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**MEETING OF THE PARTIES TO THE
CONVENTION ON THE PROTECTION AND USE
OF TRANSBOUNDARY WATERCOURSES AND
INTERNATIONAL LAKES**

**CONFERENCE OF THE PARTIES TO THE
CONVENTION ON THE TRANSBOUNDARY EFFECTS
OF INDUSTRIAL ACCIDENTS**

Intergovernmental Working Group on Civil Liability

Fourth meeting,
Geneva, 2-4 September 2002

**DRAFT ANNEX I TO THE DRAFT LEGALLY BINDING INSTRUMENT ON CIVIL
LIABILITY FOR TRANSBOUNDARY DAMAGE CAUSED BY HAZARDOUS
ACTIVITIES, WITHIN THE SCOPE OF BOTH CONVENTIONS**

Prepared by the secretariat

The annex to this document has been prepared on the basis of working paper MP.WAT/AC.3/2002/WP.7 - CP.TEIA/AC.1/2002/WP.7, drawn up by the joint ad hoc expert group on water and industrial accidents as requested by the Intergovernmental Working Group, and following the discussions and decisions of the Intergovernmental Working Group at its third meeting.

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Annex I

HAZARDOUS SUBSTANCES AND THEIR THRESHOLD QUANTITIES FOR THE PURPOSE OF DEFINING HAZARDOUS ACTIVITIES

1. The threshold quantities set out below relate to each activity or group of activities.
2. Where a substance or preparation named in part II also falls within a category in part I, the threshold quantity set out in part II shall be used.

PART I

Categories of substances and preparations not specifically named in part II

<i>Category</i>	<i>Threshold Quantity (Tonnes)</i>
I. Very toxic	20
II. Toxic	200
III. Dangerous for the environment.....	200

PART II

Named substances

<i>Substance</i>	<i>Threshold Quantity (Tonnes)</i>
Petroleum products:	25000
(a) gasolines and naphthas,	
(b) kerosenes (including jet fuels),	
(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)	

**Notes on the indicative criteria for the categories
of substances and preparations given in Part I:**

In the absence of other appropriate criteria, such as the EU classification criteria for substances and preparations, Parties may use the following criteria when classifying substances or preparations for the purposes of part I of this annex.

I. VERY TOXIC

Substances with properties corresponding to those in table 1 or table 2 below, and which, owing to their physical and chemical properties, are capable of creating industrial accident hazards:

Table 1

LD ₅₀ (oral) mg/kg body weight LD ₅₀ ≤ 25	LD ₅₀ (dermal) mg/kg body weight LD ₅₀ ≤ 50
LD ₅₀ oral in rats LD ₅₀ dermal in rates or rabbits	

Table 2

Discriminating dose mg/kg body weight	< 5
where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure	

II. TOXIC

Substances with properties corresponding to those in table 3 or 4 and having physical and chemical properties capable of creating industrial accident hazards:

Table 3

LD ₅₀ (oral) mg/kg body weight $25 < LD_{50} \leq 200$ LD ₅₀ ≤ 25	LD ₅₀ (dermal) mg/kg body weight $50 < LD_{50} \leq 400$ LD ₅₀ ≤ 50
LD ₅₀ oral in rats LD ₅₀ dermal in rates or rabbits	

Table 4

Discriminating dose mg/kg body weight = 5
where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure

II. DANGEROUS FOR THE ENVIRONMENT

Substances showing the values for acute toxicity to the aquatic environment corresponding to table 5:

Table 5

LC ₅₀ mg/l LC ₅₀ ≤ 10	EC ₅₀ mg/l EC ₅₀ ≤ 10	IC ₅₀ mg/l IC ₅₀ ≤ 10
LC ₅₀ fish (96 hours) EC ₅₀ daphnia (48 hours) IC ₅₀ algae (72 hours)		
where the substance is not readily degradable, or the log Pow > 3.0 (unless the experimentally determined BCF < 100)		

List of abbreviations:

- Pow - partition coefficient octanol/water
- BCF - bioconcentration factor
- LD - lethal dose
- LC - lethal concentration
- EC - effective concentration
- IC - inhibiting concentration