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

**REPORT OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION
ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS
ON ITS FIFTH MEETING**

HELD IN GENEVA FROM 25 TO 27 NOVEMBER 2008

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INTRODUCTION

1. The fifth meeting of the Conference of the Parties to the UNECE¹ Convention on the Transboundary Effects of Industrial Accidents was held from 25 to 27 November 2008 in Geneva.
2. The meeting was attended by delegations from the following 34 UNECE member States: Albania, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The European Community was also represented.²
3. Representatives of the United Nations Environment Programme (UNEP) and the International Atomic Energy Agency (IAEA) also attended.

I. OPENING CEREMONY

A. Opening statements

4. Ms. G. Gasparini (Italy), Chairperson of the Conference of the Parties, opened the meeting and welcomed all delegates. Mr. M. Keiner, Director of the Environment, Housing and Land Management Division of the UNECE, addressed the meeting.

B. Adoption of the agenda

5. The Conference of the Parties adopted the agenda of the meeting as set out in document ECE/CP.TEIA/18, with the agreement that the order of some items would be reversed.

II. REPORT OF THE BUREAU ON ACTIVITIES UNDER THE CONVENTION SINCE THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES

6. The Chairperson presented the activities of the Bureau between the fourth and the fifth meetings of the Conference of the Parties (ECE/CP.TEIA/2008/1). She drew attention to the

¹ United Nations Economic Commission for Europe.

² Representatives from the Permanent Missions to the United Nations in Geneva of the following Parties to the Convention also attended the meeting, without submitting credentials: Armenia, Austria, Greece and the Russian Federation.

Bureau's decision to invite four new countries to join the implementation phase of the Assistance Programme, the development of a strategic approach for the Programme and further developments under the UNECE Industrial Accidents Notification (IAN) System. She noted discussions with the Bureau of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) regarding the functioning of the Joint Ad Hoc Expert Group on Water and Industrial Accidents. She also reported on the organization of a workshop on the developments, problems and concerns regarding the ratification of the Protocol on Civil Liability³ in May 2007 in Budapest.

7. The Conference of the Parties endorsed the Chairperson's report and expressed its appreciation to the Bureau for the latter's work and initiatives.

III. INFORMATION ON THE CONVENTION'S ANNEX I AND ITS AMENDMENT

8. The Secretary of the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) recalled that at its fourth meeting the Conference of the Parties had adopted a decision to amend annex I to the Convention in accordance with Convention's article 26, paragraph 4. In a letter dated 19 March 2007, the secretariat had communicated the amendment to the Parties and recommended it for approval. According to article 26, paragraph 4 (b), the amendment becomes effective on the expiry of 12 months from the date of communication for those Parties that have not submitted a notification that they are unable to approve the amendment. On 5 June 2008, the secretariat informed Parties that it had not been notified by any of the Parties to the Convention about their inability to approve the amendment in the period of 12 months from the date of communication recommending the approval. The amendment became effective for all Parties to the Convention on 19 March 2008.

IV. REPRESENTATION AND CREDENTIALS

9. The Secretary to the Convention reported on the status of ratification of the Convention and on the designation of competent authorities (ECE/CP.TEIA/2008/2). As of the fifth meeting, 36 UNECE member States and the European Community had become Parties to the Convention.

10. The Secretary to the Convention informed participants that 28 of the Convention's 37 Parties were represented at the meeting, and reported on the credentials submitted by their

³ Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.

delegations. Four other Parties were represented, but had not submitted credentials.

11. The Conference of the Parties took note of this information. It expressed its disappointment that Azerbaijan, Denmark, Estonia, Luxembourg and Monaco were not represented at the meeting.

V. ELECTION OF OFFICERS AND OTHER MEMBERS OF THE BUREAU OF THE CONFERENCE OF THE PARTIES

12. The Conference of the Parties unanimously elected Mr. Chris Dijkens (Netherlands) as its Chairperson and Mr. Cristiano Piacente (Italy) and Mr. Bernard Gay (Switzerland) as its Vice-Chairpersons.

13. Ms. Cathy Bieth (France), Ms. Irma Gurguliani (Georgia), Mr. Gerhard Winkelmann-Oei (Germany), Mr. Altynbek Yegizbaev (Kazakhstan), Ms. Suzana Boranovic (Serbia), Ms. Jasmina Karba (Slovenia) and Mr. Tobias Biermann (European Community) were elected as Bureau members.

VI. IMPLEMENTATION OF THE CONVENTION

A. Presentation of activities of the Working Group on Implementation

14. Mr. G. Hem (Norway), Chairperson of the Working Group on Implementation, recalled the mandate given to the Working Group and reported on its activities and meetings since the fourth meeting of the Conference of the Parties.

15. The Chairperson of the Working Group informed the Conference of the Parties about the status of reporting on the Convention's implementation by Parties and other UNECE member States within the fourth round of reporting. Drawing attention to the fact that no reports had been received from the Russian Federation and Tajikistan, he introduced the fourth report on implementation, including its conclusions and recommendations. The report had been prepared by the Working Group on the basis of the national implementation reports received from Parties and other UNECE member States.

16. The Chairperson of the Working Group drew attention to the conclusion that the current reporting format had reached its limits and would need to be re-evaluated for the next reporting rounds, stressing that a new and simplified reporting procedure, focusing on progress achieved and practical application, should be investigated. He emphasized that future reporting should aim at collecting the most relevant information on implementation status and progress and at ensuring that the countries of Eastern Europe, Caucasus and Central Asia (EECCA) and of South-Eastern Europe (SEE) learn from good practices. He also emphasized that future reporting

should not impose any additional reporting burden on countries.

B. Discussion and adoption of the fourth report on the Convention's implementation

17. The delegation of France, speaking on behalf of the European Union (EU) expressed its appreciation for the work done by the Working Group on Implementation. It encouraged EECCA and SEE countries to continue their efforts to implement the Convention. It also welcomed the proposal to review the reporting procedure without adding any additional burden, as this could provide a valuable tool for countries to measure progress. The French delegation suggested endorsing the Working Group's conclusions as contained in the latter's report.

18. The representative of the Permanent Mission of the Russian Federation expressed his regret at his country's failing to report, and informed the Conference of the Parties that he would contact the appropriate authorities and seek clarification of this situation.

19. The delegation of Romania drew attention to the quarterly meetings held between Romania and Bulgaria and on this basis requested that the evaluation of its established bilateral activities in the fourth report on the implementation of the Convention (ECE/CP.TEIA/2008/3, table) be modified from "No" to "Partly".

20. The Conference of the Parties:

(a) Noted with concern that the Russian Federation was the only Party that had not submitted a report in time to be evaluated by the Working Group on Implementation, and thus had not complied with its reporting obligations for three consecutive rounds of reporting;

(b) Invited the Executive Secretary of UNECE, with the support of the Chairperson of the Conference of the Parties, to contact the Government of the Russian Federation to ensure that it complies with its reporting obligation under the Convention in a timely manner in the next reporting round;

(c) Urged Tajikistan, as a UNECE member State that had committed to report on implementation but had not presented its report, to comply with its commitment;

(d) Took note of the advanced degree of implementation of the Convention in most Parties in Western and Central Europe, and encouraged these Parties to continue their work towards an effective prevention, preparedness and response to industrial accidents and to share good practices with the EECCA and SEE countries;

(e) Encouraged UNECE member States that were not yet Parties to implement the Convention and to ratify it or accede to it as soon as possible;

(f) Entrusted the Working Group on Implementation, taking into account the conclusions of the fourth report, to evaluate the reporting procedure and to propose modifications, with a view to focusing on monitoring progress between reporting rounds;

(g) Requested the Bureau, based on the proposal made by the Working Group, to decide on the modifications to the reporting procedure for the fifth reporting round, while ensuring that any modified procedure did not present an additional burden to Parties;

(h) Adopted the fourth report on the implementation of the Convention prepared by the Working Group (ECE/CP.TEIA/2008/3).

C. Election of members of the Working Group on Implementation for 2009–2010

21. Following consultations, the Conference of the Parties, elected the following persons to serve as members for the Working Group on Implementation for the term lasting until its sixth meeting: Ms. Anahit Aleksandryan (Armenia), Mr. Vadim Lozheczko (Belarus), Mr. Hrevoje Buljan (Croatia), Mr. Pavel Forint (Czech Republic), Mr. Massimo Cozzone (Italy), Mr. Gunner Hem (Norway), Ms. Svetlana Stirbu (Republic of Moldova), Mr. Francisc Senzaconi (Romania), Mr. Tomas Trcka (Slovakia) and Ms. Sandra Ashcroft (United Kingdom).

VII. ASSISTANCE PROGRAMME

A. Progress report on the activities carried out under the Assistance Programme's preparatory and implementation phases

22. A representative of the Convention secretariat, on behalf of the outgoing Bureau and the Working Group on Implementation, introduced the progress report on the Assistance Programme (ECE/CP.TEIA/2008/4). He presented the main accomplishments under the preparatory phase in the biennium 2007–2008 and the outcomes of the fact-finding and awareness-raising missions. Highlighting the decision by the Bureau to invite Croatia, Kazakhstan, Serbia and Georgia to join the implementation phase of the Programme, he presented the key capacity-building activities organized for eligible EECCA and SEE countries within the implementation phase.

23. The delegation of Bosnia and Herzegovina expressed its readiness to host an awareness-raising mission. It would send an official invitation letter, through the Permanent Mission, to the secretariat to this effect. It also informed the Conference of the Parties of its preparations for ratification, which was expected to be completed in the next six to seven months.

24. The Albanian delegate requested that Albania be part of the Assistance Programme in the biennium 2009–2010. He reported that Albania had become aware of its needs to build capacity and in particular to evaluate its legislative framework so as to ensure that it was in accordance with the Convention's requirements. He also informed the Conference of the Parties of Albania's readiness to host a mission.

25. The delegation of Italy expressed its appreciation of the development of the Assistance

Programme, emphasizing the good organization and high cost-effectiveness of the process. It was of the view that this Programme should be continued and further developed in order to include all the countries in the capacity-building activities carried out as part of the implementation phase, even those just starting with the basic tasks. The Italian delegation also announced that Italy would make a contribution of €100,000 in 2009 to the Convention's trust fund to support activities under the Assistance Programme. The Conference of the Parties welcomed this announcement.

26. The delegation of the Netherlands announced that it would contribute €50,000 to the Convention's trust fund in 2008 for activities in the field of emergency response, and that it envisaged a similar donation in 2009. The Conference of the Parties welcomed this announcement.

27. The representative of the European Community stressed that the Assistance Programme, which had started four years ago, had already proved its usefulness. He noted that the majority of countries had joined the implementation phase of the Programme and had identified a number of needs for assistance. He also noted that a number of activities had been carried out in the past two years in response to these needs, and expressed his appreciation for the work carried out by the Bureau and the Working Group on Implementation in organizing these activities as well as efforts by the recipient countries to draw up action plans. He supported the endorsement of the progress report on the Assistance Programme.

28. The delegate of Finland expressed support for activities under the Assistance Programme. He was of the view that activities related to the emergency response aspect could be strengthened. In this regard, the results of a recently launched EU project in the field of civil protection, aimed at scenario-based capacity-building for mutual aid in the case of accidents, might be beneficial to the Assistance Programme with respect to mutual aid in the event of chemical accidents. He invited the representatives of the European Commission to explore the possibility of providing the Assistance Programme with relevant information from this project.

29. The delegation of Kyrgyzstan reported on recent activities undertaken to implement all of the basic tasks. The Conference of the Parties invited Kyrgyzstan to submit to the Bureau, through the secretariat, a written report on the finalization of basic tasks.

30. The Conference of the Parties:

(a) Took note of the Bureau's decisions to invite Croatia, Georgia, Kazakhstan and Serbia to join the implementation phase of the Assistance Programme, as contained in its report (ECE/CP.TEIA/2008/1);

(b) Welcomed the readiness expressed by Albania and Bosnia and Herzegovina to host awareness-raising missions;

(c) Urged Tajikistan and Uzbekistan to strengthen their efforts to complete the implementation of basic tasks under the Convention without further delay, and to report to the Bureau thereon;

(d) Invited Montenegro and Turkmenistan to express or maintain commitment to implement the Convention and to carry out preparatory work and host fact-finding missions;

(e) Invited the Bureau and the Working Group on Implementation, in cooperation with the secretariat, to continue delivering needs-driven guidance on strengthening the capacities of those EECCA and SEE countries that still needed to implement the basic tasks under the Convention, to organize the visits of fact-finding/awareness-raising missions, as necessary, and to report on these at the sixth meeting of the Conference of the Parties;

(f) Endorsed the progress report on the Assistance Programme as contained in document ECE/CP.TEIA/2008/4, which had been prepared and submitted by the Chairperson of the Conference of the Parties and the Chairman of the Working Group in cooperation with the secretariat.

B. Presentation of national action plans for strengthening the implementation of the Convention by countries of South-Eastern Europe and Eastern Europe, Caucasus and Central Asia

31. The delegation of the former Yugoslav Republic of Macedonia presented an account of the progress achieved in implementing the Convention, in particular its basic tasks, according to the action plan developed by the country as follow-up to the awareness-raising mission to Skopje (26–27 November 2007) organized by the Bureau.

32. Ms. J. Karba (Slovenia), an expert who had participated in the above-mentioned awareness-raising mission, shared her satisfaction with the organization of the mission and its success. She expressed her appreciation for the action plan, the work done and the results already achieved, stressing the impressive number of tasks accomplished. She noted that the authorities had set realistic goals and had demonstrated how they planned to attain them. On the basis of these considerations, she suggested that the Conference of the Parties consider inviting the former Yugoslav Republic of Macedonia to join the implementation phase of the Assistance Programme.

33. The delegation of Italy shared the view expressed by the delegate of Slovenia and expressed its appreciation for the progress achieved by the former Yugoslav Republic of Macedonia, in particular the elaboration of the action plan and the completion of the basic tasks. It supported the suggestion to invite the former Yugoslav Republic of Macedonia to join the implementation phase of the Assistance Programme.

34. The Conference of the Parties welcomed the efforts made by the former Yugoslav Republic of Macedonia, in particular in implementing the basic tasks under the Convention and in elaborating an action plan for strengthening the implementation of the Convention, and invited it to join the implementation phase of the Assistance Programme.
35. The delegations of the Republic of Moldova and Serbia presented their national action plans for strengthening the implementation of the Convention. These had been developed as follow-up to the capacity-building activity in Kyiv (5–7 December 2007).
36. The delegate of the Republic of Moldova drew attention to the main steps taken and the needs for assistance identified in the area of prevention, focusing on the identification of hazardous activities, the area of emergency preparedness and response and mutual assistance, including notification as well as on the area of public participation and information.
37. The representative of Serbia pointed out that, as follow-up to the capacity-building activity in Kyiv aimed at initiating a strengthening of the legal and institutional framework for implementing the Convention, it had identified the shortcomings in its legal and institutional framework in six areas of work, as well as needs for assistance. The country had developed an action plan to address these.
38. The delegation of Belarus reported that it had prepared an action plan that had been presented to the Bureau at its meeting in July 2008. He noted that this plan had been constantly updated and that the last updated version would be sent to the secretariat in the near future.
39. The delegation of Georgia had also prepared an action plan for the Convention's implementation. It highlighted the problems encountered and the needs for assistance in two cross-cutting areas: legislation and the institutional framework. The Georgian delegate noted that the exchange of information and experience would be helpful to the functioning of institutions, and expressed readiness to discuss other project ideas to improve the Convention's implementation prior to ratification.
40. The delegation of Ukraine drew attention to problems related to the identification of hazardous activities falling within the scope of the Convention, and in particular the confidentiality of information and reluctance of responsible authorities to disclose certain information. The national implementation report submitted under the Convention also presented a problem with respect to its requests for information on the location of hazardous activities and on quantities of hazardous substances. It wished that a mechanism would be developed in which the confidentiality of such information would not hold up other processes.
41. Mr. Gay noted that these were certainly difficult problems, but that they needed to be

handled in the national legislation of Ukraine. As a first step, it was necessary to ensure that the government authority had proper access to the data on hazardous installations and substances. He referred to the training activity held in Minsk in October 2008, where very useful information had been given on how to restrict the work to those installations that fell within the scope of the Convention. He expressed the readiness of the Bureau to provide further support to Ukraine regarding the resolution of these problems.

42. Mr. Gay highlighted the benefits of providing expertise and participating in activities under the Assistance Programme not only for the participating countries, but also for those providing the assistance, by keeping their focus on the high level of implementation.

43. As a result of the presentations and the ensuing discussion, the meeting concluded that countries participating in the implementation phase of the Assistance Programme had demonstrated their ownership of the Programme with their active work to strengthen the Convention's implementation. It was noted that countries had shown a greater awareness of their needs and future challenges, an awareness based on the identification of gaps and elements needed for further improvement of implementation. It had also become clear that a greater number of participating countries were able to identify the next steps needed, and to elaborate realistic action plans to address them.

44. The Conference of the Parties acknowledged that many positive developments had taken place since the launch of the Assistance Programme. It also recognized that much remained to be done. It was essential to ensure sustainability and a more structured way to address needs and deliver capacity-building activities. The development and use of tools for improving self-assessment were highlighted as very important activities in this regard.

45. The Conference of the Parties welcomed the work carried out by EECCA and SEE countries to develop and implement national action plans to further strengthen the Convention's implementation, and expressed its satisfaction with the first results of this work, in particular in Georgia, Republic of Moldova and Serbia.

C. Draft strategic approach for the implementation phase of the Assistance Programme

46. The Chairperson recalled that the Conference of the Parties, at its fourth meeting, had requested the Bureau and the Working Group on Implementation to elaborate an action plan for the implementation phase of the Assistance Programme. This action plan should be designed in such a way that it would establish specific activities and priorities for both the short term and the long term, including indicators and related financial planning, so as to form a strategic approach.

47. On behalf of the outgoing Bureau and the Working Group, Mr. N. Savov (Bulgaria), a member of the task force on the development of the strategic approach, presented the draft strategic approach for the implementation phase as contained in document ECE/CP.TEIA/2008/5.

48. The delegation of the European Community thanked the Bureau, the Working Group, and in particular the task force for preparing the document, and expressed support for its adoption. It was of the view that the strategic approach was a useful tool for prioritizing needs, measuring results and coordinating efforts. This approach would assist countries in financial planning, even those using their own resources and considering other financial and in-kind contributions.

49. The delegation of Norway highlighted the Assistance Programme's success and pointed to the need for its strengthening in EECCA and SEE. It welcomed the strategic approach and the further work envisaged under the Assistance Programme, and reiterated its support through financial and in-kind contributions.

50. The Conference of the Parties:

(a) Adopted the strategic approach for the implementation phase of the Assistance Programme as contained in document ECE/CP.TEIA/2008/5, and invited participating countries of EECCA and SEE, as well as donor countries, to apply it;

(b) Invited Parties to provide the necessary financial and in-kind contributions to further ensure the Assistance Programme's successful continuation and implementation based on the strategic approach;

(c) Requested the Bureau and the Working Group on Implementation to support implementation of the strategic approach, and entrusted them to :

(i) Measure and monitor the progress of participating countries of EECCA and SEE in designing and implementing policies aimed at further strengthening of the Convention's implementation;

(ii) Review national action plans;

(iii) With the support of the secretariat, plan and implement assistance activities in the short and in the long term, and review the results of these activities;

(iv) Provide a form for participating countries of EECCA and SEE for collecting data within the stepwise/cyclic mechanism, as well as criteria and indicators for self-measurement of progress achieved;

(v) With the support of the secretariat, raise funds for assistance activities in the participating countries; and

(vi) Support participating EECCA and SEE countries in their efforts to develop specific project proposals and raise funds for their implementation

outside the Assistance Programme.

(d) Requested the Bureau and the Working Group to report on progress achieved to the next meeting of the Conference of the Parties, including on the results of the assistance activities organized.

VIII. DISCUSSION AND ADOPTION OF THE DECISION ON STRENGTHENING THE IMPLEMENTATION OF THE CONVENTION

51. The Conference of the Parties, taking into account the findings of the fourth report on implementation, the progress report on the Assistance Programme and its discussions and conclusions on how to best enhance further implementation of the Convention, in particular in EECCA and SEE countries, adopted the decisions pertaining to agenda items 6 and 7 as contained in document ECE/CP.TEIA/2008/6. It requested the secretariat to include these decisions in the report of the meeting.

IX. PREVENTION OF ACCIDENTAL WATER POLLUTION

A. Progress report of the Joint Ad Hoc Expert Group on Water and Industrial Accidents

52. Mr. Winkelmann-Oei, Co-Chairperson of the Joint Ad Hoc Expert Group on Water and Industrial Accidents, presented the Group's accomplished tasks in the biennium 2007–2008 in accordance with the workplan adopted by the Conference of the Parties at its fourth meeting (ECE/CP.TEIA/2008/8). He highlighted the main activities for provision of guidance and assistance to EECCA and SEE countries. These pertained to the implementation of the conclusions and recommendations of the Hamburg seminar⁴, the development of safety guidelines for tailing management facilities and other activities.

53. On behalf of Ms. Aleksandryan, Co-Chairperson of the workshop on the safety of the tailing management facilities, a representative of the secretariat presented the outcome of the workshop (Yerevan, 12–14 November 2007). She underlined that the workshop had provided an opportunity for participants to share experience and information on management systems, inspections and emergency planning for tailing dams, including on issues relevant to the preconstruction and closing phases. The workshop had also provided valuable comments and input for the finalization of the safety guidelines.

⁴ Seminar on the prevention of chemical accidents and limitation of their impact on transboundary waters (Hamburg, Germany, 4–6 October 1999).

54. Mr. Winkelmann-Oei presented an informal document reflecting the common position agreed by the Bureaux of the Industrial Accidents and Water Conventions regarding the future functioning of the Joint Ad Hoc Expert Group. He recalled that, in spite of its achievements since its establishment in 2000, the Joint Expert Group had encountered a number of challenges and difficulties in its work in recent years. These were raised in its latest progress report (ECE/CP.TEIA/2008/8, ECE/MP.WAT/WG.1/2008/6, paras. 22-28). The two Bureaux had agreed to address the current challenges faced by the Joint Expert Group by preparing a strategy for its future functioning. It was noted that such a strategy should, inter alia, provide a mechanism for steering by the two Bureaux.

55. The representative of the European Community thanked the Joint Ad Hoc Expert Group for the work done and for the presentations. He stressed the importance of the work carried out by the Group, bearing in mind that the main environmental effects of industrial accidents are through the water path. He also noted the good balance between technical documents and workshops in the work of the Group. He further stressed the importance of the Group's steering by the Bureaux of both Conventions, and expressed support for the development of a strategy for the Group's future functioning. He noted that the teleconference held between the two Bureaux had been a step towards better cooperation.

56. Mr. Gay drew attention to the lack of participation by countries' experts in the work of Joint Ad Hoc Expert Group, which was highlighted in the progress report. While he supported the development of a strategy, he stressed that such a strategy would only work if there were a proper commitment to participation by Parties. He urged delegations to make a commitment to participating in the Group's work through providing expertise and responding to requests for comments and input as necessary. He also invited delegations to work closely with their counterparts in the Water Convention, to identify areas of common interest and develop a good programme of work.

57. The delegation of Georgia suggested that it would be helpful if in its future work the Joint Ad Hoc Expert Group could concentrate on the needs of assistance to EECCA and SEE countries in areas of common interest to both Conventions, thus facilitating the development of and funding for new projects in such areas.

58. The Conference of the Parties:

(a) Took note of the report of the Joint Ad Hoc Expert Group on Water and Industrial Accidents, and expressed its appreciation for the work done and results achieved during the past two years, recognizing the challenges and the difficulties encountered by the Group;

(b) Took note of the report on the outcome of the workshop on the safety of tailing

management facilities held in Yerevan, and expressed its thanks to Armenia and Germany for organizing it;

(c) Noted the need for a better cooperation and coordination between the two Conventions through their Bureaux, so as to ensure that the work of the Joint Ad Hoc Expert Group addressed the needs of both Conventions;

(d) Entrusted the Bureau of the Industrial Accidents Convention, in cooperation with the Bureau of the Water Convention, to develop and implement a strategy to improve the functioning of the Joint Ad Hoc Expert Group, including a mechanism for steering by the two Bureaux;

(e) Confirmed its commitment to the work of the Joint Ad Hoc Expert Group, and urged all Parties and UNECE member States to support its work by providing expertise and inputs into the development of relevant documents, including guidance documents, and by active participation of their experts in its meetings;

(f) Requested the Joint Ad Hoc Expert Group to report on its activities at the sixth meeting of the Conference of the Parties.

B. Safety guidelines and good practices for tailing management facilities

59. Mr. P. Danihelka (Czech Republic) introduced the guidelines (ECE/CP.TEIA/2008/9) finalized by the Joint Ad Hoc Expert Group on Water and Industrial Accidents at its ninth meeting (Geneva, 9–10 July 2008). This had followed a final consultation round that had included Parties to the two Conventions and private-sector representatives, in particular operators of tailing management facilities. He drew attention to the structure of the guidelines, the main safety principles for tailings management facilities and the recommendations to competent authorities.

60. The Chairperson informed the Conference of the Parties that the Working Group on Integrated Water Resource Management under the Water Convention had endorsed the guidelines at its third meeting (Rome, 22–24 October 2008).

61. The Conference of the Parties endorsed the safety guidelines and good practices for tailing management facilities, and encouraged Parties and other UNECE member States to disseminate them for use by the appropriate authorities.

X. INDUSTRIAL ACCIDENT NOTIFICATION SYSTEM

A. Report on implementing the decision on increasing the effectiveness of and enhancing the communication procedures within the Industrial Accident Notification System

62. A representative of the Convention secretariat reported on the actions taken to implement decision 2006/3 of the Conference of the Parties (ECE/CP.TEIA/2008/7). He recalled that this decision required the introduction of a Web-based notification, while keeping fax notification as a back-up procedure. He presented the steps taken to ensure the development and introduction of the Web-based application. He noted that the Web-based notification had been released in July 2008.

63. The Conference of the Parties took note of the report of the secretariat and welcomed the introduction of the Web-based notification. It encouraged Parties to make use of it in their testing.

B. Outcome of the third consultation and training for points of contact for the purpose of accident notification and mutual assistance designated within the Industrial Accident Notification System

64. Mr. Senzaconi reported on the outcome of the third consultation and training for points of contact for the purpose of accident notification, highlighting the conclusion that the results of the tests in the EECCA and SEE subregions were not satisfactory. Subregional testing of communication should be continued with two rounds of testing per year. He drew attention to the conclusion that the cooperation between points of contact should also be tested through more comprehensive exercises involving neighbouring countries as well as analysis of emergencies corresponding to real situations. It was recommended that three such comprehensive exercises be carried out in 2009. Points of contact were also encouraged to perform supplementary communication tests on a voluntary basis, using the Web-based application with their counterparts in neighbouring countries.

65. The delegation of France, speaking on behalf of the EU, expressed its appreciation for the work carried out on strengthening the UNECE Industrial Accident Notification (IAN) System since the Conference of the Parties' fourth meeting, and noted the pertinence and efficiency of the new Web-based application. It noted that the exercise in Sibiu, Romania, had been a success.

It drew attention to the existing EU CECIS⁵ system for making contact between EU Member States. It requested that an evaluation of compatibility between the UNECE IAN System and the EU CECIS system be carried out prior to the next meeting of the Conference of the Parties. EU countries recognized the importance of the UNECE IAN System, and hence the need to ensure that there was no redundancy or divergence between the two systems.

66. The delegation of France briefed the Conference of the Parties about ongoing work at the EU level to improve the Major Accident Reporting System (MARS), used for reporting on past industrial accidents under the Seveso II Directive⁶. The outcome of this work would be reported at the next meeting of the Conference of the Parties.

67. The Conference of the Parties:

(a) Acknowledged the efforts of the points of contact aimed at strengthening the effectiveness of the UNECE IAN System and of notification in general;

(b) Requested the points of contact to perform the recommended testing and exercises, and to discuss the results at their next consultation;

(c) Further requested the points of contact to make an analysis and evaluation of the compatibility of the UNECE IAN and EU CECIS systems in order to verify that there is no redundancy between the two systems, and to submit the results and possible recommendations to the next meeting of the Conference of the Parties;

(d) Invited the points of contact to report on their work at the sixth meeting of Conference of the Parties.

XI. PROTOCOL ON CIVIL LIABILITY AND COMPENSATION FOR DAMAGE CAUSED BY THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS ON TRANSBOUNDARY WATERS

68. Mr. P. Kovac (Hungary) reported on the outcome of the workshop⁷ held in Budapest in May 2007. The workshop recognized that the lack of appropriate legal mechanisms that had triggered the elaboration of the Protocol was still there and that ratification of the Protocol depended primarily on policy considerations. Mr. Kovac drew attention to certain further actions to facilitate ratification that had been identified by the workshop, including the need for finalization of an analysis of the compatibility of the Protocol and relevant EU legislation, and the involvement of the national and regional insurance and private sector.

⁵ Common Emergency Communication and Information System.

⁶ Council Directive 96/82/EC, extended by Directive 2003/105/EC.

⁷ Transboundary accidental water pollution: challenges and opportunities.

69. The representative of the European Community (EC) provided a brief update of the situation at the EU level. He reported that the European Commission had carried out a legal review and analysis of the compatibility between the Protocol and the respective EC legislation. The conclusions of this review showed that some adjustment would be needed, either to the Protocol or to parts of the EC legislation, to allow the EU and its Member States to proceed with ratification of the Protocol. Both of these possible solutions would require considerable time and effort, and therefore the value added of the Protocol would need to be demonstrated first (i.e. ratification by non-EU countries) in order to justify this work.

70. The Secretary to the Water Convention reminded participants that the negotiations for the Protocol had involved EC representatives and had taken place at the same time as the preparation of certain EC legislation, and requested further information about the inconsistencies found between the Protocol and EC legislation.

71. The Conference of the Parties:

(a) Took note of the outcome of the workshop on challenges and opportunities of transboundary accidental water pollution, liability and compensation held in Budapest in May 2007 and expressed its gratitude to Hungary for organizing it;

(b) Took note of the information on the legal review of compatibility between the Protocol on Civil Liability and the respective EC legislation carried out at the EU level, and invited the delegation of the European Community to provide further information on its findings;

(c) Entrusted the Bureau, in cooperation with the Bureau of the Water Convention and with the support of the secretariat, to explore ways to further the entry into force of the Protocol, and to report to sixth meeting of the Conference of the Parties.

XII. PLAN OF ACTION UNDER THE CONVENTION

72. A representative of the Convention secretariat reported on the use of financial resources under the Convention in the period 2000–2008 (ECE/CP.TEIA/2008/10). He expressed thanks for the financial and in-kind contributions already made or pledged by UNECE member States to the Convention trust fund and/or to specific activities. He detailed the expenditures made from the trust fund during this period.

73. The delegation of France, speaking on behalf of the EU, recommended that the reporting format used in document ECE/CP.TEIA/2008/10 be changed in the next biennium report to allow for easy comparison between budgeted and utilized resources.

74. Mr. Gay introduced the proposal on the priorities and workplan for 2009–2010, as contained in document ECE/CP.TEIA/2008/11.

75. The delegation of Switzerland announced that it would contribute a total amount of 90,000 CHF for the implementation of the workplan. It also announced a contribution of 20,000 CHF to UNEP for cooperation with activities with the Assistance Programme. The delegations of Norway and Slovenia informed the meeting that they would contribute the same amounts as in the previous biennium.

76. The Conference of the Parties set the following priorities for the Convention's activities in the biennium 2009–2010:

- (a) Provision of assistance, on a needs-driven basis and when applicable in accordance with the strategic approach, to Parties in implementing the Convention and to other UNECE member States in ratifying or acceding to it;
- (b) Further promotion of measures to ensure progress vis-à-vis the identification of hazardous activities and their notification to neighbouring Parties;
- (c) Further promotion of measures to prevent industrial accidents, including accidental water pollution;
- (d) Further promotion of bilateral cooperation under the Convention, in particular in implementing preparedness and response measures;
- (e) Further improvement of the efficiency and enhancement of communication procedures within the UNECE IAN System.

77. The Conference of the Parties entrusted the Bureau, supported by the secretariat, to review the long-term programme of work under the Convention in view of the adoption of the strategic approach under the Assistance Programme and other decisions taken at the meeting, and to reflect in it the outcome of the work carried out under the Convention

78. In addition, the Conference of the Parties:

- (a) Endorsed the report on the use of financial resources under the Convention for the period 2000–2008 as presented in document ECE/CP.TEIA/2008/10;
- (b) Requested Parties, and invited the Governments of other UNECE member States, to participate actively in the implementation of the workplan for 2009–2010, and invited Parties to take the lead in specific projects in the workplan;
- (c) Adopted the budget of the Convention for 2009–2010 (see annex II);
- (d) Decided that financial and in-kind support for the 2009–2010 workplan would remain on a voluntary basis;
- (e) Urged Parties to provide voluntary financial and in-kind contributions to the budget of the Convention, so as to enable implementation of the workplan for 2009–2010;
- (f) Invited other UNECE member States to contribute to this budget as well;

- (g) Welcomed the contributions to the budget pledged at the meeting by Parties to the Convention listed in annex II;
- (h) Endorsed the guiding principles for financial assistance to ensure the effective participation of experts and representatives from countries with economies in transition in meetings organized within its framework and in the activities under the Assistance Programme, depending on the availability of funds (see annex III);
- (i) Invited the Executive Secretary of UNECE to continue to provide secretariat support for the tasks outlined in the workplan for 2009–2010, including the organization of the planned activities and provision of formal documentation for them;
- (j) Requested the UNECE secretariat to manage voluntary financial contributions in agreement with the donor countries/institutions;
- (k) Mandated the Bureau and the Working Group on Implementation, with the support of the secretariat, to raise funds for activities under the Assistance Programme in accordance with the strategic approach and to establish and implement policies aimed at further strengthening the Convention's implementation in EECCA and SEE countries;
- (l) Requested its Bureau to draw up, with the support of the secretariat, a budget for the next two-year period for adoption at the sixth meeting of the Conference of the Parties;
- (m) Requested the secretariat, at the sixth meeting of the Conference of the Parties, to report on the use of resources for the period 2009-2010 and to include in its report a comparison between planned and actual expenditures;
- (n) Requested the Bureau to report on its activities at the next meeting of the Conference of the Parties.

XIII. DATE AND VENUE OF THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES

79. The Conference of the Parties recalled article 18, paragraph 1, of the Convention, in particular the possibility of holding a meeting of the Conference of the Parties at the written request of any Party, and the terms of reference of the Bureau (ECE/CP.TEIA/2, annex I), in particular paragraphs 1 and 2 (c), stressing the need to use human and financial resources efficiently, including those of the UNECE secretariat. In this light, the Conference of the Parties decided unanimously to hold its sixth ordinary meeting in the second half of 2010. It requested the Bureau to consult the Parties to find the best suitable venue. The delegation of the Netherlands expressed its readiness to explore the possibility of hosting the next meeting.

XIV. REVIEW OF DECISIONS AND FINAL STATEMENTS

80. The Chairperson of the Conference of the Parties summarized the decisions taken during the fifth meeting. The Conference of the Parties entrusted the secretariat, in consultation with the Bureau, with finalizing the report of the meeting.

81. The Chairperson thanked the representatives of the Parties and other UNECE member countries for their active participation in the meeting and in the work of the Convention. He expressed the hope that all the UNECE member States would take part in implementing the workplan under the Convention for 2009–2010.

XV. CLOSING OF THE MEETING

82. The Chairperson of the Conference of the Parties closed the meeting.

XVI. SIDE-EVENT

83. A special side-event was organized on the afternoon of Wednesday, 26 November 2008 to provide delegates with an opportunity to interact with the private sector. This side-event demonstrated how cooperation between authorities and the private sector – a vital aspect of the Convention – works in practice. The Cantonal Authority of Geneva for Inspection and Labour Relations and two local chemical companies gave presentations on their safety practices. The two companies (Petrostok SA, a storage facility for petroleum products, and Givaudan Suisse SA, a producer of perfumes and aromas) also invited delegates to visit their plants.

Annex I

WORKPLAN UNDER THE CONVENTION FOR THE YEARS 2009–2010

The following are specific elements of the workplan under the Convention for 2009–2010. They have been selected from the long-term programme of work under the Convention on the basis of priorities agreed by the Conference of the Parties.

The following abbreviations are used throughout annexes I and II: Bureau and secretariat of the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) – Bureau and secretariat; Bureaux and secretariats of the Industrial Accidents Convention and of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) – Bureaux and secretariats; Eastern Europe, Caucasus and Central Asia – EECCA; Joint Ad Hoc Expert Group on Water and Industrial Accidents – JEG; South-Eastern Europe – SEE; Working Group on Implementation – WGI.

PROGRAMME AREA 1: Monitoring of and assistance in the implementation of the Convention

1.1 Implementation of the Convention

- 1.1.1 Maintenance of the list of competent authorities and of the password-protected folder containing national implementation reports on the Convention's website (secretariat);
- 1.1.2 Implementation of the strategic approach for the implementation phase of the Assistance Programme (participating EECCA and SEE countries/Bureau/WGI/secretariat);
- 1.1.3 Evaluation of the reporting procedure, establishment of a new procedure and preparation of the fifth report on the implementation of the Convention (WGI);
- 1.1.4 Drawing up of draft conclusions and recommendations to strengthen the implementation of the Convention on the basis of the report on the Convention's implementation (WGI).

1.2.1 Assistance to Parties in implementing the Convention and to Signatories and other UNECE member States wishing to become Parties by ratifying the Convention

- 1.2.1.1 Organization of fact-finding missions to those EECCA and SEE countries eligible for assistance under the Assistance Programme that have yet to host fact-finding teams. Reporting to the Bureau on the outcomes of the fact-finding missions

(EECCA and SEE countries not yet visited/fact-finding teams/Bureau/WGI/secretariat);

- 1.2.1.2 Organization of needs-driven capacity-building activities, advisory missions, training sessions and similar activities within the implementation phase of the Assistance Programme for the EECCA and SEE countries in accordance with the strategic approach (ECE/CP.TEIA/2008/5) or advisory missions within the preparatory phase (participating EECCA and SEE countries/Bureau/WGI/secretariat).

PROGRAMME AREA 2: Scope of the Convention

2.1 Hazardous activities

- 2.1.1 Further assistance in the application of the amended annex I to the Convention, in particular to EECCA and SEE countries in accordance with the strategic approach (participating EECCA and SEE countries/Bureau/WGI/secretariat);
- 2.1.2 Maintenance of information on hazardous activities in a password-protected folder on the Convention's website (WGI/secretariat).

PROGRAMME AREA 3: Prevention of industrial accidents

3.1 Prevention of industrial accidents

- 3.1.1. Organization of needs-driven Assistance Programme activities, in accordance with the strategic approach, related to the prevention of industrial accidents (participating EECCA and SEE countries/Bureau/WGI/secretariat);
- 3.1.2. Exchange of good practice with respect to new developments related to the prevention of industrial accidents (Parties/Bureau/secretariat);
- 3.1.3. Continuation of work on the prevention of accidental water pollution, addressing common needs of Parties to the Industrial Accidents Convention and the Water Convention (Bureaux/JEG/secretariats).

PROGRAMME AREA 4: Points of contact and industrial accident notification

4.1 UNECE Industrial Accident Notification System

- 4.1.1 Maintenance of the UNECE Industrial Accident Notification (IAN) System's Web-based application used for points of contact for industrial accidents notification and mutual assistance requests (secretariat);
- 4.1.2 Testing of the IAN System through communications tests and comprehensive analytical exercises (points of contact/secretariat);

- 4.1.3 Organization of the fourth consultation for personnel of points of contact (Bureau/points of contact/secretariat).

PROGRAMME AREA 5: Emergency preparedness, response and mutual assistance

5.1 Emergency preparedness and response

- 5.1.1 Organization of needs-driven Assistance Programme activities, in accordance with the strategic approach, related to emergency preparedness and response (participating EECCA and SEE countries/Bureau/WGI/secretariat);
- 5.1.2 Promotion and organization of transboundary response exercises to a simulated industrial accident (host countries/Bureau/JEG/secretariat).

PROGRAMME AREA 6: Responsibility and liability

6.1 Responsibility and liability regime

- 6.1.1 Further exploration of ways to progress towards the entry into force of the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Bureaux/secretariats).

PROGRAMME AREA 7: Scientific and technological cooperation

7.1 Exchange of information and safety technologies

- 7.1.1 Promotion of multilateral and bilateral cooperation aimed at facilitating the exchange of information and safety technologies among the Parties to the Convention (Bureau/secretariat);
- 7.1.2 Establishing and maintaining contacts with institutions and experts capable of providing assistance regarding preventive, preparedness and response measures (Parties/secretariat).

PROGRAMME AREA 8: Past industrial accidents

8.1 Reporting on past industrial accidents

- 8.1.1 Operation of the UNECE Past Industrial Accident Reporting System, within the framework of the existing Major Accident Reporting System (MARS) of the European Union to ensure availability of information on past industrial accidents (Major Accident Hazards Bureau/secretariat).

Annex II**RESOURCE REQUIREMENTS FOR 2009–2010**

Activities	Programme area and steering	Estimated minimum budget	Pledged assistance
Activities in the framework of the Assistance Programme, including training sessions, exercises, advisory missions and workshops	Reference to areas: 1.2 (assistance to Parties); 2.1.1 (application of annex I); 3.1.1 (prevention); 5.1.1 (preparedness and response) Steering: Bureau, WGI supported by the secretariat	US\$20,000 – fact-finding and or awareness-rising mission \$200,000 – capacity-building activities within the implementation phase \$230,000 – Programme’s servicing staff	Italy – €100,000 Netherlands – €50,000 Switzerland – 60,000 CHF Switzerland – 20,000 CHF provided to UNEP GRID Arendal to cooperate on Assistance Programme’s activities Norway – similar amount as in the past Slovenia – similar amount as in the past
Prevention and preparedness (other than under the Assistance Programme)	Reference to areas: 3.1.2 (exchange of good practice), 3.1.3 (prevention of accidental water pollution) and 5.1.2 (promotion of response exercises) Steering: Bureaux, JEG supported by the secretariat	\$30,000 – organization of activities aimed at exchange of good practice on prevention (funds to support participation of experts with economies in transition) \$ 20,000 – support to the joint activities related to water and industrial accidents	Switzerland – 30,000 CHF

Activities	Programme area and steering	Estimated minimum budget	Pledged assistance
IAN System	Reference to area 4 (points of contact and IAN) Steering: Bureau, points of contact supported by the secretariat	\$30,000 – organization of fourth consultation for points of contact; (funds to support participation of experts with economies in transition) \$10,000 – support to meeting(s) of the steering group	
Promotion of the Convention	Reference to areas 7.1 (promotion of cooperation), promotion in general; Steering: Bureau, WGI and secretariat	\$15,000 – participation in different meetings to promote the work carried out under the Convention	
Bureau and WGI meetings	Reference to areas 1.1.2, 1.1.3, 1.1.4, and steering in general Steering: Bureau, WGI and secretariat	\$20,000 – participation of Bureau or WGI members representing countries with economies to the meetings	
Organization of the sixth meeting of the Conference of the Parties	Steering: Bureau supported by the secretariat	\$30,000 – organization of sixth meeting of the Conference of the Parties; (funds to support participation of delegates from countries with economies in transition)	
TOTAL		\$605,000	

Annex III

GUIDING PRINCIPLES FOR FINANCIAL ASSISTANCE TO SUPPORT THE PARTICIPATION OF EXPERTS AND REPRESENTATIVES FROM COUNTRIES WITH ECONOMIES IN TRANSITION IN MEETINGS ORGANIZED WITHIN THE FRAMEWORK OF THE CONFERENCE OF THE PARTIES AND IN THE ACTIVITIES UNDER THE ASSISTANCE PROGRAMME

1. The following countries of Eastern European, Caucasus and Central Asia, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Republic of Moldova, Tajikistan, Ukraine and Uzbekistan, as well as the following countries of South-Eastern Europe, Albania and Bosnia and Herzegovina, are eligible for full financial assistance (travel expenses and daily subsistence allowance (DSA)) to support the participation of their experts and representatives in activities organized within the framework of the Conference of the Parties. Kazakhstan, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkmenistan are eligible for partial financial assistance (DSA only)
2. The countries of Eastern European, Caucasus and Central Asia and South-Eastern Europe, as accepted by the Conference of the Parties as recipient countries in the Assistance Programme under the Convention, are eligible for full financial assistance (travel expenses and DSA) to support the participation of their experts and representatives in the capacity-building activities organized within the Programme.
