



**Economic and Social
Council**

Distr.
GENERAL

ECE/CP.TEIA/AP.7
20 December 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

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

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

The fact-finding team, as a result of its mission to Romania on 12–14 June 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 of the fact-finding mission to Romania, which took place on 12–14 June 2006 at the invitation of the Ministry of Environment and Waters Management and the General Inspectorate for Emergency Situations.

A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Bruno Frattini (team leader), advisor to the Italian Ministry of Environment and Territory
- Mr. Daniele Roscino, senior officer of the Italian Ministry of Environment and Territory
- Mr. Tomas Trcka, senior officer of the Environmental Risk Management Department in Slovakia's Ministry of Environment

5. The programme for the mission was drawn up jointly by the mission coordinators – Mr. Francisc Senzaconi (tel.: +40 21 242 0378) from the General Inspectorate for Emergency Situations and Mr. Radu Cadariu (tel.: +40 21 316 0421) from the Ministry of Environment and Waters Management – 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.

- General Inspectorate for Emergency Situations (which is under the Ministry of Administration and Interiors)
- Ministry of Environment and Waters Management
- Mehedinti Prefecture
- Romag Prod

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

General Inspectorate for Emergency Situations	
Mr. Vladimir Secara	General Inspector
Mr. Constantin Zamfir	Deputy General Inspector
Mr. Mihai Roth	Chief of the Department of Protection against Disasters
Mr. Octavian Nanu	Intelligence Officer
Mr. Marius Dogeanu	Chief of the Department of International Relations and European Integration
Mr. Francisc Senzaconi	Focal point for the Industrial Accidents Convention
Ms. Cristina Pintile	Civil Protection Expert
Ministry of Environment and Waters Management	
Mr. Radu Cadariu	Head of Risk Secretariat
Mr. Lanus Liviu	Counselor at the Risk Secretariat
Mehedinti Prefecture	
Prof. Nicolae Draghia	Vice-Prefect
Mr. Constantin Bacanu	Counselor
Mr. Ion Vintila	Drobeta Chief Inspector for Emergency Situations
Mr. Dumitru Antonie	Drobeta Deputy Chief Inspector for Emergency Situations
Mr. Georghe Balu	NRBC Officer at the Drobeta Inspectorate for Emergency Situations
Mr. Florentin Dragomir	Information and Communication Officer at the Drobeta Inspectorate for Emergency Situations
Mr. Dan Mihai Budu	Executive Director of the Mehedinti Environmental Protection Agency
Mr. Eugen Betiu	Inspector at the Mehedinti Environmental Protection Agency
Romag Prod factory	
Mr. Cornel Ghita	General Director
Mr. Ion Gogoase	Inspector for Civil Protection

B. Basic information on the country

7. Romania has a surface area of 238,000 km² and a population of about 22.5 million. Its border with Bulgaria, Hungary, Moldova, Serbia and Ukraine stretches a total of 2,903 km. To the east, Romania has access to the Black Sea.

8. Since the fall of the Ceaușescu regime in 1989, successive governments have sought to build a Western-style market economy. The pace of restructuring has been slow, but by 1994 the legal basis for a market economy was largely in place. Today, after the ups and downs of the 1990s, the annual inflation rate is around 9%. Since 2001, the economy has grown steadily at around 4% to 5% a year.

9. Romania's economic strength is in processing and manufactured goods, areas dominated by small and medium-sized family-owned firms. Its major industries are precision machinery, motor vehicles, chemicals, pharmaceuticals, electrical goods, fashion and clothing.

10. Romania ratified the Convention in 2003. Since then its representatives have started to participate more actively in activities under the Convention. Before ratification, Romanian representatives were already attending the meetings of the Conference of the Parties.

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 and other relevant documents, such as the UNECE Industrial Accident Notification System and the Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities,⁴ are available in Romanian to the competent authorities at the national and local levels.

B. The Convention and the national legal framework

12. The Convention is transposed into Romanian legislation by several acts, chiefly:

- Law No. 92/2003 (Official Journal No. 220/2003) on the ratification and transposition of the Convention into the national legislation;
- Government Decision No. 95/2003 on the control of major accident hazards involving dangerous substances;
- Ordinance 21/2004 regarding the National System for Emergency Situation Management, approved by Law 15/2005 (Official Journal No. 190/2005); and

⁴ Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities for the Purposes of the Convention (CP.TEIA/2000/7), amended: Decision 2004/2 (ECE/CP.TEIA/12, annex II).

- Civil Protection Law No. 481/2004 (Official Journal No. 1094/2004).

13. The Risk Secretariat of the Ministry of Environment and Waters Management, the National Environmental Guard and the General Inspectorate for Emergency Situations (GIES) in the Ministry of Administration and Interior are responsible for enforcing the legislation at the national, regional and county levels.

C. Competent authorities

14. The Government of Romania has designated two competent authorities for the implementation of the Convention (Decision 95/2003 on the control of major accident hazards involving dangerous substances). These authorities are the Risk Secretariat of the Ministry of Environment and Waters Management and the GIES within the Ministry of Administration and Interior.

15. The Risk Secretariat is responsible for monitoring and controlling to ensure that hazardous activities are operated safely. It has a multi-level structure including staff at the local, county and national levels. At the local and county levels, the Risk Secretariat's employees work within the structures of regional and local environmental protection agencies. Countrywide, the Secretariat employs approximately 100 people.

16. The GIES is responsible for matters relating to preparedness and response, including notification of accidents via the Industrial Accident Notification System. The GIES is a central part of the National Emergency Management System. At the national level, its staff coordinates the work of all organizations involved in emergencies. At the regional and local levels, it has inspectors in all 41 counties and in Bucharest.

17. The Convention's focal points are Mr. Radu Cadariu, Head of the Risk Secretariat in the Ministry of Environment and Waters Management, and Mr. Francisc Senzaconi, an expert in the Civil Protection Directorate of the GIES.

D. Identification of hazardous activities

18. In Romania 212 hazardous activities (65 lower-tier and 147 upper-tier installations) have been identified using the Seveso II Directive's criteria. Five of them are recognized as capable of causing transboundary effects in case of an accident and therefore fall under the scope of the Convention.

19. The competent authority has drafted guidelines to facilitate the identification of hazardous activities for the purposes of the Convention, taking into consideration the recommendation of the Conference of the Parties as contained in ECE/CP.TEIA/12, annex II, Decision 2004/2. The guidelines are available for all authorities involved in the application of the relevant national legislation.

E. Notification of hazardous activities to neighbouring countries

20. Both competent authorities for the implementation of the Convention are responsible for the notification of hazardous activities to neighbouring countries. The notification of hazardous activities has been accomplished in the framework of several bi- or multilateral agreements with the neighbouring countries which can be affected in case of accident:

- Romania–Serbia and Montenegro: Government Decision 406/1999 on Common Hydro-technique Commissions (Official Journal No. 249/1999). A new agreement is to be approved.

- Romania–Bulgaria: Law No. 97/1992, a Convention (Sofia 1991) between the Governments of Romania and Bulgaria concerning collaboration on environmental protection.

In addition, at a recent meeting in Novi Sad, the foreign affairs ministers of Romania, Hungary and the former Serbia and Montenegro discussed a trilateral agreement on prevention and management of disasters.

21. Within the framework of the above agreements, periodic contacts and expert working groups are foreseen.

F. Preventive measures

22. Operators of hazardous activities are obliged to take appropriate measures to ensure the safe operation of their installations. They are provided with terms of references, norms and standards and guidance to follow.

23. When a new entity is established or an existing one modified, the operator, before receiving approval, has to demonstrate to the authorities that adequate prevention and preparedness measures have been taken. The operator must file a safety report assessing the prevention and preparedness measures introduced in the facility.

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

24. The point of contact for industrial accident notification and mutual assistance under the Convention is the GIES, which has been designated by the Ministry of Administration and Interior.

25. The point of contact is operational at all times. Its staff members are trained according to standard procedures of the GIES. The contact details are available on the Convention website with password-protected access.

H. Industrial accident notification system

26. The country has implemented the UNECE Industrial Accident Notification System at the national and local levels. The GIES is developing specific training schemes for its personnel operating the system at all levels. In the near future it plans to introduce tests based on simulation exercises in order to improve the system's effectiveness.

I. Emergency preparedness and response and mutual assistance

27. The legislation requires that operators of hazardous activities be adequately prepared for industrial accidents and respond to these when they happen. The operators are obliged to develop internal emergency plans, which undergo verification and approval by the civil protection authorities. These authorities regularly inspect hazardous activities.
28. External emergency plans are prepared by the civil protection authority. They are exercised and tested by emergency response teams comprising operators and authorities. Annual training sessions are held for staff members of authorities and hazardous activities.
29. Mutual assistance is organized on the basis of bilateral and multilateral agreements. Romania has signed bilateral agreements with Bulgaria, Hungary and Moldova. There are also agreements to be renewed with Montenegro, Serbia and Ukraine.
30. At the local level there are some direct contacts between authorities, especially with Hungary and Moldova.
31. Activities such as seminars on exchange of experiences and joint training exercises are held in order to find common approaches to emergency situations resulting from accidents. The team was informed that such activities had taken place with Hungary in January and June 2006. An exercise on accidental water pollution was scheduled for October 2006 with Moldova.

J. Information to and participation of the public

32. Article 31 of Romania's constitution states that each Romanian citizen has an unrestricted right to access information of general public interest which is not subject to any secrecy. The constitutional provision is enforced by the executive regulations, by Law 544/2001 on public free access to information and by Government Decision 123/2002 approving the methodological norms for applying Law 544/2001.
33. The population is informed periodically by the competent authorities through local mass media, booklets and seminars about preparedness for industrial accidents at hazardous activities. Periodically (at least once a year) tests of external emergency plans with the participation of the public are organized. They include alarming, sheltering, evacuations, transportation and relocation procedures.
34. The team was informed that an effective campaign for integrated prevention and pollution control was being carried out. This campaign is directed at the local and regional authorities as well as NGOs, industry associations and industry representatives, academia and state owned and privately owned media. Its goal is to increase the commitment of all stakeholders to improving industrial safety and cross-border security.

III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS

35. The team carefully examined the institutional and legal frameworks for the prevention of, preparedness for and response to industrial accidents in Romania. It concluded that all the basic tasks under the Convention as contained in the assistance programme had been implemented. The team therefore recommends that the country participate actively in the next step of the assistance programme, in particular in the activities identified by the team in chapter IV of this report.

36. The Convention and relevant documentation are available in the national language. The requirements of the Convention are transposed into the national legal framework. Romania has also transposed the Seveso II Directive. The competent authorities have been designated and their functions defined. Horizontal and vertical coordination between authorities at the national and local levels are established. The identification of hazardous activities has been carried out and these are being notified to the neighbouring countries in the framework of existing bilateral agreements. The point of contact for the purpose of industrial accident notification and mutual assistance was established and is operational at all times. The UNECE IAN System has been implemented. Both on- and off-site contingency plans are implemented and being tested. Last but not least, public participation is enabled.

37. Practical implementation, especially of the complementary tasks under the Convention, may involve some difficulties, because there are some functional deficiencies.

38. The team would like to thank the representatives of the authorities and the hazardous activity for the friendly reception in Romania and for their cooperative approach in the discussions. The team especially appreciated the work done by the mission coordinators, Mr. Francisc Senzaconi and Mr. Radu Cadariu, to organize the team's visit.

IV. NEEDS FOR FURTHER ASSISTANCE

Competent authorities

39. The team recommends a training session for the authorities to further develop their capacity to deal with prevention of, preparedness for and response to industrial accidents. Advice is needed on how to best use the available resources.

Identification of hazardous activities

40. Technical advisory services and guidance related to the identification of dangerous activities through in-depth analysis of the inventories of dangerous substances and relevant risk assessment techniques are requested.

Preventive measures

41. Specialized workshops on risk assessment techniques and tools, drafting safety reports, implementing safety management systems and carrying out inspections are needed. A selected group of officers from the Ministry of Environment and Water Management (no more than 20 people) could attend such workshops, later acting as trainers for others. Further initiatives could include joint inspections and audits with the participation of international experts. Exchanges of experiences could also be facilitated by organizing visits by Romanian inspectors to hazardous installations in other countries.

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

42. See the proposed activities in sections C and H.

Industrial accident notification systems

43. Training sessions are recommended for the personnel of points of contact to increase effectiveness.

Emergency preparedness and response and mutual assistance

44. The team recommends training for the personnel of authorities in drawing up off-site contingency plans in border areas. This could be part of a bilateral or multilateral pilot project which could also comprise joint exercising and testing of such plans, including appropriate steps to be taken by points of contact operating under the UNECE IAN System. Such a project could be carried out at hazardous sites in areas bordering Bulgaria, Hungary and/or Serbia in order to enhance cooperation.

Information to and participation of the public

45. Capacity-building activities to help national and local authorities better address the Convention's obligations regarding public participation are recommended.