



**Economic and Social
Council**

Distr.
GENERAL

ECE/CP.TEIA/AP.13
3 September 2007

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 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 the Republic of Serbia

Summary

The fact-finding team, as a result of its mission to the Republic of Serbia from 11 to 14 June 2007, concluded that the basic tasks under the Convention – as described in the Assistance Programme – have been implemented. The team recommends that the country participates 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 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 reference³, 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 industry and to compile a report on:

- The implementation of the basic tasks;
- 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 Serbia, which took place from 11 to 14 June 2007 at the invitation of Ministry of Environmental Protection of Serbia.

A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Cornelius van Kuijen – team leader, former Inspector for the Environment and former Director for Safety and Chemical Substances at the Ministry of Environment of the Netherlands. Mr. van Kuijen participated in the drafting and implementation of both the Convention and the European Union (EU) Seveso II Directive;
- Mr. Giorgio Mattiello, officer of the Ministry of the Environment, Land and Sea of Italy;
- Ms. Jasmina Bogdanovic, United Nations Environment Programme/GRID Arendal, Environmental Expert.

5. The programme for the mission was drawn up jointly by the mission coordinator, Ms. Suzana Boranovic (phone: +381 64 8166243, e-mail: suzana.boranovic@ekoserb.sr.gov.yu) of the Ministry of Environmental Protection of Serbia, and the Convention secretariat. It included meetings with the following authorities and industrial entities:

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 Implementation the Convention (CP.TEIA/2004/2).

³ Terms of reference for fact-finding teams established within the framework of the Assistance Programme under the Convention.

- The Ministry of Environmental Protection (MEP), which is responsible for developing and implementing environmental policies and legislation and, within that framework, for the prevention of industrial accidents. It is also competent for integrated environmental permitting for major hazard installations;
- The Ministry of the Interior, which is responsible for equipping and organizing the interventional fire services units for emergency response;
- The Ministry of Defence, which is responsible for the organization of emergency preparedness and response;
- The Municipality of Bor which, based on the Law on Local Self-Government, is responsible for implementing national legislation at the local level;
- RTB, Copper Mining and Smelting Complex Bor, which extracts copper from ore. This process can lead to accidental emissions of sulphur dioxide (SO₂), which can pose hazards to the surrounding population. In addition, accidental leakage of the flotation wastewater from the tailing pond could lead to heavy contamination of the river basin of the Timok and, via the Danube, to transboundary water pollution.

6. The names and titles of the individuals who represented those entities at the meetings are shown in the following table. Ms. Boranovic and Mr. Tubic, as well as Ms. Tarabic, accompanied the team to all the meetings.

Name	Title
Ministry of Environmental Protection	
Mr. Stevo Tubic	Head of the Department for Risk Management and Accident Response
Ms. Suzana Boranovic	Advisor, Mission Coordinator, Department for Risk Management and Accident Response
Ms. Gordana Petkovic	Legal Expert, Department for Legal Issues
Ms. Sanja Stamenkovic	Advisor, Department for Risk Management and Accident Response
Ms. Nada Tarabic	Interpreter
Ministry of the Interior	
Mr. Zoran Vukusic	Head of Directorate for Firefighting and Rescue Units
Ministry of Defence	
Mr. Zoran Jeftic	State Secretary of the Ministry of Defence
Mr. Branko Jovanovic	Deputy Head, Department for Civil Defence
Mr. Zivko Babovic	Head-Leader of Civil Protection Department
Mr. Proda Secerov	Head of National Centre for Notification

Mr. Ljubisa Majstorovic	Public Information and Alert Centre of Belgrade
Municipality of Bor	
Mr. Dragan Zikic	Vice-President of the municipality of Bor
Ms. Ljiljana Lekic Dzamic	Senior Advisor, Section for commerce and protection of environment
RTB, Copper Mining and Smelting Company Bor	
Mr. Dragan Arandjelovic	Deputy Director of RTB
Mr. Zvonimir Milijic	Assistant General Manager of RTB for Quality and Ecology
Mr. Toplica Marijanovic	Department for Environmental Activities and Metallurgies
Ms. Zrinka Milanovic	Department for Ecology of Copper Mines in Bor
Ms. Slobodanka Ristic	Environmental Protection of the Copper Mine in Majdanpek

B. Basic information on the country

7. Serbia is a landlocked country, sharing a border with eight countries: Albania (length of shared border 114 km), Bosnia and Herzegovina (border 312 km), Bulgaria (border 318 km), Croatia (border 241 km), Hungary (border 151 km), Montenegro (border 211 km), Romania (border 476 km) and The former Yugoslav Republic of Macedonia (border 221 km). The Danube River runs through Serbia for 588 km. It flows into the country from Hungary, traverses the Vojvodina Plain and runs through the capital, Belgrade, before leaving the country through the Balkan Mountains. The Danube River basin system, which includes the Sava and the Timok Rivers, covers most of the country's territory.

8. Serbia has an area of 88,361 km² and is composed of three regions; Central Serbia, Vojvodina and Kosovo-Metohija. It has a population of about 9.6 million people, of which 58 per cent is urban. The main cities include the capital Belgrade, the commercial centre Novi Sad, the transport and industry centre Niš, and the manufacturing centre Kragujevac.

9. Serbia's gross domestic product (GDP) fell dramatically in the 1990s, the years of the Yugoslav wars, and by 2000 the per capita GDP was about half of the 1989 level. Since 2000, the GDP has increased steadily, and in 2006 it was nearly 30 per cent higher than in 2000. The expansion of the economy was mainly driven by service sectors. But the industrial sector is also recovering from the slump of the 1990s; in the first half of 2006, it grew 6.5 per cent.

10. Serbia is divided into 29 districts, which are regional state administration units hosting various state institutions but not having assemblies and autonomous budgets of their own. The municipality is the basic local administrative unit. There are about 200 municipalities. They have presidents, budgets and assemblies, which are elected in local elections every four years.

11. For some years, Serbia has been striving for accession to the EU. In this connection, the country has been trying to create legislation that implements EU regulations such as the Seveso II Directive.

12. The country is not a signatory to the Convention but intends to become a Party. A Bill on the ratification of the Convention is in preparation. The country's representatives have been regularly participating in the activities under the Convention since 2005, including the fourth meeting 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

13. The text of the Convention has been published in Serbian and is available on the MEP website (www.ekoserb.sr.gov.yu) both in English and Serbian.

B. The Convention and the national legal framework

14. The National Environmental Protection Programme, which will be adopted in the near future by the Parliament, contains specific action plans on the protection from accidents and on the management of chemicals.

15. The legal framework contains several provisions on the control of industrial risks and accidents. It provides for a permitting system. The key permitting procedures include land-use permits, construction permits and environmental permits. The permit-issuing authorities are the MEP (for major hazard installations) and the province or the municipality, depending on which authority is competent to grant the construction permit. Usually, the authority that issues the permit must also enforce it.

16. The 2004 Law on Integrated Pollution Prevention Control (IPPC) establishes rules for issuing integrated permits for installations. Most of the secondary legislation needed for the implementation of this Law is in force. The legal deadline for the revision of the permits of existing installations is 2015. The preliminary IPPC list includes about 237 facilities.

17. The Law on Environmental Protection (LEP), which was adopted in 2004, covers the following areas relevant to the Convention:

- Measures and conditions for environmental protection (prevention) in terms of spatial planning and construction, conditions for operation of facilities and installations, environmental management systems, and standards for technologies, products and services;
- Remediation measures;
- Systems for issuing environmental permits and approvals;

- Protection measures for hazardous substances (production, transport and handling);
- Information to and participation of the public;
- Environmental liability;
- Policy concerning fines.

18. Some of the provisions are framework rules which need working out in secondary legislation. For Article 38 of LEP, which pertains to accident risk assessment of major hazard installations, this legislation has been in force since 1994 (Regulation of Methodology for accident risk assessment, etc.).

19. Another instrument provided for by the legal framework is environmental impact assessment (EIA). The procedure is laid down in the 2004 Law on EIA. The EIA procedure has to be done before the construction permit is granted. In addition, Article 36 of LEP requires the competent authority, before issuing permits on the construction or modification of an installation (major hazard installation) capable of considerably affecting the population or the environment, to assess whether this impact is acceptable.

20. The environmental legislation on the prevention of industrial accidents is enforced by the Environmental Inspectorate, which comes under the MEP. There are about 98 inspectors at the national level, 11 at the provincial level and 180 at the local level. The Inspectorate identifies major hazard establishments, requires making accident risk analyses and on-site contingency plans, and enforces these plans.

21. The 1977 Law on the Protection from Natural Disasters and Other Large-scale Disasters outlines provisions for emergency preparedness and response at the national, regional and local levels. A revision of the Law is in preparation. The lead ministry in the implementation of this Law is the Ministry of Defence, specifically its Department for Civil Defence. In addition, the Law on Fire Protection is applicable. This Law prescribes conditions for the interventional fire services at the national, regional and local levels. The lead ministry in the implementation of this Law is the Ministry of the Interior, specifically its Directorate for Firefighting and Rescue.

22. The MEP recognizes that the implementation of national environmental legislation on the prevention of industrial accidents has shortcomings, primarily caused by lack of resources and capacity (human and technical).

C. Competent authorities

23. The MEP was created recently from the Directorate for Environmental Protection of the former Ministry of Science and Environmental Protection. The MEP has a separate section for Risk Management and Accident Response, comprised of four staff members.

24. The MEP is in charge of the preparation of the accession procedure. The Ministry sees it as a high priority that Serbia becomes a Party to the Convention in the near future. In the Law that created the MEP, it is stipulated that this Ministry (i.e. Department for Risk Management

and Accident Response) shall be responsible for the coordination of the implementation of the Convention. The fact-finding team established that there is a coordinated involvement of the two other Ministries with competences in the field of the Convention, viz. the Ministry of Defence and the Ministry of the Interior.

D. Identification of hazardous activities

25. A provisional inventory using the criteria of the Seveso II Directive has been prepared. There are about 42 establishments included in this list. It is estimated that about 11 of these will fall under the scope of the Convention.

E. Notification of hazardous activities to neighbouring countries

26. It is envisaged that in the Bill on the ratification of the Convention, the MEP will be nominated as the competent authority responsible for notifying neighbouring countries about hazardous activities. In this connection, the matter of the competence of the Ministry of Agriculture, Forestry and Water Management for water pollution should be taken into account. The latter Ministry is the implementing authority for both the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube Convention) and the Sava Convention; both Conventions also cover accidental water pollution.

27. Although Serbia is participating in bilateral cooperation on environmental protection with a number of neighbouring countries, in none of these agreements do the transboundary effects of industrial accidents play a role.

F. Preventive measures

28. Article 38 of LEP requires that the operator of a major hazard installation submits to the competent authority, as part of the application for an integrated permit, a safety report. This report should contain an assessment of the risks involved as well as a description of the measures taken to reduce the risks sufficiently and of rehabilitation measures to be taken after an accident. The report has to be approved by the MEP.

29. A Ministerial Decree of 1994 (Regulation of methodology for accident risk assessment etc.) gives guidelines to be followed by the operator. The guidelines concern risk analysis (criteria for the identification of hazardous sources, consequence analysis and accident risk assessment), measures for the prevention of accidents, and the preparation of on-site contingency plans. A revision of this Regulation is currently being drafted. The new Regulation will be harmonized with the relevant requirements of the Convention on the Transboundary Effects of Industrial Accidents.

30. The draft will be published on the MEP website to enable the public to comment on it. It will also be discussed with industry. It is expected to be adopted by the end of 2007.

31. Article 60 of LEP obliges the operators of new and existing installations to send a notification to the competent authority that must contain a description of the type of the activities, etc.

32. Pursuant to the Law on Land Use Planning, decision-making on the siting of new major hazard activities and of sensitive developments near to existing hazardous activities is based on the results of a risk analysis, which has to be prepared in the framework of the procedure on EIA.

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

33. Article 62 of LEP prescribes that for possible accidental transboundary effects the “state of endangerment” shall be proclaimed by the Government.

34. The National Centre for Notification (NCN) under the Ministry of Defence is in charge of industrial accident notification. In addition to this centre, the Ministry of the Interior operates an emergency fire notification centre. The two centres exchange the notifications that they receive immediately. Both centres are operational 24 hours a day.

35. In the NCN, under normal conditions a team of six people (emergency operators, a radio and telephone systems operator, an IT operator, etc.) is on duty. All staff members, whether on duty or on standby, have mobile phones which are always switched on and are connected with a network which facilitates fast communication. Communication in Russian and English is possible at all times. The technical equipment is up to date; it comprises telephone, fax, e-mail and Internet connections.

36. Also, with a view to mutual assistance, the Ministry of Defence maintains many international contacts. Three bilateral agreements with neighbouring countries (Hungary, Romania and Bulgaria) are in preparation, and are expected to be signed by the end of 2007.

H. Industrial accident notification systems

37. The NCN has a system for notification of natural and technical disasters at the national, regional and local levels. This is not the UNECE Industrial Accident Notification (IAN) System, but IAN can be easily connected with the system in use in case of a transboundary notification.

38. *Note: A proposal by the NCN is to introduce in the UNECE IAN System the item “disaster messages (D1, D2, etc.)”, because this item is already in use in the South-East European region. In this connection, the fact-finding team suggests that Serbia nominate the NCN as point of contact for the purpose of industrial accident notification to the UNECE secretariat as soon as possible. This would enable the NCN to participate in the work on further optimizing the IAN System.*

39. So far, the NSC system performs an exchange of information on large-scale accidents with the systems of international organizations such as the North Atlantic Treaty Organization (NATO) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). It is planned to also connect it with the EU-PSI-DPPI (CECIS)⁴, with the neighbouring countries, and with UNECE. The system operates based on the specially designed “Argus K2” software, which complies with both the ISO 2000 and SEESIM CMEP 02-06 (EU) standards.

⁴ The Common Emergency Communication and Information System.

I. Emergency preparedness and response and mutual assistance

40. At the national level, the country has a National Plan for Emergency Situations, which also covers disasters with transboundary effects. This plan is prepared and implemented by the Ministry of Defence.

41. The Ministry of Defence has a department for emergency and rescue in every municipality, which also comprises a local centre for accident notification. The fact-finding team visited the centres at Belgrade and at Bor.

42. At the national and regional levels, the MEP promotes activities aimed at regular training of staff of fire services and members of mobile ecotoxicological units involved in major accident preparedness and response.

43. The local communities are obliged to prepare off-site contingency plans that also cover major hazard installations. Enforcement of this obligation is done by the Inspection of the Ministry of Defence. The operators of major hazard installations have the obligation (Article 58 of LEP) to prepare an on-site contingency plan and to review it every three years. This plan has to be approved by the MEP.

44. According to the Law on Local Self-Government, the President of the municipality is responsible for response actions during an emergency situation. The Commander of the local emergency department is in charge of the operational aspects.

J. Information to and participation of the public

45. The Serbian Constitution states that citizens have the right to live in a healthy environment and the right to be informed about the state of the environment. In addition, the LEP gives the public the right to participate in the decision-making process and the right to be informed about the activities in major hazard installations. The operators of these installations are legally obliged to provide this information and to regularly update it.

46. The 2003 Law on Land Use Planning provides for public participation in the decision-making on the siting of major hazard installations, in connection with the Law on EIA.

47. The public in neighbouring countries is not given the possibility of participation equivalent to that given to Serbia's own public.

III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS

48. The team carefully examined the administrative, institutional and legal set-up in order to assess the present situation concerning the implementation of the Convention. Based on its work, the team concluded that although Serbia is not yet a Party to the Convention, the country has implemented the basic requirements under the Convention and that it is taking steps to further strengthen implementation. The country is aiming at accession to the Convention in the near future.

49. The team would like to thank the representatives of the Serbian authorities it met as well as those of the Copper Mining and Smelting Complex Bor for the friendly reception in the Republic of Serbia and for their cooperative approach in the discussions. The team was especially appreciative of the efforts of the mission coordinator, Ms. Suzana Boranovic, of the excellent organization and coordination of the mission, and of Ms. Boranovic's dedicated work.

IV. NEEDS FOR FURTHER ASSISTANCE

50. The following specific needs for assistance were brought up by the country and/or identified by the fact-finding team.

The Convention and the national legal framework

51. The MEP would like to analyse the legal framework on the prevention of industrial accidents, participation of the public in order to identify possible shortcomings in comparison with the Convention and the Seveso II Directive. Assistance is requested for performing such an analysis.

Identification of hazardous activities

52. Technical expertise is needed to check the provisional list of hazardous activities falling under the scope of the Convention.

Notification of hazardous activities to neighbouring countries

53. Assistance for strengthening cross-border cooperation, including identification and notification of hazardous activities, is requested.

Preventive measures

54. The country requests assistance in the form of capacity-building activities on best practices and solutions, in drawing up preventive policies and measures and implementing and enforcing them, and in improving the dialogue between authorities and operators of hazardous installations.

Emergency preparedness and response

55. The Ministry of Defence would welcome transboundary pilot projects and training sessions to assist local authorities and industry on both sides of the borders in establishing bilateral cooperation in emergency preparedness (compatibility of contingency plans in transboundary areas).
