

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.
