



Council of the
European Union

**Brussels, 25 November 2014
(OR. en)**

15615/14

**ENV 904
IND 341
PROCIV 95
ONU 143**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations on an amendment of the Convention on the Transboundary Effects of Industrial Accidents

COUNCIL DECISION

of

**authorising the opening of negotiations on an amendment
of the Convention on the Transboundary Effects of Industrial Accidents**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(3) and (4), thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Union is a Party to the Convention on the Transboundary Effects of Industrial Accidents done at Helsinki on 17 March 1992¹ ("the Convention").
- (2) At the Seventh Conference of the Parties in 2012, the Parties requested the Working Group on the Development of the Convention ("the Working Group") to evaluate the need for amendments in certain areas.
- (3) At its Fourth meeting in April 2014, the Working Group concluded that most issues could be resolved by providing guidance to the Parties, but identified four areas in which an amendment would improve the Convention. Those areas concern definitions, public participation, the frequency of meetings and the application of amendments to new parties.

¹ OJ L 326, 3.12.1998, p. 5.

- (4) The Working Group concluded that further information and discussion was required in order to evaluate the issue of potential accession to the Convention of Members of the United Nations which are not Member countries of the United Nations Economic Commission for Europe (UNECE).
- (5) The negotiations are not expected to affect existing Union legislation in view of the more stringent provisions contained in Directive 2012/18/EU ¹ in the areas under consideration.
- (6) The Union should therefore participate in the negotiations on potential amendments to the Convention,

HAS ADOPTED THIS DECISION:

¹ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union as regards matters falling within the Union's competence, potential amendments to the Convention on the Transboundary Effects of Industrial Accidents concerning definitions, public participation, the frequency of meetings, the application of amendments to new parties and the potential accession to the Convention of Members of the United Nations which are not member countries of UNECE.

Article 2

The negotiations shall be conducted in consultation with the special committee appointed by the Council, provided for in the third subparagraph of Article 207(3) of the Treaty, and in accordance with the negotiating directives of the Council set out in the addendum to this Decision and subject to any directives which the Council may subsequently issue to the Commission. The Council may review the content of the negotiating directives at any time.

Article 3

This Decision is addressed to the Commission.

Done at,

For the Council

The President

Directives for the negotiation of amendments
to the Convention on the Transboundary Effects of Industrial Accidents

- (1) Any agreed amendment shall be consistent with Directive 2012/18/EU and any other relevant Union legislation.
- (2) All amendments agreed in the areas under consideration shall be part of a single package. The Commission shall only agree to amendments if they are proposed for adoption at the same time.
- (3) The Commission shall ensure that the agreement contains appropriate provisions allowing the Union to become a Party thereto.
- (4) The Commission shall conduct the negotiations in consultation with the special committee appointed by the Council.
- (5) The Commission shall report in writing to the Council throughout the negotiations at regular intervals and forthwith on any problem that may arise during the negotiations, as well as on the outcome of the negotiations.