

**GUIDELINES TO FACILITATE THE IDENTIFICATION OF
HAZARDOUS ACTIVITIES FOR THE PURPOSES OF THE CONVENTION**
(in accordance with article 4, paragraph 1, of the Convention)

1. According to the definitions of the Convention, hazardous activities are activities capable of causing transboundary effects that involve the manufacture, use, storage, handling or disposal of hazardous substances in quantities above the threshold limits laid down in annex I to the Convention.

2. A transboundary effect means a serious effect in one Party as a result of an industrial accident occurring in another Party. An effect is a direct or indirect, immediate or delayed adverse consequence caused by an industrial accident on, inter alia, human beings, soil, water, air, landscape, material assets or cultural heritage.

3. Taking into account the definition of hazardous activity and the fact that industrial accidents with transboundary effects are more likely to occur in activities close to a border or in a river basin having a transboundary outlet, it is clear that both substance and quantity criteria and location criteria are needed for the purpose of identifying hazardous activities. These criteria are given below. They are intentionally kept pragmatic so that the Parties can start implementing the Convention swiftly.

Substance and quantity criteria

4. The following substance and quantity criteria shall apply for the purpose of identifying hazardous activities capable of causing transboundary effects under the Convention: one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in annex I to the Convention.^{1/}

Location criteria

5. The following two location criteria shall apply for the purpose of identifying hazardous activities capable of causing transboundary effects under the Convention:

(a) Within 15 kilometres from the border, for activities involving hazardous substances that: (i) may cause a fire or explosion or (ii) fall under category 1, 2 or 3 of part I of annex I to the Convention (including any substance mentioned in part II of annex I that has any of these properties) and that may be released into the air in the event of an accident;

(b) Along or within the catchment areas ^{2/} of transboundary and border rivers, transboundary or international lakes, or within the catchment areas of transboundary groundwaters, for activities involving hazardous substances that fall under category 1, 2, 3, 9, 16, 17 or 18 of part I of annex I to the Convention (including any substance mentioned in part II of annex I that has any of these properties) and that may be released into watercourses in the event of an accident. Whether or not such an activity is capable of causing a transboundary effect in such an event should be decided by the competent authority of the Party of origin, preferably in consultation with joint bodies. ^{3/} The decision should depend, among other things, on the existence of river warning and alarm systems and the distance ^{4/} between the location of hazardous activity and the border.

Notes

1/ According to Council Decision 98/685/EC of 23 March 1998, for EU member States all establishments covered by article 9 of Council Directive 96/82/EC of 9 December 1996 (Seveso II), i.e. upper-tier establishments, are taken to meet these criteria.

2/ A catchment area of a transboundary river or lake is defined as the whole drainage area of this river or lake with a common outlet.

3/ Joint body means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between Riparian Parties.

4/ The joint ad hoc expert group on water and industrial accidents recommended that this distance should correspond to approximately a flowing period of two days of average flow velocity.