

**Conference of the Parties
to the Convention on the Transboundary Effects of Industrial Accidents
Seventh meeting, Stockholm, Nov 2012**

The use of the indicators and criteria for filling in the report on implementation of the Convention of the Republic of Serbia

Suzana Milutinovic

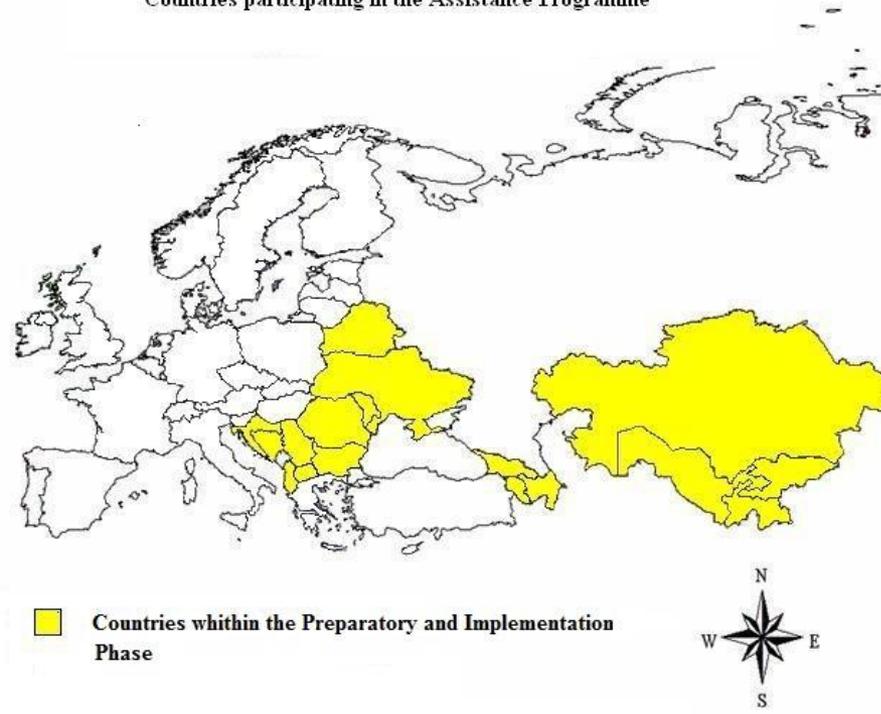
**Republic of Serbia
Ministry of Energy,
Development and Environmental Protection**



Background

▶ 2004 CoP adopts Assistance Programme

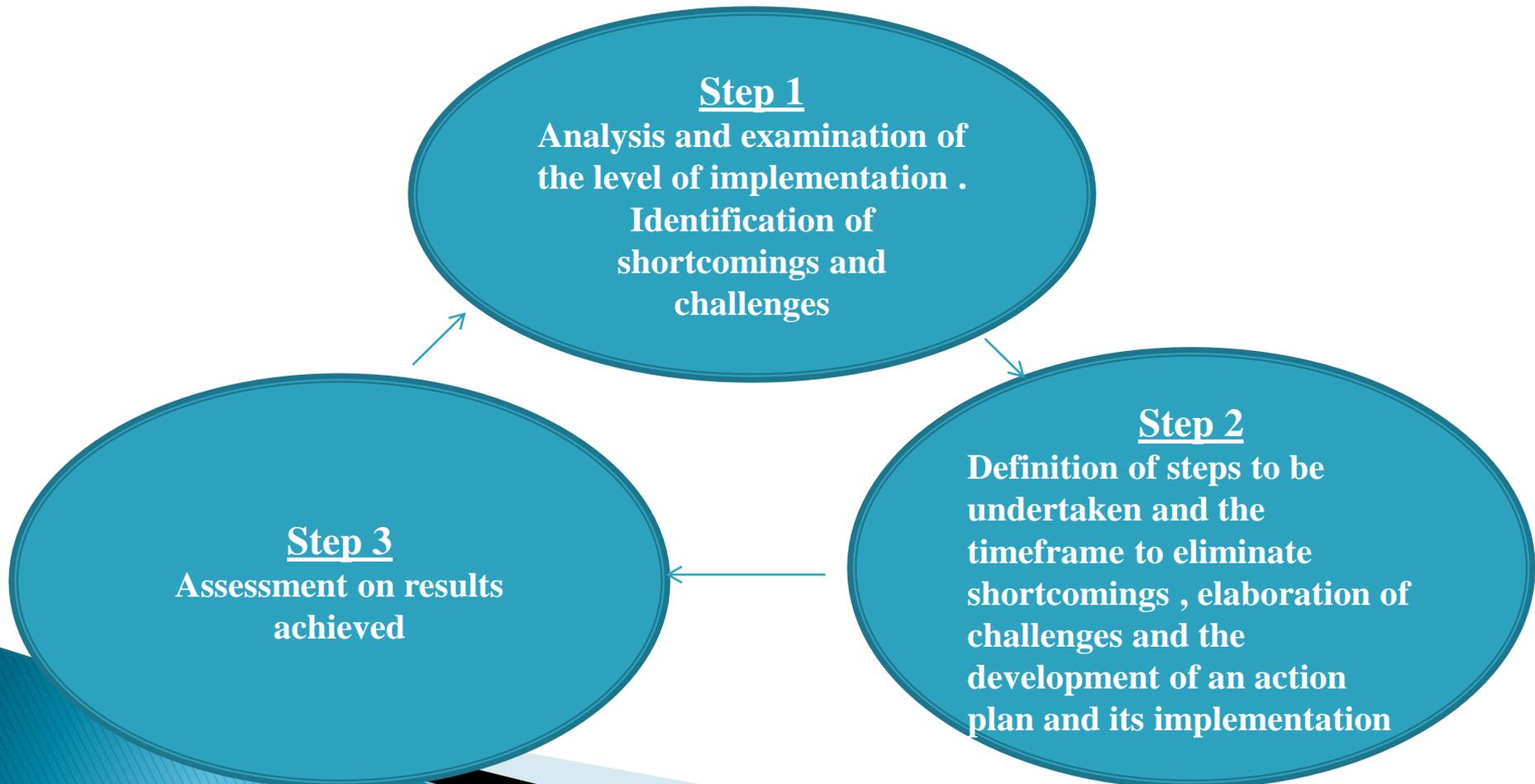
Countries participating in the Assistance Programme



▶ Serbia participates actively from 2007.

Background

▶ 2008 CoP adopts Strategic Approach



2010 CoP adopts Indicators and criteria for self-evaluation and the Form

Use of the tables in the Form

Table 1

Collect data on the results of the self-evaluation, with a detailed and precise explanation of the progress stage assigned to a specific indicator and of the identification of shortcomings and challenges. List priority actions to be undertaken.

Table 2

List planned activities to be carried out (i.e., national action plan). The plan of activities needs to be based on the shortcomings or challenges identified in table 1 and needs to be validated by the relevant authorities/officers according to the rules and practices in each participating country.

Table 3

Record activities implemented within a cycle and the results achieved. Data should be collected for each activity undertaken at the national or international level, independently or with external assistance, regardless of a programme under which activities took place.

Background

- ▶ **2010 CoP adopts Indicators and criteria for self-evaluation and the Form**
- ▶ Countries participating in the Assistance Programme:
 - self-evaluate the progress and send it to the Secretariat by September 2011
 - draft a National Action Plan and send it to the Secretariat by February 2012

Reporting on the Convention's implementation

- ▶ Reviewed by the WGI – national implementation reports
- ▶ 2010 CoP requested the WGI to improve the reporting guidelines and provide the reference to indicators and criteria for the Convention in both the reporting format and the guidelines

Monitoring of the implementation of the Convention

Self-evaluation

**Report on
implementation**



Identification of HA

Notification of HA

Prevention

Preparedness

Response and mutual assistance

Information to the public and public participation

**Working
areas**

**Identification and
notification of HA**

**Prevention of industrial
accidents**

Emergency preparedness

Participation of the public

Decision-making on siting



Tools

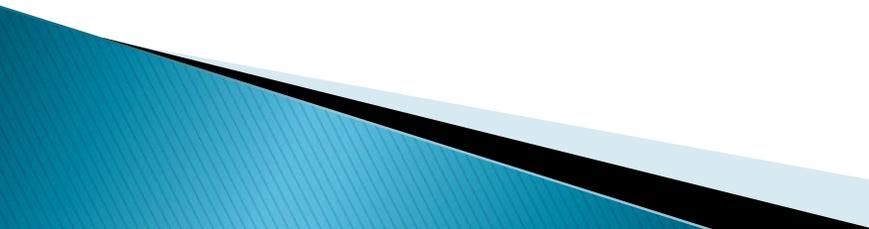
Indicators (by working area)/definitions

Criteria (progress stages)/Forms



Questionnaire/Guidelines

How to apply Indicators and Criteria and the Form in practice?

- ▶ Analyse each/relevant working area separately
 - ▶ Discuss the situation in the country
 - ▶ Identify the progress stage
 - ▶ Document the result of the self-evaluation
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REPORTING FORMAT ON IMPLEMENTATION OF THE CONVENTION - questions in the questionnaire

POLICY FOR IMPLEMENTATION OF THE CONVENTION

- ▶ **Question [1]** Provide a general description of your country's policy and strategies for prevention of, preparedness for and response to industrial accidents ...
 - ▶ How the results of the self-evaluation were used as a basis to provide needed information?
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Studying of indicators and criteria

Relevant working area



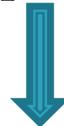
Indicators/mechanisms to be used



Definitions for Indicators/ Criteria



An optimal level of implementation/Objectives



Identification of the most important national legislation that pertains directly to the implementation of the Convention and how this legislation is administered and enforced.

▶ Question [2]

Please explain:

(a) To what extent does your policy deliver the intended results?

Through applying indicators and criteria we did a gap analysis of Serbian legislation and concluded that significant work remains with regard to fulfilling the requirements of the Convention effectively.

(b) Have there been any difficulties with implementing the Convention?

Through applying indicators and criteria we identified shortcomings and weaknesses in the implementation of the Convention with regard to full transposition of the Convention and its consistency with linked Serbian legislation, notably with the Law on Planning and Construction and the Law on Emergency Situations. We verified that all the necessary topics had not been addressed in legislative framework.

(c) Have there been any changes in the policy in the last two years or are changes being planned or considered?

The review suggests a revision of Serbian legislation. The policy will be improved by reweaving, amending, adoption and implementation of all relevant regulations to compensate identified shortcomings.

IDENTIFICATION OF HAZARDOUS ACTIVITIES

▶ **Question [7]** Please indicate or describe:

(a) How successful is your identification or notification mechanism?

Analyzing the adopted mechanisms for identification and notification and starting from collection of data, through its validation and revision as well as effective notification it is concluded that existing systems are not successful enough due to various reasons.

IDENTIFICATION OF HAZARDOUS ACTIVITIES

▶ **Question [7]** Please indicate or describe:

(b) Any weaknesses recently identified in identification or notification of hazardous activities, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex II and III)

Through applying indicators and criteria it is identified that within the adopted mechanisms needed elements are not completely defined.

Procedure for validation of data is not prescribed, as well as the time intervals of data validation need to be clearly defined.

Data evaluation should be improved by applying risk assessment.

Within the Mechanism for notification of HA the procedure for notification and exchange of data on the HA which may cause transboundary effects in the occurrence of a chemical accident does not exist, as well as the Notification Format.

IDENTIFICATION OF HAZARDOUS ACTIVITIES

▶ **Question [7]** Please indicate or describe:

(c) Has your country taken any action in the last two years to improve the identification or notification of hazardous activities or are such actions being planned or considered?

It is planned to prescribe the procedure for validation of data and the procedure for notification and exchange of data on the HA and the Notification Format.

PREVENTION OF INDUSTRIAL ACCIDENTS

Self-evaluation

**Report on
implementation**



First mechanism/Indicator

Question [8]/Guidelines

Mechanism giving responsibility for safe operation to HA operators

Main categories of preventive measures to be taken by industry at different stages



Second mechanism/Indicator

Question [8]/Guidelines

Mechanism introducing control regime of the competent authorities

Main preventive measures taken by public authorities

PREVENTION OF INDUSTRIAL ACCIDENTS

Question [9]

(a) To what extent do your country's prevention measures deliver the intended results?

The main goal of the LEP's requirements is to ensure that the operator has applied appropriate prevention measures. It is important both the competent authority and the operator to be aware that **the safety is not just to be documented in papers**, but the operator has **to demonstrate**, that the operations run onsite, the installations, etc. are safe. A powerful tool for enforcement of these requirements is **inspections**.

Currently, the LEP contains only general provisions for inspection and descriptions of the powers of the inspectors.

PREVENTION OF INDUSTRIAL ACCIDENTS

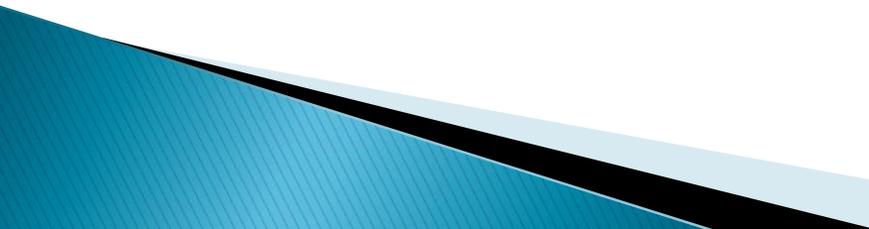
Question [9]

(b) Any weaknesses recently identified in prevention, e.g. through applying indicators and criteria.

Operators of hazardous activities do not have enough knowledge and safety culture in taking and following up preventive measures. Great number of operators are limited with resources.

Regarding the identified gaps in the area of prevention, administrative capacities for evaluation the safety documentation are insufficient (the lack of resources and funding). The main enforcement problem related to reviewing of safety documentation is the lack of intersectoral cooperation among bodies in charge of accidents.

Also, LEP does not foresee a systematic approach for inspections.



PREVENTION OF INDUSTRIAL ACCIDENTS

Question [9]

(c) Whether your country has started to take any steps in last two years to improve prevention or whether is planning to do so in the near future?

- ▶ It is planned to introduce the legal provision of a system of inspections, encompassing an inspection programme covering all establishments (both lower-tier and upper-tier), where every upper-tier establishment has to be inspected at least once a year, that is based on a systematic appraisal of major-accident hazards of the respective establishment. These legal provisions would be essential for the Serbian Environmental Protection Inspectorate to enable them to draw up a systematic inspection plan and to make appropriate staffing and education/training of the “Seveso-Inspectorate” more likely.
- ▶ In the system for prevention, it is needed to improve integrated approach in prevention through better cooperation between competent authorities at all levels and between competent authorities and operators of hazardous activities.
- ▶ The overall system for prevention will be improved by reweaving, amending, adoption and implementation of all relevant regulations.

EMERGENCY PREPAREDNESS

▶ **Questions [10-14]**

- ▶ Do Internal and External emergency plans exist for all hazardous activities? Please explain YES NO Partially

Internal emergency plans elaborated in accordance with the provisions of the Convention exist for a number of identified HA but not approved by the competent authority. External emergency plans do not yet exist in compliance with the Convention.

- ▶ How do these plans take account of the results of the hazard/risk assessment?
- ▶ Is the preparation of the plans coordinated between operators and authorities? If so, please explain how YES NO
- ▶ Are the plans tested, reviewed and updated as necessary? Please explain YES NO
- ▶ Is testing, reviewing or updating done in cooperation with neighbouring countries? Please explain YES NO

EMERGENCY PREPAREDNES

▶ Questions [10-14]

Through applying indicators and criteria we referred to needed components set out as a minimum to be defined within the adopted mechanisms addressing the on-site and off-site plans described in Benchmarks for implementation of the Convention (ECE/CP.TEIA.2010/6 Annex I Page 12 and Annex V).

- ▶ First: Mechanism giving responsibility for emergency preparedness to HA operators
- ▶ Second: Mechanism giving responsibility for emergency preparedness to the competent authority
- ▶ Third: Mechanism ensuring transboundary compatible emergency plans

EMERGENCY PREPAREDNES

▶ Question[15]

▶ Please indicate or describe:

(a) How successful are your country's emergency preparedness measures in meeting the aims of the Convention?

▶ Republic of Serbia should enhance emergency preparedness which is not at this moment at satisfied level.

(b) Any weaknesses recently identified in your country's emergency preparedness, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex V and Annex VI)

▶ Through applying indicators and criteria we identified shortcomings which refers to insufficiently developed integrated emergency management system, no yet existing emergency plans and insufficient cooperation between neighbouring countries. The procedures to notify and communicate with possibly affected neighboring country, to jointly assess possible effects and to ensure joint response and to coordinate measures to contain and minimize effects of an industrial accident are not defined.

EMERGENCY PREPAREDNES

▶ Question[15]

- ▶ Please indicate or describe:

(c) Whether your country has started to take any steps in last two years to improve emergency preparedness or whether is planning to do so in the near future.

- ▶ It is planned to improve cooperation with the potential affected countries by signing bilateral and multilateral agreements, to exchange off-site emergency plans and harmonize them, what will be the base for elaboration of joint plan for reaction to emergency in the border regions and for organizing joint training sessions and in-field exercises in these regions.
- ▶ It is planned to develop guidance for notification at international level in case of accidents with transboundary effects. Participation of the National Notification Centre and its staff in the analytical and top-table exercises, as well as in the trainings for points of contact's staff on understanding the content of the reports, completing notification reports, as well as for sending these reports is needed, to work out an effective communication for real situations.

PARTICIPATION OF THE PUBLIC

Question [22]

Please indicate or describe:

(a) How successful has your country been in developing public participation?

The public has the opportunity to participate in the decision-making process regarding preventive measures set up in the Safety Report from 2009. This shall be carried out through public participation, public presentation and public debate in decision-making procedure for approval of Safety Report.

(b) Any weaknesses recently identified in your country's system for public participation, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex VII)

Mechanism to inform the public and Mechanism to ensure opportunities for public participation in relevant procedures are **adopted and introduced in the national legal framework, defining the minimum of needed elements.**

There is insufficient public awareness about its opportunities.

There is a need to improve enforcement on the procedure of public information, especially the manner of submission of information from the OnEP to the public by the operator.

PARTICIPATION OF THE PUBLIC

Question [22]

Please indicate or describe:

(c) Whether your country has started to take any steps in last two years to improve public participation or whether is planning to do so in the near future.

It is planned to improve public participation through full implementation of the provisions of the LEP, other relevant environmental laws and Aarhus Convention. With support of the OSCE Mission in the Republic of Serbia, the Strategy for the implementation of the Aarhus Convention is made.

It is planned to provide awareness-raising campaigns for the public.



Decision-making on siting

Question [25]

Please indicate or describe:

(a) To what extent does your siting policy achieve the intended results?

The current Serbian legislation only includes the general provision to determine appropriate distances between hazardous establishments and other sensitive developments in the article which deals with “Spatial and Urban Planning”.

(b) Any weaknesses recently identified in your country’s siting policy.

There is especially no transposition of the requirements regarding land-use planning around hazardous activities at all in the Serbian “Law on Planning and Construction” and it doesn’t contain a cross-reference to LEP.

(c) Whether your country has started to take any steps in last two years to improve siting policy or whether is planning to do so in the near future.

It is planned to fulfill the requirements from the Convention in the Serbian legislation by amending the relevant regulations.

THANK YOU FOR YOUR ATTENTION!

