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ECONOMIC COMMISSION FOR EUROPE

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

First meeting, 22-24 November 2000
(Item 3 (a) of the provisional agenda)

DRAFT DECISION

**ON CRITERIA AND GUIDELINES TO FACILITATE
THE IDENTIFICATION AND NOTIFICATION OF
HAZARDOUS ACTIVITIES**

The Conference of the Parties,

Recalling the provisions of article 4, paragraph 1, and article 18, paragraph 6, of the UN/ECE Convention on the Transboundary Effects of Industrial Accidents,

Stressing the importance of determining the scope of the Convention through the identification of hazardous activities and their notification,

Acknowledging that a common, pragmatic approach is needed by the Parties and other UN/ECE member countries when identifying hazardous activities within their jurisdiction and notifying other countries,

GE.00-

1. **Agrees** on the criteria and guidelines to facilitate the identification and notification of hazardous activities for the purposes of the Convention as contained in the annex to this decision;
2. **Requests** the Parties to identify hazardous activities within their jurisdiction and notify affected Parties according to these criteria and guidelines, as soon as possible but not later than the time frame provided for in annex III, paragraph 2, to the Convention;
3. **Invites** other UN/ECE member countries, pending their ratification of or accession to the Convention, to also identify hazardous activities within their jurisdiction according to these criteria and guidelines and inform affected countries;
4. **Requests** the Working Group on Implementation, with the assistance of the UN/ECE secretariat to:
 - (a) Report on the process of identification and notification of hazardous activities on the basis of the implementation reports from Parties and other UN/ECE member countries;
 - (b) Maintain a list of hazardous activities, according to annex XII, paragraph 1 (e), to the Convention, on the basis of the information received from Parties and other UN/ECE member countries in reply to question 7 of the implementation reporting form;
 - (c) Suggest ways of establishing a map of the location of these activities at a later stage;
5. **Encourages** further cooperation between this Convention and that on the Protection and Use of Transboundary Watercourses and International Lakes within the joint ad hoc expert group on water and industrial accidents concerning the identification of activities where hazardous substances are present or may be present in quantities below the threshold quantities listed in annex I to the Convention.

Note

1/ The information contained in the reply to question 7 of the implementation reporting form is the same as that provided by EU member states about hazardous activities capable of causing transboundary effects to the EU Major Accident Hazards Bureau (MAHB) and recorded in the EU Seveso Plant Information Retrieval System (SPIRS).

Annex

CRITERIA AND GUIDELINES TO FACILITATE THE IDENTIFICATION AND NOTIFICATION OF HAZARDOUS ACTIVITIES

(according to article 4, paragraph 1, of the Convention)

1. According to the definitions of the Convention, hazardous activities are activities capable of causing transboundary effects that involve the manufacture, use, storage, handling or disposal of hazardous substances in quantities above the threshold limits laid down in annex I to the Convention.
2. A transboundary effect means a serious effect in one Party as a result of an industrial accident occurring in another Party. An effect is a direct or indirect, immediate or delayed adverse consequence caused by an industrial accident on, inter alia, human beings, soil, water, air, landscape, material assets or cultural heritage.
3. Taking into account the definition of hazardous activity and the fact that industrial accidents with transboundary effects are more likely to occur in activities close to a border or in river basin having a transboundary outlet, it is clear that both a substance and quantity criterion and a location criterion are needed for the purpose of identifying hazardous activities. The criteria are given below in sections A and B respectively. They are intentionally kept pragmatic so that the Parties can start implementing the Convention swiftly.

A. Substance and quantity criterion

4. The following substance and quantity criterion shall apply for the purpose of identifying hazardous activities capable of causing transboundary effects under the Convention: one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in annex I to the Convention.^{1/}

B. Location criteria

5. The following two location criteria shall apply for the purpose of identifying hazardous activities capable of causing transboundary effects under the Convention:
 - (a) Within 15 kilometres from the border, for activities involving substances that may cause a fire or explosion or involving toxic substances that may be released into the air in the event of an accident;

(b) Along or within the catchment areas of transboundary rivers, transboundary or international lakes, or within the catchment areas of transboundary groundwaters, 2/ for activities involving substances falling under category 3, 4, 5 or 8 of part I of annex I to the Convention. A catchment area of a transboundary river or lake is defined as the whole drainage area of this river or lake with a common outlet.

C. Notification

6. Any planned or existing activity identified as hazardous under the Convention, according to the criteria listed in sections A and B above shall be notified to the potentially affected countries according to article 4, paragraph 1, and annex III, paragraph 2, to the Convention. The notification shall contain relevant information on the hazardous activity and its transboundary effects in the event of an industrial accident, including but not limited to analysis and evaluation as detailed in annex V to the Convention. The information will be treated confidentially by the receiving countries.

Notes

1/ According to Council Decision 98/685/EC of 23 March 1998, for EU member states all establishments covered by article 9 of Council Directive 96/82/EC of 9 December 1996 (Seveso II), i.e. upper-tier establishments, are taken to meet this criterion.

2/ A list of major transboundary watercourses (i.e. any surface waters or groundwaters which mark, cross or are located on boundaries between one or more States) and international lakes has been compiled within the framework of the UN/ECE Convention on the Protection and Use of Transboundary Watercourse and International Lakes on the basis of information provided by Parties and non-Parties. The term “major” implies that there may be a significant transboundary impact through these waters. It was, however, left to the discretion of the countries to decide which of these waters were considered to fulfil the condition of “significant transboundary impact”. Thus, the list includes not only big, but also medium and small watercourses. This list will soon be available through the Internet at the following address: www.unece.org/env/water and will be updated regularly.