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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 Uzbekistan**

*Summary*

The fact-finding team, as a result of its mission to Uzbekistan (9–11 July 2007), concluded that 8 out of 10 basic tasks under the Convention on the Transboundary Effects of Industrial Accidents – as described in the Assistance Programme – have been implemented. Unimplemented tasks include the designation of an authority responsible for notification of hazardous activities to neighbouring countries and the implementation of the UNECE Industrial Accidents Notification System at the national level. The team recommends that the Uzbek authorities take the necessary steps to implement the two tasks as soon as possible. Once the tasks have been implemented, the country should 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 Meeting<sup>1</sup> 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–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, points of contact and industry as well as to compile a report on:

- (a) The implementation of the basic tasks;
- (b) 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 Uzbekistan, which took place from 9 to 11 July 2007 at the invitation of the State Committee for Nature Protection.

### A. Basic information on the mission

4. The fact-finding team consisted of:

- (a) Mr. Bruno Frattini, team leader, advisor of the Italian Ministry of Environment, Land and Sea;
- (b) Mr. Massimo Cozzone, senior officer of the Italian Ministry of the Environment, Land and Sea;
- (c) Mr. Viktor Novikov, United Nations Environment Programme/GRID Arendal, Environmental Expert.

5. The programme for the mission was drawn up jointly by the mission coordinator Mr. Kutpitdin Tadjiev (fax. +998 71 1357920) and Mr. Grigoriy Samoylov, Senior Specialist of the Department on International Cooperation and Programme, both from the State Committee for Nature Protection (SCNP), together with 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 Implementation 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 Convention.

- (a) SCNP, which is the national authority performing state control and intersectoral management in the area of nature protection and rational utilization of natural resources in Uzbekistan.
- (b) The Ministry for Emergency Situations (MES), which is the national authority coordinating the preparedness for and response to emergency situations both natural and man-caused.
- (c) The Joint Stock Company (JSC) Elektrkimyio Sanoati, which is a national leading chemical factory located in Chirchiq, near the border with Kazakhstan. The enterprise is producing liquid ammonia, fertilizers and other chemicals, altogether over 1 million tons annually. More than 6,000 people are employed in the factory. As reported, stored liquefied ammonia is normally limited to less than 2,000 tons, but the maximum storage capacity is up to 10,000 tons. Many production facilities of the factory are outdated and investments are needed to upgrade them.
- (d) The JSC Ammofos, which is an important chemical factory located in Almaliq, employing 2,500 people and producing ammonium-phosphates and complex fertilizers (NPK, nitrogen, phosphorous and potassium-based mixtures). The factory is located not far from the border with Tajikistan. It stores liquid ammonia under pressurized conditions onsite in a quantity of about 500 tons even if the allowed storage is greater. As with previous case, many production facilities are outdated and investments are needed to upgrade them.

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

Name	Title
<b>State Committee for Nature Protection (SCNP)</b>	
Mr. R. Khabirov	Deputy Chairman of the Committee, Director of “Vodgeo” Water and Geology Environmental Research Institute, Tashkent
Mr. K. Tadjiev (mission coordinator)	Director, Atmosphere Environmental Research Institute, Tashkent
Ms. I. Bekmirzaeva	Head of International Cooperation Department, Tashkent
Mr. G. Samoylov	Senior specialist of International Cooperation Department, Tashkent
<b>Ministry for Emergency Situations (MES)</b>	
Mr. T. Turagalov	First Deputy Minister, Tashkent
Mr. A. Kamolov	Head of International Cooperation Department, Tashkent
Mr. S. Gulomov	Head of Civil Protection Department, Tashkent
Mr. M. Muhiddinov	Head of Emergency Center, Tashkent
Mr. M. Almetov	MES – Chirchiq City Department
Mr. H. Aglaev	MES – Chirchiq City Department
Mr Uldashev	MES – Almalyk City Department

<b>Elektrkimyio Sanoati – Chirchiq</b>	
Mr. Saidahmetov	Chairman
Mr. F. Salatov	Chief Engineer
Mr. H. Sobirov	Deputy Chairman – Operational and Emergency responsible
Mr. A. Mirzakarimov	Chief of Emergency Services
Mr. V. Arefiev	Chief Specialist, Uzkimyesanoat
Mr. S. Nazarov -	Chief Environmental Specialist, Uzkimyesanoat
<b>Ammofos – Almaliq</b>	
Mr. D. Ergashev	Chief Engineer
Mr. M. Mamatov	Deputy Chief Engineer responsible for occupational safety and environmental protection
Mr. Z. Turgunbaev	Chief of industrial safety and security
Mr. A. Babajanov	Chief of civil defence
Mr. V. Arefiev	Chief Specialist, Uzkimyesanoat
Mr. S. Nazarov -	Chief Environmental Specialist, Uzkimyesanoat

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

7. The Republic of Uzbekistan is a landlocked country situated in the middle of Central Asia. It has borders with Kazakhstan (2,203 km), Kyrgyzstan (1,099 km), Tajikistan (1,161 km), Afghanistan (137 km) and Turkmenistan (1,621 km). The territory is 447,000 km<sup>2</sup> and the population, the largest of the Central Asian republics, exceeded 26 million people in 2006.. The majority of the population is Uzbek (75.8%), followed by Russian (6.0%), Tajik (4.8%) and Tatar (1.6%). The official language is Uzbek and Russian is used as a second language. The main religion is Islam; the population is predominantly Sunni Muslim.

8. Uzbekistan declared its independence in 1991. Administratively, the Republic of Uzbekistan consists of 12 oblasts and the Republic of Karakalpakstan<sup>4</sup>. The oblasts are subdivided into 163 rayons (districts) and 118 towns. Uzbekistan is engaged in a transformation process from a centrally planned to free market economy. Transformation has not been easy, but key economic figures have stabilized and began to improve after 1995.

9. Uzbekistan sits on top of the major oil and gas fields of Central Asia, and also has ample resources of copper, silver, lead, zinc and wolfram. It is also the second biggest gold producer among the New Independent States and first by quantity per capita. Agriculture and agriculture-related industries account for approximately 30 per cent of the country's GDP. The most important crop is cotton, which still dominates the agricultural sector. Uzbekistan is the world's fifth leading producer and second leading exporter of cotton. Cotton production has depended on vast amounts of irrigation, however, and this has made a significant negative contribution to the

<sup>4</sup> Legislation in Uzbekistan is adopted both on the national level and on the level of the Republic of Karakalpakstan. The legislative acts of Karakalpakstan are valid only in the territory of the Republic, but they have to conform to the legislation of Uzbekistan.

overall possibly irreversible impact on the Aral Sea. Water depletion from the rivers feeding the Aral Sea has reduced the Sea's volume by 50 per cent and caused serious soil salinity.

10. Uzbekistan is not a Party to the Convention, but its representatives participate in meetings under the Convention. They were present during all meetings of the Conference of the Parties. They took part, inter alia, in the subregional workshop on the implementation of the Convention held in Yerevan in 2003 as well as in the training session on drawing up national implementation reports and the joint meeting of the Bureau and Working Group on Implementation, at which countries negotiated the commitment declaration to be adopted at the High-level Commitment Meeting.

11. Since 1996, Uzbekistan has had multilateral agreements with Kazakhstan, Kyrgyzstan and Tajikistan on the joint prevention of transboundary effects of accidents at hazardous mining waste landfills.

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

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

12. The Convention and other vital documents are made available by the competent authorities in Russian which, after Uzbek, is the second language commonly used in Uzbekistan.

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

13. Although Uzbekistan has not yet acceded to the Convention, it has in place a number of laws dealing with the prevention, preparedness and response to industrial accidents, among them:

- (a) The Law of Uzbekistan Republic of 1990: "Law on property", introducing general provisions against environmental damages;
- (b) The Law of Uzbekistan Republic on "Nature Protection" (9 December 1992, amended in 1995, 1997 and 1999), defining the major legal principles for the rational use of natural resources and environmental protection, which provides the basis for secondary legislation on setting the mandatory safety and environmental standards to be followed by the industrial enterprises in designing their facilities;
- (c) The Law of Uzbekistan Republic of 1991 "Law on Enterprises", stipulating that enterprises should take timely measures to reduce the negative impact of production on the natural environment;
- (d) The Law of Uzbekistan Republic of 1997 on "Guarantees and Freedom of Access to Information", a legal instrument which obliges State bodies, local administrations, non-governmental organizations, enterprises, organizations and officials to provide access to documents that concern citizens' rights and legal

interests;

- (e) The Law of Uzbekistan Republic of 1998 on “Investment” which requires, from any private investor, individual or enterprise, the due compliance with the legal obligations concerning health, radioactivity dangers and ecology;
- (f) The Decision of Cabinet of Ministers on approving Decree of 1998 “State System of Prevention of and Response to Emergency Situations”, determining functions and aims of ministries and departments regarding prevention of and response to emergency situations and, in particular in the case of industrial accidents;
- (g) The Law of Uzbekistan Republic of 1999 on “Protection of Nature and Population against Emergency Situations of Natural and Man-caused Character”, pertaining to the protection of population and territories against emergency situations of natural and men-caused character;
- (h) The Law of Uzbekistan Republic of 2000 on “Ecological Expertise”, establishing the administrative decision-making process for projects that may have an impact on the environment;
- (i) The Decree of the Cabinet of Ministers, Republic of Uzbekistan (#71, 3 April 2007), on approval of the State Programme for foreseeing and preventing emergency situations.

14. The team was also informed about a programme of modernization, technical and technological renovation of the chemical industries for the period 2007–2010, which, according to the information received by the team during preparation of the report, was approved by the President on 27 July 2007. This programme stipulates measures for improving industrial and environmental safety in hazardous industries in Uzbekistan and could be used as a basis for drawing specific regulations or standards to be applied by operators of hazardous industries.

15. Particularly relevant to the purposes of the Convention are the Decision of Cabinet of Ministers approving the Decree of 1998 on “State System of Prevention of and Response to Emergency Situations” and the Law of 1999 “Protection of Nature and Population against Emergency Situations of Natural and Man-caused Character”.

16. Provisions of the Convention are partly covered within the existing legal framework. The full transposition (once the Convention is ratified) will need additional regulations concerning:

- (a) Identification of hazardous activities, according to Convention’s criteria and their notification to neighbouring countries;
- (b) Regulatory organic framing of preventive measures and decision making on siting of hazardous activities;
- (c) Provision of information to, and participation of the public;

- (d) Transboundary emergency response and mutual assistance;
- (e) Responsibility and liability.

17. The Cabinet of Ministers determines State environmental protection policies, approves State environmental programmes, monitors their implementation, oversees the use of natural resources, and adopts environmental regulations. The authorities responsible for the enforcement of the national legislation in the area of industrial safety and environmental protection are SCNP and MES, together with other entities established for specific tasks. Among them are the State Committee for Geology and Mineral Resources, which issues licences and permits for the exploration and exploitation of mineral resources; the State Agency for Safety in the Manufacturing and Mining Industries (Sanoatkontehnazorat), which inspects on safety regulations; the State JSC of Chemical Industry (Uzkimyesanoat), which executes general and technical supervision over the chemical enterprises and other relevant bodies.

### **C. Competent authorities**

18. SCNP and MES are currently the two main authorities involved in implementing the Convention in Uzbekistan. There are also other established entities in Uzbekistan that deal with specific tasks (see para. 17 above).

19. SCNP was established in 1989. It consists of a central office (national level) located in the capital Tashkent, and 12 regional offices, to which the SCNPs of the Republic of Karakalpakstan and Tashkent City Committee for Nature Protection need to be added.. Together, all the offices have a total staff of more than 1,800 employees (of which about 40 work in the central office). Four experts from the central office are directly involved into the Convention's implementation. The SNCP executes, inter-alia, State control over potentially hazardous industries, controls emissions of dangerous substances into the environment; provides information on environmental issues to the government and local authorities, and inspects environmental safety in coordination with other entities. SCNP is coordinating the implementation of the Convention and the ratification process, although it has not been formally designated to do so.

20. MES was established in 1996. It consists, similarly to SCNP, of central office located in Tashkent and 12 regional offices as well as the offices in Republic of Karakalpakstan and Tashkent City. There are about 1900 people working for MES out of which 100 in the central office. MES is responsible for organizing and managing the State system of response to emergency situations and the civil protection. It is the national point of contact for industrial accidents notification and is responsible for implementing the multilateral agreements on the mutual assistance in cases of emergency. The Ministry is also responsible for providing information and training to the population in case of emergency.

21. The team identified little coordination between the authorities responsible for implementing the Convention. Therefore efforts should be made to rectify the situation, and the authorities should receive all possible support.

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

22. MES maintains its own inventory of hazardous activities involving the handling, storing or transporting dangerous substances. The inventory is derived from the classification adopted in the former Soviet Union.

23. The inventory is divided in four classes, with the class 1 containing the most hazardous activities. Criteria of classification mainly include the quality and quantity of hazardous substances (main issues), the process and the technology used in the activity, the location/vulnerability of territory, and other parameters. The number of hazardous activities falling into the hazard classes 1 to 3 is reported to be 272.

24. The team was also informed that some of the hazardous activities were classified as having a potential of causing transboundary effects in the case of accidents; however, neither the criteria for such classification nor any examples on such hazardous activities were given.

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

25. The authorities responsible for notifying hazardous activities to neighbouring countries according to the provisions of the Convention have not been nominated yet.

26. As have other countries in the region, Uzbekistan ratified an Agreement on Cooperation in Field of Industrial Safety at Hazardous Production Facilities, drawn up and signed by the countries of the Commonwealth of Independent States in Moscow on 28 September 2001. As stipulated by this agreement, Signatories continuously exchange information and data on circumstances, causes and consequences of accidents at hazardous production facilities. They are also requested to exchange analytical and statistical data on aspects of industrial safety. In order to implement this Agreement, an Interstate Council on Industrial Safety was set up.

#### **F Preventive measures**

27. The State Agency for Safety Control in Industry and Mining (Sanoatkontehnazorat) is the main entity responsible for controlling hazardous industries. It carries out periodic inspections on compliance with safety regulations and standards and evaluates the possible emergency situations and measures for limiting the relevant consequences. It also oversees, together with MES and local authorities, the response systems adopted by operators. The Agency is organized on a regional basis.

28. Oversight of hazardous industries is also exercised by a number of other entities set up for controlling particular industrial sectors. Uzbekistan's national oil and gas holding company (Uzbekneftegaz) controls the oil and gas industry, the State JSC for the chemical industry (Uzkimyesanoat) the chemical industry sector, and the State JSC of energy industry (Uzbekenergo) the energy sector.

29. SCNP, on the other hand, handles prevention and minimization of environmental pollution caused by industrial installations. In particular, its tasks include environmental impact assessment and environmental expertise of industrial projects, as well as inspection of pollutant



release (continuous or accidental) by hazardous industries into the environment, by air, water or the disposal of industrial waste.

30. During the visits to the selected hazardous industries, the team was apprised that inspections on compliance with safety regulations and standards are carried out quarterly. This, assuming that it is applied standard, indicates an adequate overall availability of the inspection personnel.

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

31. The Department for Civil Protection (DCP) within the MES serves as the point of contact for accident notification and mutual assistance. It is operational 24 hours a day. The personnel in charge within DCP are qualified and trained according to MES procedures. DCP operates its own system for notification of natural and technical disasters at the national, regional and local levels.

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

32. UNECE Industrial Accident Notification System has not yet been installed.

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

33. Operators of industrial establishments handling or storing hazardous substances are obliged to have on-site contingency plans (internal emergency plans). For the most hazardous sites, off-site emergency plans need to be prepared in cooperation with competent authorities and bodies. External emergency plans include measures for the evacuation of the population from the areas affected by the hazardous effects of an accident. Off-site emergency plans are verified by the local authorities with the support of the representatives of MES and other involved authorities.

34. During the visits to selected hazardous factories, the team was apprised that the emergency plan has to be partially tested in a field exercise (drill) each three months, involving, where foreseen, training to potentially affected populations. A general full drill of the emergency plan is renewed annually (annual tactical training). The simulations also include the participation of the public from neighbouring residential settlements that would need evacuation.

35. In areas where major hazardous industries and installations are located, MES, jointly with local administrations, carries out training for the population and for response and rescue entities.

36. Early warning to the population is usually provided by acoustic sirens, having a very large radius of audibility. Emergency communications for alerting the population are based on telephone, radio and mobile cars with loudspeakers.

37. In cooperation with the State Agency for Safety Control in Industry and Mining and the other bodies involved, local officers of MES make regular inspections of emergency preparedness at industrial sites. Such inspections include verification of personnel knowledge on

emergency preparedness, proof of emergency equipment and the availability of fire fighting systems.

38. The Uzbekistan's national oil and gas holding company (Uzbekneftegaz), the State JSC for the chemical industry (Uzkimyesanoat), and the State JSC for the energy industry (Uzbekenergo) are also involved into the emergency preparedness. Respective to their industrial sector, they supervise local warning systems, preparedness measures and evacuation plans, and cooperate in informing the public and authorities about emergencies, etc.

39. Mutual assistance in the case of transboundary emergencies can be provided in accordance with the multilateral and bilateral agreements signed by Uzbekistan with the neighbouring countries and other countries of EECCA.

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

40. Uzbekistan has not acceded to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention); nevertheless, the principles and provisions on public participation in decision-making process on environmental issues and public access to environmental data are present in the national legislation.

41. This legislation requires that authorities inform the public in cases of emergency. The public also has the right to be informed about the possible effects caused by industrial sites in the case of an accident.

42. The provision of information and facilitation of the participation of the public of the neighbouring countries remains to be developed.

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

43. The team carefully examined the institutional and legal frameworks aimed at prevention of, preparedness for and response to industrial accidents in Uzbekistan. It concluded that two basic tasks remain unimplemented: (a) designation of authority responsible for notification of hazardous activities to neighbouring countries; and (b) implementation of the UNECE Industrial Accidents Notification (IAN) System at the national level.

44. The team recommended that Uzbek authorities undertake the necessary steps to implement these two tasks as soon as possible. Authorities should decide on the roles and responsibilities of the institutions that serve as competent authorities for notifying neighbouring countries of hazardous activities. They should also ensure that the personnel of point of contact know the procedures under the UNECE IAN System, so that they are able to use the system for transboundary notification in case of accident and can react accordingly to System's test. The point of contact should express its readiness to participate in the System's tests in the future, providing at the same time updated contact details to the secretariat of the Convention on the Transboundary Effects of Industrial Accidents.

45. It is recommended that Uzbekistan, after having implemented the above basic tasks, actively participates in the implementation phase of the Assistance Programme.

46. The team would like to thank the representatives of the authorities and hazardous industries for its friendly reception in Uzbekistan and for their cooperative approach in the discussions. The team especially appreciated the work done by Mr. Tadjiev, mission coordinator, in preparing the mission.

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

47. Uzbekistan, like other countries of the region, is keenly interested in implementing the Convention, provided this occurs in coordination with neighbouring countries. To this end, the team suggests initiating assistance to Central Asia by organizing activities aimed at establishing or enhancing cross-border cooperation between the countries in the areas of prevention, preparedness and response to industrial accidents. Well established cross-border cooperation should enable the countries to work in coordinated manner.

48. SCNP also informed the team that international cooperation requires approval by the Ministry of Foreign Affairs. Hence SNCP suggested establishing direct contact between the secretariat and the Ministry of Foreign Affairs.

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

49. No specific requests were made by authorities. Nonetheless, the team sees a need to further improve the legislative framework and therefore recommends providing Uzbekistan with legal advisory services in order to assess existing legislation and identify gaps and inconsistencies with the Convention. Furthermore, good practices and guidelines on enforcement and allocation of tasks to different authorities might be provided to the national authorities.

##### **Competent authorities**

50. There is a need for capacity-building regarding the roles and responsibilities of the authorities. Moreover, authorities should be provided with good practices on how to cooperate effectively within national level, between the national and regional and local levels, and with industry, so that the limited resources available are used efficiently and the overlapping of functions is avoided.

##### **Identification of hazardous activities**

51. All the representatives the team met expressed their interest in training on identification of hazardous activities according to annex I and the location criteria under the Convention.

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

52. The team sees a need for sharing good practices with competent authorities on how to cooperate with neighbouring countries, with a focus on the exchange of information on hazardous activities at different levels.

### **Preventive measures**

53. The team identified a need for assistance in the field of risk assessment and management at hazardous activities. The authorities are also interested in drawing up and implementing preventive measures.

54. The representative of the industrial facilities visited (State-owned) expressed a keen interest in a possible exchange of experiences with industrial operators from the European Union.

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

55. Training for the personnel of the point of contact on the UNECE IAN System is required.

### **Industrial accident notification systems**

56. In line with other needs, according to the team and following previous experiences in the region, advice and best practices are needed for the effective functioning of industrial accident notification systems at regional and local levels and to link them to the UNECE IAN System.

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

57. A pilot project on developing on-site contingency plan for a selected hazardous facility and an off-site plan for the surrounding region could help MES and other stakeholders to improve contingency planning in the country. SCNP would also welcome a pilot project involving a hazardous facility located in the border area, so that aspects of cross-border cooperation, including compatibility between off-site plans in two countries, could be considered.

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

58. According to the team and in line with previous experience in the region, the competent authorities should be provided with best practices and information on how to involve the public in the aspects of prevention, preparedness and response to industrial accidents.

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