

## Economic Commission for Europe

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

#### Bureau

##### Fifty-third meeting

Helsinki, 11-12 October 2023

### List of Decisions

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

The meeting was held in Helsinki, hosted by Finland, and online. The meeting was chaired by Ms Torill Tandberg (Norway) and was attended by the following members: Mr. Michael Struckl (Austria), Ms. Wivi-Ann Wagello-Sjölund (Finland), Ms. Marie-Claire Lhenry (France), Ms. Dragana Raonic (Montenegro), Mr. Martin Merkofer (Switzerland), Ms. Gill Smart (UK), and Mr. Camille Siefriid (European Commission). The meeting was also attended by: Mr. Bojan Srdic (Serbia) in his capacity as JEG co-chair and Ms. Fridh Helena (Sweden) in her capacity as WGI Chair. Ms Armine Hayrapetyan (Armenia) and Ms Suzana Milutinovic (Serbia) were unable to attend.

##### The Bureau:

**Decision 1:** Adopted the agenda of the meeting

#### 2. Implementation of the 2023-2024 workplan

##### a. Outreach, awareness-raising and strategic partnerships: [Secretary]

**Decision 2:** Took note of the report of the secretariat on outreach, awareness-raising and strategic partnerships.

##### b. Facilitation of implementation:

##### i. Risk assessment

**Decision 3:** Thanked the Secretariat for preparing the risk assessment reports into a UN publication and decided to actively promote the publication, once issued, through different means to Focal Points to the Convention and relevant networks within Bureau members' countries and beyond.

##### ii. SDGs/Sendai Framework for Disaster Risk Reduction

**Decision 4:** Welcomed activities under the Convention's workplan supporting the Sendai Framework for Disaster Risk Reduction.

**Decision 5:** Expressed its satisfaction for the inclusion in the Political Declaration of the Midterm Review of the Sendai Framework for Disaster Risk Reduction 2015-2030 of several references linking it with the work of the Convention, especially those calling upon states to strengthen cooperation on transboundary risks and disasters, as well as strong references to water and technological risks, multi-hazard risk approach and early warning systems.

**Decision 6:** Expressed its support for the continuation and possible strengthening of activities under this work area in future Workplans, subject to the availability of resources.

iii. **Natech Risk Management**

**Decision 7:** Expressed its satisfaction for the development of the guidance and the important cooperation between the Convention, OECD and JRC on this topic

**Decision 8:** Agreed that Natech risk management has a dedicated agenda item at the 13th meeting of the Conference of the Parties (COP-13), including to launch the joint OECD/UN/JRC Natech Guidance in cooperation with OECD and JRC, to discuss the development of the Natech roadmap and to have an exchange on DRR, Natech risk management and climate change

**Decision 9:** Considered in-depth possibilities for the promotion of the guidance and the positioning of the Convention on the strategic area and **agreed** to (a) actively promote the joint guidance through different means, once issued, to Focal Points to the Convention and relevant networks within Bureau members' countries and beyond and (b) explore possibilities to promote it during the 2024 International Day for Disaster Risk Reduction.

iv. **Mine tailings Safety**

**Decision 10:** Thanked member States, especially Bureau members, for the overwhelming support they provided in the context of UNEA 5/12, which translated in the positive references to the work of the Convention during the consultations and their outcomes.

**Decision 11:** Decided to continue to closely cooperate with UNEP and engage in the UNEA 5/12 intergovernmental process, including in all five regional and the global consultations, given the importance of the Industrial Accidents Convention and its guidelines and tools to support Member States strengthen mine tailings safety.

**Decision 12:** Agreed that all Bureau members would promote and encourage through their national representatives, with the support of the secretariat, the strong reflection of the work of the Convention in the lead up to UNEA-6, with a view to ensuring the mine tailings and other relevant work under the Convention is known and available for use worldwide and after UNEA-6 to ensure continued cooperation.

**Decision 13:** Decided to reach out to their focal points for the UNEA 6 in support of the possible inclusion of the issue of safety, and therefore of the Convention, in the agenda, in particular in the day of Multilateral Environmental Agreements and in the outcome documents of UNEA-6, including the Ministerial declaration, as appropriate. The UK's holding of the position of vice-President of the UNEA-6 Bureau **was emphasized**, as well as its key role in defining the UNEA-6 programme and in the negotiation of the Ministerial Declaration. The UK member of the Convention's Bureau agreed to explore possibilities in the runup to UNEA-6.

**Decision 14:** Agreed to include a roundtable at COP-13 to: (1) understand how Parties have implemented and plan to continue implementing the road map; (2) share information on any legal or policy developments, challenges and knowledge gaps regarding mining processes and tailings management; and (3) exchange information on the number and conditions of TMFs under the Convention within their jurisdiction, including their experience in notifying TMFs with potential transboundary effects to affected countries and reporting on TMFs through national implementation reports.

**Decision 15:** Reviewed the implementation of para 36 of the Road Map, notably the development of an overview of TMFs in the UNECE region in 2025-2026, the facilitation of a multi-stakeholder dialogue on strengths and challenges across the UNECE region and the development of a road map for addressing existing and newly identified gaps. **Agreed** to exchange ideas in advance of and at the next Bureau meeting.

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

**Decision 16:** **Thanked** the small group on mine tailings safety, the JEG and the secretariat for the work carried out in relation to the guidelines against the hazards and risks of TMFs and for preparing the background note.

**Decision 17:** Taking into account the growing demand for minerals and mining processes, which will lead to more TMFs, and the need to further address TMF hazards and risks under the Convention, **agreed** to put forward a recommendation for the Conference of the Parties at its thirteenth meeting to decide to, over the course of the 2025-2026 biennium: (1) prepare an update to the guidelines that provides a technical methodology for testing and classifying tailings mixtures against Annex I and, on the basis of the precautionary principle, with additional aspects of alkalinity, acidity and capacities of tailings mixtures; and (2) prepare a decision for the Conference of the Parties at its fourteenth meeting to adopt the updated guidelines and to clarify the Convention's application to TMFs and the existing tools for addressing their hazards and risks.

**Decision 18:** **Requested** the small group on mine tailings safety, in cooperation with the WGI, JEG and Bureau, to update the background note as an official document and to prepare a short decision that provides criteria for the update of the guidelines for the thirteenth meeting of the Conference of the Parties.

**Decision 19:** **Agreed** to not activate the Working Group on Development in the 2023-2024 biennium, which warrants the cancelling of the planned parliamentary documents on grounds of the Bureau's "legislative decision".

c. **Assistance and Cooperation Programme**

**Decision 20:** **Took note** of the carried out, planned and unfunded activities under the Assistance and Cooperation Programme and **agreed** to look for additional opportunities to finance the currently unfunded assistance activities under the 2023-2024 workplan

**Decision 21:** **Discussed** funding opportunities to support Ukraine's implementation of the Convention and related enhancing of industrial safety and **agreed** to continue looking for opportunities to strengthen industrial safety in Ukraine through implementation of the Convention

**Decision 22:** **Discussed** the 20-year anniversary of the Assistance and Cooperation Programme (ACP) and possible deliverables to accompany it. The idea of an ACP brochure was **not supported**, as it was concluded that potentially other types of deliverables, such as a promotional video, use of social media, might be more suitable and have a higher impact. Bureau members were **invited to consider** contributing financially or in-kind to support the marking of the ACP 20<sup>th</sup> anniversary at the COP-13.

d. **Joint Expert Group on Water and Industrial Accidents**

**Decision 23:** **Took note** of the past and planned activities of the JEG in the biennium 2023-24 and thanked the JEG and Slovakia for their leadership in the workshop to be arranged in 2024.

**Decision 24:** On the implementation of the planned JEG activities it **invited** the JEG to link the trends paper on critical minerals with the 2024 JEG workshop as well as the inclusion of satellite monitoring in relevant panel themes.

**Decision 25:** **Encouraged** the members of the Bureau to consider providing additional funds for the development of a catalogue/web page on accidental water pollution events.

e. **ECE Industrial Accident Notification (IAN) System**

**Decision 26:** **Thanked** the secretariat for preparing options for the IAN System upgrade and liaising with the respective counterparts and Parties.

**Decision 27:** Encouraged its members to consider financially supporting both the upgrade and routine maintenance of the IAN System and also necessary training of Points of Contact by providing financial or in-kind resources and/or helping identify and mobilize finance.

f. **Activities of the Working Group on Implementation**

**Decision 28:** Took note of the activities of the WGI and thanked the WGI Chair for the update.

3. **Other strategic issues for the implementation of the workplan: resource availability and financing**

**Decision 29:** Took note of the presentation of the secretariat in particular on: the level of contributions; the staffing situation; the number of Parties pledging/contributing financially to the Convention, which at the time of the Bureau meeting was at 50 per cent.

**Decision 30:** Welcomed the presentation of the Chair on the outcomes of the first meeting in the current biennium of the Small Group on Financing.

**Decision 31:** Noting that among Parties with large economies several had either not pledged or made any contributions and few made disproportionately small contributions, **decided to introduce** a “tour-de-table” during COP-13 in order to encourage all Parties to contribute in fair /equitable ways to the work of the Convention.

**Decision 32:** Noting that several small contributions were not viable economically due to the accompanying administrative costs, **decided** to consider at its June meeting the possibility of making recommendations for the consideration of the upcoming COP on this matter. These recommendations could range from simply sharing information to Parties to sensitize them on the accompanying administrative costs of their contributions to possibly establishing recommended minimum thresholds for the contributions to the Convention’s Trust Fund. To that effect, the Bureau **requested** the secretariat to provide Bureau members with relevant decisions on relevant practices of other MEAs, to facilitate informed discussions under the Small Group on Financing and, subsequently, related decisions at the June meeting of the Bureau.

4. **Strategic industrial safety policy and regulatory issues**

a. **Challenges and emerging trends for industrial safety**

**Decision 33:** Welcomed the Trends paper and decided that this issue was sufficiently important for the present and future work of the Convention to warrant reserving an agenda item on this issue in the draft agenda of COP-13.

**Decision 34:** After careful consideration of the trends paper, **concluded** that to provide a more comprehensive coverage of challenges and emerging trends for industrial safety stemming from the energy transition, the paper’s scope should expand beyond Natech and critical minerals/TMFs to also cover energy storage, as well as hydrogen, ammonia and carbon dioxide as key components of the energy transition.

**Decision 35:** To better support this workstream, **decided** as a first step to establish a “Small Group on the Industrial Safety of the Energy Transition (ISET)”, to lead further work in this area, with the support of the secretariat. The Small Group will consist of the following Bureau members: Austria, Norway, Switzerland, UK and the EU (*tbc*).

**Decision 36:** The work of the Small Group **will consider**, among others, the following:

- preparing an assessment of the extent to which the Long-term Strategy is fully fit-for-purpose in the current setting, or if further development, refinements and improvements may be needed;
- developing a more detailed note with possible options on likely areas warranting further work of the Convention and on possible institutional adjustments in the

subsidiary structure of the Convention, for the consideration of the Bureau at its June meeting and with a view to submit it to COP-13, subject to the review of the Bureau (subject to the availability of resources).

- initiate a process of consultation with member States in the form of a survey to understand better their needs and expectations under the fast-evolving strategic environment. The timing of the survey should be such to ensure that the results of this consultation process could be considered by the Bureau at its June session, with a view to eventually feeding into an official document for the COP that should be focusing on options for future work under the Convention.

**Decision 37:** **Welcomed** the Bureau paper on Satellite monitoring and expressed its support for the potential use of satellite monitoring technologies, including InSAR, under the Industrial Accidents Convention.

**Decision 38:** **Decided** in favour of organizing an exchange on the use of satellite monitoring technologies, including InSAR, for industrial/tailings safety, at the CoP-13 and therefore **requested** the secretariat to add an agenda item to that effect.

**Decision 39:** **Decided** to collect further information from member States on their use of InSAR for industrial/tailings safety and launching possible pilot projects, subject to the availability of the necessary resources to complete this analysis.

**Decision 40:** **Decided** to integrate discussions on this topic into already planned and funded activities, such as the 2024 Joint Expert Group on Water and Industrial Accidents (JEG) workshop.

**Decision 41:** **Expressed** its support for partnerships with the private sector on this front, in line with established UN policies on due diligence, and **invited** interested member States to liaise with the secretariat on the delivery of pilot studies. In this regard, agreed to accept the offer by Space.Value to cooperate on 10 cases, and **entrusted** the Secretariat to proceed with arrangements for cooperation with due consideration to the UN principles covering such partnerships.

**Decision 42:** **Tasked** the Secretariat to engage with other organizations, including UN organizations, EU (Copernicus system) or European Space Agency (ESA), as well as UNECE government agencies to explore potential cooperation in relation to this technology.

**b. Implementation of the Convention under extraordinary circumstances**

**Decision 43:** **Took note** of the presentation by the secretariat, noting that the Convention was designed as a legal instrument that addresses relevant industrial safety issues under “normal” circumstances. The Bureau also **noted** that the recent experience of the war in Ukraine had raised fundamental issues concerning the implementation of the Convention and several of its clauses under extraordinary conditions, including those of war, that may not be possible to address only in legal terms and for which, indeed it may be for the Parties to the Convention to decide on the scope and application of the treaty.

**5. Thirteenth meeting of the Conference of the Parties**

**a. COP-13 provisional outline**

**Decision 44:** **Discussed** the traditional items deriving from the programme of work, in particular the:

- Natech risk management combined with the Natech Guidance launch
- Guidelines for TMF identification (small group)

**Decision 45:** **Discussed** in favour of the inclusion, in addition to the traditional items, the following items:

- Industrial safety of energy transition, possibly as a half-day seminar, that could be streamed (tbc), and with possible related COP-13 decisions, subject to the consideration of the Bureau at its June session, following the recommendations of the Small Group on ISET.
- Satellite monitoring and application for and contribution in the work of the Convention as a possible roundtable/agenda item

**Decision 46:** Discussed various possibilities on the format and COP-13, with the following conclusions:

- On duration: the duration of COP-13 should be between 2-3 days, including all seminars and intergovernmental parts; this matter will be decided upon by the Bureau at its June meeting, on the basis of a more detailed COP draft agenda; in this respect, the Bureau requested the secretariat *not* to make any modifications to the 3-day room bookings that have been made for November 27-29, in the event that COP-13 will be organized in Geneva/Palais des Nations
- On format
  - The COP could start with a small number of keynote speeches by the UNECE Executive Secretary and other high-level speakers; this would provide a good opportunity for high-profile highlights, such as the launch of the Natech Guidance
  - The tour-de-table on financial contributions could be planned relatively early in the agenda, as that could inform discussions leading to the adoption of the 2025-2026 work plan, that normally should take place at the end of COP-13.

**b. Discussion of a possible seminar, site visit and celebration of the 20th anniversary of the Assistance and Cooperation Programme**

**Decision 47:** Decided that COP-13 will feature a half-day seminar on energy transition and a reception to celebrate the 20<sup>th</sup> anniversary of the ACP and possible new Parties to the Convention. The Bureau **agreed** to look for the necessary financing to hold such a celebratory reception and provide an update on the possibility to finance such a reception at its next meeting.

**c. Identification of a host**

**Decision 48:** Noted with appreciation the possibility of the European Commission's hosting of COP-13 in Brussels and **tasked** the secretariate to liaise with the Focal Point of the European Union to further discuss this option. The Bureau **decided** that, in the case a host for COP-13 could not be identified by end-2023, the meeting would then be held in Geneva on 27-29 November 2024. France and Norway informed the Bureau that they would look into the possibility of providing funding for the organization of COP-13 or for the possibility to finance the travel to COP-13 respectively; the Bureau **encouraged** other Parties to also look into possibilities for providing funding for the organization of COP-13 (in case it would be held in Geneva).

**6. Other business**

**Decision 49:** Decided to hold its next meeting on 12-13 June 2024. The venue would be confirmed in due course and encouraged its Members to consider hosting it.

**Decision 50:** In view of the high workload of the secretariat and the Bureau members, the Bureau **decided to, on a trial basis, adopt** a list of decisions instead of detailed minutes of the meeting. The secretariat would circulate the draft decisions to all Bureau members with a clear period/deadline for their consideration. The principle "silence is consent" would apply. The Bureau would assess this type of reporting at its next meeting.

**Decision 51:** Noted the information by the secretariat about the 28<sup>th</sup> CEP session (Geneva, 1-3 November), which would be in-person only and revert to earlier practices of reserving an agenda item on 1 November for the MEAs under the Sustainable Development agenda item. **Also noted** the invitation to the Chair and members of the Bureau to inform the secretariat about the possibility of participating at the CEP session and present the work of the Industrial Accidents Convention under the corresponding agenda item; in case no Bureau member or the Chair, or members of their Geneva-based delegations could deliver the presentation, the secretariat would undertake that task.

**7. Closure of the meeting**

---