

**TRAINING SESSION ON DRAWING UP NATIONAL IMPLEMENTATION
REPORT**

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**HANDOUT 1 FOR SECTION I:
Legislation adopted to implement the Convention**

GOOD EXAMPLE I FOR A FULL TABLE	
Official title	Brief description
Act on measures to prevent and limit the consequences of major chemical accidents	Contains necessary definitions, obligations of operators, including the construction of a safety report, a management program for prevention of major accidents and an internal plan for emergency preparedness. Addresses information to the public and regular inspections of establishments covered by the legislation.
Ordinance on measures to prevent and limit the consequences of major chemical accidents	Defines for which substances and threshold quantities Act on measures to prevent and limit the consequences of major chemical accidents should apply. Contains further details on the obligations of operators and on inspections.
Regulations on measures to prevent and limit the consequences of major chemical accidents	Contains further details on management programs, safety reports, internal and external emergency plans and information to the public.
Rescue Services Act	States the obligation to inform the authorities in neighboring countries when an accident has occurred.
Rescue Services Ordinance	States that local rescue services are responsible to prepare an external emergency plan for certain establishments covered by Act on measures to prevent and limit the consequences of major chemical accidents. States the obligation of operators to report on accidents to local authorities and to the appropriate Agency.
The Environmental Code	Contains regulations on permissions and a deepened safety examination for, among others, establishments embraced by the Convention on the transboundary effects of industrial accidents.
Ordinance on Environmentally Hazardous Activities and Health Protection	Contains regulations on what kind of establishments that need permission according to the Environmental code. Establishments embraced by the convention on the transboundary effects of industrial accidents fall under this category.
Planning and Building Act	Gives the framework for planning and building and regulates the planning process.

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GOOD EXAMPLE II FOR A FULL TABLE	
Official title	Brief description
Federal Law on the Protection of the Environment (LPE)	<p>Article 10 LPE “Disaster Prevention” is the main legal basis for the implementation of the Convention on the Transboundary Effects of Industrial Accidents. It requires from those who operate or want to operate an installation, which could in case of an extraordinary event seriously damage the population or the environment, to take the necessary measures to protect the population or the environment. It further requires the competent authorities to co-ordinate the emergency services which are in charge of responding to such accidents.</p> <p>Article 9 LPE “Environmental Impact Assessment” requires that the competent authorities, before deciding on the planning, construction or modification of an installation capable of appreciably affecting the population or the environment, assess whether the environmental impact of this installation is acceptable.</p> <p>Article 6 LPE “Information and counselling” requires that the competent authorities informs the public in an objective manner on the state of the environment.</p> <p>Article 47 LPE gives the competent authorities the right to publish the results of the control of installations, if this is in the general interest.</p> <p>The LPE pertains to Articles 3, 4.1, 6, 7-11 of the Convention.</p>
Ordinance on Major Accidents (OMA)	<p>The OMA concretises article 10 LPE. It requires the owner of an installation in which dangerous substances are present to take all appropriate measures to reduce the risk according to the principle of controlled self-responsibility. For some, more dangerous installations, the Ordinance further requires that a detailed risk assessment be performed and evaluated by the competent authorities. The OMA applies to existing as well as to new dangerous activities.</p> <p>The OMA pertains to Articles 3, 4.1, 6, 7-11 of the Convention.</p>
Ordinance on Environmental Impact Assessment (OEIA)	<p>The OEIA requires any operator, who is planning, constructing or modifying an installation, that may appreciably affect the environment, to carry out an environmental impact assessment (EIA). With this EIA the operator has to show that his installation complies with all prescriptions on the protection of the environment, including those of the OMA.</p> <p>The OEIA pertains to Article 7 of the Convention.</p>

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Federal Law on Land Use Planning (LLUP)	<p>Article 1 LLUP requires to enact land use planning policies to make sure that the land is used in a sustainable way.</p> <p>Article 8 LLUP requires to show in master plans how to co-ordinate the activities having a spatial impact in order to achieve the desired development.</p> <p>Article 26 LLUP requires to control the land use plans established by the municipalities.</p> <p>The LLUP pertains to Article 7 of the Convention.</p>
Agreement on the mutual assistance in case of a catastrophe or a grave accident	<p>This bilateral agreement sets up the framework for providing voluntary mutual assistance in case of a catastrophe or a grave accident. In particular it fixes the modalities for the cross-border passage of the personnel and material for the intervention as well as the modalities for bearing the costs of the assistance. Furthermore, the agreement allows the parties to conclude other agreements relating to other forms of co-operation such as the prevention of catastrophes or grave accidents.</p> <p>This agreement pertains to Article 12 of the Convention.</p>

FURTHER GOOD EXAMPLES FOR ELEMENTS OF THE TABLE	
Official title	Brief description
Law on industrial security of potential dangerous industrial activities	It establishes the legislative, economic and social frameworks for potentially dangerous industrial activities, regulates in detail the prevention, preparedness and response to major accidents.
Industrial Code	Transposition of the Council Directive 96/82/EG (Seveso-II RL) and the UN/ECE Convention on the Transboundary Effects of Industrial Accidents
Royal Decree approves the Basic Instructions for the planning and control of major accidents caused by hazardous substances.	<p>The fundamental objective of the Royal Decree consists on incorporating the changes that the Instructions introduce, in aspects as important as the adoption of Policies of Prevention of major accidents, the establishment of systems of safety management, the development of systems of autoprotection, the making of safety reports, the consideration of the domino effects, the carrying out of inspections, the land use planning, taking in account the risks of this accidents and the public information.</p> <p>It also constitutes the main frame for the making of and integration of the different emergency plans of civil protection at local level, autonomical and at state level.</p>

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NOT RECOMMENDED examples for elements of the table		
Official title	Brief description	Comment
Law on Specially Protected Areas	It outlines the procedures for establishing protected areas and their management	The description does not say to what extent this particular law refers to the Convention
Principles of Legislation on Nature Protection	It lays down the main areas of environmental protection: nature objectives under protection, the use of natural resources, economic mechanisms for ensuring nature protection, governmental obligations regarding safe and healthy natural conditions	The reference to the Convention should be more specified, the entry is to general
Law on Sanitary-Epidemiological Safety	It lays down the main areas of sanitary-epidemiological safety, including sanitary and epidemiological expertise	Not relevant. The convention does not cover sanitary and epidemiological issues.
Underground Resources Code	It contains the main directives for the use and protection of the mineral resources	Not relevant. Convention does not cover the use and protection of mineral resources
Law on Atmospheric Air Protection	It regulates State management and control, air protection and air impact prevention	Refers rather to UNECE Air Convention
Law on City Planning	It regulates the city planning	It would refer to the Convention, if this law contains articles on siting of hazardous activities. The description should specify it

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Law on Rates of Payments for Nature Protection	This law establishes the rates of environmental payments and the base for calculation. The environmental fees should be paid for hazardous substances released in air, water, etc.	Not relevant. Convention does not cover any areas related to fees for polluting the environment
Land Code	It classifies territories, regulates competence and functions of land protection	It would refer to the Convention if the law contains articles on hazardous activities. The description should specify it
Law on License	It gives framework for licensing – what activities need license and what is the procedure for licensing.	It should be specified how the law on licensing refers to the Convention
Water Code	It regulates State management and control over water use and water consumer rights and duties in water protection and water impact prevention	Refers rather to the UNECE Water Convention
Law on hazardous industrial and household wastes	It regulates the waste management in order to prevent environmental pollution	Not relevant. Convention does not cover waste management
Law on Standardization	It establishes the legislative bases of standardization and certification, as well as the State interests and consumers obligation protection norms.	It would refer to the Convention, if the law set standardization for quotas of hazardous substances

Good practises:

- 1) Only the legislation (acts, ordinance, laws, regulations) should be provided, which is relevant with the scope of the Convention
- 2) The description should make clear, which requirements of the Convention the legislation transposes
- 3) The legislation should be ordered :
 - from legislation on prevention to preparedness and response,
 - from general regulation to more specified.