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**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 The former Yugoslav Republic of  
Macedonia**

**Summary**

The fact-finding team as a result of its mission to The former Yugoslav Republic of Macedonia on 29–30 May 2006, has concluded that the basic tasks under the Convention – as described in the Assistance Programme – have not been implemented. The team nevertheless recommends that the Conference of the Parties consider possibilities for assisting the country as indicated in section III.

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\* 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 Meeting<sup>1</sup> in Geneva (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–J<sup>2</sup>).

2. In accordance with the Assistance Programme and the terms of reference,<sup>3</sup> 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 a hazardous activity 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 The former Yugoslav Republic of Macedonia, which took place on 28–30 May 2006 at the invitation of the Ministry of Environment and Physical Planning (MEPP).

### A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Cornelius van Kuijen team leader, former Inspector for the Environment, former Director for External Safety and Chemical Substances at the Ministry of Environment of the Netherlands, and a participant in the drafting and implementation of both the Convention and the EU Seveso II Directive
- Mr. Ennio Acquilino, officer of the Ministry of the Interior of Italy, Fire-Fighters, Public Rescue and Civil Defence Department, Central Directorate for Emergency and Technical Rescue
- Ms. Tsevetelina Borissova Filipova, environmental law expert in the Regional Environmental Centre (REC) for Central and Eastern Europe

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

<sup>2</sup> 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).

<sup>3</sup> 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.

5. The programme for the mission was drawn up jointly by the mission coordinator, Ms. Kaja Sukova (tel. +389 230 66 930) from the MEPP, and the Convention's secretariat. It included meetings with the following authorities and industrial entities:

- The Ministry of Environment and Physical Planning (MEPP), which is responsible for the development of environmental policy, including the transposition of the Seveso II Directive. It is also the permitting authority for integrated environmental permitting for larger hazardous establishments;

- The Directorate for Protection and Rescue, which is the governmental body responsible for emergency preparedness and response;

- The Municipality of Centar, which has some responsibilities in the field of environmental protection, including integrated environmental permitting for smaller hazardous establishments. It is also responsible for emergency preparedness and response on its territory; and

- The AD OHIS chemical waste dump, which harbours a dump resulting from former lindane production

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

<b>Ministry of Environment and Physical Planning</b>	
Ms. Kaja Sukova	Mission coordinator; Head of the Department for Sustainable Development
Mr. Darko Blinkov	Inspector, State Environmental Inspectorate
Mr. Bosko Nikov	Office for Environment, IPPC Office
<b>Directorate for Protection and Rescue</b>	
Ms. Slavica Najdovska	Head of the Division for Development and Analysis
several other officials from the directorate	
<b>Municipality of Centar</b>	
Mr. Sokol Mitrovski	Mayor
<b>AD OHIS chemical waste dump</b>	
Mr. Stojan Petrovski	Production Engineer

## **B. Basic information on the country**

7. The former Yugoslav Republic of Macedonia is a landlocked country in the middle of the southern Balkan Peninsula. It is bordered by Serbia (Kosovo) to the north, Bulgaria to the east, Greece to the south and Albania to the west. The population is slightly more than 2 million. The Vardar River bisects the whole country, passing through the capital, Skopje, before crossing to Greece and finally flowing into the Aegean Sea.

8. The country became independent in November 1991, after its secession from the disintegrating Federal Republic of Yugoslavia. Economically, the country is still in transition to a market economy. Industrial capacity utilization has barely surpassed 50 per cent.

9. The preparation of the National Environmental Plan (NEAP) was the first step towards the integration of environmental policy into the country's economic and social development programmes. In line with this approach is the preparation of local environmental action plans (LEAPs). When visiting the Mayor of Gorce Petrov, the team received a copy of the recently published LEAP of the municipality.

10. The NEAP, published in 1997, lists air pollution as the country's most serious environmental problem. Air pollution is mainly caused by industry<sup>4</sup> and traffic. In addition, water pollution and waste – both municipal solid waste and industrial and hazardous waste – create serious environmental problems. In this connection, the team visited a chemical installation with a big dumping site of HCH waste from former lindane production. Although industrial accident prevention is not among the priorities mentioned in the NEAP, this topic deserves serious attention because most industrial plants were built in the 1960s and 1970s, and therefore more than 80 per cent of the sector's equipment is obsolete. In addition, inappropriate practices are being used. The draft of the new NEAP, which is still in preparation, states that, in order to reduce the risk of industrial accidents and to limit their consequences, specific procedures will be provided in accordance with the Seveso II Directive.

11. In April 2001 the country and the European Community signed the Stabilization and Association Agreement. This Agreement is now the driving force behind environmental policy because it obliges the country to harmonize its environmental legislation with EU regulations. In the framework of approximating legislation with that of the European Union, the country is transposing the Seveso II Directive into the national Law on the Environment. This framework law contains general provisions and offers a legal basis for issuing secondary legislation, such as regulations and instructions, necessary to implement the general provisions. The process of full transposition of the Seveso II Directive, including the relevant secondary regulations, has not been finished yet.

12. The country is not a signatory to the Convention, and the Government has not yet taken the formal decision to become a Party. It is worth noting that the country's representatives started to participate in Convention's activities only in 2005.

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

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

13. The Convention and other documentation considered vital for its implementation are not available in the national language. There are plans to make translations available to competent

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<sup>4</sup> According to the Environmental Performance Review for The former Yugoslav Republic of Macedonia, there are more than 130 industrial facilities in the country.

authorities at the national and local levels and to the points of contact before the possible start of the procedure for acceding to the Convention.

#### **B. The Convention and the national legal framework**

14. The control of industrial risks and accidents is regulated by the Law on the Environment, Chapter XV, "Prevention and control of major hazards involving hazardous substances", into which the Seveso II Directive has been transposed. In addition, the obligations resulting from the transposition of the EU IPPC Directive are relevant because they pertain to an integral environmental permitting system. This system will, in combination with secondary legislation based on Chapter XV mentioned above, enable the authorities to oblige operators to undertake all measures necessary to prevent major accidents.

15. The Law on the Environment stipulates the issuance of A integrated environmental permits (for new activities) and A compliance permits (for existing activities) for installations performing activities listed in Annex I of the IPPC Directive. B integrated environmental permits and B compliance permits must be issued for installations listed in the same annex but of a lower scale than specified in this annex. The MEPP is the competent body with regard to the issuance of A permits. For B permits, local self-government units (municipalities) shall be competent in cooperation with the MEPP. The matter of the competence of local authorities apparently needs further clarification, because both the authorities of Skopje and those of the local legal entities within Skopje claim to be competent. The MEPP is undertaking several activities aimed at informing operators, authorities and NGOs and involving them in IPPC implementation.

#### **C. Competent authorities**

16. To date the country has not designated a competent authority that will be responsible for the implementation of the Convention. The competent body for environmental protection in general is the MEPP.

#### **D. Identification of hazardous activities**

17. The country is currently conducting an inventory of all facilities that fall under the IPPC Directive. The inventory should be available by mid-2007. It is expected that about 120 facilities will require an "A license" and about 170 a "B license". Of these facilities, a half-dozen may be capable of causing transboundary effects in case of an accident.

#### **E. Notification of hazardous activities to neighbouring countries**

18. Because the identification of hazardous activities has not been completed, notification has not been possible thus far. However, the Law on the Environment, in article 70, prescribes that when the environmental impact assessment shows that a planned activity may have a transboundary impact on the environment, the potentially affected neighbouring country shall be informed of this activity and shall be invited to participate in the consultation procedures. The representatives of MEPP informed the team that the MEPP will be responsible for such notifications.

## **F. Preventive measures**

19. The secondary legislation, including norms and standards necessary to implement the Seveso II Directive on the safe operation of hazardous activities, is not available yet.
20. The State Environment Inspectorate within the MEPP is the institution responsible for technical inspections of industrial facilities. The Inspectorate, which currently has 12 inspectors, cooperates with the EU Inspectorates network IMPELL.

## **G. Points of contact for the purpose of industrial accident notification and mutual assistance**

21. To date, no official designation has taken place. According to the Law on the Environment, the responsible body in the event of an accident is the State Environment Inspectorate, which should be informed immediately by the operator. The Centre for Crisis Management should also be informed as soon as the accident occurs.

## **H. Industrial accident notification systems**

22. The Centre for Crisis Management (CCM) is responsible for accident notification and is operational at all times. The system in use is not the UNECE IAN System. The CCM, in which all the governmental bodies involved in accident preparedness and response are represented, is a separate entity under the Government.
23. According to the Law on Environment (article 156), in the event of a major accident that might have transboundary effects, the state body responsible for environmental affairs (the MEPP) shall provide the potentially affected neighbouring countries with all information required for the necessary activities and security measures. Thus, it should operate the accident notification system.

## **I. Emergency preparedness and response and mutual assistance**

24. Under the Law on Protection and Rescue, the Government has to develop a national protection and rescue plan specifying preparedness and operational measures and protection and rescue activities and procedures. On the basis of this plan, the local self-government units are obliged to develop and adopt a protection plan for the area of their municipality.
25. The governmental body responsible for emergency preparedness is the Directorate for Protection and Rescue, created in 2005 from the Civil Protection Sector under the Ministry of Defense and the Fire Protection Sector within the Ministry of the Interior. As a separate entity, the Directorate falls directly under the Government's authority. It includes regional divisions and has a total of 275 employees. Directorate officials told the visiting team that before the mission they had not been aware of the Convention's existence.
26. In cooperation with the CCM, the Directorate is currently developing new legislation on municipal contingency plans. Once it enters into force, this legislation will apply to existing contingency plans, which will require appropriate changes in the plans.

27. Although transboundary cooperation between rescue services occasionally takes place, the Directorate has no information on potential sources of hazards on the other side of the national border. Consequently, the compatibility of the emergency plans on both sides of the border is questionable.

28. The transboundary issue is also cause for concern at the municipality level, as the team heard from the mayor of Gjorce Petrov, a municipality in Skopje, which borders Serbia (Kosovo). The mayor also informed the team that the resources needed to implement the existing plans for emergency preparedness and civil defense, which should come from the central government, were inadequate.

29. As far as environmental protection is concerned, the Law on Protection and Rescue requires from legal entities that may cause environmental disasters that they assess the hazards involved, draw up a protection and rescue plan, and establish and operate an early warning system and an emergency service. Furthermore, under the Law on the Environment, the operator must prepare an on-site contingency plan outlining the measures that have to be taken inside the facility in case of an accident and submit this to the municipality. On the basis of this plan, the municipality must prepare an off-site contingency plan.

30. Guidance for drafting on-site and off-site contingency plans concerning hazardous industrial activities is to be prepared by the MEPP. The team did not, however, identify any cooperation between the MEPP and the Directorate for Protection and Rescue, which is currently developing the legislation on municipal contingency plans.

#### **J. Information to and participation of the public**

31. The Law on the Environment contains provisions on the availability to the public of both the notification that an operator – according to article 147 – must give to the MEPP and the off-site contingency plan that must be prepared by the municipality. In addition, article 150 of this law obliges the operator to provide information to the public on the safety measures in place and on how to behave in case of an accident. However, for the implementation of these provisions, the relevant installations have to be identified. As was mentioned in section D, the identification has not been completed yet.

32. So far there have been no activities to raise public awareness regarding prevention of, preparedness for and response to industrial accidents.

### **III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS**

33. The team carefully examined the administrative, institutional and legal setup in The former Yugoslav Republic of Macedonia aimed at the prevention of industrial accidents and the mitigation of the effects of such accidents. The country is transposing the Seveso II Directive but has not begun to implement provisions of the Convention not covered by this Directive.

34. The Convention is not available in the national language, and neither the competent authority nor points of contact under the UNECE IAN System have been formally designated. The country has underdeveloped preventive and emergency preparedness policies. Consequently, the team concluded that the country has not implanted the basic tasks of the Convention.

35. This implies that the country does not qualify for support under the Assistance Programme. Nevertheless, the country has clearly shown its awareness of the importance of improving industrial safety by deciding to transpose the Seveso II Directive. Owing to a lack of institutional and human capacities at the national and local levels, mainly resulting from the still unfavourable economic situation, the country has not yet succeeded in implementing the directive fully, nor is it in a position to draw up an action plan for implementing those provisions of the Convention not covered by the Directive.

36. The teams concluded that, while The former Yugoslav Republic of Macedonia is not yet ready to participate in activities aimed at implementation of tasks beyond the basic tasks defined in the Assistance Programme, it should be assisted appropriately. This is also of interest to neighbouring countries, as the implementation of those basic provisions of the Convention not covered by the Seveso II Directive – mainly aimed at the transboundary context – is of great importance to them. In the team's opinion there are two important areas in which assistance should be provided. First of all, it is necessary to increase awareness of the tasks under the Convention and to build the capacity needed to establish an institutional framework conducive to performing these tasks. Secondly, international experts should help the authorities prepare a plan of action for implementing the Convention, starting with the basic tasks.

37. The team would like to thank the representatives of the authorities and the hazardous activity for the friendly reception in The former Yugoslav Republic of Macedonia and for their cooperative approach in the discussions. The team especially appreciated the work of the mission coordinator, Ms. Kaja Sukova, to organize the mission.

#### **IV. NEEDS FOR FURTHER ASSISTANCE**

38. Although the team's discussing with the country representatives focused on the problems hampering the implementation of basic tasks, the team was also able to identify areas where the country will seek assistance in implementing the complementary tasks. They are listed below for future reference.

##### **Availability of the Convention and other documentation**

39. At the moment there are no particular needs regarding documents vital to implementing the complementary tasks under the Convention. As far as the basic tasks are concerned, the country expressed a need for documentation in the national language.

##### **The Convention and the national legal framework**

40. There is a need for legal advisory services in drawing up legislation that is not covered by the Seveso II Directive but is required under the Convention.



**Competent authorities**

41. Information on and assistance in establishing cooperation between national competent authorities and between national and local authorities, and promoting the involvement of industry and the public, would be very helpful. In this connection, there was a suggestion to hold round-table discussions involving all stakeholders.

**Identification of hazardous activities**

42. The provision of technical expertise in applying annex I to the Convention and the location criteria is recommended.

**Notification of hazardous activities to neighbouring countries**

43. Information on best practices in this field would be helpful.

**Preventive measures**

44. There is a need for assistance in the preparation of guidelines on safety management and decision making on siting, as well as training in implementing them.

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

45. In addition to the need indicated in para. 41, quality criteria and training sessions would help increase the effectiveness of the point(s) of contact.

**Industrial accident notification systems**

46. Advice on operating industrial accident notification systems at the regional and local levels would help the country to implement the Convention.

**Emergency preparedness and response and mutual assistance**

47. Transboundary pilot projects are needed to assist the country and its neighbours in establishing bilateral cooperation on emergency preparedness. Special attention should be given to drawing up compatible off-site contingency plans for border areas. Such contingency plans should be verified through joint exercises.

**Information to and participation of the public**

48. Capacity-building activities to help national and local authorities improve the provision of information to the public and access by the public to relevant administrative and judicial proceedings are needed in order to implement the Convention.