

**UNECE Convention on the Transboundary
Effects of Industrial Accidents**

**Awareness-raising Mission to Bosnia and Herzegovina
Organised under the Assistance Programme**

22-23 September 2009

Report on the awareness-raising mission to Bosnia and Herzegovina

I. INTRODUCTION

1. An awareness-raising mission¹ meeting was held in Sarajevo on 22 and 23 September 2009. It was organized in the framework of the Assistance Programme's preparatory phase for countries in Eastern Europe, Caucasus and Central Asia and in South-Eastern Europe, pursuant to a decision made by the Conference of the Parties at its fifth meeting (Geneva, 25–27 November 2008; ECE/CP.TEIA/19, paras. 23, 30 (b) and (e), and 78 (k)). The activity was part of the Convention's workplan for 2009–2010 (ECE/CP.TEIA/19, annex I, item 1.2.2). At the fifth meeting, the Conference of the Parties requested that written reports of the activities carried out under the Assistance Programme be provided (ECE/CP.TEIA/19, para. 78 (n)).
2. The Sarajevo meeting was hosted by the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (Ministry of Foreign Trade) on the first day and by the Ministry of Security of Bosnia and Herzegovina on the second day.
3. The aim of the meeting was to support Bosnia and Herzegovina in its implementation of the basic tasks under the Convention, as had been requested by the country at the fifth meeting of the Conference of the Parties.
4. During the two-day meeting in Sarajevo, participants had the opportunity:
 - (a) To become familiar with the main provisions and requirements under the Convention, as well as with its structure;
 - (b) To hear about the good practices of other Parties related to implementation of the main areas under the Convention;
 - (c) To start preparations for an Action Plan aiming at fulfilling the basic tasks under the Convention.

¹ An awareness-raising mission consists of a two-day meeting between the team of experts and representatives of authorities responsible for the Convention in a country.

A. Attendance

5. The representatives of the following institutions were present at the meeting: the Ministry of Foreign Trade; the Ministry of Security, the Ministry of Defence and the Ministry of Foreign Affairs of Bosnia and Herzegovina; the Ministry of Internal Affairs and the Ministry for Spatial Planning, Civil Engineering and Ecology of Republika Srpska; and the Ministry of Internal Affairs and the Ministry of Environment and Tourism of the Federation of Bosnia and Herzegovina.

6. The team of experts was led by Ms. Jasmina Karba (member of the Bureau of the Conference of the Parties, Slovenia), and was composed of Ms. Sandra Ashcroft (United Kingdom), Mr. Giorgio Mattiello (Italy) and Ms. Virginia Fusé (secretariat).

B. Organizational matters

7. Mr. Senad Oprasic, Head of Environmental Protection Department of the Ministry of Foreign Trade and Economic Relations, welcomed the participants and the team and opened the meeting. He thanked the team members for participating in the meeting and highlighted the importance of the Convention. He emphasized the need of Bosnia and Herzegovina to receive support for implementation of the basic tasks, especially because the country was in the process of ratifying the Convention at the time of the meeting. He also expressed the wish that the country could implement the basic tasks and soon join the Assistance Programme's second phase.

8. The team leader, on behalf of the Bureau, noted with satisfaction that Bosnia and Herzegovina was committed to implementing the basic tasks, had requested the awareness-raising mission and had shown its determination to work actively under the Assistance Programme. She stressed that participation in the Assistance Programme was also possible for countries that had not yet ratified the Convention, and that participation in the Programme should help with accession.

II. PROCEEDINGS

A. Presentation of the main provisions under the Convention and evidence of their implementation

9. The team members presented the Convention's main provisions. The first presentation focused on the Convention's structure, its main requirements and the basic tasks. It was followed by presentations explaining: (a) the identification of hazardous activities; (b) the notification of hazardous activities to neighbouring countries; (c) prevention; (d) preparedness and response, including the Industrial Accidents Notification System; and (e) information for and participation by the public.

B. Good practices for implementing the Convention: the examples of Italy, Slovenia and United Kingdom

10. In the second part of the meeting, participants heard about the experiences of Slovenia, Italy and United Kingdom in implementing the Convention. Particular attention was paid to the main provisions presented in the meeting's first part. The participants also learned about the challenges faced by these three countries vis-à-vis the Convention's implementation, and how these challenges were being addressed.

11. The attention of the authorities from Bosnia and Herzegovina was drawn to a number of issues related to the Convention's implementation, inter alia:

(a) Implementation needs to be adapted to the characteristics of a country's administrative system;

(b) Capacity needs to be enhanced at all levels (national, regional and local);

(c) Political commitment is essential, and should be ensured before discussing the possible implementation model;

(d) The model should be sustainable and should entail effective and long-lasting coordination and cooperation between authorities at the national level, but also between them and regional and local authorities;

(e) According to the model chosen, countries should decide how many competent authorities should be nominated for the country, and nominate them together with the respective focal point(s). The institution for performing the tasks of the Point of Contact should be nominated as well. The members of the team also explained the difference between Points of Contact, Competent Authorities and Focal Points;

(f) It was important to designate one or two Point(s) of Contact for communications under the Industrial Accidents Notification System, and to define the responsibilities they would have;

(g) A strong legal basis was essential for enforcing the Convention's provisions. It was important not only that laws and regulations were in place, but that they were being implemented. Staff of the authorities concerned needed to be acquainted with the legislation and to be able to explain it to the operators;

12. The team informed the experts from Bosnia and Herzegovina that there were similarities between the Convention and the Seveso II Directive² of the European Union, and that by implementing the Convention the country would also be complying with many of the Seveso Directive's requirements. This would mean that a thorough procedure would need to be initiated, but that once this was done, it would also ensure compliance with other multilateral agreements.

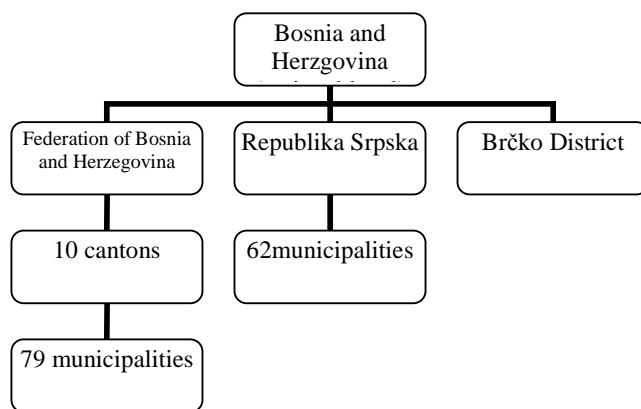
C. Current situation in Bosnia and Herzegovina and the implementation of basic tasks

13. Representatives from the Ministry of Foreign Trade and the Ministry of Security of Bosnia and Herzegovina gave an overview of the complex structure in the country and of the roles their Ministries played in ensuring industrial safety. In particular, they reported on the following:

(a) Bosnia and Herzegovina was at some risk, since historically it had been the area of the former Yugoslavia, where chemical plants had been located in the north-east part of the country. Currently there were old installations;

(b) The country had a complex structure. Bosnia and Herzegovina was composed of two largely autonomous entities, the Republika Srpska and the Federation of Bosnia and Herzegovina, plus the District of Brčko. Each entity had its own legislature. The Republika Srpska and the Federation of Bosnia and Herzegovina had additional subdivisions (see figure 1);

Figure 1. Structure of Bosnia and Herzegovina



(c) Authorities at the national (State) level were responsible for international agreements that were then transposed at the entity level. This was not the case for the usual functioning of the country, where the legislative initiative was rather at the entity level³;

² Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances.

³ The term “entity level” refers to the level just below the national level (i.e. the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District).

(d) In terms of legislation, the national level had a subsidiary role, covering just the parts that were not yet covered by legislation at the entity level;

(e) At the national level, the Ministry of Foreign Trade had the responsibility for policymaking with respect to environmental activities. It had a coordinating role for actions adopted at the entity level. The Ministry did not have the financial resources or personnel to pursue all the issues and had to delegate to the relevant Ministries at the entity level⁴;

(f) A new State (national) law on the environment was in preparation, and experts from Bosnia and Herzegovina hoped that it would simplify the institutional structure of the authorities responsible for environmental activities;

(g) Protection and rescue activities at the State level came under the Ministry of Security, the authority responsible at the international and State levels for this area;

(h) The Country had bilateral agreements with Croatia, Montenegro and the former Yugoslav Republic of Macedonia for crossing the borders in the event of a disaster;

(i) There was an Operational Communication Centre in the Ministry of Security that was responsible for coordinating response to major accidents of a non-military nature. The Centre was being organized at the time of the meeting. It would have 20 employees and would be operational 24/7;

(j) It was foreseen that the Centre would be operational by the end of October 2009. Relevant training for personnel was ready at the time of the meeting. The Centre was planned to be organized regionally as well (coordinating the entities) and to be connected with neighbouring countries as well as internationally;

14. The team leader moderated a discussion on implementing the basic tasks, explaining some in more depth. During the discussion, team members responded to the questions from the experts from Bosnia and Herzegovina. In addition, the team encouraged the authorities to implement the basic tasks as much as possible without external assistance, and to cooperate with the entities to achieve this result.

15. The discussion led to the conclusion that Bosnia and Herzegovina had already implemented some of the basic tasks.

D. Steps to be taken in Bosnia and Herzegovina to fulfil the Convention's requirements

16. The following steps were discussed with regard to implementing the Convention in Bosnia and Herzegovina:

⁴ In Republika Srpska, it is the Ministry of Physical Planning, Civil Engineering and Ecology. In the Federation of Bosnia and Herzegovina, it is the Ministry of Tourism and Environment.

- (a) Identification of a model for implementing the Convention would require from Bosnia and Herzegovina thorough discussions at the State and entity levels to ensure a coordinated and sustainable approach to implementation;
- (b) Consequently, the country should consider nominating one or more Competent Authority(ies) and Focal Point(s)⁵ to ensure the coordination of the activities under the Convention;
- (c) Part of the discussion should address the official designation of Point(s) of Contact and communications with the secretariat. Subsequently, the country should start to use the Industrial Accidents Notification System;
- (d) The country needed to build, at the State and entity levels, the capacities to effectively implement the Convention;
- (e) To accomplish this, it was important that the country express political commitment at all levels;
- (f) Implementation of the Convention and the limitation of technological risk should be a priority for Bosnia and Herzegovina, especially in view of the relatively large chemical industry located in the north-east.

E. The way forward for Bosnia and Herzegovina

17. The authorities of Bosnia and Herzegovina were encouraged:

- (a) To prepare a report, in cooperation with counterparts at the entity level, assessing the current situation in the country, referencing the basic tasks and preliminarily identifying possible gaps;
- (b) To prepare an Action Plan that would include the steps to be taken to accomplish all the basic tasks and to eliminate gaps, together with a timeline for these tasks;
- (c) To submit the report and the Action Plan to the Bureau of the Conference of the Parties upon its completion;
- (d) To regularly report to the Bureau, through the secretariat, on the progress made.

18. The team strongly recommended that the country representatives continue to work together to create the report and Action Plan, and encouraged them to pursue these goals.

⁵ A Focal Point is a person in the nominated Competent Authority who is the direct contact in the country for the secretariat, and the person to whom the informal messages from the Convention will be sent.

III. CONCLUSIONS AND CLOSING OF THE MEETING

19. On behalf of Bosnia and Herzegovina, the Head of Environmental Protection Department made a commitment to preparing a report and an Action Plan, which would be submitted to the Bureau, through the secretariat, by 18 December 2009. The secretariat would report to the Joint Meeting of the Bureau and to the Working Group on Implementation.

20. The authorities from Bosnia and Herzegovina acknowledged the importance of cooperation between the entities and, within each entity, between all the authorities responsible for work under the Convention. They expressed their wish that the work commenced would lead to improvements in industrial safety in Bosnia and Herzegovina.

21. The Head of Environmental Protection Department thanked the team members and the United Nations Economic Commission for Europe for organizing the meeting and for their participation. He expressed his hope that following the meeting the country would be able to implement the basic tasks in a shorter time period, and that it would soon be able to participate in the activities of the Assistance Programme's implementation phase.

22. The team leader thanked the Head of Environmental Protection Department and Mr. Samir Huseinbasic, Head of Department for Structure and Training of the Ministry of Security, for hosting and organizing the meeting, and the participants for their attentive participation and their presentations. On behalf the team, she encouraged the representatives of different authorities in the different entities to work together to complete the report and Action Plan. She expressed her satisfaction with the commitment of Bosnia and Herzegovina and encouraged the country to stay in contact with the secretariat and to report on its progress. She also invited the experts from the country to contact the team members by e-mail should further questions arise.

23. The Head of Environmental Protection Department closed the meeting.
