

7 July 2023
English only

Economic Commission for Europe

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

Bureau

Fifty-first meeting

Working Group on Implementation

Forty-eighth meeting

Geneva (online), 14 February 2023

Minutes of the joint meeting

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

1. The Chair of the Bureau and Chair of the Working Group on Implementation (Working Group) opened the joint meeting of the Bureau and Working Group. The following Bureau members attended: Torill Tandberg (Norway), Chair; Marie-Claire Lhenry (France), Vice-Chair; Martin Merkofer (Switzerland), Vice-Chair; Armine Hayrapetyan (Armenia); Michael Struckl (Austria); Camille Siefriidt (European Union); Wivi-Ann Wagello-Sjölund (Finland); Dragana Raonić Popović (Montenegro); and Suzana Milutinovic (Serbia).¹ The following Working Group members attended: Helena Fridh (Sweden), Chair; Anna Tsarina (Russian Federation), Vice-Chair; Raphaël Gonzalez (Switzerland), Vice-Chair; Tatyana Lógutova (Belarus); Reelika Kuusik (Estonia); Nicolette Bouman (Netherlands); Vitalii Mutaf (Republic of Moldova); Sanja Stamenkovic (Serbia); and Maria Šebestová (Slovakia). The Joint Expert Group on Water and Industrial Accidents (JEG) Co-Chair Mr. Bojan Srdic joined for items 2 and 3. The meeting was serviced by the United Nations Economic Commission for Europe (ECE) secretariat.

2. The Director of the ECE Environment Division welcomed the Bureau and Working Group members to the joint meeting. He reflected on the importance of the joint meeting for guiding work under the Convention for the biennium, including with respect to the decisions of the twelfth meeting of the Conference of the Parties, and in determining which activities could be carried out with the pledges made and funding available and how additional funding could be generated to fully implement the workplan activities. More specifically, he stated the importance of addressing risks of natural hazard-triggered technological disasters (Natech events) and of tailings management facilities, including by implementing the respective decisions of the Conference (ECE/CP.TEIA/44/Add.1 and ECE/CP.TEIA/42/Add.1), integrating these into the reporting format and guidelines for national implementation reports, which the Working Group had finalized the prior day, and possibly updating the Guidelines to facilitate the identification of hazardous activities for the purposes of the UNECE Industrial Accidents Convention (Location Criteria) (ECE/CP.TEIA/38/Add.1) to cover tailings management facilities more broadly. He also reflected on the Assistance and

¹ The following member was not in attendance: Gill Smart (United Kingdom of Great Britain and Northern Ireland).

Cooperation Programme and encouraged the members to actively discuss how to engage and financially support its activities to address the needs of beneficiary countries. He informed the members that additional financing would be essential to build on progress made under the Convention and that this would determine the extent that the Long-term strategy for the Convention until 2030 (ECE/CP.TEIA/38/Add.1) would be implemented.

3. The Chair of the Bureau recalled what had been achieved at the twelfth meeting of the Conference and the important progress that had been made over the thirty years before. She informed the meeting that the Working Group only had nine members due to Latvia not having nominated a new member following the departure of its original nomination.

4. The Bureau and Working Group adopted the agenda (CP.TEIA/2023/B.1–WGI.2/Agenda) without changes.

2. Joint Expert Group on Water and Industrial Accidents: Planned activities

5. The JEG co-Chair from Serbia presented information on the planned JEG activities for 2023-2024, including the upcoming JEG teleconference, planned for 2 June 2023, and the 2024 JEG seminar on preventing accidental water pollution, including early warning and alert systems, comprising the identification and exchange of good practices and collection of examples of Natech accidents affecting transboundary waters. The JEG co-Chair informed the Bureau and Working Group members about the lead Parties and objectives of the JEG Teleconference and the 2024 JEG seminar. The Chair highlighted the importance of the suggested subject for the upcoming seminar. The Bureau welcomed the organization of the 2024 JEG seminar, mentioning the significant benefits of bringing together the communities from the water and industrial safety areas.

6. The secretariat presented information related to a project proposal for the development of a catalogue/web page providing information on accidental water pollution warning systems, including recommendations on their deployment, good practices by countries, river basin commissions and bilateral cooperation examples (see Table 3, Item 1.1. “Knowledge exchange on accidental water pollution (including multi-hazard) warning systems, good practice and lessons learned” in the workplan for 2023-2024 ECE/CP.TEIA/44/Add.1). Such a project could only be implemented should Parties be in a position to provide financial support; the proposal could be shared with Parties who express their interest. The Bureau and Working Group members and secretariat discussed the financing of the JEG work items as per the Convention’s workplan. The Bureau noted the information presented and thanked the secretariat and the JEG Co-Chair from Serbia.

7. In line with the JEG strategy, the Bureau re-appointed Bojan Srdic (Serbia) as the Co-Chair of the JEG from the Industrial Accidents Convention, highlighting the successful cooperation with another JEG co-Chair, Mr. Peter Kovacs (Hungary) from the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. The re-appointed JEG co-Chair stressed the importance of cooperation among riparian countries and mentioned that early warning should not be limited to industrial pollution.

8. The Bureau and secretariat thanked the Co-Chair for his engagement and leadership and the German Ministry of the Environment, Nature Conservation, Nuclear Safety and Consumer Protection for the financial support provided to implement the JEG activities while stressing that more financing was required and as highlighted at the CoP, the work of JEG was generally under-funded.

3. Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention

9. The secretariat presented background information on the *Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention* (ECE/CP.TEIA/38/Add.1) and on the mandate that the Conference gave at its twelfth meeting, namely for the JEG, in cooperation with the Working Group and the Bureau, to assess, in the next biennium, whether there exists a need for updating the guidelines to be revised and updated in order to cover more comprehensively the hazards and risks arising from tailings management facilities (TMFs), and to share its findings in the form of an official document with the Conference at its thirteenth meeting. The secretariat recalled past discussions by the Bureau and Working Group regarding a possible update of the location criteria within the guidelines, which had stemmed from the Working Group's Special Session: Seminar on Good Practices and Lessons Learned in Implementing the Convention (Geneva (hybrid), 3–4 February 2022).² It also presented a preliminary and non-exhaustive list of options that could be considered by the JEG, Working Group and Bureau moving forward, and proposed next steps for fulfilling the Conference mandate.

10. The Bureau member from Austria stated the importance of addressing the hazards and risks of tailings management facilities. He said that many tailings management facilities may have transboundary effects and should be covered by the guidelines, but that data on the number of tailings management facilities across the region, including abandoned ones, does not exist. He also mentioned that more comprehensively covering tailings management facilities should go beyond only identification processes to also extend to other measures of the Convention. He added that in addition to updating the Guidelines, an amendment to the Convention (or Annex) would be subsequently required for this. The Chair of the Bureau mentioned that expanding the scope of the Convention was one option to consider. The Co-Chair of the JEG from Serbia recalled the JEG's discussion on this matter at its last meeting. He agreed that an amendment to the Convention would be required if the capacity of tailings management facilities were to be taken into account, rather than only their toxicity as Annex I is currently based on. He also reflected on how European Union legislation covered tailings management facilities, including through the Seveso-III Directive and the Mining Waste Directive, which includes both Seveso and non-Seveso installations. The Bureau member from Finland recalled the last time an amendment to the Convention had been discussed and, in agreeing that options should be looked into, asked whether it was the right time to pursue an amendment.

11. The Working Group member from Switzerland inquired about the number of tailings management facilities that the Convention currently covers and how many would be covered with an update to the guidelines and/or amendment to the Convention. He encouraged data collection on this in order to inform the consideration of options moving forward. He also stated that pros and cons should be considered for each option. The Secretary of the Working Group stated that some information could be collected from the national implementation reports once received. The Working Group member from the Netherlands suggested an inventory of possible options for more comprehensively covering tailings management facilities be prepared.

12. The Secretary of the Convention stated that if the Conference were to decide to amend the Convention, then the Working Group on Development would need to be reactivated by the Conference or the Bureau. She invited members of the Bureau and Working Group and the Co-Chair of the JEG to join the small group on tailings management facilities to discuss this matter over the course of 2023 and prepare the official document in the course of this year, as mandated by the Conference. The following Bureau members agreed to join the small group: Martin Merkofer (Switzerland), Vice Chair and small group lead; and Michael Struckl

² ECE/CP.TEIA/2022/5, Annex, paragraph 17.

(Austria). The following Working Group member agreed to join: Sanja Stamenkovic (Serbia). The Co-Chair of the JEG, Bojan Srdic (Serbia), also agreed to join and to add this topic as an agenda item at the forthcoming JEG teleconference. The lead of the small group informed the members he would also contact the JEG member from Germany regarding his participation in the small group. The Bureau member from Serbia mentioned that involving a mining center in the group's discussions could contribute practical knowledge to the discussion. The small group members agreed to hold a meeting in 2023 and to aim for building consensus on options to recommend to the Bureau for the Conference by the end of 2023. They also agreed to draft the official document for the Conference to report on the options considered and their recommendations already in the course of this year.

4. Assistance and Cooperation Programme

13. The Bureau and Working Group discussed the future activities and development of the Assistance and Cooperation Programme, on the basis of the needs voiced by Parties and committed countries at the twelfth meeting of the Conference (Geneva (hybrid), 29 November-1 December 2022) and as included in the workplan 2023–2024 (ECE/CP.TEIA/44/Add.1).

(a) Needs of beneficiary countries raised at the twelfth meeting of the Conference and opportunities to meet these and to support progress towards accession

14. The secretariat briefly recalled the needs of beneficiary countries as expressed and highlighted at COP-12, including:

- (i) Country missions to support implementation of the Convention and its Strategic Approach;
- (ii) Alignment of national legislation with the Convention;
- (iii) Strengthening governance and policies on industrial safety, e.g. through National Policy Dialogues for Industrial Safety and Inter-Institutional Working Groups on Tailings Safety;
- (iv) Ensuring the prevention of, preparedness for and response to mine tailings accidents, including to prevent accidental water pollution and natural hazards triggering technological disasters (Natech events), to which the risks are being exacerbated by climate change;
- (v) Transboundary cooperation, joint exercises and contingency planning, including in transboundary river basins;
- (vi) Support to accession processes and in follow-up to accession;
- (vii) Strengthening preparedness for attacks and accidents at industrial sites in Ukraine; and
- (viii) Further integration of industrial accidents risk management in overall disaster risk reduction strategies, policies and plans.

(b) Update on on-going and planned assistance activities and their financing

15. Building on its previous presentation, the secretariat provided an update on the ongoing and planned activities under the Assistance and Cooperation Programme contained within the Convention's current workplan, taking account of resources pledged and available. Among other activities, this covered the finalization of the Projects on strengthening tailings safety in Central Asia and Uzbekistan (coming to an end with current funding from the Swiss Federal Office for the Environment by the end of 2023), the finalization of the Project on National Policy Dialogues for Industrial Safety in Central Asia

(Phase I: Launch, funded by the Russian Federation) in December 2022 and of the UNECE-UNDRR joint project supporting the integration of technological DRR into national DRR strategies of Kyrgyzstan and Tajikistan in January 2023. The secretariat also presented the continuation of National Policy Dialogues for Industrial Safety in Serbia, in partnership with the Organisation for Economic Co-operation and Development (OECD) and with financing from the United Nations Regular Budget (previously funded with the support from the dedicated contribution from France) – while other countries continue to raise related needs. The secretariat also pointed out that it hoped that additional funding be made available for the conduct of technical missions to beneficiary countries of the Assistance and Cooperation Programme which were requested; projects in different sub-regions, notably Eastern Europe & Caucasus, South-Eastern Europe and Central Asia, included in the 2023-2024 Convention’s workplan. The Chair thanked the secretariat and mentioned that the tailings management projects provide an excellent basis for future work in Central Asia. She underlined that the countries of Central Asia were actively strengthening their capacities to prevent of, prepare for and respond to industrial accidents.

(c) Tour-de-table discussion on the next steps

16. In a tour-de-table, the Bureau and Working Group members were invited to exchange their views on the above, discussing the direction and priority of activities contained within the workplan and steps to take to ensure their financing. More specifically, the members reflected on the following questions:

- (a) How should the activities under the Assistance and Cooperation Programme be prioritized to meet the needs of beneficiary countries?
- (b) How can Bureau and Working Group members support (a) planned assistance activities and engagements and (b) attracting financial resources to enable the financing of additional activities envisaged under the Convention’s workplan?

17. The Bureau member from Armenia suggested that countries should build synergies, e.g. by creating discussion groups or sharing good practices and knowledge, and emphasized the importance of the Natech subject. The Bureau member from Serbia highlighted that the most challenging for countries was to bring together all relevant stakeholders, which was done in Serbia thanks to the launch of National Policy Dialogues. She mentioned the readiness of Serbia to share its experience and knowledge and provide in-kind support to other countries. In this respect, the Bureau members from Montenegro and the WGI member from the Republic of Moldova expressed the need to launch the National Policy Dialogues in their countries. The Working Group member from Sweden recalled the usefulness of the Strategic Approach under the Assistance and Cooperation Programme for countries by developing the self-assessment and action plan while pointing out that some countries struggled to follow their obligations. She expressed readiness of Sweden to provide in-kind support, for example, by participating in technical missions. The Bureau member from France suggested exploring funding options offered by the capacity-building activities under the Sendai Framework for Disaster Risk Reduction and the private sector. The Working Group member from Switzerland mentioned the progress achieved by Azerbaijan in implementing the Strategic Approach and suggested organizing a technical mission in Azerbaijan and Georgia as a non-Party in the years to come. The Bureau member from the European Union underlined multiple linkages between the Convention’s and the Directorate Generals of the European Commission’s work.

18. The Secretary reported on the outcomes of the recent mission to Brussels, Belgium (6-7 February 2023), which aimed to discuss the cooperation between the European Commission DG’s and ECE, covering the Industrial Accidents, Air and Water Conventions. The Secretary also recalled the necessity of the additional funding to sustain the progress achieved by the countries and support their accession efforts to the Convention.

19. The Bureau and Working Group took note of the assistance activities that were funded and those that still required financing. The Bureau and Working Group agreed to consider possible financing options within their national authorities, particularly for the projects and activities not yet financed. The Bureau recalled its role in funding of the implementation of the Convention's workplan and agreed to further discuss financing options in the small group on financing, while highlighting the responsibility of all Parties.

5. Publication of the reports on Risk Assessment for Industrial Accident Prevention

20. The Vice-Chair of the Bureau from Switzerland, in cooperation with the secretariat, presented information on the status of the reports on Risk assessment for industrial accident prevention: Overview of risk assessment methods (ECE/CP.TEIA/2022/8) and Risk assessment for industrial accident prevention: Selected case studies and available software tools (ECE/CP.TEIA/2022/9), and the plans for their publication into a single United Nations publication. He proposed that the publication, once available, be shared with Focal Points and that a generic presentation on risk assessment could be prepared to promote the publication for trainings in countries. The Bureau member from Armenia stated that the publication may be of interest in educational institutions that cover disaster risk reduction, and the importance of spreading risk assessment information as much as possible.

21. The secretariat informed the members that the publication was underway and reported on the next steps: drafting and translating additional text, collecting proper crediting information for images and graphs from Focal Points that submitted case studies, preparing the full draft publication, pursuing approvals and completing all administrative steps, including in cooperation with various ECE units and the United Nations Publications office. The publication was planned to be issued by the end of 2023 in English, French and Russian, as mandated by the Conference at its twelfth meeting.

22. The Bureau and Working Group members agreed to promote and distribute the report once published.

6. Potential establishment of a system of hazardous activities

23. The Chair of the Working Group reported on the discussions on the potential establishment of a system on hazardous activities, held by the Working Group at its preceding meeting. She recalled that the idea for such a system had been brainstormed in meetings for the preparation of the Road map for action to strengthen mine tailings safety within and beyond the UNECE region (ECE/CP.TEIA/2022/7); however, it was decided that the idea would not be included in the roadmap in order to allow the Working Group to first discuss it. The members discussed the benefits and challenges of establishing such a system. The Vice-Chair of the Working Group from Switzerland stated that such a system must have an added value. He said that while the information that could be contained within the system would already be reported in the national implementation reports, an overview or list of hazardous activities could provide important details, such as transboundary aspects and whether the effects of an industrial accident would travel through an air or water path. The Bureau member from Austria reflected on such a system in relation to the development of the European Union eSPIRS tool. He stated that the eSPIRS tool was ultimately good to have but there were challenges in developing it. The Chair of the Working Group pointed out that such a system could present security issues. The Vice-Chair of the Bureau from France stated the importance of being careful in using the data collected, and that it should not be presented as a comparison between countries' implementation of the Convention.

24. Despite the difficulties, the members agreed on the added value of having an overview of hazardous activities in the region, while noting that there was no financing available or no

workplan activity foreseen to establish such a system in the current biennium. The Secretary of the Working Group suggested that, as a next steps, countries could be encouraged to report on the locations and more details of their hazardous activities in the eleventh reporting round on implementation, as such information could be helpful for the eventual development of a system, if agreed upon. She particularly stated that asking about the air and/or water paths of the possible effects of industrial accidents from their hazardous facilities could help generate awareness across borders. The Secretary of the Working Group informed the members that the reporting format for the tenth reporting round would be circulated in March 2023 for submission by 31 October 2023, and she suggested that the Working Group could then assess what information is received on hazardous activities and return to its consideration of collecting more detailed information in the next reporting round and on the development of a system of hazardous activities in the next biennium.

25. The Bureau member from Serbia reflected on notification processes for hazardous activities and stated that Serbia planned to unofficially send the notification template to Romanian Focal Points of the Convention for consultation before officially sending it. The Chair of the Working Group stated the importance of countries fulfilling their notification obligations and using the notification template, and that this could be highlighted in a message to the Focal Points.

7. Other business

26. The Chair of the Working Group, in cooperation with the Secretary of the Working Group, reported on other items discussed at the preceding Working Group meeting. They stated that the Working Group agreed it would be helpful to eventually update the Benchmarks, namely by integrating Natech, tailings management facilities and land-use planning components. They encouraged that such an activity and its funding be considered in the future and could be discussed by the Bureau for possible inclusion in the 2025-26 workplan. They also reported that an interactive network, namely an e-Group, would be established over the course of the biennium to further connect Focal Points of the Convention.

8. Closure of the joint meeting

27. The Chair of the Bureau and the Working Group Chair closed the joint meeting on 14 February at 5:30pm.
