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

Twelfth meeting

Geneva, 29 November–1 December 2022

Item 7 (a) and (b) of the provisional agenda

Activities of the Working Group on Implementation:

- (a) **Special Session: Seminar on good practices and lessons learned on the implementation of the Convention;**
- (b) **Other activities of the Working Group on Implementation since the eleventh meeting of the Conference of the Parties.**

Activities of the Working Group on Implementation since the eleventh meeting of the Parties

Note prepared by the Working Group on Implementation

Summary

The Conference of the Parties at its tenth meeting (Geneva, 4–6 December 2018) requested the Working Group on Implementation to prepare a report on its activities every four years, at those meetings of the Conferences, when no report on the implementation of the Convention would be presented.^a

The present report outlines the Working Group's activities carried out since the eleventh meeting of the Parties (Geneva (hybrid), 7–9 December 2020). Annexed to the report are the conclusions and recommendations of the Working Group's special session: seminar on good practices and lessons learned in implementing the Convention on the Transboundary Effects of Industrial Accidents (Geneva (hybrid), 3–4 February 2022).

The Conference of the Parties is invited to take note of the report on the activities of the Working Group since the eleventh meeting of the Conference of the Parties. It will also be invited to endorse the seminar conclusions and recommendations contained in the report's annex, and to recommend their implementation by Parties, committed countries and other reporting countries.

^a See ECE/CP.TEIA/38, para. 64.

Introduction

1. The present report presents the work of the Working Group on Implementation since the eleventh meeting of the Conference of the Parties (Geneva (hybrid), 7–9 December 2020) to the United Nations Economic Commission for Europe (ECE) Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) and the status of completion of the tasks entrusted to it by the Conference as per the adopted workplan for 2021–2022 (ECE/CP.TEIA/42/Add.1, table 1).

2. At its eleventh meeting, the Conference of the Parties elected or re-elected the following members of the Working Group for the period 2021–2024: Mr. Pavel Chukharev¹ (Belarus), Ms. Reelika Kuusik (Estonia), Ms. Laura Vizbule² (Latvia), Ms. Nicoletta Bouman (Netherlands), Mr. Vitalii Mutaf (Republic of Moldova), Ms. Anna Tsarina (Russian Federation), Ms. Sanja Stamenkovic (Serbia), Ms. Mária Šebestová (Slovakia), Ms. Helena Fridh (Sweden) and Mr. Raphaël Gonzalez (Switzerland).³ At its forty-first meeting (Geneva (online), 23 February 2021), the Working Group elected Ms. Helena Fridh (Sweden) as its Chair and Mr. Chukharev and Mr. Gonzalez as its Vice-Chairs, respectively, for the period 2021–2024.⁴ At its forty-fourth meeting (Geneva (online), 1–2 February 2022), Ms. Tsarina was elected by the Working Group as Vice-Chair, replacing Mr. Chukarev in that function.⁵

3. During the biennium 2021–2022, the Working Group, pursuant to its terms of reference (ECE/CP.TEIA/32/Add.1), engaged with Parties, committed countries and other reporting countries, explored possibilities to facilitate reporting on implementation of the Convention, supported the identification of good practices and the exchange of good practices and lessons learned in implementing the Convention. To this end, the Working Group held the following meetings:⁶

- (a) The forty-first meeting;
- (b) The forty-second meeting, held jointly with the forty-seventh meeting of the Bureau (Geneva (online), 24 February 2021);
- (c) The forty-third meeting (Geneva (online), 12–13 October 2021);
- (d) The forty-fourth meeting;
- (e) The special session: seminar on good practices and lessons learned in implementing the Convention on the Transboundary Effects of Industrial Accidents (Geneva (hybrid), 3–4 February 2022), counting as the Working Party's forty-fifth meeting;
- (f) The forty-sixth meeting (Geneva (online), 20–21 June 2022).

¹ Mr. Chukharev changed his post in November 2021 and was subsequently replaced by Ms. Tatyana Lógutova.

² Ms. Vizbule changed her post in October 2021; to date no replacement has been identified by Latvia.

³ ECE/CP.TEIA/42, para. 27.

⁴ CP.TEIA/2021/WGI.1/Minutes, paras. 4–5, available at <https://unece.org/info/events/event/352284>.

⁵ CP.TEIA/2022/WGI.1/Minutes, para. 28, available at https://unece.org/sites/default/files/2022-06/WGI44_Minutes_Final.pdf.

⁶ Further information about the meetings is available at https://unece.org/info/events/unece-meetings-and-events?f%5B0%5D=area%3A58&f%5B1%5D=program%3A23&f%5B2%5D=subarea_of_activity%3A60&start_date=&end_date=2022-08-04&sort_bef_combine=field_event_date_range_DESC.

I. Support for Parties, committed countries and other reporting countries

A. Engagement with countries on implementation issues and monitoring of the Assistance and Cooperation Programme

4. During the biennium 2021–2022, the Working Group focused on refining and implementing an engagement strategy with beneficiary countries of the Assistance and Cooperation Programme, based on its *modus operandi*, in order to reach out more systematically to countries on issues related to implementation of the Convention. To that end, the Working Group:

(a) Divided the four ECE subregions (the Caucasus, Central Asia, Eastern Europe and South-Eastern Europe) among its members in order to ensure a systematic monitoring of the Assistance and Cooperation Programme;

(b) Updated and maintained country dossiers for each country benefiting from activities under the Assistance and Cooperation Programme. The dossiers contained comprehensive data on a country's implementation of the Convention and relevant assistance activities and projects, based on an agreed template. The members in charge of each subregion placed in the dossiers all relevant information on the countries under their supervision, including: the country's competent authority and focal point(s), and its point(s) of contact for the Industrial Accident Notification system; participation in meetings of the Conference of the Parties; submission of national implementation reports, self-assessments and action plans and progress in their implementation; assistance activities; comments and analyses and follow-up thereto; and the engagement strategy for each country, refined, as necessary;

(c) Supported countries in the preparation or update of self-assessments and action plans. Since the eleventh meeting of the Conference of the Parties, the Working Group has reviewed and provided feedback on three self-assessments (by Azerbaijan, Montenegro and Ukraine) and one action plan (by Montenegro). In addition, the Working Group has reviewed three self-assessments (by Kazakhstan, Kyrgyzstan and Tajikistan) and three action plans (by Kazakhstan, Kyrgyzstan and Uzbekistan) from Central Asian countries, which were updated to include, for the first time, specific needs and actions to strengthen tailings safety and to identify and mitigate natural hazards triggering technological disasters (Natech) risks;

(d) Conducted teleconferences and contributed to country missions or dedicated online meetings with beneficiary countries under the Assistance and Cooperation Programme to better understand and provide support in overcoming implementation issues. In the biennium 2021–2022, the following dedicated meetings, country missions and teleconferences, facilitated by the secretariat, were conducted:

(i) An online meeting between representatives of Azerbaijan and the Working Group on Implementation (21 September 2021), organized by the secretariat, to improve the understanding of Azerbaijan of the Strategic Approach under the Convention and support the country's preparation of a self-assessment and action plan;⁷

(ii) A technical mission to Montenegro (Podgorica, 30 November–1 December 2021), organized by the secretariat, with the participation of the Serbian member of the Working Group, to strengthen implementation of the Convention and its Strategic Approach in the country and to enhance cooperation between the relevant authorities;⁸

⁷ Further information is available at <https://unece.org/info/events/event/359356>.

⁸ Further information is available at <https://unece.org/environmental-policy/events/technical-mission-support-montenegro-implementation-unece-convention>.

(iii) A teleconference with a representative of the Ministry of Emergency Situations of Armenia and the focal point of Ukraine at its forty-fourth meeting;⁹

(iv) A teleconference with focal points from North Macedonia and Uzbekistan at its forty-sixth meeting.

5. Through the above-mentioned activities, the Working Group significantly improved its monitoring of national progress in implementing the Convention and effectively provided tailor-made assistance to each country benefiting from activities under the Assistance and Cooperation Programme. In particular, it reinforced its interactions with countries and actively engaged with many of them through the holding of regular teleconferences, dedicated online meetings and country missions. Significant progress has been made by some countries in the understanding of the provisions of the Convention and in implementing the Strategic Approach, allowing them to identify specific needs and tackle specific implementation issues through the preparation and consolidation of their self-assessments and action plans.

B. Development and testing of an e-tool for self-assessments and action plans under the Strategic Approach

6. In 2014, a user-friendly version of the Benchmarks for the implementation of the Convention was published to facilitate the implementation of the Strategic Approach.¹⁰ The document provides guidance on how to prepare self-assessments and action plans, including detailed and comprehensive criteria and indicators for carrying out an evaluation.

7. In order to further facilitate the implementation of the Strategic Approach, the Working Group, at the initiative and under the leadership of the member from the Russian Federation, developed an e-tool that automates the preparation of national self-assessments and action plans. It allowed the transformation of the user-friendly paper version into an electronic tool that can be used offline by countries. The e-tool is a desktop application designed to provide a user-friendly interface to compile the self-assessments in accordance with the benchmarks. It has been developed in English and Russian, together with related guidance in each language on how to use the tool.

8. Following three rounds of review with feedback from the Working Group and secretariat, the e-tool was finalized by the member from the Russian Federation in 2021 and tested by the Belarussian member of the Working Group in 2022 when updating the national self-assessment and action plan of Belarus. The feedback from Belarus on using the e-tool was very positive, stressing its user-friendliness and clear design. Taking into account the usability of the e-tool and positive conclusions based on the test results, the Working Group recommends the use of the e-tool for beneficiary countries of the Assistance and Cooperation Programme in order to simplify the preparation of their self-assessments.

II. Reporting on implementation of the Convention

A. Facilitation of late submissions of national implementation reports for the ninth reporting round (2016–2018)

9. Considering the importance for all Parties and committed countries to submit their national implementation reports, as reiterated by decision 2020/2 on strengthening the implementation of the Convention (ECE/CP.TEIA/42/Add.1), the Working Group at its forty-first meeting agreed to take steps to encourage those Parties and committed countries that had not yet submitted a report for the ninth reporting round (2016–2018) to do so as soon as possible. Those steps included contacting the focal points of those countries and, if

⁹ CP.TEIA/2022/WGI.1/Minutes, para. 17.

¹⁰ Available at <https://unece.org/info/publications/pub/21661>.

that approach was unsuccessful, requesting the secretariat subsequently to prepare high-level letters.¹¹ This resulted in the submission of three additional implementation reports for the ninth reporting round by Bosnia and Herzegovina, Albania and Georgia in 2021 (in order of submission), complementing the other implementation reports submitted late (for an overview of all reports submitted late, see table below). The Working Group appreciates the efforts by all Parties and committed countries that have reported late. It particularly welcomed the late report by Bosnia and Herzegovina, the first it had submitted since becoming a Party to the Convention in 2013. With these additional reports, all Parties to the Convention have submitted their national implementation reports for the ninth reporting round. Only two committed countries — Kyrgyzstan and Tajikistan — have not provided their reports. The Working Group wishes to encourage those Parties and committed countries that reported late or did not submit a report in the ninth reporting round to submit their implementation report on time for the tenth reporting round (2019–2022).

Parties and committed countries that submitted their national implementation reports late for the ninth reporting round (2016–2018)

| <i>Year</i> | <i>Quarter</i> | <i>Parties/committed countries</i> | |
|-------------|----------------|------------------------------------|-----|
| 2019 | IV | Netherlands | (P) |
| | | Estonia | (P) |
| | | Denmark | (P) |
| | | Uzbekistan | (C) |
| 2020 | II | - | |
| | | Montenegro | (P) |
| | | Luxembourg | (P) |
| | | Greece | (P) |
| | Azerbaijan | (P) | |
| | III | Kazakhstan | (P) |
| 2021 | IV | - | |
| | I | - | |
| | | - | |
| | III | Bosnia and Herzegovina | (P) |
| | | Albania | (P) |
| IV | Georgia | (C) | |

Abbreviations: C, committed country; P, Party.

Note: No implementation report submitted by Kyrgyzstan or Tajikistan (both committed countries). Countries referred to in table are listed in chronological order of submission.

10. At its forty-first meeting, the Working Group agreed to review the late implementation reports from the ninth reporting round submitted after the deadline.¹² It discussed those reports at its forty-third meeting and concluded that their analysis had been useful in order to build up a complete picture of the achievements and challenges in implementing the Convention in the whole ECE region that correlates with the Group's strengthened mandate to engage with Parties, committed countries and other reporting

¹¹ CP.TEIA/2021/WGI.1/Minutes, para. 10.

¹² *Ibid.*, para. 8.

countries.¹³ The Group also concluded that the results from the analyses of the late implementation reports were consistent with those presented in the ninth report on the implementation of the Convention (2016–2018) (ECE/CP.TEIA/2020/5) and additionally agreed to:

- (a) Inform Kazakhstan that hazardous activities were such with transboundary effects only, given that the country seemed to have identified all industrial facilities that stored hazardous substances at or above the thresholds determined in the Convention;
- (b) Encourage Uzbekistan to use the official reporting format, so as to provide information on all areas of work under the Convention, which currently was not the case (e.g., information on decision-making on siting is missing);
- (c) Add the good practices identified in the reports submitted late also to the tables of good practices on the Convention's website, already containing the good practices from reports submitted on time. The secretariat was requested to update the tables on good practices accordingly (see section III. B below).¹⁴

B. Update of the reporting format and guidelines for the tenth reporting round (2019–2022)

11. Furthermore, in the course of the current biennium, the Working Group prepared for the tenth reporting round (2019–2022) by beginning to update the reporting format and corresponding guidelines. In doing so, it considered relevant mandates issued by the Conference of the Parties, notably decision 2020/2 on strengthening implementation of the Convention, decision 2020/1 on strengthening tailings safety in the United Nations Economic Commission for Europe region and beyond (ECE/CP.TEIA/42/Add.1) and the conclusions and recommendations arising from the seminar on good practices and lessons learned in implementing the Industrial Accidents Convention (Geneva (hybrid), 3–4 February 2022) (see annex to present document). The key updates made included the following:

- (a) Inclusion of questions to facilitate reporting on tailings management facilities, Natech events, risk assessment, cybersecurity, public information, good practices and gender, age and disability inclusion;
- (b) Reformatting of the template and guidelines to make reporting and subsequent analysis more user-friendly;
- (c) Restructuring and reordering of some of the sections for consistency purposes;
- (d) Use of special editorial tools to prevent changes in the reporting questions and facilitate adherence to word limits.

12. Following the twelfth meeting of the Conference of the Parties, the reporting format and template will be finalized and circulated by email to competent authorities and national focal points in early 2023. In line with the annex to decision 2016/2 on reporting requirements under the Convention (ECE/CP.TEIA/32/Add.1), the deadline for Parties and committed countries to submit their national implementation report for the tenth reporting round is 31 October 2023. Paragraph 4 of the decision also clarifies that reports submitted after the deadline cannot be analysed by the Working Group for preparing the overall report on implementation. The Working Group wishes to encourage Parties and committed countries to report in a timely manner.

¹³ ECE/CP.TEIA/32/Add.1, decision 2016/, para. 6.

¹⁴ CP.TEIA/2021/WGI.3/Minutes, paras. 6–7, available at <https://unece.org/sites/default/files/2022-01/WGI43-Minutes-final.pdf>.

III. Identification of good practices and facilitation of the exchange of information among Parties and other countries

A. Special session on good practices and lessons learned in implementing the Convention

13. The Working Group held a special session: seminar on good practices and lessons learned in implementing the Convention in order to help Parties, committed countries and other reporting countries overcome implementation gaps. To that end, national authorities were invited to present good practices and lessons learned from their countries. The seminar was attended by over 138 participants from 41 countries, two international organizations, nine non-governmental organizations (NGOs), eight industry associations or companies and five universities or national research institutes worldwide. It was organized under the leadership of the Netherlands, both substantively and making use of the unearmarked financial contribution from the Ministry of Infrastructure and Water Management of the Netherlands.

14. The seminar was substantively organized by a preparatory group, comprising members of the Working Group on Implementation — Ms. Nicolette Bouman (Netherlands, lead Party), Ms. Fridh, Mr. Gonzalez, Mr. Mutaf and Ms. Stamenkovic — and the ECE secretariat.¹⁵ The Group held seven online meetings in 2021–2022 (12 May, 21 June, 7 September, 11 November and 16 December 2021; and 27 January and 29 March 2022)¹⁶ to prepare for the seminar and discuss its conclusions and recommendations. It also communicated by email in between meetings. With the support of the secretariat, the Group also developed the concept note for the seminar and the draft agenda, made available on the ECE website,¹⁷ as well as supporting documents for participants, session moderators and speakers.

15. The seminar comprised six thematic sessions on, respectively:

- (a) Prevention of industrial accidents;
- (b) Identification and notification of hazardous activities;
- (c) Decision-making on siting and land-use planning;
- (d) Emergency preparedness, response and mutual assistance;
- (e) Scientific and technical cooperation and exchange of information; and
- (f) Information to and participation of the public.

16. All thematic sessions included an overview of relevant provisions of the Convention, gaps that the Working Group had identified in the ninth report on the implementation of the Convention (2016–2018), relevant actions contained in decision 2020/2 and presentations on good practices and/or lessons learned by country representatives/organizations from the ECE region and by the ECE secretariat. Some sessions also included interactive polls or discussions between the moderator, presenters, secretariat and audience. The seminar resulted in a number of conclusions and recommendations to improve the Convention's implementation (see annex to present report).

¹⁵ Mr. Chukharev and Ms. Vizbule were formerly part of the group.

¹⁶ Further information available at https://unece.org/info/events/unece-meetings-and-events?key=&title=&start_date=2021-01-01&end_date=2022-08-04&sort_bef_combine=field_event_date_range_DESC&f%5B0%5D=area%3A58&f%5B1%5D=program%3A23&f%5B2%5D=subarea_of_activity%3A60.

¹⁷ Available under heading “Background information” at <https://unece.org/environmental-policy/events/wgi-special-session-seminar-good-practices-and-lessons-learned>.

B. Development of a web page with tables on good practices on the implementation of the Convention

17. In their national implementation reports, Parties and committed countries highlighted good practices and guidelines prepared for national use on relevant areas of the Convention. The Working Group, with the support of the secretariat, prepared a web page¹⁸ containing tables of the good practices reported by Parties and committed countries in their national implementation reports from the Convention's ninth (2016–2018) and eighth (2014–2015) reporting rounds and through other communications. The tables include information and related links when available. The objective of the web page is to facilitate access to and exchange of information on good practices collected through the national implementation reports among Parties, committed and other reporting countries. Any further questions on the good practices provided should be directed to the focal point of the Party or country.¹⁹

IV. Other issues

18. The Working Group recalls that paragraph 1 of its terms of reference states that: “In case a representative of a Party is unable to complete his or her term of office or to perform his or her functions, the Party may appoint another representative. In this case the Party shall notify the Chair and the secretariat without undue delay and at least 14 days before the next meeting.”

19. Mr. Chukharev had attended three meetings of the Working Group during his term of office 2021–2024 (up until and including its forty-third meeting) and informed the Chair and the secretariat that he was unable to complete the term. Without undue delay, the Government of Belarus appointed Ms. Lógutova to serve the Working Group for the remainder of the term (as of the forty-fourth meeting).

20. In addition, Ms. Vizbule had attended three meetings of the Working Group during her term of office 2021–2024 (up until and including its forty-third meeting), when she informed the Working Group and the secretariat that she was unable to complete the term. Despite numerous exchanges between the secretariat, the Latvian focal point and the Permanent Mission of Latvia to the United Nations Office and other international organizations in Geneva, Latvia has thus far not been in a position to nominate Ms. Vizbule's successor in the Working Group. The Working Group encourages Latvia to urgently appoint another representative to serve the Working Group for the remainder of the term 2021–2024. Such an appointment would enable the due functioning of the Working Group in the next biennium — essential in view of the workload facing the Group, which has been tasked with analysing the national implementation reports to be submitted during the tenth reporting round.

¹⁸ Available at <https://unece.org/environment-policy/industrial-accidents/good-practices-implementing-industrial-accidents-convention>.

¹⁹ A comprehensive list of focal points can be found at <https://unece.org/contacts-1>.

Annex

Conclusions and recommendations from the Working Group on Implementation's special session: seminar on good practices and lessons learned in implementing the United Nations Economic Commission for Europe Convention on the Transboundary Effects of Industrial Accidents (Geneva (hybrid), 3–4 February 2022)

I. General conclusions and recommendations

1. Participants welcomed the organization of the seminar and the good practices and lessons learned presented, including the tables of good practices on the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) website.²⁰ The Working Group on Implementation invited Parties and beneficiary countries under the Industrial Accidents Convention Assistance and Cooperation Programme (hereinafter beneficiary countries) to consider applying these good practices to improve their implementation of or accession to the Convention.
2. Parties and other reporting countries were invited to continue reporting on good practices and lessons learned in implementing the Convention through their national implementation reports, in order to strengthen the knowledge base. In view of its role in facilitating the exchange of information, the Working Group should continue to make those reports available online, in cooperation with the secretariat, to support their application.
3. The Working Group should also continue to organize, in cooperation with the secretariat, such seminars on a needs-driven basis to facilitate the exchange of information on important and emerging issues among Parties and other reporting countries.
4. The Working Group encouraged Parties and beneficiary countries to request assistance from the secretariat in implementing the Convention and in understanding and applying the good practices and lessons learned from other countries.
5. Participants identified a need to exchange information more regularly, and on a needs-driven basis, among focal points on various work areas under the Convention. The Working Group recommended the establishment of an interactive network facilitated by the secretariat for the exchange of information and the sharing of experience about the implementation of the Convention.
6. The Working Group recommended that Parties consider the development of a United Nations Economic Commission for Europe (ECE) guide on good practices in implementing the Convention in order to explain the provisions thereof, including their scope, limitations and practical applications within and across countries, and to showcase concrete examples of countries implementing them, including through good practices, such as those presented at the seminar.
7. After analysing the conclusions, the Working Group recommended that the secretariat continue to liaise with the secretariats of other ECE Conventions, such as the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and to collaborate with them on relevant projects and activities. The

²⁰ More information on the special session and the tables of good practices is available at, respectively, <https://unece.org/info/Environmental-Policy/Industrial-Accidents/events/363317> and <https://unece.org/environment-policy/industrial-accidents/overview-tables>.

Working Group also encouraged Parties and focal points to explore linkages between the Industrial Accidents Convention and other ECE conventions.

II. Session 1: Prevention of industrial accidents

8. Participants acknowledged that the integration of technological disaster risks into national and, as appropriate, local disaster risk reduction strategies and policies under the Sendai Framework for Disaster Risk Reduction (2015–2030) provided a strong basis for the prevention of industrial accidents and the mitigation of their effects, as well as transboundary considerations. The Working Group invited all Parties and countries in the ECE region to further ensure such integration.

9. The Working Group agreed that the effects of climate change could pose serious risks to safety at industrial facilities. Rising temperature, melting ice, extreme precipitation/pluvial flooding, sea level rise, glacier and permafrost decline and other extreme weather events and more in the ECE region could lead to more frequent and intense Natech events, i.e. technological accidents triggered by natural hazards.

10. Participants stressed the need for countries to take action to adapt to climate change in order to prevent Natech events and mitigate their consequences, should they occur, in line with Conference of the Parties decision 2020/1 on strengthening mine tailings safety in the ECE region and beyond and decision 2020/2 on strengthening the implementation of the Convention (ECE/CP.TEIA/42/Add.1).

11. Participants noted the lack of good practices around climate change and the prevention of Natech events. They welcomed the forthcoming Natech seminar at the twelfth meeting of the Conference of the Parties (Geneva, 29 November–1 December) in that regard.

12. Participants recognized that cybersecurity was a growing concern for the safe management of industrial facilities, given the rising number of digital and automated control and power systems. The Working Group recommended that all Parties and beneficiary countries review existing knowledge and improve their understanding of cyber risks for industrial accident prevention, preparedness and response.

13. Participants recognized that prevention was strongly linked to the identification and notification of hazardous activities, without which preventive measures in a transboundary context could not be effective. The Working Group recommended that Parties and beneficiary countries consider whether additional steps were needed for their identification and notification processes to improve prevention of industrial accidents in transboundary contexts.

14. Some Parties to the Convention had developed methodologies, tools and guidelines to strengthen their implementation of the preventive measures of the Convention and to prevent industrial accidents. The Working Group recognized the importance of developing, updating and applying such methodologies, tools or guidelines in all countries to ensure the application and effectiveness of preventive measures.

III. Session 2: Identification and notification of hazardous activities

15. Participants acknowledged the ongoing challenges in implementing article 4 (identification, consultation and advice) of the Convention, including in the application of the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (Location criteria) (ECE/CP.TEIA/38/Add.1).²¹ The Working Group agreed to

²¹ The Location criteria are available at https://unece.org/DAM/env/documents/2019/TEIA/ENG_Guidelines_to_facilitate_the_identification

collect further good practices and lessons learned on the identification and notification of hazardous activities.

16. The Working Group recommended that countries use existing guidelines and tools (e.g., the publication *Safety guidelines and good practices for tailings management facilities*²² and the related Tailings Management Facilities Methodology)²³ to:

- (a) Identify tailings management facilities (i.e. active, inactive, abandoned, legacy and orphaned tailings management facilities and those with transboundary risks) and their related hazards and risks;
- (b) Conduct mapping exercises of said tailings management facilities;
- (c) Improve tailings management facility safety overall.

17. The Working Group recognized the importance of notifying all potentially affected countries about all types of identified hazardous activities, including tailings management facilities, and recommended the use of the template for the notification of hazardous activities in accordance with article 4 of and annex III to the Convention.²⁴ The Working Group encouraged Parties to also consider updating the Location criteria in relation to tailings management facilities, notably the water path criterion, in order to enhance implementation of the Convention and the prevention of accidental water pollution.

18. The Working Group acknowledged that some Parties had voluntarily extended the application of the Convention (e.g., Belarus and Switzerland to pipelines) and invited other countries to consider doing the same to ensure industrial safety. The Working Group also considered the need to identify which voluntary extensions were possible.

19. The Working Group invited all Parties and beneficiary countries, in line with decision 2020/2, to provide further information on their hazardous activities (e.g., names, addresses and locations) in their national implementation reports to improve understanding both of existing hazards in transboundary contexts within the ECE region and of Sendai Framework Priority 1 “Understanding disaster risk”.

IV. Session 3: Decision-making on siting and land-use planning

20. Participants recognized the importance of having adequate siting and land-use planning decision-making processes, including with public participation, in place to mitigate the effects of industrial accidents on the population and the environment, including in a transboundary context. To that effect, the Working Group encouraged Parties to consider related interlinkages between the Industrial Accidents Convention and the Espoo Convention.

21. Participants highlighted the lack of siting and land-use planning laws and policies that took transboundary issues into account. The Working Group encouraged all Parties and beneficiary countries to further integrate transboundary aspects into their national legislation and policies, considering also the involvement of the public of neighbouring countries, and interlinkages between the Industrial Accidents Convention, the Aarhus Convention and the Espoo Convention.

22. The Working Group encouraged countries to make use of existing guidance (e.g., the publication *Guidance on land-use planning, the siting of hazardous activities and*

[_of_hazardous_activities_for_the_purposes_of_the_UNECE_Industrial_Accidents_Convention_Location_Criteria_.pdf](#).

²² United Nations publication, ECE/CP.TEIA/26.

²³ These and additional guidelines and tools are included in the Online Toolkit and Training for Strengthening Mine Tailings Safety available at <https://unece.org/environment-policy/industrial-accidents/online-toolkit-and-training-strengthening-mine-tailings>.

²⁴ Available at https://unece.org/DAM/env/documents/2020/TEIA/Guidelines_and_good_practice/ENG_sample_HA_notification.pdf.

related safety aspects)²⁵ and available databases (e.g., the ECE/European Investment Bank Information Repository of Good Practices and Lessons Learned in Land-Use Planning and Industrial Safety²⁶ when developing their own procedures. In recognizing the increasingly important role of land-use planning for preventing industrial accidents, the Working Group also encouraged countries to review and update existing national guidelines or, where appropriate, consider developing new ones.

V. Session 4: Emergency preparedness, response and mutual assistance

23. Participants acknowledged the usefulness of sharing further good practices and lessons learned in planning joint actions to prevent the occurrence of, contain and mitigate the negative consequences of industrial accidents with transboundary effects.

24. Participants recognized the importance of having early warning systems in case of an emergency to ensure readiness to promptly respond to industrial accidents.

25. The Working Group agreed that all Parties and beneficiary countries with hazardous activities should further strengthen the development and implementation of external contingency plans — joint or harmonized — in cooperation with neighbouring countries, including with countries that shared the same river basin, in order to best respond to industrial accidents should they occur.

26. The Working Group encouraged countries to finalize existing contingency plans and related agreements drafted (e.g. along the Danube Delta) and to regularly update and review them. The Working Group stressed that cooperation and support under existing mechanisms, such as the Industrial Accidents Convention, the European Union Civil Protection Mechanism and river basin organizations (e.g., the International Commission for the Protection of the Danube River), should be sought to strengthen countries' efforts in doing so.

27. The Working Group encouraged Parties and beneficiary countries to conduct joint exercises on preparedness and response measures, including to practise notifying affected countries of industrial accidents, mutual assistance procedures and using command and control structures.

28. The Working Group encouraged Parties and beneficiary countries to apply the ECE *Checklist for contingency planning for accidents affecting transboundary waters, with introductory guidance*²⁷ to support their efforts in preparing for and responding to industrial accidents capable of causing water pollution, which could have an adverse impact on human health and the environment.

29. Participants recognized the need to further explore and strengthen the interlinkages between industrial safety and water laws and policies within their countries. The Working Group encouraged Parties and beneficiary countries to explore how cooperation and coordination between national authorities and agencies overseeing laws and policies on water and industrial safety could be enhanced, in order to strengthen risk governance and capacity, as well as interlinkages between the Industrial Accidents Convention and the Water Convention and its Protocol on Water and Health.

30. Participants noted the complexity and versatility of mutual assistance processes. The Working Group encouraged that they be regularly reviewed and tested across countries, despite the coronavirus disease (COVID-19) pandemic and other emergency situations, to ensure readiness for such types of international cooperation.

²⁵ United Nations publication, Sales No. E.18.II.E.6.

²⁶ Available at <https://unece.org/information-repository-good-practices-and-lessons-learned-land-use-planning-and-industrial-safety>.

²⁷ United Nations publication, ECE/TEIA.CP/34.

VI. Session 5: Scientific and technical cooperation and exchange of information

31. Participants recognized that the seminar itself already provided a forum for scientific and technical cooperation and the exchange of information across countries, noting with satisfaction the good practices, lessons learned and discussions.

32. Participants recognized the importance of countries and international organizations facilitating activities across national borders to ensure scientific and technical cooperation and the exchange of information related to the implementation of the Convention and industrial safety as a whole.

33. The Working Group noted that bilateral and multilateral working groups and exercises provided a means to exchange information, cooperate and enhance knowledge bases. They encouraged such groups and exercises as a means to build a common safety culture and trust.

34. Participants welcomed existing initiatives for scientific and technical cooperation and the exchange of information, including on transboundary matters, which should be maintained, reinforced and further developed. The Working Group recommended that further such initiatives be developed, particularly to bring relevant countries together in regions, subregions, at shared river basins and at borders, and that the secretariat continue to liaise with other ECE multilateral environmental agreements.

VII. Session 6: Information to and participation of the public

35. The Working Group encouraged Parties and other reporting countries to share further good practices, including tools and guidance, on public access to information about hazardous activities, equal public participation in a transboundary context and equal access to administrative and judicial procedures in a transboundary context through their national implementation reports.

36. The Working Group recommended that Parties and beneficiary countries consider whether they needed to take additional steps to guarantee the same level of access to information to the public on the other side of a border that might be affected by a hazardous activity from their jurisdiction, for example, by using electronic tools, harmonizing techniques, models and data, translating information (including by making financing available for translations) and actively disseminating information to neighbouring countries. The Working Group encouraged Parties to use electronic tools for the promotion of public access to information, including with a view to involving the public in the areas capable of being affected outside their jurisdiction.

37. The Working Group encouraged Parties and beneficiary countries that did not yet have equal participation rights for populations likely to be affected by hazardous activities in neighbouring countries to study the good practices presented at the seminar, derive inspiration from them and develop adequate procedures and treatment for public participation. It also encouraged them to consider institutionalizing the involvement of the public and non-governmental organizations (NGOs) to that effect. The Working Group agreed that electronic tools could be helpful for public authorities in providing equal access to participation procedures in a transboundary setting, and encouraged Parties to use electronic tools for the promotion of public participation, including with a view to involving the public in the areas capable of being affected outside their jurisdiction.

38. The Working Group recognized that Parties and other reporting countries did not yet report on any laws or policies that ensured transboundary access to administrative and judicial proceedings within their national implementation reports under the Convention. In addition, no guidance was reported on that aspect under the Convention. The Working Group encouraged countries to consider their laws and policies regarding transboundary access to administrative and judicial proceedings under the Convention (see art. 9 (3)) and report on that issue to the secretariat; in doing so, it encouraged competent authorities to liaise with other relevant authorities, including at different levels, and those responsible for

the implementation of related multilateral environmental agreements (e.g., the Aarhus Convention or the Espoo Convention), in order to consider how to strengthen that aspect, and pursue a regular dialogue in that regard.

39. The Working Group recommended that the secretariat, Parties and focal points liaise with other multilateral environmental agreement secretariats working in the field of the promotion of equal rights of access to information, participation and access to administrative or judicial procedures in a transboundary context, in order to generate more awareness and guidance on the implementation of those obligations under the Convention.
