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**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 Bulgaria

Summary

The fact-finding team, as a result of its mission to Bulgaria on 31 May – 2 June 2006, concludes 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.

* 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 Meeting¹ (Geneva, 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–J²).

2. In accordance with the assistance programme and the terms of reference,³ 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; and
- 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 report covers the fact-finding mission to Bulgaria, which took place on 31 May – 2 June 2006 at the invitation of Bulgaria's Ministry of Environment and Water.

A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Cornelius van Kuijen (team leader), former inspector for the Environment, former director for External Safety and Chemical Substances at the Ministry of Environment of the Netherlands. Participated in the drafting and implementation of both the Convention and the EU Seveso II Directive;
- Mr. Ennio Acquilino, an officer of Italy's Ministry of the Interior, Fire-Fighters, Public Rescue and Civil Defence Department, Central Directorate for Emergency and Technical Rescue; and
- Ms. Tsvetelina Borissova Filipova, an environmental law expert from Bulgaria working in the Regional Environmental Centre (REC) for Central and Eastern Europe.

5. The programme for the mission was drawn up jointly by the mission coordinator, Mr. Nikolay Savov (tel. +359 294 06 019) from the Ministry of Environment and Water, and the Convention secretariat. It included meetings with the following authorities and industry representative:

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 Implementing the Convention, (CP.TEIA/2004/2).

³ 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 Environment and Water (MEW), which is responsible for developing environmental policies and is the permitting authority for all the installations that fall under the Seveso II Directive;
- The State Agency for Civil Protection under the Ministry of Disaster Management Policy, which manages emergencies in Bulgaria;
- The Municipality of Pirdop, which is one of the 264 municipalities in Bulgaria and is responsible for implementing national legislation at the local level; and
- The company Kumerio JSCo, which extracts copper from ore. This process can lead to accidental emissions of SO₂ and SO₃, which can pose hazards to the surrounding population.

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

Ministry of Environment and Water (MEW)	
Mr. Chavdar Georgiev	Deputy Minister
Mr. Nikolay Kenanov	Director Coordination Environment, Water and Regional Inspections (RIEV)
Ms. Milena Novakova	Head of the Cabinet of the Minister
Mr. Nikolay Savov	Officer in the General Directorate Coordination Regional Inspectorates on Environment and Water (RIEW)
Ms. Conka Dryankova	Officer in the General Directorate Coordination of RIEW
State Agency for Civil Protection under the Ministry of Disaster Management Policy	
Mr. Nikolaj Kalev	Deputy Chair
Mr. Emil Simeonov	Head of Communications and Information Systems
Municipality of Pirdop	
Mr. C. Canov	Mayor
Cumerio Med JSCo	
Mr. Petar Jordanov	Manager for the Environment

B. Basic information on the country

7. Bulgaria has a population of about 7.5 million. Its surface area is 110,912 square kilometres. To the north-east the country borders the Black Sea, and to the north the Danube River, which forms the largest part of the common border (608 km) with Romania. To the west Bulgaria is bordered by Serbia (310 km) and The former Yugoslav Republic of Macedonia (148 km), to the south by Greece (490 km) and to the south-east by Turkey (240 km).

8. While in the early 1990s Bulgaria faced an economic downturn and high inflation, by the end of that decade it managed to start a successful transition to a market economy. Since 1998 the gross national product has increased steadily. Currently inflation is low, as are foreign debt and the national budget deficit. Investments are increasing. Economic growth in 2004 was 5.6 per cent, and a prognosis of future yearly economic growth of about 4 per cent seems realistic.

9. Traditionally, Bulgaria has been an agrarian country, but considerable industrialization took place after the Second World War. Among the main industries are mining and the manufacturing of chemical products. Many industrial sites are located along the Danube, in the region that borders Romania.

10. Bulgaria signed the Convention in 1992 and ratified it in 1995. Its representatives participate actively in the Convention's activities.

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

A. Availability of the Convention and other documentation in the national language

11. The text of the Convention has been translated into Bulgarian and is available to competent authorities at the national, regional and local levels as well to other stakeholders through the website of the MEW: http://www.moew.government.bg/chemicals/index_en.html. The site also provides information and guidance material on the prevention of industrial accidents in connection with the implementation of the Seveso II Directive.

B. The Convention and the national legal framework

12. Bulgaria ratified the Convention in 1995. According to the Constitution, once ratified, a convention becomes part of the national legislation. In addition, Bulgaria drew up complementary legislation to specify the requirements of the Convention. In case of a conflict between the complementary text and that of the Convention, the latter prevails.

13. The Environmental Protection Act, covering the basic provisions of the Seveso II Directive together with provisions for notification of neighbouring countries and transboundary cooperation, is in force. The Governmental Ordinance on major accident prevention, limitation and mitigation, with regulations on the documents required by the Seveso II Directive from major hazard installations, has been in force for new establishments since 2004; its entry into force for existing establishments is foreseen for 1 January 2007.

14. Pursuant to the Environmental Protection Act, the competent authorities in the field of major accident prevention are the Minister of Environment and Water, the President of the State Agency for Civil Protection, the Minister of the Interior, the Director of the National Fire and Emergency Safety Service, the Minister of Health, the President of the State Agency for Standardization, the regional governors and local self-government bodies. In addition, the Crisis Management Act prescribes provisions for emergency response at different administrative levels.

C. Competent authorities

15. The MEW, General Directorate RIEW, is the designated competent authority responsible for the implementation of the Convention. The fact-finding team established that there is coordinated involvement of the other national authorities competent in the field of prevention of industrial accidents and mitigation of their consequences.

D. Identification of hazardous activities

16. Currently, the operators of potential major hazard sites are preparing a notification on hazardous activities as required since January 2006 by the Environmental Protection Act. This document should contain a risk assessment. Because the methodology for risk assessment is not standardized, the operators are required to explain the methodology and to provide all relevant information to the MEW to enable an adequate evaluation.

17. At the time of this report's writing, the MEW expected to receive the majority of notifications on hazardous activities from their operators by September 2006 and the last ones not later than December 2006. The MEW will evaluate them and on these basis draw an inventory of Seveso establishments as well as a list of establishment that have to be notified to neighbouring countries under the Convention. This is planned to be made in early 2007. It is currently estimated that about 120 establishments will be included in the final Seveso list and about 10 of them will fall under the scope of the Convention.

E Notification of hazardous activities to neighbouring countries

18. The MEW has been nominated as competent authority for notification of hazardous activities to neighbouring countries. It has prepared a preliminary list of establishments with potential transboundary accidental effects. However, the formal notification procedure will only start after early 2007, when the final list of establishments that fall within the scope of the Convention will be available.

19. Meanwhile, the MEW is consulting at the expert level with its counterparts in Romania on the preparation of common terms of reference for the identification of hazardous activities with possible transboundary effects.

20. Bulgaria has bilateral agreements on environmental cooperation with all neighbouring countries on environmental matters. In addition, it is a Party to the Danube Convention (ICPDR), which is aimed at the prevention and mitigation of accidental water pollution within the framework of the protection of the Danube's water quality.

F. Preventive measures

21. While preparing the implementation of the Seveso II Directive, Bulgaria has taken a variety of measures in the field of the prevention of industrial accidents. These include requirements for major accident prevention and safety management systems and standards for storage of flammable liquids and gases. In addition, guidance on the classification of hazardous activities, on the preparation of safety reports, on safety management systems and on risk

assessment techniques has been published and distributed. Also, a series of workshops on major accident prevention and control have been held with the participation of all relevant stakeholders. Annual inspections by teams representing all ministries and agencies involved are carried out at all major hazard installations.

22. Policies on the siting of new hazardous activities and on significant modifications to existing ones have been established. The decision-making is based on a risk assessment performed by the operator and assessed by the competent authorities. It takes into account the amount of dangerous substances, the likelihood and the effect of possible major accidents, and the vulnerability of the surrounding areas (residential areas, protected and sensitive habitats, and cultural heritage sites, including historical monuments). The risk assessment also takes account of transboundary issues.

G. Point of contact for industrial accident notification and for mutual assistance

23. The State Agency for Civil Protection has been nominated as point of contact for the purpose of industrial accident notification and mutual assistance. This agency is operational at all times (see also paragraph 27). There is always at least one team member on duty capable of communicating in English, while the other members speak Russian. The technical equipment includes telephone, fax, e-mail and Internet access.

24. There is preparedness for rendering assistance to neighbouring countries and for cooperation on accident effect mitigation. The agency has taken part in several rescue activities and has acquired valuable relevant experience. Moreover, its staff has participated in a number of international accident response simulations and exercises.

H. Industrial accident notification systems

25. The State Agency for Civil Protection has established and operates the UNECE IAN System. Accident notification systems are also operational at the regional and local levels.

I. Emergency preparedness and response and mutual assistance

26. The Crisis Management Act outlines provisions for emergency preparedness and response at the national, regional and local levels. The entry into force of a recent amendment to this Act and of relevant secondary legislation (ordinances) is foreseen by the end of 2006.

27. At the national level, the country has a National Plan for Emergency Situations. The leading service in the implementation of this plan is the State Agency for Civil Protection, which comes under the recently established Ministry of Disaster Management Policy. This agency ensures 24-hour emergency service. Under normal conditions a team of four people is on duty, comprising a senior officer, an emergency operator, a radio and telephone system operator and an IT operator. All staff members, whether on duty or on standby, have mobile phones, which are always switched on and connected with a network which facilitates fast communication. In an emergency, additional forces can be mobilized.

28. Information of the population is ensured through the officials on duty in the central, regional and municipal centres, using the communication information system, which includes technical equipment of the automatic notification system, networks of telecommunication operators and radio and television networks. Also, in emergencies, teams of experts are formed with the expertise required by the specific emergency situation. According to the staff of the Agency for Civil Protection, adequate performance of its tasks is hampered by a lack of resources. In addition, the fact-finding team determined that the agency's equipment is rather obsolete.

29. There are 28 regional administrative districts in the country. In each district there is always at least one emergency operator on duty. Each district has a regional contingency plan. For each major hazard establishment a worst-case scenario has been developed. In an emergency, the local authorities have to notify the regional governor.

30. All 264 municipalities have local contingency plans with a special section on industrial accidents. To assess the organization of emergency preparedness at the local level, the team visited the municipality of Pirdop, in which several major hazard establishments are located, including Kumerio JSCo. The mayor of Pirdop explained that a permanent task force comprising the mayor, the chief of policy, the senior fire officer and company representatives operates under a municipal contingency plan, in coordination with the district authorities. The plan contains a special section on industrial emergencies and is regularly updated. It provides a training programme for the population (to be implemented at kindergartens, schools and workplaces). At local government offices, an emergency operator is permanently on duty. According to the mayor, the resources made available by the central government for the implementation of the emergency preparedness provisions are inadequate; the equipment in general and specifically the equipment for self-protection of the population are obsolete.

31. The representative from Kumerio JSCo confirmed the fruitful cooperation with the municipality in the drawing up and implementation of the on-site and off-site contingency plans. An automatic system for continuously monitoring SO₂ and SO₃, both on-site and off-site, is in place. Gas masks are available at schools. The company informs the public regularly via a monthly bulletin.

32. Positive cooperation with the MEW was also mentioned. The company has participated in several pilot projects on the implementation of the Seveso II Directive and the Integrated Pollution Prevention and Control (IPPC) Directive. The central authorities have taken the results of the projects into account in drafting the implementing regulations. In addition, as a member of the Bulgarian Chamber of Commerce, the company is able to influence policymaking in this field.

J. Information to and participation of the public

33. Before the start of the implementation of the Seveso Directive, a series of seminars and workshops on the prevention and control of major accidents was organized for all relevant stakeholders. The public has access to all relevant information and documents on major hazard installations, including the documents prepared by the operator (major accident prevention policy, safety report) and the off-site contingency plan. During the drafting procedure, the public

is consulted and is invited to comment. The public is also given the opportunity to be involved in the licensing procedure for the installations and to appeal against decisions taken. Persons from neighbouring countries who could be affected by a transboundary industrial accident also have access to these administrative and judicial procedures.

34. The operator is required to prepare and disseminate to the public information on the safety measures in place and on how to behave in case of an accident. When an accident occurs, the population is informed by regional or local radio or television or by other available means.

III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS

35. 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 concludes that the basic tasks under the Convention have been implemented .

36. An official translation of the Convention in Bulgarian is available on the MEW website. The Convention is part of the national legislation. In addition, the country transposed and is implementing the Seveso II Directive. This has been done in cooperation with all stakeholders, including the industrial sector. The competent authorities responsible for the implementation of the Convention and the points of contact have been designated. The identification of hazardous activities is ongoing and the notification procedure will start in early 2007. There are already several transboundary contacts with neighbouring countries.

37. On-site and off-site contingency plans are in place at all levels to ensure emergency preparedness and response. The UNECE IAN System is operational at the national level. Nevertheless, there are still difficulties, mostly connected with lack of adequate equipment and facilities.

38. In spite of the up-to-date legal, administrative, institutional and policy framework, the team hesitates to state that on a practical level the implementation of the requirements of the Convention will not face any difficulties, since capacity remains quite limited and there are some functional deficiencies as identified in this report.

39. The team would like to thank the representatives of the authorities and hazardous activity for the friendly reception in Bulgaria and for their cooperative approach in the discussions. The team especially appreciates the efforts of the mission coordinator, Mr. Nikolay Savov, to organize the mission and make it successful.

IV. NEEDS FOR ASSISTANCE

40. The team identified the following specific needs for capacity-building activities, technical advisory service or bilateral pilot projects according to the key tasks under the Convention, in the fields of preventive measures, emergency preparedness and transboundary cooperation between neighbouring municipalities.

Preventive measures

41. Although, as is indicated in its national implementation report, Bulgaria has already taken many measures to prevent industrial accidents, the report also mentions that further efforts are needed, especially in the area of operator awareness and training. Therefore, assistance on risk assessment methodologies, safety management systems and safety standards is requested. The fact-finding team supports this request fully. In addition, it recommends exploring the possibility of developing a package of preventive measures that could be used as a capacity-building tool for several countries requesting assistance in this field.

Emergency preparedness

42. Bulgaria's organization for emergency preparedness may not be optimally effective because of outdated equipment and lack of resources. The team recommends offering the country technical advisory services for drawing up a blueprint of an up-to-date organization for emergency preparedness at the national, regional and local scales, with an indication of the human and financial resources required. This might assist the country in defining an action plan for optimizing the present organization.

43. The team recommends offering Bulgaria assistance through pilot projects establishing bilateral transboundary cooperation between neighbouring municipalities in drawing up compatible on-site and off-site contingency plans and in providing information to the public.