in the preparations and follow-up to the three meetings of the preparatory group. The secretariat provided additional information on elements in preparing the Special Session, including on the length of the sessions and the availability of English, French, Russian interpretation.

12. The Working Group welcomed the preparatory group's excellent work, supported by the secretariat, in advancing the Special Session and it stressed that the meeting agenda was very interesting. The Working Group members expressed that the seminar would provide a means to inform representatives from various competent authorities about the Convention and engage countries in their implementation. They considered the seminar an excellent opportunity to engage with different authorities due to its design in thematic sessions. The Working Group also encouraged the preparatory group to further consider incorporating interactive components and discussion activities into the agenda.

13. The Chair requested the preparatory group, in cooperation with the secretariat, to finalize the draft concept note and draft agenda, based on the discussion held and comments provided by the Working Group. The preparatory group members agreed to meet in the coming weeks to finalize the documents, invite speakers to the seminar and discuss the promotion of the event. The Working Group member from Belarus agreed to moderate the sessions that were being organized by the Working Group member from Latvia, due to her leaving of the group. The Chair requested the entire Working Group to promote the Special Session within and beyond their authorities.

### **4. Assistance and Cooperation Programme**

#### **(a) Update on on-going and planned assistance activities**

14. The secretariat presented an update on ongoing and planned assistance activities under the current workplan, notably with respect to the Project on National Policy Dialogues for Industrial Safety in Central Asia (Phase I: Launch) (2020-2021); Subregional workshop on land-use planning and industrial safety for South-Eastern Europe (October 2021) envisaged

<sup>3</sup> Policy for the implementation of the Convention and Scientific and technological cooperation: Ms. Bouman and Ms Šebestová; Identification and notification of hazardous activities: Ms. Stamenkovic and Ms. Vizbule; Prevention of industrial accidents: Mr. Gonzalez and Ms. Tsarina; Emergency preparedness and response and Mutual assistance: Ms. Fridh and Mr. Mutaf; Participation of the public, Decision-making on siting and Reporting on past industrial accidents: Mr. Chukharev and Ms. Kuusik.

technical missions to Montenegro, Azerbaijan and Ukraine as well as on the Projects to strengthen the safety of mining operations, in particular tailings management facilities, in Tajikistan, Uzbekistan and beyond in Central Asia (2021-2023); and the Project on improving tailings safety in Kyrgyzstan, implemented in-kind by Germany. The Working Group members took note of the planned and implemented activities.

**(b) Implementation of the Strategic Approach: Self-assessments and Action Plans, and self-assessment e-tool**

15. The Chair invited the secretariat to share information about the implementation of the Strategic Approach since the last meeting of the Working Group. The secretariat informed the Working Group about the updated self-assessments received from Montenegro and Ukraine,<sup>4</sup> and the planned technical missions to Montenegro in 2021 and to Azerbaijan and Ukraine tentatively in 2022 (subject to the availability of funding). The Working Group reported that Azerbaijan's previously submitted self-assessment (which did not contain any important updates nor addressed the Working Group's questions and comments) had been reviewed and that a successful meeting between representatives of Azerbaijan and the Working Group, facilitated by the secretariat, had been held online on 21 September 2021. The Working Group members responsible for the Eastern Europe and Caucasus subregion mentioned that they had reached out with a proposal of a similar meeting to Ukraine but that they had not heard back. The Working Group agreed to follow up with the Ukrainian focal point on this proposal or inform the secretariat should its support be needed in this respect. The Chair of the Working Group encouraged all subregional groups to engage with countries through informal meetings. The secretariat noted capacity constraints in facilitating such meetings but agreed to support, as feasible, such future meetings to be held under the leadership of the Working Group, which corresponded to its engagement strategy.

16. The secretariat reported on its work with Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to update their self-assessments and action plans with elements of mine tailings safety and Natech risk management. The secretariat had worked with these countries on updating their documents through: individual correspondence and meetings; developing a guide for focal points to consider these elements in updating their documents; presentations and discussion at the technical meeting to prepare for the on-site training in Tajikistan and to enhance capacity for governance and policy-making on tailings safety in Central Asia (23 April 2021); and presentations and discussion at the on-site training and evaluation workshop on strengthening the safety and governance of mine tailings in Central Asia (2-4 June 2021). On this basis, Kazakhstan, Kyrgyzstan and Tajikistan had submitted updated self-assessments to the secretariat and Kazakhstan, Kyrgyzstan and Uzbekistan had submitted updated action plans. The secretariat drew attention to the fact that this was the first time that countries had integrated specific needs regarding strengthening tailings safety and Natech risk management into their self-assessments and/or action plans. The Working Group members thanked the secretariat for its work, and the subregional group stated the newly received documents were of a high-level. The Working Group agreed that it could facilitate communication with countries integrating specific needs and assessing specific gaps within their self-assessments and action plans. The Chair encouraged all members to read the new documents as examples for integrating tailings safety and Natech risk management, with a view to possibly encouraging other countries to integrate these elements in their self-assessments and action plans in the future. The subregional group for Central Asia agreed to review the updated documents and provide feedback.

17. The secretariat also reported on its work to develop action plans with Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to support their implementation of recommendations related to the Convention within their latest UNECE Environmental Performance Reviews

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<sup>4</sup> Azerbaijan also submitted an updated self-assessment following the meeting on 28 October 2021.

(EPRs).<sup>5</sup> The secretariat had analyzed the countries' EPRs for recommendations related to the Convention and drafted actions that the countries could take to implement them. The secretariat had presented the draft EPR action plans at the subregional meetings in April and June 2021 and updated the drafts following discussion and feedback. The secretariat also informed the Working Group that the EPR action plans, albeit drafted specific to each country, mainstream a common approach across Central Asia, including for tailings management, which the countries had expressed a need for at the subregional workshop on strengthening mine tailings safety in Central Asia (Almaty, 20-21 November 2019). The Working Group discussed their role in monitoring EPR action plans. The secretariat confirmed that the Working Group had a role in implementation monitoring, and the Working Group agreed that the subregional groups should consider the EPR action plans as part of their engagements with the countries. The Working Group members agreed to monitor the new EPR action plans within the subregional group.

18. The Working Group member from the Russian Federation presented progress made on developing the self-assessment e-tool and summarized the feedback that had been received on it by the other Working Group members and the secretariat. The Working Group thanked the member for updating the e-tool and requested that it be finalized, including with an option for users to upload to the e-tool their country's prior self-assessments in Word document format. The Working Group agreed that the e-tool should be finalized and circulated to all members in advance of their next meeting. The Working Group and the secretariat agreed to promote the use of the e-tool once available to the beneficiary countries embarking on the process of updating their self-assessment.

**(c) Country dossiers**

19. The Chair invited the subregional groups to provide an update on their engagement with the countries in their subregion, including recommendations for countries to be invited to a teleconference. A member of each subregional group presented updates to one country dossier made in advance of the current meeting. The Working Group agreed to be updating the country dossiers regularly and posting them to the dedicated password-protected webpage which should facilitate keeping track of developments and respective follow-up with the beneficiary countries.

**(d) Teleconferences and engagement with beneficiary countries of the Assistance and Cooperation Programme on implementation issues**

20. The members of the Working Group were invited to inform each other of their engagement with the beneficiary countries since the last meeting of the Group, *inter alia*, via correspondence and video-/teleconferences. The Chair reminded the Group that in the current biennium the focus should be on assistance activities and noted with regret that no teleconferences had been yet conducted in this biennium. She encouraged the Group to consider conducting several teleconferences at the next meeting, at least one per subregional group. The Working Group members were not ready to make proposals at the meeting as to which countries to invite for teleconference at the Group's next meeting and agreed to send their proposals to the secretariat along with the agenda of such teleconference by 15 December 2021 with a request to schedule teleconferences for the next meeting.

## **5. Report and case studies on risk assessment**

21. The Swiss member of the Working Group provided an update on the conduct of the study on risk assessment methodologies, the draft report and the responses received to a call for the submission of case studies. Several members of the Working Group agreed to follow-

<sup>5</sup> The action plan for Uzbekistan was developed with regards to recommendations and actions provided in the Roadmap to the Third Environmental Performance Review of Uzbekistan.

up on the submission of case studies from their country (Russian Federation) or provide a case study shortly (Serbia and Sweden). The Working Group welcomed the ongoing work. It agreed to review the draft report and provide any comments in writing by 29 October 2021.

## **6. Next Meetings**

22. The Working Group confirmed the dates of its next meetings:

- (a) 1-2 February 2022: Working Group on Implementation;
- (b) 3-4 February 2022: Special session by the Working Group on Implementation: Seminar on good practices in implementing the Convention, with interpretation into English, Russian and French (hybrid, from a meeting room in the Palais des Nations, Geneva);
- (c) 15-16 June 2022 or 20-21 June 2022 (to be confirmed): Working Group meeting face-to-face or online. The final dates would be decided upon in February 2022.

## **7. Other business**

23. No other business was discussed.

## **8. Closing of the meeting**

24. The Chair thanked the members of the Working Group for their engagement and the secretariat for its support before and during the meeting. The meeting was closed at 12.30 p.m. on 13 October 2021.

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