

17 January 2023

English only

Economic Commission for Europe

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

Working Group on Implementation

Forty-sixth meeting

Geneva (online), 20-21 June 2022

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 seven members of the Working Group attended the meeting: Ms. Tatyana Logutova (Belarus); Ms. Reelika Kuusik (Estonia); Ms. Nicolette Bouman (Netherlands); Mr. Vitalii Mutaf (Republic of Moldova); Ms. Anna Tsarina (Vice-Chair, Russian Federation); Ms. Sanja Stamenkovic (Serbia); and Mr. Raphaël Gonzalez (Vice-Chair, Switzerland). Ms. Kuusik and Ms. Bouman attended the meeting on the first day only. Ms. Maria Šebestová (Slovakia) informed the Chair and secretariat that she could not attend.

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

3. The secretariat highlighted the importance of the forty-sixth meeting, given the upcoming twelfth meeting of the Conference of the Parties (Geneva, 29 November to 1 December 2022). It also expressed appreciation towards the members of the Working Group for their work during this biennium 2021–2022, in particular for their engagement in the organization of the seminar on Good Practices and Lessons Learned in the implementation of the Convention.

4. The Working Group adopted the agenda (CP.TEIA/2022/WGI.2/Agenda) without changes.

5. The secretariat recalled that Ms. Laura Vizbule (Latvia) informed the Working Group that she would no longer be available to support its activities. In this regard, the secretariat undertook several efforts to encourage Latvia to nominate a replacement for Ms. Laura Vizbule in the Working Group, by engaging with the Focal Point and the Permanent Mission of Latvia. Unfortunately, these efforts were unfruitful. To provide a solution, the Chair of the Working Group and the Chair of the Bureau suggested to send out a joint letter to Latvia to encourage them to nominate a candidate. The Working Group welcomed this proposal.

2. Seminar on Good Practices and Lessons Learned in the implementation of the Convention

(a) Seminar evaluation

6. The Chair invited the secretariat to present the findings from the evaluation of the seminar on Good Practices and Lessons Learned in the implementation of the Convention (Geneva and online, 3-4 February 2022). The secretariat informed the members of the Working Group that participants were highly satisfied or satisfied with the preparations, logistics, conduct and content of the seminar. Participants also found the seminar to be comprehensive, covering a wide range of topics and well supported by the secretariat.

7. The members of the Working Group took note of the information and welcomed the positive evaluation. The Chair expressed great appreciation to the preparatory group for their engagement in the organization of the seminar, in particular to the Netherlands as lead Party. The Dutch member of the Working Group also thanked the preparatory group members and secretariat, highlighting that the preparations and success were a team effort.

(b) Conclusions and recommendations

8. The member of the Working Group from the Netherlands, also Chair of the Working Group's preparatory group for the organization of the seminar, presented the finalized seminar conclusions and recommendations, as finalized by the secretariat after the last meeting and annexed to the Working Group's report on its activities in 2021-2022. She highlighted several follow-up activities for inclusion into the workplan 2023-2024, such as the establishment of an interactive network for the exchange of information and sharing experience about the implementation of the Convention and the development of a guide on good practices in implementing the Convention. She also highlighted the recommendation for the secretariat to liaise with other UNECE multilateral environmental agreements that work 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.

9. The Chair invited the members of the Working Group to send their eventual comments on the conclusions and recommendations for the seminar, if any, to the secretariat by 31 July 2022. The secretariat recalled the process on the development of the conclusions and recommendations, mentioning that previous comments provided by the preparatory group on the conclusions and recommendations had already been taken up in the annex of the Working Group's report. The Group agreed that the conclusions and recommendations in the annex will be presented for endorsement to the Conference of the Parties.

10. Furthermore, the Chair invited the members of the Working Group to discuss how to address specific recommendations therein, notably the proposed update of the location criteria in relation to tailings management facilities (TMFs) (para. 17 in the annex to the Working Group's report to the Conference of the Parties, ECE/CP/TEIA/2022/5). She recalled, with the support of the secretariat, that the former German co-Chair of the Joint Expert Group on Water and Industrial Accidents (JEG) had proposed at the Good Practice seminar that all TMFs with a capacity of at least 1 million cubic metres should be reported under the Convention, whether or not the hazardous substances they hold fall within the scope of the Convention's Annex I, given that TMFs can cause devastating and widespread effects, mainly due to oxygen depletion after contamination with TMF's stored mud.

11. The member from Serbia, who had chaired the session of the Good Practice seminar at which this proposal was made, pointed out the challenges related with the proposal. She explained that the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS) was used to determine hazardous substances under the Convention, however, that the GHS did not apply to hazardous waste, while tailings are considered hazardous waste and covered by the Convention. She further explained that Serbia faced

currently challenges with this and, in her view, there was a need to make a connection between annex I of the Convention and hazardous waste, as done in the Seveso Directive.

12. The Chair thanked the Serbian member of the Working Group for the explanations and suggested recommending to the Joint Expert Group to consider the proposed update. The secretariat clarified that the Working Group would need to be involved in such a process, given that the proposed update touches upon the implementation of the Convention and reporting. The Swiss Vice-Chair agreed and stressed the importance of involving the Bureau also in such a process. The Chair requested clarification from the secretariat as to how such a process could be organized. The secretariat stated that deliberations among the groups could start in the next biennium and that the results of the deliberations could be communicated to the Bureau, in order for the Bureau to prepare a decision on the update of the location criteria in relation to TMFs, which the Conference of the Parties could take at its 13th meeting. The Working Group agreed to recommend to the Bureau that the issue be further considered in the next biennium, in cooperation with the JEG and Bureau.

(c) Follow-up activities in the next workplan and beyond

13. The Chair invited the secretariat to present further information about the implementation of the follow-up activities for the workplan 2023-2024. The secretariat presented on the interactive network for the exchange of information and sharing of experiences, providing three options in which the interactive network could take form (an e-group, an MS Teams group or an online platform). Furthermore, the secretariat presented on the development of a guide of good practices on the implementation of the Convention, setting out which information could be taken up in the guide. The secretariat also shared information about possible timelines and the duration for implementing the aforementioned follow-up activities.

14. The members of the Working Group expressed their views on the proposed implementation of the above activities in 2023-2024 and considered opportunities of providing financing from the side of their or other authorities for their implementation. In the light of the discussion and lack of financing available for the guide on good practices, the Chair suggested to primarily focus on the development of an interactive network and offered that Sweden could be in the lead for that.

15. The members of the Working Group agreed to explore whether they could become lead Parties for any of the proposed follow-up activities in the next workplan, notably for the guide on good practices, and to inform the secretariat of the outcome by 31 July 2022.

3. Implementation of the Convention, including reporting

(a) Implementation reporting and analysis

16. The secretariat reported on its follow-up with Kyrgyzstan and Tajikistan to facilitate the late submission of an implementation report for the 9th reporting round (2016-2018), as requested by the Working Group at its last meeting. It explained that the letter to Kyrgyzstan had been resent, without a reply, and that Tajikistan did not submit an implementation report, following its announcement to do so and several informal contacts by the secretariat. The Working Group expressed its disappointment that the countries did not submit the reports, concluding that further engagement to facilitate the submission would not be fruitful and suggesting focussing the efforts on encouraging the countries to submit their implementation reports for the upcoming 10th reporting round (2019-2022) next year.

17. The Working Group took note of the written key findings from analyzing the sections “Policy for implementation of the Convention” and “Scientific and technological cooperation and exchange of information” in the late implementation reports from the 9th

reporting round, submitted by the members of the Working Group from the Netherlands and Slovakia. With this, it considered the discussions on implementation for the 9th round closed.

(b) Reporting format and guidelines for the tenth reporting round

18. The secretariat presented the draft reporting format and guidelines for the 10th reporting round (2019-2022), updated based on the inputs and written feedback of the Working Group members after the 44th meeting (1-2 February 2022). The Working Group thanked the secretariat for the update and expressed general support to the draft reporting format and guidelines. Due to the lack of time, the Chair suggested that the members of the Working Group provide their comments on the updated draft format and guidelines in writing by 31 July 2022. The secretariat was asked to finalize the reporting format and guidelines by the end of the year, based on the feedback by the Working Group. The final reporting format and guidelines could be approved by the Working Group by email, if needed, in advance of the next meeting, to ensure the timely circulation to Parties in the first quarter 2023.

(c) Risk assessment

19. The Vice-Chair from Switzerland provided an update on the work done to develop the finalized reports on “Risk Assessment for Industrial Accident Prevention: Overview of risk assessment methods” (Part 1) and “Risk Assessment for Industrial Accident Prevention: Selected Case Studies and Available Software Tools” (Part 2), which would be presented at the 12th meeting of the Conference of the Parties (29 November–1 December 2022). The Working Group welcomed the work, took note of the information provided and stressed the added value of the reports, notably of the case studies.

(d) Tailings safety

20. The secretariat informed the members of the Working Group about an orientation paper/road map containing concrete actions on strengthening tailings safety, which was developed by the Bureau’s small group on tailings safety, in cooperation with the secretariat, following the request by the Conference of the Parties at its 11th meeting (7–9 December 2020). The secretariat explained that, among others, in the road map it is recommended that Parties should systematically report on tailings management facilities (TMFs) as part of their hazardous activities as of the 10th reporting round (2019–2022) and that they should consider a possible update of the location criteria to more fully cover TMF-related risks. The Working Group took note of the information presented and supported the inclusion of these actions, resulting from the decision 2020/1 on strengthening mine tailings safety and the Group’s seminar on good practices in 2022, respectively.

4. Assistance and Cooperation Programme

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

21. The secretariat presented an update on ongoing and planned assistance activities under the current workplan, notably with respect to the First meeting of the Steering Committee to the National Policy Dialogue (NPD) for Industrial Safety in Serbia (March 2022) and the envisaged second meeting (November 2022, tbc); the Project on NPD for Industrial Safety in Central Asia (Phase I: Launch) (2020-2022); the envisaged Joint UNDRR-UNECE project on strengthening technological/ industrial accident risk management in Kyrgyzstan and Tajikistan (August 2022- January 2023); the Projects to strengthen the safety of mining operations, in particular tailings management facilities, in Tajikistan, Uzbekistan and beyond in Central Asia (2020-2022); and the Syr Darya Project (Phase I) (2021-2022); the Syr Darya Project (Phase II) (envisaged from 2023-2024) and other planned assistance activities. Furthermore, the secretariat informed the Working Group of Ukraine’s forthcoming

accession to the Convention¹ and the secretariat's future plans in order to support Ukraine in view of its imminent accession and to help with enhanced industrial safety following the war (subject to availability of funding) which have been included in the draft workplan for the upcoming biennium. Finally, the secretariat presented information on the proposed Brochure on the Assistance and Cooperation Programme which could be developed in the course of the next biennium (subject to the availability of funding).

22. The Working Group members took note of the planned and implemented activities and endorsed the continuation of activities under the Assistance and Cooperation Programme as they were presented by the secretariat, including the development of a brochure on the Assistance and Cooperation Programme and using it as an occasion to mark the twentieth anniversary of the Programme. The Chair particularly welcomed the good news about Ukraine's accession to the Convention and the new Syr Darya project.

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

23. The Chair invited the subregional group for Central Asia to report on its contacts with (a) Kazakhstan, Kyrgyzstan and Tajikistan to provide feedback on their updated self-assessments; and with (b) Kazakhstan, Kyrgyzstan and Uzbekistan to provide feedback on their updated action plan, which both aimed to integrate specific needs and actions related to tailings safety and Natech risks. The members of the subregional group reported that there had been no contacts with the Focal Points of the aforementioned countries, and that, generally speaking, the specific needs and actions related to tailings safety were not sufficiently integrated in the updated self-assessments and action plans, with the exception of Kyrgyzstan which addressed tailings and Natech risks well in both submitted documents.

24. The Chair concluded that some countries seemed to face challenges in integrating tailings safety and Natech risks into their self-assessments and action plans. She asked the Working Group members whether they believed that all future self-assessments should take such risks into account and whether the beneficiary countries would need greater support in order to be able to integrate such considerations. The member from Serbia drew the Group's attention to the fact that some countries were already facing challenges with identifying hazardous activities under the Convention, even without considering tailings and Natech-related risks. As a result of the discussion, the Group decided to develop a document with guiding questions on how to integrate tailings safety and Natech risks in the self-assessments and action plans, thus providing further guidance to the countries and attempting to mainstream the integration of such risks into the documents under the Strategic Approach.

25. The Chair invited the subregional group for South-Eastern Europe to present its findings from the review of the self-assessment and action plan submitted by Montenegro and make recommendations for next steps. The secretariat provided a historic background of the self-assessment submitted by Montenegro. The members of the subregional group explained that they were unable to coordinate their findings before the meeting (though each of them individually had reviewed the documents). The Chair suggested that all subregional groups, as a general rule, first coordinate their findings among each other prior to sending them to the secretariat for further on-passing to the country concerned. The members of the subregional group for South-Eastern Europe agreed to coordinate their findings on the Montenegrin documents and provide their consolidated feedback by 15 July 2022.²

26. Lastly, The Chair invited the member from Belarus to report on its piloting of the finalized self-assessment e-tool. The member from Belarus informed the Working Group

¹ Following the meeting, Ukraine deposited its instrument of accession with the UN Secretary-General in New York on 6 July 2022 and formally acceded to the Convention on 4 October 2022.

² Such feedback was received by the secretariat before the indicated deadline and further shared with Montenegro which was requested to finalize the re-submit the documents by 18 September 2022.

that she experienced no technical difficulties when using the self-assessment e-tool for updating the Belarus' self-assessment. She found the self-assessment e-tool and the accompanying manual practical and user-friendly, offering clear and helpful commentary for updating self-assessments. The member from Belarus also informed the Working Group that her country's updated self-assessment should be ready by the end of summer 2022.

27. The Working Group agreed that the secretariat could circulate the self-assessment e-tool via e-mail to any country which wishes to update its self-assessment using the .exe files and only if the server blocks such files (which may happen), the standard paper form should be used. The member from the Russian Federation who had developed the e-tool confirmed she could be contacted in case of any problem with using the e-tool.

(c) Country dossiers

28. The Chair invited the subregional groups to provide information on their updates to the country dossiers and engagement strategies since the last meeting of the Working Group. A member of each subregional group presented updates to country dossiers made in advance of the current meeting. The following information was presented, and observations were made:

(i) Subregional group for the Caucasus and Eastern Europe

29. The subregional group for the Caucasus and Eastern Europe recalled that there had been limited engagement on the side of Armenia since the teleconference at the thirty-sixth meeting (Munich, Germany, 13-14 June 2018). At the forty-fifth meeting (Geneva, Switzerland 1-2 February 2021), a teleconference with a representative of Armenia was held,³ however, the representative was unable to answer the questions of the Working Group and requested to share the questions in writing. The secretariat informed the Working Group that no response had been received to date. Given this limited engagement, the subregional group suggested to hold an informal meeting with Armenia during the 12th meeting of the Conference of the Parties. Furthermore, the secretariat informed the subregional group that a letter was being prepared for Armenia, requesting the Ministry of Foreign Affairs of Armenia to appoint a second focal point from the Ministry of Emergency Situations as a competent authority under the Convention (in addition to the Ministry of Environment).

30. Furthermore, the subregional group recalled that a successful meeting between representatives of Azerbaijan and the Working Group, facilitated by the secretariat, had been held online on 21 September 2021, in which several deadlines and a timeline had been agreed upon regarding the submission of the country's self-assessment and action plan (noting that to a large extent these deadlines and timeline were not met).⁴

31. Lastly, the subregional group for the Caucasus and Eastern Europe recalled that the Republic of Moldova's self-assessment was last updated in 2018 and that no action plan had been submitted. During the last meeting, the Working Group agreed to reach out to the Focal Point of the Republic of Moldova for further information. The Moldovan member of the Working Group informed the Group that he had been in touch with the Focal Point and that an action plan had been drafted but had not yet been approved by the respective authorities. The member from the Republic of Moldova said he would be following-up on this matter with the Moldovan Focal Point. He also

³ The Focal Point from the Ministry of Environment not being available, a representative of the second Competent authority (Ministry of Emergency Situations) attended the teleconference.

⁴ On the second day of the meeting (21 June 2022) Azerbaijan had submitted its updated self-assessment and draft action plan. The documents were subsequently translated into English and shared with the members of the subregional group on 1 July with a request to provide their consolidated feedback by 1 September 2022

informed the Group that an inter-Ministerial group under the Convention was being re-activated in the Republic of Moldova following the re-structuring of the Government.

(ii) Subregional group for Central Asia

32. The subregional group for Central Asia informed the Working Group of a change of the Focal Point in Uzbekistan. The secretariat reminded the Group that Uzbekistan's action plan was updated under the Project to strengthen the safety of mining operations in Central Asia (2017-2019), integrating tailings safety and Natech risks. Aside from that, the self-assessment and action plan were not updated.

(iii) Subregional group for South-Eastern Europe

33. The subregional group for South-Eastern Europe highlighted several ongoing assistance activities in Serbia, notably the launch and implementation of the NPD for Industrial Safety. Furthermore, the subregional group reminded the Working Group of the ongoing review of the self-assessment and action plan by Montenegro. Lastly, the Working Group took note of the late submission of the implementation reports by Albania and Bosnia and Herzegovina which it welcomed specifically, noting the progress by Bosnia and Herzegovina given this was the first time the country submitted such a report since having become a Party to the Convention in 2013.

34. Moreover, the secretariat provided an update about the scheduled teleconferences with beneficiary countries under the Convention's Assistance and Cooperation Programme, i.e. with Bosnia and Herzegovina, North Macedonia and Uzbekistan. The secretariat informed the members of the Working Group that, as it was agreed with the respective subregional group, the teleconference with Bosnia and Herzegovina was postponed until the next meeting and that teleconferences with North Macedonia and Uzbekistan were confirmed for the current meeting.

(d) Report by the secretariat on the assistance activities in the biennium 2021-2022

35. The secretariat informed the Working Group about the outline and key highlights from the report on the assistance activities in the biennium 2021-2022, to be drafted by the secretariat for endorsement by the Conference of the Parties at its 12th meeting.

36. The members of the Working Group took note of the information presented.

5. Teleconferences and engagement with beneficiary countries of the Assistance and Cooperation Programme on implementation issues

37. At the request of the respective subregional groups, two teleconferences were organized by the secretariat for the present meeting: with the Focal Points from North Macedonia and Uzbekistan, respectively.

38. The Focal Point from North Macedonia informed the Working Group that a newer version (than the one known to the members of the Group dated 2011-2012) of the country's self-assessment and action plan was available and that she planned to share it with the Group and then submit the most up-to-date documents by end-summer 2022. She also informed the Group that North Macedonia was working on a rulebook for industrial accidents prevention, however, was facing certain challenges in view of the discrepancies in the meaning of the term "emergency" under the Constitution and the Seveso Directive, respectively. The Focal Point also reported that the procedure of identification of hazardous activities had started and that a total of 15 installations were recognized as installations under the Seveso Directive, however, the country was facing problems in identifying the ones at which an accident could potentially lead to transboundary effects. It was mentioned that the country could benefit from the Working Group's support in the identification of hazardous activities under the

Convention (for the application of the location criteria), in particular, given that no legal framework for zoning was available in the country. She also noted that coordination among various relevant authorities was difficult, especially on matters of external emergency plans. Finally, the Focal Point voiced a need for North Macedonia to benefit from a technical mission and a study tour, for example, to Serbia. She also requested the launch and implementation of NPDs for Industrial Safety in North Macedonia. The respective requests would also be included in the country's updated documents under the Strategic Approach.

39. The Focal Point from Uzbekistan informed the Working Group that the work on the accession to the Convention was in progress though it slowed down due to the pandemic. He also mentioned that the action plan had been submitted to the Government for approval and that further revision was possible and that he would let the secretariat know as soon as it has been approved. When asked to clarify action 1 of the action plan,⁵ the Focal Point explained that his country could benefit from acquainting itself with the software tools applied by the Parties of the Convention (e.g. EU countries or neighbouring countries) to familiarize itself with existing best practices in this respect. The Focal Point stated that according to the national legislation, the matters related to industrial safety previously were within the jurisdiction of the State Inspectorate but by virtue of the President's Order, the State Inspectorate was reorganized into the State Committee for Industrial Safety. The cooperation with neighbouring countries has been expanded, including new memoranda signed with Kyrgyzstan and Tajikistan. The Focal Point also informed the Working Group that there had been some changes following the submission of the self-assessment in 2018 and that an updated self-assessment was being prepared and should be ready by September 2022. At the request of the Working Group, he promised to send the mentioned memoranda and relevant pieces of national legislation by e-mail.⁶

40. The Working Group requested the secretariat to invite Bosnia and Herzegovina, Georgia and Tajikistan for a teleconference at the next meeting of the Working Group. The members also considered requesting the secretariat to invite the Republic of Moldova to a teleconference at the following meeting (subject to confirmation by the Working Group at its next meeting).

6. Inputs for the 49th meeting of the Bureau and 12th meeting of the Conference of the Parties

(a) Report by the Working Group on its activities in the biennium 2021-2022

41. The Chair, in cooperation with the Vice-Chairs, presented the Working Group's draft report on its activities in the biennium 2021-2022, to be submitted to the 12th meeting of the Conference of the Parties (29 November-1 December 2022).

42. The members of the Working Group agreed to send comments on the Working Group's draft report by 31 July 2022 to the secretariat. The Swiss Vice-Chair and the Russian member of the Working Group also agreed to add their respective parts to the Working Group's draft report by 31 July 2022.

(b) Key messages for the Bureau and Conference of the Parties

43. The Chair invited the members of the Working Group to share their views on key messages which the Chair could highlight when reporting on the activities of the Working

⁵ Action 1 of the draft national action plan of Uzbekistan reads as follows: "Development of a model software tool for forecasting the scale of industrial accidents, based on quantitative criteria of classification of industrial sites as hazardous activities"

⁶ By the moment of drafting of the present minutes (August 2022), the Convention's secretariat has not received such documents from Uzbekistan

Group at the 49th meeting of the Bureau (online, 28-29 June 2022) and the 12th meeting of the Conference of the Parties, including proposals for inclusion into the Convention's workplan for 2023–2024. The Working Group agreed that the Chair should follow the key messages contained in the Group's report on its activities for reporting to the Conference of the Parties. It also requested the Chair to update the Bureau in particular about the outcome of the Good Practice seminar and the update of the location criteria.

7. Next meetings

44. The Working Group discussed the format and possible dates of its next meetings in early 2023. The Working Group agreed to hold the next meeting, including its joint back-to-back meeting with the Bureau, face-to-face in February or March 2023 in Geneva. It requested the secretariat to communicate the exact dates for the forty-seventh and forty-eighth meetings later this year, after consultation with the Bureau and depending on the room availability in the Palais.

8. Other business

45. No other business was discussed.

9. Closing of the meeting

46. The Chair thanked the members of the Working Group for their engagement and the secretariat for its support before and during the meeting. She closed the meeting at 12.15 p.m. on 21 June 2022.
