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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 Armenia**

**Summary**

The fact-finding team, as a result of its mission to the Republic of Armenia on 27–29 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 Meeting<sup>1</sup> (in Geneva on 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 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 Armenia, which took place on 27–29 June 2006 at the invitation of the Ministry of Nature Protection of Armenia.

### A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Ernst Berger (team leader), former Head of Section, Safety of Installations, Swiss Federal Office for the Environment, first Chairperson of the Conference of the Parties (2000–2004), and now a consultant to the Secretariat of the UNECE Industrial Accidents Convention

- Mr. Thord Tärnbrant, Head of Section, International Development Cooperation, Swedish Rescue Services Agency, Karlstad, Sweden

- Mr. Lukasz Wyrowski, Associate Expert, Environment, Housing and Land Management Division, United Nations Economic Commission of Europe, Geneva, Switzerland

5. The programme for the mission was drawn up jointly by the mission coordinator, Ms. Anahit Aleksandryan (tel.: +374 10 53 88 38) from Armenia's Ministry of Nature Protection, and the Convention secretariat. It included meetings with the following authorities and industrial entity:

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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

- The Ministry of Nature Protection and the State Environmental Inspectorate, which is under the Ministry and has regional services in the 11 *marzovs* (administrative regions) of Armenia;

- The Armenian Rescue Service, which is under the Ministry of Territorial Administration. The Service has regional services in the 11 *marzovs* and also coordinates the regional services of the State Fire Inspectorate. It manages the flow of information in emergencies through its Crisis Management Centre;

- The Municipality of Yerevan, which is one of the 11 *marzovs* of Armenia and is responsible for implementing national legislation at the regional level. It also coordinates the activities of national executive authorities in the region (e.g. the regional services of the State Environmental Inspectorate and the Armenian Rescue Service);

- The pure iron factory Makur Erkat in Yerevan, which produces concentrated ferro-molybdenum. The factory was privatized in 1996 and today exports about 95% of its output to Europe. The main hazardous substance present at the site is ammonium.

- The NAIRIT plant in Yerevan, which produces mainly chloroprene rubbers and latexes and sells its products worldwide for the manufacture of industrial rubber goods, cables, and the like.

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

| <b>Ministry of Nature Protection and its State Environmental Inspectorate</b> |  |
|---|--|
| Mr. Samvel Kh. Amirkhanyan  | Head, Staff of the Ministry of Nature Protection                               |
| Ms. Anahit Aleksandryan   | Head, Division of Hazardous Substances and Wastes Management                   |
| Ms. Ruzanna Davtyan   | Head, Department of International Cooperation                                  |
| Mr. I. Sargsyan   | Deputy Head, State Environment Inspectorate                                    |
| <b>Armenian Rescue Service</b>  |  |
| General-Major Edik S. Barsegyan   | Director, Armenian Rescue Service  |
| Colonel Aram A. Tananyan  | Deputy Director, Armenian Rescue Service                                       |
| Colonel Arman A. Avagyan  | Head, International Cooperation Department                                     |
| Mr. Ludvig Nazaryan   | Head, Department of Technological Disaster Management                          |
| Colonel Sergey Azaryan  | Head, Department of Disaster Prevention and Consequences Elimination           |
| Mr. Karapet Karapetyan  | Head, Department of Industrial Accidents, Chemical and Radiological Protection |
| Colonel Mher Harutyunyan  | Head, Crisis Management Centre   |
| <b>Municipality of Yerevan</b>  |  |
| Lieutenant Colonel R. Avetisyan   | Head, Emergency Management Centre  |

| <b>Pure iron factory Makur Erkat in Yerevan</b> |                 |
|---|-----------------|
| Mr. Henrik Karapetyan                           | Director        |
| Mr. J. Gulumyan                                 | Chief Engineer  |
| Mr. S. Sargsyan                                 | Safety Engineer |
| Mr. V. Bagdasarov                               | Ecologist       |
| <b>NAIRIT plant in Yerevan</b>                  |                 |
| Mr. Sagatelyan Ruben                            | Director        |
| Other representatives                           |                 |

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

7. Armenia became independent in 1991 after its secession from the disintegrating Soviet Union. Since then Armenia has been building a democratic society. The political situation is stable. Economically, the country is in transition from a centrally planned to a free-market economy. Enterprises are in the process of adjusting to market conditions, a difficult process which in many cases requires substantial financial investments and changes in production methods. Many enterprises that have been able to stay in business still use only a portion of their production capacity.

8. Armenia acceded to the Convention on the Transboundary Effects of Industrial Accidents in 1997. The country has participated actively in the Convention's activities before and after the latter's entry into force, mainly through its Ministry of Nature Protection, but recently also through the Armenian Rescue Service. In March 2003 a subregional workshop on the implementation of the Convention was held in Yerevan.

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

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

9. Armenian is the official language in Armenia. Therefore, the laws established by Parliament and the decisions taken by the Government are drafted in Armenian.

10. When Armenia acceded to the Convention in 1997, Armenian was not required for the ratification process. Therefore, the Convention is available to the national competent authorities, to the regional authorities and to industry in Russian only.

11. Other documents considered vital for the implementation of the Convention are also available only in Russian. They are:

- UNECE Industrial Accident Notification (IAN) System<sup>4</sup>

<sup>4</sup> UNECE Industrial Accident Notification System (CP.TEIA/2000/5) and its Amendment (ECE/CP.TEIA/2004/4).

- Criteria and Guidelines to Facilitate the Identification and Notification of Hazardous Activities<sup>5</sup>
- Format for reporting on the implementation of the Convention<sup>6</sup>

12. Due to the widespread knowledge of Russian among governmental and industrial employees, the current situation is considered acceptable for the time being. However, since the use of Russian is decreasing, particularly among younger people, eventually it will be necessary to translate the Convention and other documents vital for the implementation of the Convention into Armenian. The representatives of the Ministry of Nature Protection acknowledged the need for such translation. However, they pointed out that such a project requires time and money and does not have high priority at the moment.

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

13. The provisions of the Convention are reflected in a number of national laws and government decisions. These laws and decisions are mentioned in the national implementation report.<sup>7</sup> The Ministry of Nature Protection and the Armenian Rescue Service are responsible for the implementation of these legal instruments.

14. The following are the most important laws and decisions with respect to the Convention:

- Law on the Principles of Legislation on Nature Protection (29 July 1991)
- Government Decision 702 on Approval of the Statute of Safety Passport of an Industrial Entity in the Republic of Armenia (11 November 1998)
- Law on Protection of the Population in Emergencies (2 December 1998)
- Government Decision 261 on Designation of Competent Authorities and Point of Contact for the Convention on the Transboundary Effects of Industrial Accidents (2 March 2001)
- Law on Civil Protection (5 March 2002)
- Government Decision 384 on Establishment, Preparedness and Action of Civil Protection Services (10 April 2003)

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<sup>5</sup> 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).

<sup>6</sup> Format for Reporting on the Implementation of the Convention (CP.TEIA/2000/11) and its Amendment (CP.TEIA/2005/4).

<sup>7</sup> The Republic of Armenia: Report on the Implementation of the UNECE Convention on the Transboundary Effects of Industrial Accidents, reporting round 2004–2005.

- Law on Rescue Service of Armenia (8 July 2005)
- Law on State Regulation of Ensuring of Technical Safety (24 October 2005)

15. The team concluded – on the basis of discussions and presentations during the mission – that Armenia had identified the relevant provisions of the Convention, such as the establishment of competent authorities and a national point of contact and procedures for taking preventive, preparedness and response measures, and had transposed them into national legislation. However, there is still room for enhancing the legislation.

### **C. Competent authorities**

16. The Government of Armenia has designated two competent authorities responsible for the implementation of the Convention (Decision 261). These authorities are the Ministry of Nature Protection and the Armenian Rescue Service within the Ministry of Territorial Administration.

17. The Ministry of Nature Protection together with its State Environmental Inspectorate is responsible for ensuring that the owner of a hazardous activity takes all preventive measures necessary for the safe performance of this activity.

18. The Armenian Rescue Service is responsible for preparedness and response matters, including notification under the UNECE IAN System to neighbouring countries in case of an industrial accident and mutual assistance to neighbouring countries. (Specific information about the point of contact appears under point G of section II of this report.)

19. Horizontal cooperation between the two competent authorities is established. The contact details of the two competent authorities are available to other Parties through the UNECE website.

20. The focal point for the Convention is Ms. Anahit Aleksandryan, Head of the Hazardous Substances and Wastes Management Division of the Ministry of Nature Protection. Ms. Aleksandryan reports directly to the Minister of Nature Protection.

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

21. Industrial installations which handle, store or produce hazardous substances in “large” quantities have been identified by Armenia and reported in the national report on implementation. The list includes 24 enterprises which handle hazardous substances – many of them ammonia – in various amounts. The enterprises on this list are those which, according to Government Decision 702, are subject to the “safety passport” (i.e. have to submit a “safety report” to the competent authorities for approval).

22. The scope of Decision 702 is broader than that of the Convention. Therefore, the number of enterprises falling under the Decision is larger than the number of enterprises falling under the Convention.

23. The representatives of the Ministry of Nature Protection agreed with the team that enterprises which fall under the scope of the Convention according to its Annex I and which could cause transboundary effects in case of an industrial accident should be identified so that it is known which enterprises would have to be notified to neighbouring countries. (See also para. 24 of this report.)

#### **E. Notification of hazardous activities to neighbouring countries<sup>8</sup>**

24. No official notification of hazardous activities to neighbouring UNECE countries has taken place so far. There are several reasons for this: (a) There is still some uncertainty as to whether Armenia has any activities considered hazardous under the Convention which may cause transboundary effects in case of an accident. (b) Since Georgia is not a Party to the Convention, Armenia is not legally required to notify Georgia concerning accidents. (c) For political reasons, Armenia has no direct contacts with Azerbaijan.

25. Also, according to the Ministry of Nature Protection, the task of notifying neighbouring Parties about hazardous activities in Armenia has not been clearly assigned to a specific government entity. For the time being, the Ministry of Foreign Affairs is dealing with international notifications. However, representatives of the Ministry of Nature Protection see the need to clarify whether this function should be their ministry's responsibility.

#### **F. Preventive measures**

26. The team had a long discussion with the representatives of the Ministry of Nature Protection and the State Environmental Inspectorate regarding policies for taking safety measures at industrial installations ("controlled owner responsibility"). The team was told that the main responsibility for taking appropriate safety measures lies with the owner of the enterprise. Major enterprises subject to Decision 702 must submit safety passports describing the safety status of the enterprise, in particular the preventive safety measures according to the state of technology.

27. The preventive safety measures at hazardous installations are controlled by the Ministry of Industrial Enterprises and the State Environmental Inspectorate. Both institutions are responsible for auditing the preventive measures at hazardous installations based on existing norms and standards and the state of technology. If an enterprise is not in compliance with these requirements, fines can be imposed and, if necessary, production at the enterprise can be halted. The State Environmental Inspectorate has 220 inspectors countrywide, all of them employed by the Inspectorate (50 at the national level and 170 in the 11 *marzovs*).

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<sup>8</sup> A Party to the Convention has to notify its hazardous activities within the scope of the Convention to neighbouring Parties so they are informed of the activities and can take appropriate preventive and/or preparedness measures.

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

28. The Government of Armenia has in Decision 261 designated the Armenian Rescue Service and specifically its Crisis Management Centre (CMC) as the point of contact for industrial accident notification and mutual assistance. The fact-finding team visited the CMC and discussed the implementation of the basic tasks with its staff.

29. The CMC is the national coordination centre for all emergencies and rescue activities in Armenia and is operational 24 hours a day. The representatives of the CMC were made aware of the Convention's website with restricted access on points of contacts and were advised to visit the site regularly.

30. For the purpose of industrial accident notification and mutual assistance, the CMC has established contacts with neighbouring UNECE countries. In the event of an accident notification to Azerbaijan, there is an agreement between Armenia, Azerbaijan and Georgia that the notification will be transferred through the Georgian point of contact to the Azerbaijani point of contact.

**H. Industrial accident notification system**

31. Documentation on the UNECE Industrial Accident Notification (IAN) System was not available at the CMC. However, the CMC staff was aware of the system from having responded to earlier tests (tests performed by Bulgarian and Russian points of contact). Team members supplied the centre with up-to-date documentation on the system.

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

32. The Armenian Rescue Service is responsible for the verification of preparedness and response measures at hazardous installations. For this purpose, the Rescue Service has regional services in the 11 *marzovs* and also coordinates the regional services of the State Fire Inspectorate.

33. For major enterprises subject to Decision 702, the safety passports describe, in addition to the abovementioned prevention policy, the safety status of an enterprise with regard to preparedness and response. They also include information on accident scenarios, corresponding mitigation and response measures to be taken on site, alarm schemes and the on- and off-site contingency plans.

34. In an emergency that cannot be handled on-site, the industrial facility alarms the regional fire and rescue services of Armenia. The safety passport contains the necessary alarm lists with names and telephone numbers. The head of the regional rescue service is always contacted first. This person starts to organize the rescue operation and contacts the CMC, which coordinates the response. This rescue operation follows the procedures outlined in the off-site contingency plans.

35. The contingency plans are being used, and team members viewed a presentation about such an exercise during their visit to the Municipality of Yerevan.



36. The visits to the two industrial enterprises also gave insight into how the safety passports are being used successfully to report to the competent authorities on safety of hazardous establishments.

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

37. The provisions of the Convention which refer to public participation are adequately implemented in the appropriate legislation. The team was informed that owners of newly planned hazardous activities, or hazardous activities to which modifications are being planned, are obliged to carry out an environmental impact assessment. If this activity may, in case of an accident, affect the public in the surrounding areas, the results of the assessment must be provided to the public through open information channels.

38. The public has the right to participate in the approval process of the environmental impact assessment. Natural and legal persons which can prove that they are affected by the project are allowed to intervene. Foreign natural and legal persons affected can become active through diplomatic channels. The Ministry of Nature Protection is responsible for final arbitration.

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

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

40. The team would like to draw special attention to two issues. Firstly, improving horizontal cooperation and transfer of information between government entities would enable more effective implementation of the Convention. Secondly, the Ministry of Nature Protection should clarify which Ministry is responsible for taking the lead in the notification of hazardous activities to neighbouring countries.

41. The team members would like to thank the representatives of government and private industry for the friendly reception in Armenia and for their cooperative approach in the discussions. The team believes that through these discussions very useful information was exchanged which was of mutual interest and further advances the implementation of the Convention. The team especially appreciates the work done by the mission coordinator, Ms. Anahit Alexandrian, to organize the mission and making it successful and enjoyable.

## IV. NEEDS FOR FURTHER ASSISTANCE

### The Convention and the national legal framework

42. Further strengthening of the legislation on industrial safety is needed especially in connection with drawing up legislation to transpose Annex I to the Convention (on hazardous substances). The representatives of the Ministry of Nature Protection agree with the team that this help would be most effective in the form of timely, limited legal advisory service, once an Armenian project group has been established for this purpose and a draft of the legislation developed by Armenia.

### Identification of hazardous activities

43. There is a need to train personnel from government and industry regarding the identification of hazardous activities according to Annex I and the location criteria under the Convention. The representatives of the Ministry of Nature Protection agree with the team that this training could best be done through workshops, as the areas mentioned seem to pose problems in many countries.

### Notification of hazardous activities to neighbouring countries

44. No needs were identified for the specific task of notification of hazardous activities to neighbouring countries, except that Armenia has to clearly define who is responsible for organizing this notification in the Government of Armenia, once the installations that are hazardous according to the Convention have been identified.

45. On the other hand, communication with neighbouring countries in the course of a possible future notification could be improved by sharing information about how to cooperate with neighbouring countries. This could also be part of a bilateral or multilateral project.

### Preventive measures

46. The representatives of the Ministry of Nature Protection agree with the team that it would be beneficial for Armenian inspectors to have bilateral contacts with inspectors from Western European countries regarding inspections and audits of the safety passport.

### Industrial accident notification systems

47. The representatives of the Armenian Rescue Service agree with the team that the personnel of the point of contact, the Armenian Rescue Service's CMC should be trained in operating the UNECE IAN System. It is recommended that mainly personnel of CMC take part in future consultations for points of contact organized under the Convention.

48. According to the Armenian Rescue Service, the regional communication system is based on obsolete equipment. In only 2 of 11 *marzovs* is the equipment functioning adequately. This situation should be substantially improved in the future to ensure reliable communication of alarms to the regional and national rescue services as well as to the national CMC.

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

49. The representatives of the Armenian Rescue Service agree with the team that personnel should be trained in drawing up off-site contingency plans in border areas. This could also be part of a bilateral or multilateral project.