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ECONOMIC COMMISSION FOR EUROPE

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 Croatia

Summary

As a result of its mission to the Republic of Croatia from 20 to 22 August 2007, the fact-finding team concluded that the basic tasks under the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) – as described in the Assistance Programme – have been implemented. The team recommends that the country participate actively in the next phase of the Assistance Programme.

I. INTRODUCTION

1. 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 (14–15 December 2005) and committed themselves to implement the Industrial Accidents Convention, in particular the basic tasks as defined in the Assistance Programme (chapter IV, first paras. of sections A–J²).

2. In accordance with the Assistance Programme and the terms of reference³, the fact-finding teams' task is to hold discussions with representatives of competent authorities at the national and local levels, representatives of points of contact, and representatives of hazardous activities, and to compile a report on:

- (a) The implementation of the basic tasks;
- (b) 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 Republic of Croatia which took place from 20 to 22 August 2007 at the invitation of the Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC).

A. Basic information on the mission

4. The fact-finding team consisted of:

- (a) Mr. Ludwig Dinkloh (team leader), former Bureau member, currently a consultant, and previously Head of Division in the German Federal Ministry for Environment, Nature Conservation and Nuclear Safety, responsible for the international cooperation on safety at industrial installations and for the implementation on the Convention;
- (b) Mr. Tomas Trcka, Senior Advisor, Environmental Risk Management Department, Ministry of Environment, the Slovak Republic;
- (c) Ms. Jasmina Bogdanovic, Environmental Expert, United Nations Environment Programme (UNEP) GRID-Arendal.

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 Assistance Programme under the Industrial Accidents Convention.

5. The programme for the mission was drawn up by the mission coordinator, Mr. Hrvoje Buljan, Head of the Special Programme for Waste Management (phone: +385 1 3782 104, e-mail: hrvoje.buljan@mzopu.hr) of the MEPPPC, together with the Convention secretariat. It included meetings with the following authorities and industrial entities:

- (a) MEPPPC, which is responsible for developing and implementing environmental policies and legislation, including the transposition of the Seveso II Directive. MEPPPC is also competent for issuing environmental permits for major hazardous installations. It coordinates the national activities on environmental consequences of severe industrial accidents;
- (b) The Directorate for Inspection of MEPPPC, which is mainly responsible for the inspection of preventive measures and contingency plans at industrial installations in Croatia;
- (c) The National Protection and Rescue Directorate (NPRD), an independent, professional and administrative organization in Croatia which prepares plans, manages operational forces and coordinates the operation of all participants in the protection and rescue system. Its budget is negotiated by the Ministry of the Interior;
- (d) The Department of Physical Planning and Environmental Protection of Zagreb County, which is responsible for the development and implementation of the “Environmental emergency plan” (off-site contingency plan) in the County;
- (e) Enterprise JANAF, a joint stock company for transportation and storage of crude oil and oil products which operates an international crude oil transportation network from the tanker port and terminal in Omišalj on the island of Krk to both local and foreign refineries in Eastern and Central Europe.

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

Name	Title
Ministry of Environmental Physical Planning und Construction (MEPPPC)	
Mr. Damir Rumenjak	Head of Industrial Pollution Section
Mr. Hrvoje Buljan	Head of Special Programme for Waste Management
Directorate for Inspection of the MEPPPC	
Ms. Miljenka Kliček	Senior Environmental Protection Inspector
National Protection and Rescue Directorate (NPRD)	
Mr. Damir Čemerin	Head of Cabinet
Mr. Stjepan Huzjak	Assistant Director
Mr. Marijan Bajt	Team leader of 112

Mr. Zdenko Đurašina	Deputy Head of 112
Mr. Mladen Majsec	Senior Operator 112
Mr. Miro Hanzir	Operator
Department of Physical Planning and Environmental Protection of the Zagreb County	
Mr. Zlatko Dražetić	Director
Ms. Željka Kučinić	Head of the Section of Physical Planning
Mr. Denis Begić	Advisor
Ms. Marija Hrgarek	Director, Eco-monitoring enterprise control and prevention of environment and engineering)
Enterprise JANAF at city Sisak	
Ms. Nada Plešnik	Environment Coordinator
Ms. Sonja Stiglec	Environment Department Manager
Mr. Nikica Sostarić	Manager of Terminal in Sisak
Ms. Dagmara Ribarić	Process and System Engineer, Operations Department
Ms. Tea Fotivec	Translator

B. Basic information on the country

7. The Republic of Croatia is located in South-Eastern Europe. It was one of the republics of the Socialist Federal Republic of Yugoslavia and has been independent since 1991. The official language is Croatian.

8. Croatia is divided into twenty counties (*županije*) and the capital Zagreb's city district. Its shape resembles that of a crescent or a horseshoe with a surface area of 87,661 km². It has a population of about 4.5 million inhabitants with a density of 81 inhabitants per km². The total length of its borders is 2,197 km, which it shares with six neighbouring countries: Serbia (241 km), Bosnia and Herzegovina (932 km), Montenegro (25 km), Slovenia (670 km), and Hungary (329 km). The length of the coast line along the Adriatic Sea is 1,777 km, and 6,176 km including the 1,246 islands.

9. The Croatian economy is post-communistic. In the late 1980s, at the beginning of the process of economic transition, its position was favourable, but it was gravely impacted by deindustrialization, by considerable destruction during the war of 1992–1995, and by losing former markets due to the fundamental political changes in Europe since then.

10. The principal economical activities in Croatia include agriculture, foodstuffs, textile, wood and timber, metalworking, the chemical and petroleum industries, the electrical manufacturing industry, shipbuilding, the shipping industry and tourism. The Croatian economy is based on the service sector, which accounts for 67 per cent of total gross domestic product (GDP). The industrial sector, which is dominated by shipbuilding, food processing and the chemical industry, accounts for 27 per cent of Croatia's GDP and agriculture for 6 per cent.

11. Croatia's estimated GDP per capita in 2006 was about US\$15,500 or 48.9 per cent of the European Union (EU) average for the same year. The country has been preparing for

membership in the EU, its most important trading partner. In February 2005, the Stabilization and Association Agreement with the EU officially came into force and Croatia is advancing towards full EU membership. The country expects major economic impulses and high growth rates in the coming years.

12. Persistent economic problems still remain, including unemployment (11.9% in 2006) and the slow progress of economic reforms. Unemployment is very high, especially in eastern parts of the Republic of Croatia, reaching 20 per cent in some areas, but unemployment has been constantly declining by 5 per cent over the last seven years.

13. Croatia became a Party to the Convention on 20 January 2000. Its representatives take an active part in the activities under the Convention, participating in meetings of the Conference of the Parties, Joint Special Sessions and a number of other activities.

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

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

14. The Convention and other relevant documents, such as the UNEP-APELL (Awareness and Preparedness for Emergencies at Local Level – A Process for Responding to Technological Accidents) Programme, “Hazard Identification and Evaluation in a Local Community” (UNEP), “Manual for the Classification and Prioritization of Risks Due to Major Accidents in Process and Related Industries” (UNEP, World Health Organization, International Atomic Energy Agency, United Nations Industrial Development Organization), and some technical guidelines of the United States Environmental Protection Agency (USEPA) are available in Croatian to the competent authorities.

15. The text of the Convention was published on 26 May 1999 in the Official Gazette and can be found on the following websites: www.nn.hr and www.mzopu.hr

B. The Convention and the national legal framework

16. The Convention has been transposed into Croatian legislation by the following document: Convention on Transboundary Effects of Industrial Accidents (Helsinki, 1992), Official Gazette No. 7/99.

17. A set of additional regulations contain more specific demands relating to the Convention, chiefly:

- (a) The “Environmental Emergency Plan”, which is based on Article 42 of the Law on Environmental Protection, Official Gazette Nos. 82/94 and 128/99. The Environmental Emergency Plan is a basic paper relating to the entire territory of the Republic of Croatia, which regulates the main duties of authorities and operators in order to prevent “environmental accidents or environmental emergencies likely to cause environmental risks and human health hazards” or to

react on them. It contains regulations for activities on a national scale as well as for the counties and the City of Zagreb;

- (b) The draft on the amendment of the Law on Environmental Protection concerning the implementation of the Seveso II Directive has been prepared. It is expected to be enforced by the end of 2007;
- (c) The Law on Waters, Official Gazette No. 107/95;
- (d) The Law on Transport of Hazardous Substances, Official Gazette No. 97/93;
- (e) The Law on Toxic Agents, Official Gazette No. 26/99;
- (f) The State Plan for Water Protection, Official Gazette No. 26/99;
- (g) The Contingency Plan for Accidental Marine Pollution in the Republic of Croatia, Official Gazette No. 8/97;
- (h) The Contingency Plans in Environmental Protection, Official Gazette Nos. 82/99 and 12/01;
- (i) The Law on Protection and Rescue, Official Gazette No. 174/04 and 79/07;
- (j) Decree on the Internal Organization of the National Protection and Rescue Directorate, Official Gazette No. 20/05;
- (k) Law on Construction, Official Gazette Nos. 175/03 and 100/04;
- (l) Law on Spatial Planning, Official Gazette Nos. 30/94 and 68/98;
- (m) Act on the Right of Access to information, Official Gazette No. 172/03.

18. The main authority for enforcing the requirements of the Convention with respect to prevention, preparedness and response in Croatia, as laid down mainly in the national "Environmental Emergency Plan", is the MEPPPC. Other authorities in charge of the implementation of the Plan have been nominated as the national and county "Eco-Headquarters" (e.g. several Ministries, the Croatian Institute of Toxicology, the Croatian Fire Department). In case of an accident, additional units can be activated, such as communication units and emergency response and expert teams.

C. Competent authorities

19. MEPPPC has been designated as the competent authority for the implementation of the Convention by the Government of Croatia. NPRD has been designated as the point of contact for the purpose of the industrial accidents notification and of mutual assistance.

20. The Convention's focal point is Mr. Hrvoje Buljan, Head of Special Programme for Waste Management, in the Environmental Protection Division, Environmental Impact Assessment and Industrial Pollution Control Department within the MEPPPC.

D. Identification of hazardous activities

21. The identification of hazardous activities in Croatia has been made based on the national "Environmental Emergency Plan", chapter II, nos. 4 and 5, in connection with appendix 2. Appendix 2 defines five classes (D1–D5) of threshold values for single substances and categories of substances. The weakest threshold values (D5) correspond to the lower tier values of the Seveso II Directive (before the last amendment), and the other classes (D4–D1) are calculated by the reduction factors of 10, 100, 1,000 and 10,000.

22. The Croatian Environment Agency (CEA), under MEPPPC, prepared a preliminary list of 186 hazardous installations according to the threshold values (D5) of the national "Environmental Emergency Plan", chapter II. However, no differentiation between upper and lower tier has been made so far. The hazardous activities falling under the Convention will be selected from those establishments.

E. Notification of hazardous activities to neighboring countries

23. Once the hazardous activities will have been identified, their notification to the neighbouring countries concerned is foreseen by the NPRD.

F. Preventive measures

24. The Law on Environmental Protection defines, among others, the prevention and the polluter pays principles. Article 42 of the Law prescribes obligation for operators to define all possible risks linked to operation of a hazardous activity and to include them in safety reports.

25. According to the draft for the amendment of the Law on Environmental Protection, concerning the implementation of the Seveso II Directive, the respective obligations of the operator and the development of a Safety Report will be stipulated.

26. The implementation of legal obligations on prevention is supervised by inspectors. The Directorate for Inspection within the MEPPPC comprises 58 environmental inspectors. In addition to this Directorate, a number of other inspectorates (e.g. for water, health, dangerous substances (flammable liquids and explosives), labour safety, and electrical installations) exist in the country. The inspectors have the authority to impose fines (up to €50.000) to initiate a judicial process against the operator of an establishment, and even to close an industrial facility. The need for better coordination between the different inspectorates has been spotted throughout the implementation of the Seveso II Directive.

27. Industrial installations in Croatia need an operational permit according to article 42 of the Law on Environmental Protection. Additional requirements for environmental permits are foreseen by the draft of the new law environmental protection, which is in line with the IPPC (Integrated Pollution Prevention Control) Directive.

28. Pursuant to the national “Environmental Emergency Plan”, chapter VII, no. 2, “a legal or natural person that has caused an emergency shall be responsible for the damage in accordance with the law, and shall cover all costs of response and remediation measures, as well as costs of compensation for damage in accordance with the law”.

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

29. The point of contact for the purpose of industrial accident notification and mutual assistance under the Convention is the NPRD designated according to the Law on Protection and Rescue (Official Gazette Nos. 174/04 and 79/07) and the Decree on the Internal Organization of the NPRD (Official Gazette No. 20/05). It has direct connections to all 20 county directorates as well. Contact details are available on the Convention website with password-protected access.

30. The point of contact is operational at all times. It is equipped with telephone, fax, an e-mail connection, mobile phones, Internet access, a list of experts, and other documents. It has connections to other points of contact in neighbouring countries and to its counterparts in the counties. In case of necessity, it mobilizes the national “Eco-headquarters” and serves as its communication centre.

H. Industrial accident notification systems

31. Croatia has implemented the UNECE Industrial Accident Notification (IAN) System using the forms of early warning, information and assistance request. In addition, other notification systems, e.g. those of the Danube River Protection Convention and the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), are used, depending of the type of accident.

32. The NPRD has participated successfully in notification exercises of UNECE.

I. Emergency preparedness and response and mutual assistance

33. The national “Environmental Emergency Plan” requires that the operator of a hazardous activity is adequately prepared for industrial accidents and responds accordingly once an accident happens. The operator is obliged to develop an Operative Environmental Emergency Plan and to submit it to the county offices in charge of environmental protection. The Operative Environmental Emergency Plans are overseen by the environmental inspectors.

34. Pursuant to the national “Environmental Emergency Plan”, the 20 counties, and the City of Zagreb, must develop “Environmental Emergency Plans” (off-site contingency plans). The representatives of the Zagreb County informed the fact-finding team about their good horizontal and vertical cooperation with other Government authorities and with the municipalities. Bilateral agreements with neighbouring countries (with the exceptions of Montenegro and Serbia), some other countries (e.g. Austria, Bulgaria, France, Poland, Slovakia and Ukraine), and the EU (as indicated in the Memorandum of Understanding) include joint training exercises and mutual

assistance. Bilateral agreements with the Montenegro, the Russian Federation and Serbia are being prepared. The procedures are applied also in case of industrial accidents.

35. All the local and regional authorities involved into the response actions to industrial emergencies are coordinated by NPRD.

J. Information to and participation of the public

36. The Croatian public has the right to participate in the development of emergency planning and other activities connected with emergency planning as well as environmental impact assessment.

37. In the case of an accident, the national or the county "Eco-headquarters" or the persons authorized by them for public relations shall inform the public of the emergency occurrence and measures taken as set by the national "Environmental Emergency Plan"(chapter III, nos. 4 and 12, and chapter VIII, nos. 1 and 2).

38. The population will be informed about the Environmental Emergency Plans (off-site contingency plans) by Internet and by public hearing. Moreover, the citizens of neighbouring and other countries have access to the information by Internet, but only in Croatian language. Croatia is a Party to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

39. It is envisaged that in the course of implementing the Seveso II Directive, the operators of hazardous activities will be obliged to actively inform the concerned population about their activities.

III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS

40. The team carefully examined the institutional and legal frameworks for the prevention of, preparedness for, and response to industrial accidents in the Republic of Croatia. It concluded that all the basic tasks under the Industrial Accidents Convention as contained in the Assistance Programme have 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 the chapter IV of this report.

41. The Convention and relevant documentation are available in the national language. The requirements of the Convention have been basically transposed into the national legal framework. As a candidate country for the EU, Croatia will transpose the Seveso II Directive as well. The competent authorities have been designated and their functions defined. Horizontal and vertical cooperation between authorities at the national and county levels is functioning. The identification of hazardous activities has reached an advanced status. However, as the hazardous activities pursuant to the Convention have not yet been clearly identified, no notification to the neighbouring countries has taken place so far. Preventive measures are prescribed and are being practised. The point of contact for the purpose of industrial accident notification and mutual assistance has been established and is operational at all times. The UNECE IAN System has

been implemented. Both on- and off-site contingency plans have been implemented and are being tested. Public information about accidents and off-site emergency plans is ensured.

42. The team would like to thank the representatives of the authorities and of Enterprise JANAF for their friendly reception in Croatia and for their cooperative approach in the discussions. The team especially appreciated the work done by Mr. Rumenjak and the mission coordinator, Mr. Buljan, in organizing the team's visit.

IV. NEEDS FOR FURTHER ASSISTANCE

Availability of the Convention and other documentation in the national language

43. There is a need for recognized technical documentation facilitating the inspection of hazardous activities, especially concerning preventive measures.

Identification of hazardous activities

44. 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 would be helpful.

Preventive measures

45. The representatives of national environmental inspectorate expressed a need for assistance on the following topics:

- (a) Training and education of inspectors on the identification of the causes of chemical accidents and on best practice for preventing accidents;
- (b) Assessment of the quality of safety reports and safety management systems;
- (c) Best practice on coordinating the activities of different inspectorates;
- (d) Improvement of international cooperation and common use of international resources dealing with the implementation of the Seveso II Directive and the Industrial Accidents Convention.

Information to and participation of the public

46. An exchange of best practice on informing the public of hazardous activities in connection with the preparation and application of off-site contingency plans would be beneficial.
