

Thematic session 6: Information to and Participation of the Public

UNECE Convention on the Transboundary Effects of Industrial Accidents

*Seminar on good practices and lessons learned in implementing the
UNECE Convention on the Transboundary Effects of Industrial Accidents*
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Industrial Accidents Convention: Article 9 Information to, and Participation of the Public

Three key obligations:

- Information to the public
- Participation of the public
- Access to justice

Definition Article 1:

j. “The public” means one or more natural or legal persons.



Information to the public

- 1. The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. This information shall be transmitted through such channels as the Parties deem appropriate, shall include the elements contained in Annex VIII hereto and should take into account matters set out in Annex V, paragraph 2, subparagraphs (1) to (4) and (9).



Participation of the public

- 2. The Party of origin shall, in accordance with the provisions of this Convention and whenever possible and appropriate, give the public in the areas capable of being affected an opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures, and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.



Access to administrative and judicial proceedings

- 3. The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide natural or legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.



ANNEX VIII Information to the public pursuant to Article 9

1. The name of the company, address of the hazardous activity and identification by position held of the person giving the information;
2. An explanation in simple terms of the hazardous activity, including the risks;
3. The common names or the generic names or the general danger classification of the substances and preparations which are involved in the hazardous activity, with an indication of their principal dangerous characteristics;
4. General information resulting from an environmental impact assessment, if available and relevant;
5. The general information relating to the nature of an industrial accident that could possibly occur in the hazardous activity, including its potential effects on the population and the environment;
6. Adequate information on how the affected population will be warned and kept informed in the event of an industrial accident;

ANNEX VIII Information to the public **UNECE**

pursuant to Article 9 (continued)

7. Adequate information on the actions the affected population should take and on the behaviour they should adopt in the event of an industrial accident;
8. Adequate information on arrangements made regarding the hazardous activity, including liaison with the emergency services, to deal with industrial accidents, to reduce the severity of the industrial accidents and to mitigate their effects;
9. General information on the emergency services' off-site contingency plan, drawn up to cope with any off-site effects, including the transboundary effects of an industrial accident;
10. General information on special requirements and conditions to which the hazardous activity is subject according to the relevant national regulations and/or administrative provisions, including licensing or authorization systems;
11. Details of where further relevant information can be obtained.

ANNEX V, paragraph 2, subparagraphs (1) to (4) and (9)

(Adequate information to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity)

1. The quantities and properties of hazardous substances on the site;
2. Brief descriptive scenarios of a representative sample of industrial accidents possibly arising from the hazardous activity, including an indication of the likelihood of each;
3. For each scenario:
 - (a) The approximate quantity of a release;
 - (b) The extent and severity of the resulting consequences both for people and for the non-human environment in favourable and unfavourable conditions, including the extent of resulting hazard zones;
 - (c) The time-scale within which the industrial accident could develop from the initiating event;
 - (d) Any action which could be taken to minimize the likelihood of escalation.
4. The size and distribution of the population in the vicinity, including any large concentrations of people potentially in the hazard zone;
9. The people who may be affected by an industrial accident.

Importance of implementing Article 9

- Promotion of the rule of law and environmental democracy and key element for the protection of the population and the environment on both sides of the border
- Application of the principles of good-neighbourliness reciprocity, non-discrimination and good faith
- Improved rationale for decision-making and support base for prevention, siting, emergency preparedness measures
- Public awareness raising about risks and effects of industrial accidents
- Promotion of self-sustaining measures in case of emergency

9th Report on the implementation of the Convention

WGI Key findings

- Information to and participation of the public was implemented at a high level for the domestic public in most countries.
- However, some countries still do not grant the same rights to the public of neighbouring countries.
- At the same time, the procedures for involving the domestic and neighbouring public varied among countries; in some cases, it was unclear how judicial and administrative opportunities were implemented in practice.

WGI Recommendations

- WGI calls on Parties to review and consider the application of existing good practices on information to and participation of the public, including those presented or prepared under the Convention, to improve implementation.
- WGI also calls on Parties and committed countries to organize seminars, workshops and other activities to support legislation that would grant the same information and participation rights to the domestic and neighbouring public and further foster implementation in practice.

Decision 2020/2: Strengthening the implementation of the Convention

21. *Invites* Parties and beneficiaries of the Assistance and Cooperation Programme to organize seminars, workshops and other relevant activities to support the putting in place of laws and other legal acts that would grant the same information and participation rights to the domestic and neighbouring public;

ECE/CP/TEIA/42/Add.1

Decision 2020/2 Strengthening the implementation of the Convention

The Conference of the Parties,

Recalling articles 18 and 23 of the Convention on the Transboundary Effects of Industrial Accidents,

Recognizing that 31 out of 41 Parties reported on the implementation of the Convention within the deadline set for the ninth (2016–2018) reporting round,

Recognizing also that only one out of five committed countries¹ not yet Parties to the Convention reported on the implementation of the Convention within the deadline set for the ninth reporting round,

Taking into account and recognizing with appreciation the work done by the Working Group on Implementation to analyse and evaluate the national implementation reports and, with the support of the secretariat, to compile the ninth report on the implementation of the Convention,

Recognizing with appreciation also the valuable work carried out by the Working Group on Implementation in monitoring the implementation of the Strategic Approach for the Assistance Programme (ECE/CP/TEIA/2008/3) and the support provided by the Bureau to ensure the availability of financial and in-kind resources for the implementation of the Assistance and Cooperation Programme,

Welcoming the activities conducted under the Assistance and Cooperation Programme in the period 2019–2020, as outlined in the progress report on the implementation of assistance activities in 2019–2020 (ECE/CP/TEIA/2020/7).

General

1. *Adopts* the ninth report on the implementation of the Convention (2016–2018) (ECE/CP/TEIA/2020/5), as prepared and submitted by the Working Group on Implementation,

2. *Calls* on Albania, Bosnia and Herzegovina, Georgia, Kyrgyzstan and Tajikistan, which have not yet submitted their national implementation reports, to do so without further delay, and invites other non-Parties, including Turkmenistan, which also benefits from activities under the Assistance and Cooperation Programme, to submit such reports on a voluntary basis,

3. *Strongly urges* Bosnia and Herzegovina, Georgia, Kyrgyzstan and Tajikistan, which failed to provide their implementation reports for several consecutive rounds, to submit their national reports for the current reporting round without further delay,

4. *Stresses* the need for the timely submission of national implementation reports, in line with the agreed deadlines,² and calls on all Parties, committed countries and other reporting countries to comply with those deadlines in the future,

5. *Requests* all Parties and beneficiary countries of the Assistance and Cooperation Programme³ to review and, as appropriate, make use of existing good practices in the

¹ Through the adoption of the commitment declaration (CP/TEIA/2005/10) at the High-level Commitment Meeting (Geneva, 14 and 15 December 2005), countries of Eastern and South-Eastern Europe, the Caucasus and Central Asia committed to enhancing industrial safety through their participation in the Assistance Programme and the implementation of the Convention, as well as to submitting national implementation reports. The committed countries are Georgia, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan.

² See decision 2016/2 on reporting requirements under the Convention (ECE/CP/TEIA/32/Add.1).

³ The following countries benefit from activities under the Assistance and Cooperation Programme: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Kazakhstan, Kyrgyzstan,

How to implement Article 9, the related WGI recommendation and Decision 2020/2?

- The Netherlands, Portugal, Croatia and Belgium (Flemish Region) will demonstrate good practices in implementing Article 9 in their presentations in this session; additional Good Practices have been reported (next slide)
 - Table of good practices on UNECE website
 - Relevant guidelines in the context of the Convention:
 - **2008 UNECE Safety Guidelines and good practices for pipelines**
 - **2014 UNECE Safety Guidelines and good practices for tailings management facilities**
 - **2015 UNECE Safety Guidelines and Good Industry Practices For Oil Terminals**
- So far there is no specific guidance on information to and participation of the public including on access to administrative and judicial procedures in a transboundary context about hazardous activities and related safety aspects

Other relevant good practices (reported)

Austria	Ensured the public was informed in the framework of the Convention
European Union	Collected and provided information through the Minerva Portal of the Major Accident Hazards Bureau
Switzerland	Reported on a joint Franco-Genevan Regional Committee on Security to encourage transboundary public participation.



**Thank you for your
attention!**

Convention on the Transboundary
Effects of Industrial Accidents

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