

## **ECONOMIC COMMISSION FOR EUROPE**

### **CONFERENCE OF THE PARTIES**

### **TO THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS**

## **GUIDELINES**

### **TO REPORTING FORMAT FOR THE SEVENTH REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS (2012-2013)**

These guidelines have been prepared to direct countries to respond as fully and precisely as possible to the questions in the reporting format.

Each country, and in particular the countries beneficiaries to the Assistance Programme under the Convention are encouraged to give an unbiased and accurate account of the present state of Convention's implementation. For this purpose countries are invited to study the indicators and criteria for self-evaluation of the progress achieved, to be found in document ECE/CP.TEIA/2010/6. The mechanisms described in that document will facilitate answering to a number of questions in this questionnaire, including verification if all the necessary topics had been addressed. The indicators and criteria are also particularly useful in identification of shortcoming and weaknesses in the implementation of the Convention and definition of necessary corrective actions.

#### **Front Page of the reporting format**

On the front page, fill in the name of the reporting country and the name, authority<sup>1</sup> and coordinates (e-mail address and phone number) of the person who coordinates the reporting nationally.

Question [I-A] - State whether the person coordinating the reporting is a Focal Point for the Convention. The focal point is an officer working within any established competent authority nominated for being the contact person for the secretariat and focal points of other Parties for the purposes of the Convention. The focal points can be also nominated by other UNECE member countries not Parties to the Convention. In this case the focal point represents one of the authorities usually coordinating the work falling under the scope of the Convention.

Question [I-B] - State if the authority, for which the person is working, is a formally designated/established Competent Authority. The competent authority (Art. 17 of the Convention) is

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<sup>1</sup> Please note that in the present guidelines and in the reporting format, the word "authority" is used as a synonym of "institution" and "organisation" with the aim of simplifying the language. Please bear in mind this aspect, when providing the information required.

an authority formally designated or established at the ratification/accession/acceding competent for the purposes of the Convention.

Question [I-C] - On the question on cooperation, specify which are the other authorities, if any, at national, regional and local levels that are engaged in the implementation of the Convention. Indicate their areas of responsibility and inform if they were also designated/established competent authorities. Please indicate organizations that have responsibilities in the implementation of the Convention (i.e. in implementing industrial safety)

Question [I-D] - Describe then how the authorities mentioned in [I-C] have been involved in the preparation of the report, and whether the completed report has also been approved/controlled by them.

## **POLICY FOR IMPLEMENTATION OF THE CONVENTION**

*According to article 3 of the Convention the parties shall take appropriate measures and cooperate to protect human beings and the environment against industrial accidents by applying preventive, preparedness and response measures. For this purpose the parties shall develop and implement policies for reducing the risk of industrial accidents and obligating operators to take all measures necessary for the prevention of such accidents.*

### **Questions 1-2**

Question [1] – Provide a general description of your country’s policy and strategies for prevention of, preparedness for and response to industrial accidents, describing briefly:

- (i) the most important legislation in this respect and how this legislation is administered and enforced. Refer only to legislation (formal acts or regulations) that pertains directly to the implementation of the Convention. This means legislation which is fundamental in the context of the implementation of the Convention, and which is directly applicable to the substances specified in annex I to the Convention. Please avoid describing legislation which is not covered by the Convention. For general legislation having a broader area of application than only implementation of the Convention, e.g. legislation on occupational safety and health, environmental protection, fire safety etc, please specify this legislation and explain how it contributes to the implementation.
- (ii) which authorities are engaged in the implementation and monitoring of the Convention’s requirements, and how responsibility is divided between different authorities at national, regional and local level (if relevant). Possible co-ordination mechanisms should also be explained.

Question [2] (a) – Assess the effectiveness of your country policy and by doing so consider whether the legislative, control and enforcement mechanisms, described in your answer to Question [1], are adequate to fulfill the requirements of the Convention effectively. You may also refer to any effectiveness indicators if such have been developed by your country.

Question [2] (b) – List difficulties, if any, with regard to legislative, control and enforcement mechanisms you have identified recently, e.g. any shortcomings identified in legislative framework. In case the difficulties identified refer to the subjects of identification and notification of hazardous activities, prevention, preparedness and response, public participation or decision-making on siting describe them respectively under questions 7(b), 9(b), 15(b), 22(b) or 25(b).

Question [2] (c) –List any changes to the policy that have been undertaken or are planned or considered, e.g. to compensate or remedy possible shortcomings identified. If any steps are being planned indicate what the timeframe would be for it. In case the steps undertaken or planned refer to initiating improvements to policies on identification and notification of hazardous activities, prevention, preparedness and response, public participation or decision-making on siting you should describe them respectively under questions 7(c), 9(c), 15(c), 22(c) or 25(c).

## **IDENTIFICATION AND NOTIFICATION OF HAZARDOUS ACTIVITIES WITH THE POTENTIAL TO CAUSE TRANSBOUNDARY EFFECTS**

*According to article 4 of the Convention the Parties shall identify hazardous activities according to annex I that are capable of causing transboundary effects in the case of an industrial accident within their jurisdiction. The Parties shall ensure that the neighbouring Parties are duly notified of any existing such hazardous activity or proposed new hazardous activities.*

### **Questions 3-7**

Question [3] – Describe:

- (i) the mechanism/arrangements used for the identification of hazardous activities (as defined in Article 1 of the Convention) by explaining your country's mechanism for collecting data from operators (who collects data and how, mandatory notification procedure for operators of hazardous activities), mechanism for data analysis and validation (use of system of classification of chemicals, use of annex I and location criteria, worst case scenario analysis, risk assessment, etc), and mechanism for review and revision. You should also inform how these mechanisms are reflected in the legislation;
- (ii) the mechanism/arrangements for notification of hazardous activities to neighbouring countries (art. 4.1). Please note that in this context notification means the formal procedure of sharing with neighbouring countries information about hazardous activities that can cause transboundary effects in the event of an accident so that these countries could undertake the adequate preventive measures to avoid fatalities (e.g. not building houses in the perimeter that is likely going to be hit by the consequences of the possible accident), as well as preparedness and response measures to be able to provide the most timely and effective response);
- (iii) the mechanism for consulting the neighbouring country on whether to insert or not a given hazardous activity in the list to be notified. Transboundary consultation could be performed at the initiative of any Party concerned and regardless of the status (unofficial, official/validated) of the list of hazardous activities (HA). It could be performed either in parallel with the analysis of data received from the operators for the purpose of identifying HA, or after a list of HA has been notified to the Party concerned, or at the initiative of a Party concerned.

For further information on the above-mentioned mechanisms you may refer to Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I pages 10-11).

The Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities adopted at the first Conference of the Parties and subsequently amended are available on the Convention's website. [  
<http://www.unece.org/environmental-policy/treaties/industrial-accidents/envteiaguidelines.html>].  
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Question [4] – Indicate the number of hazardous activities taking into account only those hazardous activities that have been identified in your country in accordance with the mechanism described under Question [3]. Please do not indicate any other installations than those identified as falling under the Convention.

Question [5] – Indicate whether the number of hazardous activities has changed compared to previous reporting round and if so provide further information such as:

- (i) how many new hazardous activities have been identified since last reporting round (new activity, increased production capacity) and/or
- (ii) how many are no longer hazardous activities and why (decreased production capacity, closure, etc).

Question [6] – Provide in the table the information on the notification due to neighbouring parties/countries. Indicate clearly in column I the neighbouring Party/country, in column II the number of hazardous activities notified and in column III whether any consultations were held prior to notification. In column IV (comments) explain if there is any hazardous activity not yet notified and what the reasons are for it.

Question [7](a) – Indicate whether your mechanism adopted allows for effective identification of hazardous activities starting from collection of data through its validation and revision as well as for effective notification. Please also assess the effectiveness of the mechanism for consultation with neighbouring countries.

Question [7](b) – List weaknesses, if any, recently identified in your mechanism for identification and/or notification of hazardous activities as well as in the mechanism for consultation with neighbouring countries. Reference: Benchmarks for implementation of the Convention (ECE.CP.TEIA/2010/6, Annex II – identifications, Annex III – notification).

Question [7](c) – List any actions that have been undertaken or are planned or considered. Such actions might be connected to any weaknesses that had been identified and you listed them under Question [7](b) or with regard to your country striving for further improvements. For planned actions, indicate what the timeframe would be for them.

## **PREVENTION OF INDUSTRIAL ACCIDENTS**

*According to article 6 of the Convention the Parties shall take appropriate measures for the prevention of industrial accidents. They are also obliged to see that operators of hazardous activities take action to reduce the risk and demonstrate the safe performance of such activities.*

### **Questions 8-9**

Question [8] - In light of the general answer already given under Question [1] above, describe how preventive measures are taken and followed up by operators, authorities and other stakeholders during all phases of a relevant industrial activity (cradle to grave). In answering give attention to:

- (i) main categories of preventive measures to be taken by industry at different stages, such as
- safety management
  - creation of a safety culture
  - hazard identification, risk assessment
  - siting, design and construction
  - operation
  - modifications, maintenance and repairs
  - review of safety performance
  - decommissioning/closure
- (ii) main preventive measures taken by authorities, such as
- safety strategies
  - control, inspection and enforcement framework
  - land use planning
  - safety performance review and evaluation
- (iii) interaction and/or cooperation between industry and authorities, as well as other stakeholders (public at large, labour organizations, NGOs etc) with the aim of preventing industrial accidents, unless you plan to describe it under the chapter public participation Question [17].

Alternatively you may refer to mechanisms described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I pages 11-12).

Question [9](a) – Describe how the system you have adopted allows for effective prevention of industrial accidents, including the roles of industry and authorities. You may also refer to any effectiveness indicators if such have been developed by your country.

Question [9](b) – List weaknesses, if any, recently identified in your system of prevention of industrial accidents. Reference: Benchmarks for implementation of the Convention (ECE/CP.TEIA/2010/6, Annex III – prevention).

Question [9](c) – List any actions that have been undertaken or are planned or considered. Such steps might be connected to any weaknesses that had been identified and you listed them under Question [9](b) or with regard to your country striving for further improvements, e.g. for making the system more effective in terms of resource requirements. For planned actions indicate what the timeframe would be for them.

## **EMERGENCY PREPAREDNESS AND RESPONSE**

*According to article 8 of the Convention the Parties shall take appropriate measures to establish and maintain adequate emergency preparedness to respond to industrial accidents. To that effect the Parties shall ensure the preparation and implementation of on-site and off-site contingency plans. According to article 9 of the Convention these plans should be compatible with those of their neighbouring countries. The Parties shall also ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident.*

*According to article 11 of the Convention, the Parties shall ensure that, in the event of an industrial accident, or imminent threat thereof, adequate response measures are taken to contain and minimize effects. Measures to assess the effects of the accident should be taken (when appropriate jointly with neighbouring countries). Whenever possible, countries should endeavour to coordinate their response measures.*

## **Questions 10-19**

Question [10] - Indicate whether on-site (internal) and off-site (external) emergency plans exist for all hazardous activities identified in your country. If such plans do not exist, or only exist to a certain extent, provide information on why this is the situation.

Question [11] - Provide information on how the plans are being established, e.g. whether they take account of hazard/risk assessments. You may refer to mechanisms addressing the on-site and off-site plans described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I page 12 and Annex V).

Question [12] – Describe the coordination mechanism between industry and competent authorities for preparations of the plans, unless it does not exist. You may refer to mechanisms addressing the on-site and off-site plans described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I page 12 and Annex V).

Questions [13] and [14] – Describe the mechanisms for testing, review and updating of such plans within your country [13] or in cooperation with neighbouring countries [14]. You may refer to mechanisms addressing the on-site and off-site plans and for ensuring transboundary compatible planning described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I page 12 and Annex V).

Question [15](a) – Describe how the system you have adopted allows for effective establishment and maintenance of emergency preparedness and response plans and procedures. You may also refer to any effectiveness indicators if such have been developed by your country. Please also indicate which authority(ies) is/are responsible for them.

Question [15](b) – List weaknesses, if any, recently identified in your system of preparedness and response. Reference: Benchmarks for implementation of the Convention (ECE/CP.TEIA/2010/6, Annex V – preparedness, and Annex VI – response and mutual assistance (as far as as they refer to preparedness and response)).

Question [15](c) – List actions that have been undertaken or are planned or considered. Such actions might be connected to any weaknesses that had been identified and you listed under Question [15](b) or with regard to your country striving for further improvements. Indicate the timeframe for any planned actions.

Question [16] – Indicate whether in your country guidelines are used to support and provide input to regional/local authorities and/or operators for the preparation of contingency plans.

Question [17] – Indicate whether your country uses the Industrial Accidents Notification (IAN) System and briefly describe which authority is responsible for it and how does it function.

Question [18] – Indicate whether your country uses another international notification system (in addition or instead of the IAN System); describe which authority is responsible for it and how does it function.

Question [19] – Indicate the name of the point of contact as of art. 17 of the Convention.

## **MUTUAL ASSISTANCE**

*According to article 12 of the Convention, if a Party needs assistance in the event of an industrial accident, it may ask for assistance from other Parties. A Party to whom a request for assistance is directed shall promptly decide and inform the requesting Party whether it is in a position to render the assistance required and indicate the scope and terms of the assistance. The Parties concerned shall cooperate to facilitate the prompt provision of assistance agreed to. Where Parties do not have bilateral or multilateral agreements which cover their arrangements for providing mutual assistance, the assistance shall be rendered in accordance with Annex X unless the Parties agree otherwise.*

### **Questions 20-21**

Question [20] – Indicate whether your country has identified an authority operational 24/7 to be the point of contact to provide mutual assistance in the event of an accident.

Question [20 a)] – Please provide information on the point of contact responsible for requesting and/or providing assistance in the event of an accident. Please indicate the name and briefly describe the functioning

Question [20 b)] – Describe, in general terms, the procedures followed to request and/or provide assistance (elements that you might wish to describe include: parameters upon which the assistance requested will be based and parameters upon which a request for assistance from another Party will be evaluated and responded to);

Question [21] – Please indicate whether your country is part to any bilateral or multilateral agreements on mutual assistance. To better identify this kind of agreement you could refer to the provisions of article 12 or to its annex X.

## **SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION AND EXCHANGE OF INFORMATION**

*According to articles 14, 15 and 16 of the Convention the Parties shall promote scientific and technological cooperation for the prevention of, preparedness for and response to industrial accidents, as well as for the exchange of information and technology.*

### **Questions 22**

Question [22] - Describe any bilateral or multilateral activities/programmes which your country has set up to exchange information, experiences or technology with the aim of strengthening the fulfilment of the Convention's requirements. This should include: with whom, on what subjects/activities and a list the possible results. You may wish to add additional information on items listed in Annex XI to the Convention.

## **PARTICIPATION OF THE PUBLIC**

*According to article 9 of the Convention the public in areas capable of being affected in the Affected Party and in the Party of Origin should have equal opportunity to participate in relevant procedures and have equal access to and treatment in relevant administrative and judicial proceedings.*

### **Questions 23-28**

Question [23] – Describe the opportunities given to the public in your country regarding participation relating to preventive and emergency preparedness measures and how these have been elaborated in national legislation. You may refer to mechanism for ensuring public participation described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I page 13 and Annex VII).

Question [24] - Indicate how the opportunities for participation have been communicated to the public.

Question [25] - Given that opportunities exist for public participation, indicate whether the public does participate and explain to what extent they take advantage of these opportunities. If the public does not participate, indicate according to your knowledge why this is the situation.

Question [26] – Indicate whether your system allows for participation by the public of neighbouring countries/ Parties in the same way as your own public.

Question [27] – Indicate whether natural or legal persons of neighbouring countries/ Parties have access to equal relevant administrative and judicial procedures in your country.

Question [28](a) – Indicate whether your country has been successful in developing public participation. You may refer to any effectiveness indicators if such have been developed by your country.

Question [28](b) – List weaknesses, if any, recently identified in your policy for public participation. Reference: Benchmarks for implementation of the Convention (ECE.CP.TEIA/2010/6, Annex VII – information to the public and public participation).

Question [28](c) – List any actions that have been undertaken or are planned or considered. Such steps might be connected to any weaknesses that had been identified and you listed them under Question [28](b) or with regard to your country striving for further improvements. For actions planned indicate what the timeframe would be for them.

## **DECISION-MAKING ON SITING**

*According to article 7 of the Convention the Parties shall, within the framework of their legal systems, seek the establishment of policies on the siting of new hazardous activities and on significant modifications to existing activities.*

### **Questions 29-31**

Question [29] – Describe any special siting or land use policies that your country has for the location of hazardous activities or significant modifications of such activities. Explain the policy and how it is followed up in practice and reflected in legislation.



Question [30] – Provide information on whether the policy takes into account transboundary issues, and if so, describe any existing bilateral activities on siting in light of the Convention’s requirements.

Question [31](a) - If a siting policy has been established, give a general evaluation of the policy effectiveness. You may refer to any effectiveness indicators if such have been developed by your country.

Question [31](b) - List weaknesses, if any, recently identified in your policy for siting. You may refer to available guidelines and consider recommendations from recent workshops, e.g. UNECE joint workshop on land use planning around hazardous industrial sites (The Hague, Netherlands, 11-12 November 2010)

Question [31](c) – List any actions that have been undertaken or are planned or considered. Such actions might be connected to any weaknesses that had been identified and you listed under Question [31](b) or with regard to your country striving for further improvements. For actions planned indicate what the timeframe would be for them.

## **REPORTING ON PAST INDUSTRIAL ACCIDENTS**

*According to annex XII of the Convention, the parties shall establish a databank for the reception, processing and distribution of information on past industrial accidents.*

*According to Art. 10 of the Convention, the parties shall notify neighbouring countries on industrial accidents.*

### **Questions 32-33**

Question [32](a) – Indicate whether any industrial accidents with transboundary consequences have taken place in your country in last two years. If so, please list each accident giving the date, location and type of accident. Please refer to accidents covered by the definitions in Art. 1 only.

Question (32 b) If yes, please indicate which system was used (for instance river-alert systems, other international alarm system). Please also specify whether the system used is operated at national or local level.

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