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

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Item 7 of the provisional agenda

**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 Belarus**

**Summary**

The fact-finding team, as a result of its mission to Belarus on 15–17 May 2006, has concluded that the basic tasks under the 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.

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\* This document was submitted on the above date because of processing delays.

## 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. The present document contains the report on the fact-finding mission to Belarus, which took place on 15–17 May 2006 at the invitation of the Ministry of Emergency Situations of Belarus.

### A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Ryszard Grosset (team leader), Chairperson of the Conference of the Parties and professor at the Main School of the Fire Service
- Mr. Pavel Danihelka, advisor to the Czech Ministry of Environment and head of the Laboratory of Risk Research and Management at VSB-Technical University in Ostrava
- Ms. Elena Veligosh, environmental expert, UNEP/GRID Arendal

5. The programme for the mission was drawn up jointly by the mission coordinator, Mr. Konstantin Shidlovsky (tel. +375 17 206 5425) from the Ministry of Emergency Situations, and the Convention secretariat. It included meetings with the following authorities and industrial entities:

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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.

- Ministry of Emergency Situations (MES) and its Centre for Control and Response to Emergencies (CCRE) and the “Promatomnadzor” general inspectorate of nuclear and chemical safety
- Department of Hydrogeology of the Ministry of Natural Resources and Environment, which, as a monitoring centre for chronic and accidental chemical and nuclear pollution of Belarus, initiates alerts/alarms and submits necessary information to the CCRE
- Grodno Regional Executive Committee, a regional governmental unit, and its Department for Elimination of Emergencies, which is composed of Committee personnel and the fire brigades belonging to the MES
- “Grodno-Azot”, one of the largest chemical plants in Belarus and, due to its extensive storage of ammonia and other chemicals, a hazardous activity. It produces urea, methanol, ammonia, caprolactam, UAN (a mixture of urea and ammonium nitrate), ammonium sulphate, hydroxylaminsulphate crystals, nitric acid, sulphuric acid, nitrogen (liquid and gaseous), and oxygen corrosion inhibitors for oil and gas production.

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

<b>Ministry of Emergency Situations</b>	
Mr. E. Bariev	Minister of Emergency Situations
Mr. K. Shidlovsky	Head of the Division for Legal Issues and International Cooperation
Mr. V. J. Grushevich	Promatomnadzor expert
<b>Department of Hydrogeology of the Ministry of Natural Resources and Environment</b>	
Ms. M. Germenchyk	Head of Department of Hydrometeorology
<b>Grodno Regional Executive Committee</b>	
Mr. A. Alioshin	Head of the Department for Elimination of Emergencies
Other members of Grodno Region emergency response and crisis management team	
<b>“Grodno-Azot”</b>	
Mr. A. Redevivh	Director General
Chief engineer, deputy chief engineers and other representatives of Grodno-Azot (altogether about 20 people)	

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

7. Belarus is a landlocked country in Eastern Europe with a surface of 206,000 km<sup>2</sup> and a population of 9.8 million. The country became independent in 1991 after its secession from the disintegrating Soviet Union.

8. As part of the former Soviet Union, Belarus had a relatively well-developed industrial base. It retained this industrial base following the disintegration. Today, however, the country is facing the difficult challenge of reorienting its industrial production from military and heavy-industry focus to a more market-oriented one. The economy is socially oriented and is controlled by the state.

9. Belarus acceded to the Convention in 2003. Even before ratification, its representatives participated in the Convention's activities and attended 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**

10. Russian and Belarussian are the official languages of Belarus. Russian is commonly used by authorities to prepare and issue legal acts. The Convention and other documents vital for its implementation are thus available to authorities at all levels in Russian.

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

11. The provisions of the Convention are transposed into several laws:

- Law of Belarus Republic of January 2000 on "Industrial Safety of Hazardous Production Facilities", which establishes legal, economic and social principles for ensuring safe operation of hazardous production facilities

- Law of Belarus Republic of May 1998 on "Protection of Population and Territories against Natural and Human-Caused Emergencies", which establishes general organizational and legal norms for the protection against natural and human-caused emergencies of Belarussian and foreign citizens staying on the territory of Belarus, as well as the protection of all production and social facilities and of the environment

- Law of Belarus Republic of January 2002 on "Transportation by Main Pipelines", which establishes legal, economic and organizational principles for regulating relations associated with the main pipelines used to transport oil, natural gas and other liquid and gaseous hydrocarbons and oil products, and which is aimed at ensuring the efficient, reliable and safe operation of these pipelines

- Decree of the Council of Ministers on the “State System of Preparedness and Response to Emergencies”, which establishes the composition of forces, resources and procedures for the functioning and interaction of key elements of the State System of Preparedness for and Response to Emergencies

### **C. Competent authorities**

12. In accordance with the Government Decision of June 2003 on “Measures to be taken to implement the provisions of the Convention on the Transboundary Effects of Industrial Accidents”, the MES has been designated the competent authority in order to accomplish tasks under the Convention.

13. The MES, together with its General Inspectorate “Promatomnadzor”, is responsible for ensuring that the operators of hazardous activities take all necessary measures to ensure safe performance. Through its Centre for Control and Response to Emergencies, the MES coordinates preparedness and response matters, including notification under the UNECE Industrial Accident Notification (IAN) System.

14. Information on the competent authority is available via the Convention’s website.

15. The focal point for the Convention is Mr. Konstantin Shidlovsky, Head of the Division for Legal Issues and International Cooperation of the MES.

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

16. Belarus has identified its hazardous activities according to the Law on Industrial Safety of Hazardous Production Facilities. Since the scope of this law is broader than the scope of the Convention, more enterprises handling hazardous substances fall under this Law than would meet the substance criteria of annex I to the Convention.

17. From a broad list of identified hazardous installations, experts from Promatomnadzor, taking into account annex I to the Convention, selected four enterprises which in their opinion are capable of causing transboundary effects in case of an accident. These enterprises are listed in the national implementation report, which also specifies what substances they handle and how transboundary effects can arise.

18. The mapping of risks covering the whole country is done using civil defence methodology. The results are presented only in graphic form using maps. Digital systems like geographic information systems (GIS) and other spatial geo-informatics systems are not yet in use.

### **E. Notification of hazardous activities to neighbouring countries**

19. The MES is the competent authority responsible for the notification of hazardous activities to neighbouring countries.

20. Notification to neighbouring countries is based on bi- and multilateral agreements; however, the exchange of information with neighbouring countries regarding hazardous activities needs to be further strengthened.

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

21. Belarus has a functioning system of state technical supervision of the safe operation of facilities with increased danger. Supervision is exercised by a specially authorized authority which periodically inspects hazardous installations to see whether operations are being carried out without any violations of safety regulations. When violations are identified, inspectors give the operators instructions for correcting the situation and give them a specific time frame for doing so. Thereafter, implementation of instructions is monitored. In case of non-compliance, the inspectors have the authority to impose fines or even stop the production of an enterprise. The supervision is exercised at the construction, reconstruction and technical modernization stages as well as during operation and decommissioning.

22. Inspections are also carried out on the machinery and equipment used by operators of hazardous activities in their production processes. The equipment has to pass technical diagnostic and examination.

23. A special system has been developed to train and improve the qualifications of personnel of hazardous installations. The training is conducted at special training establishments or at certification and examination agencies.

#### **G. Point of contact for the purpose of industrial accident notification and mutual assistance**

24. The Centre for Control and Response to Emergencies of the MES has been designated the point of contact for industrial accident notification and mutual assistance. It is operational 24 hours a day and its coordinates are available to the other points of contact through the Convention's website.

25. The Centre serves as a general emergency contact cell which dispatches emergency response teams and is also responsible for civil defence. The (mainly fax- and telephone-based) notification and information exchange mechanisms are in place. Electronic exchange of information is being developed.

#### **H. Industrial accident notification system**

26. The UNECE Industrial Accident Notification System has been implemented. The point of contact responded correctly to recent System's tests carried out by the Russian Federation and Bulgaria.

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

27. In compliance with the 2001 Regulation on National Emergency Prevention and Elimination System (Regulation 495), local emergency situations are handled in accordance with

contingency plans developed by local authorities. Other emergency situations (regional, national and international) are addressed in accordance with civil and territory protection plans.

28. The operators of industrial installations are required to develop contingency plans, which are based on scenarios of possible emergencies and evaluation of the preventive measures and resources required for civil protection and mitigation/elimination of an accident. Contingency plans also provide guidance for personnel and special rescue service activities for the protection of populations and the mitigation of accidents' effects. All industrial facilities with hazardous installations must develop such contingency plans. Oil pipeline operators must obtain permits.

29. There is also a Plan for Civil Protection and Protection of Territories in Case of Emergency Situations, which provides guidance for coordinating industrial personnel, special emergency services and rescue services in case of large-scale accidents.

30. The Department of Emergency Situations organizes training sessions on preparedness of personnel by working regularly with staff of hazardous activities and of regional and local authorities. Training takes place at hazardous sites. Regular training in the mitigation and liquidation of effects of accidents is organized at major hazardous installations. Training is also organized in special training polygons equipped with computer training equipment.

31. Cooperation with Lithuania on emergency preparedness is based on bilateral agreements at the national and local levels. A bilateral agreement with Poland was developed several years ago but is not yet in force. Belarus also has an agreement with EECCA countries for notification and mutual assistance in case of emergency situations. They are implemented according to developed action plans. This is the task of intergovernmental working groups consisting of representatives of departments and ministries dealing with emergency situations.

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

32. In accordance with Articles 22, 23 and 24 of the Law on Industrial Safety of Hazardous Production Facilities, public associations have the right to require from industrial operators compliance with industrial safety standards. To do so, the representatives of public associations have the right to acquire data on measures to be taken to ensure safe operation, on industrial safety conditions, on the consequences of possible accidents and on rules of conduct during their occurrence.

33. In emergency situations, the state institutions are obliged to inform the public in a timely and trustworthy manner via mass media and other channels about the state of protection of the population and environment from emergency situations, about good practices and about ways of protecting the population. According to the law, the hiding or untimely submission by officials of information and the submission of intentionally deceiving information about protection of the population and environment in emergencies are punishable under legislation.

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

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

35. The Convention and relevant documentation are available in the official language. The provisions of the Convention have largely been transposed into the national legal framework. The competent authority has been designated and its functions defined. The identification of hazardous activities has been carried out, and they are being notified to neighbouring countries in the framework of existing bilateral agreements. A 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 are being implemented. Public participation is enabled to a great extent.

36. The team would like to thank the representatives of the national and local authorities and industry for their friendly reception in Belarus and their cooperative approach in the discussions. Through these discussions, very useful information was exchanged which should be of mutual interest and should further advance the cause of implementing the Convention. The team especially appreciates the work done by the mission coordinator, Mr. Shidlovsky, to organize the mission

### **IV. NEEDS FOR FURTHER ASSISTANCE**

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

37. The MES has notified the government about the need to introduce systems on civil liability. While initial steps have been taken, the process would be greatly facilitated through an exchange of experience with European countries regarding good practice in introducing civil liability and obligatory insurance systems for damage resulting from hazardous activity. Additional assistance is requested in the development of criteria for classification of hazardous activities for obligatory civil liability insurance and procedures/conditions for introducing a civil liability system in Belarus.

#### **Notification of hazardous activities to neighbouring countries**

38. It is necessary to strengthen the exchange of information regarding notification of hazardous activities to neighbouring countries. Information and advice are requested on how to best cooperate with neighbouring countries.



**Preventive measures**

39. It is desirable to have assistance in the development/improvement of monitoring systems for large hazardous installations/enterprises (including the isothermal storage of ammonia at the “Grodno-Azot” plant) in order to prevent industrial accidents.

**Emergency preparedness and response and mutual assistance**

40. Software on mathematical modelling of zones of chemical contamination is needed, as are relevant training of personnel and an updated database of chemicals.

41. There is also a need to strengthen capacities for mutual assistance through multilateral training and practice in mitigating the effects of emergency situations in border areas, including the free movement of personnel and equipment across borders (Poland and Lithuania).