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

**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 Moldova

The fact-finding team, as a result of its mission to Moldova on 29–31 May 2006, concluded that the basic tasks under the Convention – as described in the assistance programme – had been implemented. The team recommends that the country participate actively in the next phase of the assistance programme.

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 (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–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 on the fact-finding mission to Moldova, which took place on 29–31 May 2006 at the invitation of the State Hydrometeorological Service under the Ministry of Ecology and Natural Resources of Moldova.

A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Ludwig Dinkloh (team leader), former Bureau member and officer in the German Federal Ministry for Environment, Nature Conservation and Nuclear Safety responsible for international cooperation on safety at industrial installations and for the implementation of the Industrial Accidents Convention in Germany;

- Mrs. Lena Tellvik, Head of Sector, Supervision Department of the Swedish Rescue Services Agency; and

- Ms. Elena Veligosh, environmental expert, UNEP/GRID-Arendal.

5. The programme for the mission was drawn up jointly by the mission coordinator, Ms. Svetlana Stirbu (tel.: +373 22 762 466) from the State Hydrometeorological Service, and the Convention Secretariat. It included meetings with the following authorities and industrial entity:

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 in the framework of the assistance programme under the UNECE Convention on the Transboundary Effects of Industrial Accidents.

- Ministry of Ecology and Natural Resources together with its State Hydrometeorological Service, which is responsible for developing environmental policies, drafting environmental legislation, cooperating with international policies and so on.

The Agency for Standardization and Metrology, which is responsible for safety regulations and technical inspections at industrial installations. It reports directly to the Government of Moldova.

- The State Department of Emergency Situations, which is part of the Ministry of Interior and is responsible for the implementation of legislation on civil defence and the protection of the population in natural emergencies and those caused by humans.

- The Municipality of Giurgiulesti, under whose jurisdiction an oil terminal is being constructed.

- The oil terminal currently being built at Giurgiulesti by Azpetrol, a consortium from Azerbaijan. The terminal has a planned capacity of 1–2 million tons of oil.

6. The names and titles of the individuals who represented these entities at the meetings are shown in the following table. A representative of the Monitoring Department of Environmental Quality of the State Hydrometeorological Service – either the Head of the Department, Mr. Gilca (tel.: +373 22 766 855), or the mission coordinator, Ms. Stirbu – accompanied the team to all meetings.

Ministry of Ecology and Natural Resources and its State Hydrometeorological Service	
Mr. C. Mihailescu	Minister
Mr. V. Cazac	Director of the State Hydrometeorological Service
Mr. M. Iftodi	Chief of the Department of Prevention of Environmental Contamination
Ms. V. Ivanov	Head of the Environmental Strategies and Policies General Division
Mr. G. Gilca	Head of Department of Monitoring and Environmental Quality of the State Hydrometeorological Service; National Focal Point of the Industrial Accidents Convention
Ms. S. Stirbu	Mission Coordinator, Secretary of the National Working Group of the Convention
Ms. N. Berghi	Chief of the International Cooperation and European Integration Division of the State Hydrometeorological Service
Agency for Standardization and Metrology	
Mr. S. Croitor	Head of the Technological, Radioactive and Chemical Inspectorate
State Department of Emergency Situations	
Mr. A. Shumleansky	Head of the Department of Emergency Situations
Mr. V. Buza	Chief of the Department of Management and Civil Protection
Mr. Fedorov	Head Specialist for Preparedness of Industrial Installations

Mr. A. Calancea	Principal Specialist, Radiation, Chemical and Medical Defense
Municipality of Giurgiulesti	
Ms. A. Fridjoi	Representative of Municipality
Mr. S. Titova	Chair of Committee on Ecology and Urban Area; Adviser
Mr. I. Bostan	Committee Member; Adviser
Ms. T. Neculseanu	Committee Member
Mr. Metseli	Executive Designer; Engineer
Oil terminal at Giurgiulesti	
Mr. Z. Ibraghimov	General Director of Azpetrol
Mr. O. Nisemboim	Technical Director of Azpetrol; Adviser for Ecological Safety

B. Basic information on the country

7. The country declared its independence in 1992. It has a surface area of 33,845 km² and a population of about 4 million. The capital is Chisinau, with about 800,000 inhabitants. The economy of the country is mainly based on agriculture. The industrial and energy sectors are in a dire economic state and are not working to full capacity due to high depreciation of the value of capital, degradation of fixed assets and lack of investment.

8. Moldova is bordered by Romania to the west and Ukraine to the north, east and south. The official language is Romanian, but Russian is frequently used in parallel.

9. Moldova ratified the Convention on 4 January 1994. Its representatives take part in activities organized under the Convention. The country hosted the second Conference of the Parties to the Convention and the Workshop on the Facilitation of the Exchange of Safety Technologies, both in November 2002.

10. Moldova is separated into two parts. The part east of the Nistru (in Russian, Dniestr) River is called Transnistria and is a self-declared state. Internationally it is recognized as being part of Moldova, but it claims independence and maintains some sovereignty. The government in Chisinau has no direct influence on Transnistria. Therefore the requirements of the Convention – such as notification of hazardous activities to neighbouring countries and public participation – cannot be properly fulfilled in Transnistria, although major industrial establishments, including hazardous activities, are in operation there.

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

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

11. The Convention is available in Romanian and Russian. The website of the State Hydrometeorological Service (www.meteo.md) has a link to the text of the Convention. The text was provided to the relevant authorities and industry through publication in the official journal “Monitorul Oficial” in 1994. However, it seems that the provision of information about the Convention to local authorities needs to be improved.

B. The Convention and the national legal framework

12. A set of laws and other regulations related to the Convention exists in Moldova. Many of these are mentioned in the national implementation report of the Convention.

13. The following are the most important regulations with respect to the Convention:

- Law on Hazardous Substances
- Law on Actions in Case of Emergency Situations
- Regulation Act defining the activities of the State Department of Emergency Situation in case of an industrial accident
- Instructive Act defining the responsibilities of the authorities in case of an industrial accident and of environmental pollution
- Law on Emergency Regimes and War Situations (N 212 XV)
- Law on Industrial Safety of Hazardous Industrial Installations (N 803 XIV)

14. The team was given a list of regulations transposing various articles of the Convention.

15. The team concluded that Moldova had transposed the relevant provisions of the Convention into national legislation. However, there is room for further enhancement of legislation.

C. Competent authorities

16. The Government of Moldova has designated three competent authorities as responsible for the implementation of the Convention. These are the State Hydrometeorological Service, the State Department of Emergency Situations and the Agency for Standardization and Metrology.

17. The first two authorities have been communicated to the Secretariat and their contact details appear on the Convention's website. In the future the Agency for Standardization and Metrology will also be nominated as a competent authority.

18. The Department of Monitoring and Environmental Quality of the State Hydrometeorological Service under the Ministry of Ecology and Natural Resources is the main institution responsible for the implementation of the Convention. It coordinates activities relating to implementation and is supported in this role by a working group consisting of 10 members that represent other institutions dealing with prevention of, preparedness for and response to industrial accidents. The Working Group meets once every three months and addresses problems requiring expertise in different fields.

19. The Department of Emergency Situations under the Ministry of Interior is responsible for the implementation of the Convention's main provisions on emergency preparedness and response. The department deals with the mitigation and elimination of emergency situations and is also the point of contact for notification of industrial accidents. The Department of Emergency Situations conducts inspections relating to the development and implementation of contingency plans, and it issues permits for transportation and storage of hazardous chemicals.

20. The Agency for Standardization and Metrology, which is a government organization, is responsible for safety regulations and technical inspections at industrial installations. It issues permits for the installations and establishes safety standards for technical inspectors.

21. The focal point for the Convention is Mr. Gavril Gilca, Head of the Department of Monitoring and Environmental Quality in the State Hydrometeorological Service.

D. Identification of hazardous activities

22. A total of 296 industrial installations dealing with hazardous substances have been identified by the Department of Emergency Situations according to the Law on the Industrial Safety of Hazardous Industrial Installations (Law No. 803), which is reviewed annually.

23. For each installation a technical passport has been developed including information on the type, quantity, characteristics and intended use of hazardous chemicals. Out of the 296 installations, only two fall under the Convention: a chlorine storage facility in Chisinau and an oil terminal (under construction) in Giurgiulesti. According to the Department of Emergency Situations, two further chlorine storage facilities in the Transnistria region would also fall under the Convention's scope.

24. A preliminary analysis of industrial installations in Moldova had identified about 20 hazardous activities, which are mentioned in the national implementation report for 2004–2005. However, a closer examination confirmed that only two installations fall under the scope of the Convention.

25. The oil terminal under construction at Giurgiulesti on the Danube River is by far the most important hazardous activity and deserves serious attention. Its capacity will be 1 million tons of oil in the first stage and 2 million tons after an oil refinery is built at the same site. An accident would cause grave damage to the ecosystem of the Danube, and Romania and Ukraine might be affected by the air path.

E. Notification of hazardous activities to neighbouring countries

26. Regulation N 347 of March 2003 designates the Department of Emergency Situations as responsible for the notification of hazardous activities to neighbouring countries.

F. Preventive measures

27. According to Law N 803 – XIV of 11 February 2000, the Agency on Standardization and Metrology is responsible for the development and implementation of national, regional and local

directives and guidelines on the safety of operations for the authorities and operators of hazardous activities. Under the supervision of this agency, regular inspections of hazardous activities are foreseen.

28. Although inspections are foreseen, they are not always carried out. The oil terminal at Giurgiulesti is still under construction and has never been inspected because it has the status of a strategic industrial site. The team therefore informed the national and local authorities as well as the operator that inspections of all hazardous activities are an essential part of the obligations for preventive measures under the Convention.

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

29. According to the law on Regime of the Emergency and War Situations of May 2004 (N 212 XV), the State Department of Emergency Situations has been appointed as the point of contact for the purposes of industrial accident notification and mutual assistance.

30. The Department has a division which is operational 24 hours a day. The division consists of one central operational unit in Chisinau and 35 units at the local level. The central unit plays a coordination role. It provides information to the National Emergency Commission. The local units have one or two persons with high professional education working daily. There are direct phone lines to the Government and Parliament, local authorities and directors of hazardous establishments. Decisions regarding responses to emergency situations are taken by the National Commission of Emergencies headed by the Prime Minister in cooperation with the Department of Emergency Situations.

31. The Department has established close contacts with the points of contacts in Romania and Ukraine and with other countries of EECCA.

32. The notification is based on the Russian scheme and equipment. It was built in 1979 and last modernized in 1992. The equipment is mainly based on telecommunication (phone and fax); e-mail can also be used. Maintenance is expensive.

H. Industrial accident notification system

33. While the Department of Emergency Situations is aware of the UNECE IAN System, it uses forms for notification of industrial accidents which are slightly different from but equivalent to the ones under the UNECE IAN System.

34. Another 24-hour notification system for accidents affecting the Danube River is operational in the State Hydrometeorological Service. It is intended for the international notification of accidents and for transfer of information between communication divisions of the Danube River basin countries. It is part of the Accident Emergency Warning System (AEWS). Within AEWS, the State Hydrometeorological Service is directly connected with the corresponding units in Ukraine and Romania.

I. Emergency preparedness and response and mutual assistance

35. The Law on Industrial Safety of Hazardous Industrial Activities of February 2000 (N 803-XIV), Article 11 describes the requirements for emergency preparedness which have to be fulfilled by the operators of hazardous activities. They include the following: planning and measures on the location, mitigation and elimination of consequences of accidents; establishment of emergency services or of agreements with professional emergency units; establishment of special budget lines for emergency situations; and training of personnel. These systems should be properly maintained.

36. All 296 hazardous activities mentioned in section D have already developed contingency plans according to the forms and recommendations provided by the Department of Emergency Situations. These are based on the national Directive on “Organization of the protection of the staff and population from radioactive and hazardous substances” (N 5/500) and on the Decision on “Approval of organizational and guiding recommendations on the preparation of civil protection in the Republic of Moldova” of 2006 (N 89). All industrial installations renew these plans annually, and the Department of Emergency Situations verifies them.

37. The Department of Emergency Situations is organizing training sessions on preparedness of personnel by working regularly with staff of hazardous activities and of regional and local authorities. The training sessions take place at hazardous sites.

38. In case of an accident, the operator of a hazardous activity alerts the local Rescue Service, which initiates rescue operations and contacts the central operational unit. The officer on duty at the central operational unit notifies the accident to the head of the Department of Emergency Situations, who informs the head of the National Commission on Emergencies. The central unit also notifies the points of contact in the affected neighbouring countries.

39. Cooperation on emergency preparedness with Ukraine and Romania is based on bilateral agreements at the national and local levels. There is also an agreement between Moldova and the countries of EECCA for notification and mutual assistance in case of emergency situations. Similar agreements exist in the framework of GUAM⁴ and are implemented according to the plans of action that have been developed. This is the task of intergovernmental working groups which consist of representatives of departments or ministries dealing with emergency situations.

J. Information to and participation of the public

40. The country has developed a comprehensive system based on appropriate legal regulations for providing information to the public in case of an accident. These are the Government Decision on Preparedness for Civil Protection in 2005 (N 192-p), the Regulation on Collection and exchange of information for protection of population and territories in case of emergency situation’ of March 2003 (N 347) and the regulation “Approval of the regulation on organization of notification system and communication in case of emergency” (N 1048). The State Hydrometereological Service supplies information about the Convention on its website. On

⁴ The security alliance between Azerbaijan, Georgia, Moldova and Ukraine.

the other hand, the team discovered that the public is not involved in the prevention of industrial accidents.

41. Furthermore, according to the national implementation report for 2004 – 2005, persons capable of being affected by an industrial accident in the territory of another party have no access to the relevant administrative and judicial procedures in Moldova. The Moldavian authorities declared their willingness to fill these gaps.

III. Summary and conclusions on the implementation of the basic tasks

42. The team carefully examined the institutional and legal framework aimed at prevention of, preparedness for and response to industrial accidents in Moldova. It concluded that the basic tasks under the Convention as contained in the assistance programme had been implemented. The team strongly recommends, therefore, that the country participate actively in the next step of the assistance programme through the activities identified by the team in section IV of this report.

43. For more effective implementation of the Convention, the team recommends that the competent authorities work to improve their cooperation as well as clearly divide the responsibilities of the two ministries involved in implementing the Convention.

44. The country's limited resources lead to deficiencies which hamper the implementation of the Convention.

45. The team would like to thank the representatives of the competent authorities and industry for the friendly reception in Moldova and for many cooperative discussions. These meetings enabled the exchange of very useful information. The team especially appreciates the work done by the mission coordinator, Ms. Svetlana Stirbu.

IV. Needs for further assistance

Availability of the Convention and other documentation in the national languages

46. It would be helpful if technical and other papers in English, Russian or Romanian which have been prepared by other countries or by services of the European Union and which may support the practical implementation of the Convention and/or the Seveso II Directive could be made available on the website of the Secretariat of the Convention, or if a link to these papers could be published on this website. Examples include the documents of the Major Accidents Hazards Bureau (MAHB) on the implementation of Seveso II. The Agency for Standardization and Metrology, for example, needs new European safety standards and rules for technical operation of storage of hazardous substances such as chlorine and sulphur dioxide, all relevant annexes and documents on Seveso II implementation, a checklist or questionnaire for enterprises on the classification of enterprises with respect to accident risk and guidelines for preparing an inventory. All documents which would facilitate the inspection of enterprises and the implementation of the Convention would be useful.

The Convention and the national legal framework

47. Further strengthening of the legislation on industrial safety is needed – for example, stricter regulations on the implementation of the “polluter pays” principle and on the responsibility of the operator to prevent damages to health and to the environment caused by the activities of the establishment, and the operator’s liability in such cases.

Competent authorities

48. The Moldavian authorities need advice on improving horizontal and vertical cooperation between authorities and the industry and the public.

Identification of hazardous activities

49. The Moldavian authorities expressed their interest in a training course on how to identify hazardous activities according to annex I.

Preventive measures

50. The Moldavian authorities expressed their interest in a pilot project on improving preventive measures. Such a project could be considered at the oil terminal at Giurgiulesti, which offers a good opportunity to apply and demonstrate the best available standards for safety technology and management.

51. The operator of the oil terminal is also interested in an assessment of the risk of an accident involving ships transporting oil to the terminal, so that such accidents can be better prevented.

Industrial accident notification systems

52. The representatives of the Department of Emergency Situations of Moldova, which is the point of contact for industrial accident notification and mutual assistance, pointed out that the technical equipment of the notification system is obsolete. They expressed interest in a training course or workshop on the effective operation of points of contact which would lead to the development of a plan for implementing the UNECE IAN System.

Emergency preparedness and response and mutual assistance

53. There is a need to learn about best practices and receive training in mitigating the effects of industrial accidents on rivers. The State Department of Emergency Situations has no experience in tackling oil spills, which will be crucial once the oil terminal at Giugiulesti starts operation.

54. The authorities see a need for training of personnel and exchange of information in areas such as the development of proposals, recommendations and measures regarding prognoses for

emergency situations; comparison of pre- and post-accident situations; monitoring of the process of reconstruction and development; and updating of contingency plans.

55. The authorities also see a need to introduce software for chemical monitoring and prognosis and modelling which is compatible with the ones used by neighbouring countries. A geographic information system would also be helpful.

Information to and participation of the public

56. A need was expressed for assistance in the form of exchange of experiences, best practices and guidelines for local and national authorities on how to inform and involve the public (risk communication). A study tour combined with training is one possible solution.