



**Economic and Social
Council**

Distr.
GENERAL

ECE/CP.TEIA/AP.3
6 November 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

Fourth meeting
Rome (Italy), 15–17 November 2006
Item 7 of the provisional agenda

**ASSISTANCE PROGRAMME FOR THE COUNTRIES OF EASTERN EUROPE,
CAUCASUS AND CENTRAL ASIA AND SOUTH-EASTERN EUROPE TO ENHANCE
THEIR EFFORTS IN IMPLEMENTING THE CONVENTION***

Report of the fact-finding team on its mission to Azerbaijan

Summary

The fact-finding team, as a result of its mission to the Republic of Azerbaijan on 22–24 May 2006, has concluded that the basic tasks under the Convention – as described in the assistance programme – have been implemented, with the exception that a fully operational point of contact under the UNECE Industrial Accident Notification System has not yet been established. The team recommends that the transfer of the point of contact from the Ministry of Ecology and Natural Resources to the Ministry of Emergency Situations be accomplished before the fourth Conference of the Parties and the new contact details reported to the UNECE secretariat. Once the task is implemented, Azerbaijan should participate actively in the next phase of the assistance programme.

* This document was submitted on the above date because of processing delays.

I. INTRODUCTION

1. The fact-finding missions are being organized to those countries of Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE) which adopted the declaration at the High-level Commitment Meeting¹ (in Geneva on 14–15 December 2005) and committed themselves to implementing the Convention, in particular the basic tasks as defined in the assistance programme (chapter IV, first paragraphs of sections A–J²).

2. In accordance with the assistance programme and the terms of reference,³ the fact-finding teams' task is to hold discussions with representatives of competent authorities at the national and local levels, of points of contact and of hazardous activities and to compile a report on:

- the implementation of the basic tasks; and
- the particular areas for which capacity-building activities and advisory services are needed, as well as the possibilities and needs for launching transboundary pilot projects and joint exercises with neighbouring EECCA and SEE countries.

3. This document contains the report of the fact-finding mission to Azerbaijan, which took place on 22–24 May 2006 at the invitation of the Ministry of Ecology and Natural Resources.

A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Ernst Berger, team leader, former head of the section on Safety of Installations, Swiss Federal Office for the Environment, and first Chairperson of the Conference of the Parties (2000–2004); now a consultant to the secretariat of the UNECE Industrial Accidents Convention;
- Mr. Jan Roed, Senior Engineer, Directorate for Civil Protection and Emergency Planning (Norway); and
- Mr. Otto Simonett, Director, UNEP/GRID-Arendal Programme, expert in environment and security.

5. The programme for the mission was drawn up jointly by the mission coordinator, Mr. Mutallim Abdulhasanov (tel. +994 12 438 7073) from MENR, and the Convention secretariat. It included meetings with the following authorities and industrial entity:

- The Ministry of Ecology and Natural Resources (MENR), which is the national executive power entrusted with the implementation of the national policy on environmental protection.

¹ Report of the High-level Commitment Meeting, Geneva, 14–15 December 2005 (CP.TEIA/2005/12);

² Internationally Supported Assistance Programme for the East European, Caucasian and Central Asian and the South-East European Countries to Enhance Their Efforts in Implementing the Convention (CP.TEIA/2004/2).

³ Terms of reference for fact-finding teams established within the framework of the assistance programme under the UNECE Convention on the Transboundary Effects of Industrial Accidents.

- The Ministry of Emergency Situations (MES), which is the national executive power entrusted with the implementation of the national policy on emergency situations.
- The Nizami District Executive Office (located in the Baku City region), which represents the local executive power responsible for coordination and implementation of national legislation at the district level.
- The Baku Oil Refinery (located in Nizami District), a large independent refinery producing diesel fuel, heating oil, coke, aviation kerosene, gasoline, liquefied petroleum gas and the like.

6. The names and titles of the individuals who represented these entities at the meetings are shown in the following table. Mr. Abdulhasanov accompanied the team to all the meetings.

Ministry of Ecology and Natural Resources	
Mr. Issa Aliyev	Head of the Department of International Cooperation
Mr. Arif Iskandarov	Head of the Department of Ecology and Environmental Policy
Mr. Imran Abulov	Deputy Head of the Department
Mr. Rasim Sattar-Zade	Head of the Environmental Policy Sector
Mr. Mutallim Abdulhasanov	Head of the Ecology and Environmental Protection Policy Sector
Ministry of Emergency Situations	
Mr. Faig Tagi-Zade	Deputy Minister
Mr. Jabariayl Khamlarov	Head of the Department of Control and Audit
Mr. Imran Abasov	Head of the Department
Nizami District Executive Office	
Mr. Ildrum Medhiev	Deputy Chief Executive
Baku Oil Refinery	
Mr. Nail Amirov	First Deputy Director and Chief Engineer
Mr. Abdul Novrusov	Deputy Chief Engineer and Head of the Ecology Department
Mr. Afgan Samadov	Head of Civil Defense Headquarters

B. Basic information on the country

7. Azerbaijan became independent in 1991 as a result of the disintegration of the Soviet Union. The country is an emerging democracy whose president has substantial executive powers. While the political situation is stable, the political opposition is working to increase democracy in the system. The country is improving its relations with other countries. However, relations with Armenia are difficult because of the Karabakh conflict.

8. Administratively, the country is divided into 59 regions, 11 cities and 1 autonomous republic. One of the 59 regions is Baku City, which is subdivided into 11 districts, including Nizami District. The team visited this district's local executive office.

9. Economically, the country shares all the formidable problems faced by the other former Soviet republics in making the transition from a command to a free market economy. Enterprises are in the process of adjusting to market conditions, which is difficult and in many cases requires substantial financial investments and changes in production methods. Many enterprises which were able to stay in business are still using only a portion of their production capacity. Trade with Russia and the other former Soviet republics is declining in importance, while trade is increasing with, for example, Turkey, Iran and the nations of Europe. Over the last five years, oil, natural gas and agricultural products have contributed to strong economic growth. The country's considerable oil resources brighten its long-term economic perspectives.

10. Azerbaijan acceded to the UNECE Convention on the Transboundary Effects of Industrial Accidents in June 2004 on the basis of an act of Parliament and its affirmation by the President of Azerbaijan on 4 May 2004. Azerbaijan has participated in the activities of the Convention for a number of years as a UNECE member country, and more actively since it acceded to the Convention in 2004. It now faces the challenge of effectively implementing the provisions of the Convention.

II. REVIEW OF THE IMPLEMENTATION OF THE BASIC TASKS UNDER THE CONVENTION

A. Availability of the Convention and other documentation in the national language

11. Today, the official language in Azerbaijan is Azerbaijani. Therefore, all laws established by the Parliament and all Government decisions are written in Azerbaijani.

12. The Convention is available to the competent authorities, the regional authorities and industry in Russian only (because the latter is an official language of the United Nations). These users can understand the Russian version because Russian remains a "lingua franca" in the country.

13. The following other documents considered vital for the implementation of the Convention are also available only in Russian:

- (a) UNECE Industrial Accident Notification System⁴
- (b) Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities⁵
- (c) Format for Reporting on the Implementation of the Convention.⁶

⁴ UN/ECE Industrial Accident Notification System (CP.TEIA/2000/5) and its Amendment (CP.TEIA/2004/4).

⁵ Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities for the Purposes of the Convention (CP.TEIA/2000/7) and its Amendment (CP.TEIA/2004/8).

14. Due to widespread knowledge of Russian among government and industry employees, this situation is considered acceptable for the time being. However, since the relevance of Russian in official and everyday communication is diminishing, in the future it will be necessary to translate the Convention and other vital documents into Azerbaijani.

B. The Convention and the national legal framework

15. The provisions of the Convention are reflected in a number of national laws and government decrees, which are all written in Azerbaijani and are widely used by the authorities involved in the implementation of the Convention. These laws and decisions are mentioned in the national implementation report⁷ and in the report by the focal point in the MENR provided to the fact-finding mission on 22 May 2006.⁸ The MENR and the MES are responsible for the implementation of these legal instruments.

16. The following are the most important laws and decisions with respect to the Convention:

- (a) Law on Fire Safety (12 June 1997)
- (b) Law on Civil Defense (30 December 1997)
- (c) Law on the Protection of the Environment (8 June 1999)
- (d) Law on Environmental Safety (2 November 1999)
- (e) Law on Technical Safety (2 November 1999)
- (f) Law on Obtaining Information on Environmental Protection (12 March 2002)
- (g) Law on Emergency Situations (8 February 2004)
- (h) Decree of the President of the Republic of Azerbaijan on the Appointment of the MENR as Competent Authority for the Convention on the Transboundary Effects of Industrial Accidents (1 April 2005)
- (i) Decree of the President of the Republic of Azerbaijan on the Establishment of the Ministry of Emergency Situations (16 December 2005)
- (j) Decision by the Cabinet Ministers on the Establishment of the National List of Potentially Hazardous Installations (25 October 2001)

⁶ Format for reporting on the Implementation of the Convention (CP.TEIA/2000/11), and its Amendment (CP.TEIA/2005/4).

⁷ Republic of Azerbaijan, Report on the Implementation of the UNECE Convention on the Transboundary Effects of Industrial Accidents, 2004–2005.

⁸ Report by focal point in the Ministry of Ecology and Natural Resources provided to the fact-finding mission on 22 May 2006: "On the Present Fulfillment of Requirements of the Industrial Accident Convention."

17. The team concluded – on the basis of discussions and presentations during the mission – that Azerbaijan had identified the relevant provisions of the Convention, governing issues such as the establishment of competent authorities and procedures for taking preventive, preparedness and response measures, and had transposed them into national legislation. However, there is room for enhancement of the legislation.

C. Competent authorities

18. According to the President's Decree of 1 April 2005, the MENR has been established as the competent authority responsible for the implementation of the Convention.

19. The contact details of the competent authority are available to other Parties through the UNECE website.

20. The focal point for the Convention is Mr. Mutallim Abdulhasanov, who heads the Sector of Ecology and Environmental Protection Policy in the MENR. He works directly under the Head of the Department of Ecology and Environmental Policy, Mr. Arif Iskandarov, who reports to the Minister.

21. The MENR has good contacts with other government units relevant for the implementation of the Convention. In particular, contacts with the newly established MES have been intensified in the process of establishing a more effective point of contact (see paragraphs 30–32).

D. Identification of hazardous activities

22. Industrial installations which handle, store or produce hazardous substances in “large” quantities have been identified by Azerbaijan and reported in the national report on implementation and in the report given to the fact-finding team on 22 May 2006. The lists are identical and include 13 enterprises which handle hazardous substances in various amounts. Two are refineries located in Baku, five are oil and gas pipelines, and six are chemical industries located in Sumgait.

23. The list was drawn up on the basis of criteria given in the Decision by the Cabinet of Ministers of 25 October 2001. The scope of the Decision seems to be broader than the scope of the Convention. Therefore, the list will have to be verified on the basis of detailed information on the amounts of hazardous substances present at these enterprises and by comparing this information with the threshold quantities given in Annex I of the Convention.

24. The representatives of the MENR agreed with the team that those enterprises which fall under the scope of the Convention according to Annex I and which may cause transboundary effects in case of an industrial accident, should be determined so that it is known which enterprises would have to be notified to neighbouring countries (see paragraph 26).

E. Notification of hazardous activities to neighbouring countries⁹

25. The MENR is responsible for the notification of hazardous activities to neighbouring countries, as required by the Convention.

26. No official notification of hazardous activities to the neighbouring countries Armenia, Georgia and Russia has taken place so far, because there is still some uncertainty as to which of the 13 installations listed by Azerbaijan are hazardous activities according to the Convention. Also, Georgia is not a Party to the Convention, and for political reasons Azerbaijan does not have any direct contacts with Armenia.

27. Although Azerbaijan has not notified its neighbouring countries concerning the hazardous activities, it is engaged in several multilateral agreements with its neighbours in order to strengthen cooperation. Together with other ICU members the country has signed the Agreement on the Cooperation in the Field of Provision of Industrial Safety at Dangerous Production Facilities of 28 September 2001. It has also signed an agreement with Georgia, the Russian Federation and Ukraine on the exchange of information concerning emergency situations, such as natural and technological catastrophes. Finally, it is cooperating with the countries along the Caspian Sea in the framework of the Teheran Convention on the Protection of the Marine Environment of the Caspian Sea.

F. Preventive measures

28. The team had a long discussion with the representatives of the MENR regarding implementation of safety measures at industrial installations (“controlled owner responsibility”). The team was told that, according to the law, the main responsibility for taking appropriate safety measures lies with the owner of the enterprise. The safety measures have to comply with existing norms and standards and the state of technology. The enterprise has to report the safety measures to the authorities.

29. Although these policies for prevention of industrial accidents are understood, the fact-finding team had difficulties in determining what procedures were in place for the control and inspection of these safety measures by the responsible authorities. This observation was also made in the discussions with the Baku Oil Refinery and the local executive power of Nizami District.

G. Point(s) of contact for the purpose of industrial accident notification and mutual assistance

30. The MENR and the newly established MES intend to transfer the point of contact for the purpose of industrial accident notification and mutual assistance, which until now has been in the MENR, to the MES, which will be well equipped for this task.

31. The Ministry, incorporating such former government bodies as the State Fire Protection Office, the State Water Rescue Service and the Committee on Safe Performance in Industry, will

⁹ A Party to the Convention has to notify its hazardous activities within the scope of the Convention to neighbouring Parties so that they can implement appropriate preventive and/or preparedness measures.

soon have a single national-level command centre to coordinate all rescue activities in the country. The centre will be well equipped and will operate on a 24-hour basis. It also includes a call center for the number 112, which is already operational on a trial basis.

32. As soon as the point of contact has been transferred and the new contact details reported to the UNECE secretariat, Azerbaijan will have a fully operational point of contact. This remaining task should be done before the fourth Conference of the Parties so that Azerbaijan can participate actively in the next phase of the assistance programme.

H. Industrial accident notification system

33. The documentation on the UNECE Industrial Accident Notification (IAN) System was available at the focal point for the Convention in the MENR. In the discussions with the MES (see paragraphs 30–32), the document was given to the representatives of the MES.

I. Emergency preparedness and response and mutual assistance

34. Emergency preparedness and response was well organized in the former Soviet Union through the civil defence and military systems. According to the new Law on Emergency Situations, the MES is responsible for the control of preparedness and response measures at hazardous installations.

35. On-site emergency plans, which contain – among others – information on accident scenarios at installations, corresponding mitigation and response measures to be taken on site, on-site alarm schemes and procedures for communicating with the local authorities and the local fire and civil defense services, are prepared by enterprises. In the case of emergencies which cannot be handled on-site, the enterprises alert the local authorities and fire and civil defense services according to their established alarm schemes and communication procedures.

36. The team's visit to the Baku Oil Refinery provided insight into how a large industrial enterprise has developed a full set of strategic (five-year) and operational (annual) emergency response plans. These plans are linked to concrete training exercises for the staff, the management, local authorities and local fire and civil defense services.

37. Off-site emergency plans are developed and implemented by the local fire and civil defense services in close cooperation with the enterprises. According to the representatives of the MES, some of these off-site plans need to be updated. Also, these off-site emergency plans are being exercised, as the team heard from the representative of the Nizami District Executive Office.

J. Information to and participation of the public

38. The primary legal basis in Azerbaijan for implementing the Convention's provisions regarding public participation is the Law on Obtaining Information on Environmental Protection (12 March 2002). The team was informed that appropriate information is provided to the public in areas where accidents involving hazardous substances may happen.

39. The public is also given the opportunity to participate in the approval process for industrial installations where accidents involving hazardous substances may happen. Natural and legal persons who can prove that they are affected by the installation are allowed to intervene. The representative of the local executive power gave the team examples of concrete cases where action had been taken in response to demands from the public regarding the improvement of environmental standards at industrial sites.

III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS

40. The team examined the information given to it regarding the implementation of the provisions of the Convention. It concluded that the basic tasks under the Convention – as contained in the assistance programme – had been implemented, with the exception that a fully operational point of contact under the UNECE Industrial Accident Notification System had not yet been established. The team recommends that the point of contact be transferred from the MENR to the MES before the fourth Conference of the Parties and that the new contact details be reported to the UNECE secretariat. Once this task has been implemented, Azerbaijan should participate actively in the next phase of the assistance programme.

41. One other issue drew particular attention from the team: The Law on Technical Safety establishes policies and procedures for taking preventive measures at hazardous installations. The responsibility for taking these measures lies with industry. The control and inspection procedures of the responsible authorities, however, need to be further developed and clarified. The introduction of safety reports as an effective tool for checking safety measures taken by the owner should be considered.

42. The team members would like to thank the representatives of government and industry for the friendly reception in Azerbaijan and their cooperative approach in the discussions. The team believes that these discussions enabled the exchange of very useful information, which was of mutual interest and further advanced the cause of implementation of the Convention.

43. The team especially appreciated the work of the mission coordinator, Mr. Mutallim Abdulhasanov, to organize this mission and make it a successful and enjoyable event, as well as the efforts of Mr. Isa Aliyev, who accompanied the team during its entire stay in Baku and provided interpretation between Azerbaijani and English for all the discussions.

IV. NEEDS FOR FURTHER ASSISTANCE

Identification of hazardous activities

44. There is a need to train personnel from government and industry in the identification of hazardous activities according to Annex I to the Convention and the location criteria established by the Conference of the Parties, so that the hazardous activities can be determined and notified to neighbouring countries. The representatives of the MENR agree with the team that this training could be done involving the potentially hazardous activities in the country or through multilateral workshops, as this area seems to be a problem in many countries.

Preventive measures

45. The representatives of the MENR agree with the team that knowledge about the establishment and use of the safety report as an effective tool for checking the safety measures taken by the owner during control and inspection procedures by the responsible authorities should be transferred through bilateral or multilateral activities.

46. The representatives of the MENR agree with the team that it would be beneficial for Azerbaijan's inspectors to have bilateral contacts with inspectors from West European countries regarding inspections and audits of the basis of the safety reports.

Industrial accident notification systems

47. The representatives of the MES emphasized the need to train the personnel of the future point of contact within the Ministry in operating the UNECE Industrial Accident Notification System. It is recommended that mainly personnel of the new Command Centre take part in future consultations for points of contact organized under the Convention.

Emergency preparedness and response and mutual assistance

48. The representatives of the MES emphasized the need to train personnel in government (authorities at all levels) and industry in drawing up on-site and off-site emergency plans and in enhancing emergency preparedness. This could be done through bilateral or multilateral transboundary pilot projects.