



# Economic and Social Council

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## Economic Commission for Europe

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

#### Thirteenth meeting

Geneva, 27–29 November 2024

Item 6 (a) of the provisional agenda

#### Implementation of the Convention: tenth report and decision on the implementation of the Convention (2019–2022)

### Draft decision on strengthening the implementation of the Convention

#### Submitted by the Working Group on Implementation

#### *Summary*

In accordance with its terms of reference,<sup>a</sup> the Working Group on Implementation shall make recommendations to strengthen the implementation of the Convention and submit these, through the Bureau, to the Conference of the Parties for adoption. The present decision contains such recommendations.

Parties are invited to share any comments on the draft decision with the secretariat at least four weeks in advance of the thirteenth meeting of the Conference of the Parties (via email to [ece-teia.conv@un.org](mailto:ece-teia.conv@un.org)), that is to say, by 30 October 2024.

The Conference of the Parties is invited to adopt the decision.

<sup>a</sup> ECE/CP.TEIA/32/Add.1, Terms of reference of the Working Group on Implementation, para. 4 (c).

#### *The Conference of the Parties,*

*Having considered* the status of the implementation of the Convention on the Transboundary Effects of Industrial Accidents, as presented in the tenth report on the implementation of the Convention (2019–2022) (ECE/CP.TEIA/2024/5),

*Recalling* the general obligation for Parties to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects, through the application of the Convention's preventive, preparedness and response measures, including restoration measures (art. 3),



*Conscious* that evolving megatrends and disruptive global emergencies, such as climate change, the energy transition, public health emergencies and intentional action causing damage to industrial facilities or reducing the ability to take preventive, preparedness and response measures, can pose significant challenges in the implementation of the Convention,

*Conscious also* that technological developments, such as new and expanded uses and users of hazardous substances and industrial facilities for the energy transition and the digitalization of industrial systems, require attention in the implementation of the Convention,

*Recognizing* that the Convention, in line with the long-term strategy for the Convention until 2030 (ECE/CP.TEIA/38/Add.1), is a flexible and modern instrument, capable of addressing new and emerging risks, and responsive and proactive in addressing developments at the regional and global levels, among other objectives,

*Recalling* the obligations for Parties to report periodically on the implementation of the Convention (art. 23) and for the Conference of the Parties to review implementation (art. 18), including for ensuring that the underlying purposes of the Convention are achieved now and into the future,

*Recognizing with appreciation* and taking into account the work done by the Working Group on Implementation, in cooperation with the secretariat, to analyse national implementation reports for the tenth reporting round, to prepare the tenth report on implementation<sup>1</sup> and to monitor the implementation of the Strategic Approach for the Assistance and Cooperation Programme,<sup>2</sup>

*Welcoming* the activities conducted to support implementation of the Convention and under the Assistance and Cooperation Programme, as outlined in the progress report on the implementation of assistance activities in 2023–2024 (ECE/CP.TEIA/2024/7),

## **General**

1. *Adopts* the tenth report on the implementation of the Convention (2019–2022), as submitted by the Working Group;
2. *Strongly urges* Albania, Bosnia and Herzegovina, Greece, Kazakhstan, the Russian Federation and Spain to submit their national implementation reports without further delay;
3. *Calls upon* Uzbekistan and Tajikistan to submit their national implementation reports without further delay, and invites other non-Parties that benefit from activities under the Assistance and Cooperation Programme, including Turkmenistan, to submit a national implementation report;

## **Policy for implementation of the Convention**

4. *Recognizes* that the Convention is actively being used as a legal instrument for risk reduction under the Sendai Framework for Disaster Risk Reduction 2015–2030<sup>3</sup> and contributes to achieving the Sustainable Development Goals, in line with the Convention's

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<sup>1</sup> The report was developed on the basis of the national implementation reports submitted by the deadline for the tenth reporting round (2019–2022), that is to say, by 30 Parties and 1 non-Party. Italy also submitted its report by the deadline; due to technical reasons, it was not received by the secretariat and was therefore not included in the analysis.

<sup>2</sup> ECE/CP.TEIA/2008/5. Note: the Assistance and Cooperation Programme was previously known as the Assistance Programme until its rebranding at the tenth meeting of the Conference of the Parties (Geneva, 4–6 December 2018) (see ECE/CP.TEIA/38, para. 62).

<sup>3</sup> General Assembly resolution 69/283 on the Sendai Framework for Disaster Risk Reduction 2015–2030, annex II (A/RES/69/283).

long-term strategy until 2030,<sup>4</sup> and calls upon Parties and committed countries to further enhance synergies with these frameworks;

5. *Recommends* the establishment and use of national coordination mechanisms for strengthening the implementation of the Convention and reducing technological disaster risks, including for policy cohesion and knowledge exchange across public sectors;

6. *Commends* the progressive improvement of laws and policies under the Convention in view of changing conditions, including emerging risks and developments and multi-crisis scenarios, and encourages all countries to undertake efforts in that regard;

## Identification and notification of hazardous activities

7. *Calls upon* Parties and committed countries to ensure compliance with the article 4 requirement to identify hazardous activities<sup>5</sup> and to address challenges in identification as soon as possible, especially with regards to:

(a) The assessment of possible transboundary effects, in line with the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention;<sup>6</sup>

(b) The identification and reporting of tailings management facilities as hazardous activities, in line with decision 2020/1 on strengthening mine tailings safety in the United Nations Economic Commission for Europe region and beyond (ECE/CP.TEIA/42/Add.1) and the Road map for action to strengthen mine tailings safety within and beyond the United Nations Economic Commission for Europe region (ECE/CP.TEIA/2022/7);

8. *Encourages* Parties and committed countries to provide further information on the nature and location of hazardous activities in their jurisdictions and possible transboundary effects in future reporting rounds for the Conference of the Parties to better understand risks, including in line with priority 1 of the Sendai Framework — understanding disaster risk — ;

9. *Emphasizes* the importance of risk assessment, including for new and expanded uses and users of hazardous substances and industrial facilities affiliated with the energy transition, and natural hazard-triggered technological disaster (Natech) risk assessment, especially due to increasingly frequent and severe impacts of climate change;

10. *Recommends* that Parties and committed countries consult the ECE publication *Risk Assessment for Industrial Accident Prevention: An Overview of Risk Assessment Methods, Selected Case Studies and Available Software*<sup>7</sup> and the *Joint OECD/UNECE/JRC Guidance on Managing Risks from Natural Hazards to Hazardous Installations (Natech): A Guide for Senior Leaders in Industry and Public Authorities*;

11. *Strongly urges* Parties and committed countries with proposed or existing hazardous activities that have not yet done so to notify Parties that could be affected without further delay,<sup>8</sup> and to consult with Parties that could be affected by an industrial accident capable of causing transboundary effects, in line with article 4;

<sup>4</sup> ECE/CP.TEIA/38/Add.1, para. 18.

<sup>5</sup> This includes activities that may be covered by different legislation or policies at the national level; for example, one Party reported that tailings management facilities are covered by waste and water legislation rather than major accidents legislation.

<sup>6</sup> See Guidelines at [https://unece.org/sites/default/files/2022-09/ENG\\_Guidelines\\_to\\_facilitate\\_the\\_identification\\_of\\_hazardous\\_activities\\_for\\_the\\_purposes\\_of\\_the\\_UNECE\\_Industrial\\_Accidents\\_Convention\\_Location\\_Criteria\\_.pdf](https://unece.org/sites/default/files/2022-09/ENG_Guidelines_to_facilitate_the_identification_of_hazardous_activities_for_the_purposes_of_the_UNECE_Industrial_Accidents_Convention_Location_Criteria_.pdf), as amended by decision 2018/1 (ECE/CP.TEIA/38/Add.1).

<sup>7</sup> United Nations publication, ECE/CP.TEIA/45. Available at <https://unece.org/info/Environment-Policy/Industrial-accidents/pub/391975>.

<sup>8</sup> Parties and committed countries may make use of the template developed and recommended for their use when notifying potentially affected Parties of hazardous activities. Available at [www.unece.org/fileadmin/DAM/env/documents/2020/TEIA/Guidelines\\_and\\_good\\_practice/ENG\\_sample\\_HA\\_notification.pdf](http://www.unece.org/fileadmin/DAM/env/documents/2020/TEIA/Guidelines_and_good_practice/ENG_sample_HA_notification.pdf).

## Prevention of industrial accidents

12. *Notes with satisfaction* that prevention under the Convention has a relatively high level of implementation, and welcomes the steps that have been taken and those in progress to further advance in this area, especially in view of emerging risks and developments;

13. *Encourages* Parties and committed countries to consider security and cybersecurity aspects in their preventive policies and to make competent authorities aware of and prepared to address respective risks, especially with the digitalization of industrial systems;

14. *Urges* Parties and committed countries to learn from challenges encountered in implementing industrial safety measures in the context of public health measures to control the coronavirus disease (COVID-19) pandemic and to be prepared to ensure industrial safety continuity in the event of future public health emergencies;

15. *Recognizes* the increased risks of industrial accidents and technological disasters due to intentional action causing damage to industrial facilities, including shelling, and reaffirms Parties' obligations and committed countries' commitments to prevent industrial accidents as far as possible, to reduce their frequency and severity, and to mitigate their effects;

16. *Welcomes* the voluntary extensions of the application of the Convention under article 5, as reported by Cyprus, Finland, Germany and Switzerland, to further improve industrial safety and enhance protection of people and the environment, and invites all Parties and committed countries to consider extensions;

## Emergency preparedness and response

17. *Urges* Parties and committed countries to ensure that their contingency plans contain suitable response measures to prevent and minimize transboundary effects and that their off-site contingency plans for hazardous activities are compatible with those of, or, where appropriate, are jointly prepared with, all countries that could be affected in the event of an industrial accident, in line with article 8;

18. *Expresses concern* that the testing, updating and reviewing of contingency plans in cooperation with neighbouring/riparian countries remain challenging for many Parties and committed countries;

19. *Recommends* that Parties and committed countries use the ECE *Checklist for Contingency Planning for Accidents Affecting Transboundary Waters, with Introductory Advice*<sup>9</sup> to improve cooperation between neighbouring/riparian countries and to enhance the sharing of capabilities in responding to emergencies;

20. *Invites* Parties and committed countries to use the Industrial Accident Notification System for notifications regarding the transboundary effects of industrial accidents, mutual assistance requests in case of any industrial accident and testing, including for the purposes of implementing article 10;

## Mutual assistance

21. *Recommends* that Parties and committed countries ensure that they have mutual assistance procedures in place and improve them in line with article 12, which applies to all industrial accidents – not only those with transboundary effects;

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<sup>9</sup> United Nations publication, ECE/TEIA.CP/34. Available at <https://unece.org/environment-policy/publications/checklist-contingency-planning-accidents-affecting-transboundary>.

## Scientific and technological cooperation and exchange of information

22. *Invites* Parties and committed countries to continue scientific and technological cooperation and information exchanges regarding implementation of the Convention, including on its basic provisions and its application to emerging risks and developments, and to share the outcomes of such cooperation and exchanges;

## Information to and participation of the public

23. *Welcomes* the fact that the majority of Parties have indicated that they ensure, in line with article 9 (1), that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity, including in transboundary contexts, including the elements contained in annex VIII and taking into account matters set out in annex V, paragraph 2 (1) – (4) and (9);

24. *Calls upon* Parties and committed countries to ensure that opportunities are given to the public in areas capable of being affected by an industrial accident, and that equivalent opportunities are given to the public of affected Parties, to participate in relevant procedures with the aim of making known their views and concerns on prevention and preparedness measures, in line with article 9 (2);

25. *Encourages* the improvement of mechanisms and activities for enhancing public awareness and participation within countries and in transboundary contexts and the continued use of new technology to that effect, including to link information systems for industrial accidents and Natech events to early warning systems in support of the Secretary-General's Early Warning for All Initiative;

26. *Reminds* Parties and committed countries that the implementation of article 9 (1) on giving information to the public does not constitute the implementation of article 9 (2) on public participation, and urges Parties and committed countries to comply with and report on both obligations accordingly;

27. *Encourages* Parties and committed countries to practice inclusive public information and participation procedures to ensure protection of the entire population — capable of being — affected by an industrial accident, including within transboundary contexts and groups of persons of different ages and genders and persons with disabilities who may be at different risks or may need specific and distinct information on measures to take in case of an accident, and their rights, in line with applicable national and international law;

28. *Reminds* Parties and committed countries of the importance of providing, in accordance with their legal systems and, if desired, on a reciprocal basis, the public that could be adversely affected by the transboundary effects of industrial accidents with access to administrative and judicial proceedings, in line with article 9 (3);

## Decision-making on siting and land-use planning

29. *Urges* Parties and committed countries that lack policies or adequate policies on siting and land-use planning to develop or, as appropriate, update these, in line with the Convention and following consideration of good practices by other Parties;

30. *Also urges* Parties and committed countries to integrate transboundary aspects into their siting and land-use planning policies and to further improve transboundary cooperation in this area, with the involvement of the public that could be affected in neighbouring/riparian countries, and recommends the application of the ECE *Guidance on*

*Land-use Planning, the Siting of Hazardous Activities and Related Safety Aspects*<sup>10</sup> and other applicable international law;

31. *Recommends* that Parties and committed countries exchange information and knowledge on and next steps for strengthening siting and land-use planning policies and practices, such as activities to support decision-making regarding risks associated with new or existing developments sited close to hazardous facilities and vice versa, and to elaborate safety distancing criteria for the new and expanded uses of hazardous substances affiliated with the energy transition;

32. *Urges* Parties and committed countries to develop and monitor coordination guidance and mechanisms for industrial safety and land-use planning policies and procedures;

## **Good practices**

33. *Encourages* Parties and committed countries, in view of article 15, to continue to share innovations, good practices, guidelines and other materials of interest in future national implementation reports, including with weblinks, and to make use of the good practices on the Convention's website<sup>11</sup> to improve implementation;

34. *Recommends* making information on good practices available to a broader audience, including in English for those good practices made available in another language, to strengthen the implementation of the Convention, such as through a forthcoming guide on good practices in implementation of the Convention and the organization of seminars on dedicated areas under the Convention to address implementation gaps that have been identified;

## **Reporting on past industrial accidents**

35. *Commends* Slovenia for controlling the effects of an industrial accident it had reported, including following an explosion and fires, and for promptly notifying Croatia of the accident via the Industrial Accident Notification System, and encourages it to share lessons learned;

36. *Invites* Parties and committed countries to further share information with neighbouring/riparian countries, in intergovernmental forums and through the relevant databases on industrial accidents and Natech events;

## **Key areas for follow-up**

37. *Also invites* Parties and committed countries to address weaknesses that they reported through their national implementation reports and that the Working Group identified in its analysis and, as feasible, to assist other Parties and committed countries in doing so;

38. *Recommends* that the following activities be carried out in coordination with relevant stakeholders and that Parties consider taking the lead regarding or contributing to these activities in the biennium 2025–2026 and beyond:

(a) Development of a guide on good practices in implementing the Convention, to support countries in addressing gaps, weaknesses and challenges identified in the tenth report on implementation;

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<sup>10</sup> United Nations publication, ECE/CP.TEIA/35. Available at <https://unece.org/environment-policy/publications/guidance-land-use-planning-siting-hazardous-activities-and-related>. Further guidance developed under the Convention is available at <https://unece.org/guidelines-and-templates>.

<sup>11</sup> Further information on good practices across all working areas under the Convention is available at [www.unece.org/environmental-policy/conventions/industrial-accidents/envteiaguidelines/tables-of-good-practices.html](http://www.unece.org/environmental-policy/conventions/industrial-accidents/envteiaguidelines/tables-of-good-practices.html).

(b) Use of the *Implementation Guide for Central Asia on the UNECE Convention on the Transboundary Effects of Industrial Accidents*<sup>12</sup> by countries facing implementation challenges within and beyond Central Asia;

(c) Development of guidelines to further facilitate the identification of tailings management facilities as hazardous activities under the Convention;

(d) Exchange of knowledge and development of guidelines for safety distancing;

(e) Development of a road map to addressing Natech risks against the natural hazards most prevalent in the ECE region;

(f) Further facilitation of the development of joint and/or the harmonization of off-site contingency plans and of the testing, updating and reviewing of contingency plans in cooperation with neighbouring/riparian countries;

(g) Exchange of good practices regarding giving information to and participation of the public for preventive and preparedness measures, including through the use of new technologies and early warning systems and to ensure the inclusion of subpopulations that are exposed to specific risks, and regarding access to administrative and judicial proceedings;

(h) Organization and implementation of tailor-made assistance activities in ECE countries with economies in transition, and for sharing good practices with ECE countries at all stages of implementation of the Convention;

39. *Recommends* that the beneficiaries of the Assistance and Cooperation Programme submit requests or project proposals for assistance activities, if so desired, to address weaknesses or challenges;

40. *Invites* Parties and committed countries to contact the Working Group, through the secretariat, and to make use of the interactive network on implementation of the Convention to discuss aspects of implementation of the Convention;

## Overarching recommendations

41. *Encourages* Parties and committed countries to continue taking steps to: improve their implementation of the Convention through legal, policy and technical means and international cooperation; and achieve related Sendai Framework priorities for action and Sustainable Development Goals;

42. *Recognizes* that greater attention needs to be drawn to the scope of the Convention, particularly how it applies to “industrial accidents”, “industrial accidents capable of causing transboundary effects” and “hazardous activities”, given their specific definitions, and within the context of fast-evolving megatrends and disruptive global emergencies;

43. *Stresses* the importance of national and international cooperation and coordination, given the Convention’s relevance across various legal and policy domains, such as chemicals, climate change, disaster risk reduction, emergency services, energy, environment, industrial safety, health, labour, transport and water;

44. *Recommends* that transboundary cooperation be strengthened in the implementation of all areas of the Convention to ensure more effective prevention of, preparedness for and response to industrial accidents;

45. *Encourages* more exchanges of information, knowledge and good practices regarding implementation of the Convention to foster enhanced international cooperation, innovation and progress;

46. *Requests* the Working Group, in cooperation with the secretariat, to facilitate the eleventh reporting round on implementation, including to prepare the reporting format

<sup>12</sup> United Nations publication, ECE/CP.TEIA/39. Available at <https://unece.org/environment-policy/publications/implementation-guide-central-asia-convention-transboundary-effects>.

and guidelines<sup>13</sup> with feedback received from the tenth round, and to submit the eleventh report on implementation of the Convention to the Conference of the Parties at its fifteenth meeting;

47. *Calls upon* countries that have not yet done so to nominate a competent authority and a focal point under the Convention and to make the focal points aware of their roles and responsibilities;<sup>14</sup>

48. *Reminds* beneficiaries of the Assistance and Cooperation Programme to use the Strategic Approach, including the self-assessment and action plans, and to take advantage of the user-friendly version of the Benchmarks for the implementation of the Convention;<sup>15</sup>

49. *Calls upon* Parties and other donors to make available financial and in-kind resources for activities to support implementation and assistance activities;

50. *Mandates* the Bureau to make all efforts to ensure the availability of financial and in-kind resources for activities to support implementation and assistance activities.

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<sup>13</sup> Available under the heading “Reports on the Implementation of the Convention” at [www.unece.org/env/teia/wgimplementation.html](http://www.unece.org/env/teia/wgimplementation.html).

<sup>14</sup> Further information on the role and tasks of national focal points can be found in the document entitled “Guidance on the role and tasks of national focal points to the UNECE Convention on the Transboundary Effects of Industrial Accidents”, available at [www.unece.org/env/teia/contact.html](http://www.unece.org/env/teia/contact.html).

<sup>15</sup> ECE/CP.TEIA/2008/5 and ECE/CP.TEIA/2010/6, respectively. Available at [www.unece.org/env/teia/ap/tools.html](http://www.unece.org/env/teia/ap/tools.html).