

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

22-23 November 2011, Bishkek

**Self-evaluation on the
progress achieved in the
area of prevention**



**REPUBLIC OF SERBIA
MINISTRY OF ENVIRONMENT,
MINING AND SPATIAL PLANNING**



Self-evaluation

- **Analysis of the area of prevention, its objective and indicators**
- **Discussion on the situation in Serbia for each of indicators regarding prevention**
- **Identification the progress stage reached for each indicator in Serbia**
- **Filling in the Form**

Convention on the Transboundary Effects of industrial accidents Prevention

Article 6. of the Convention

The Parties shall take appropriate measures for the prevention of industrial accidents, including measures to induce action by operators to reduce the risk of industrial accidents.

The Party of origin shall require the operator to demonstrate the safe performance of the hazardous activity.

Objective

Activities under prevention are the responsibility of two kinds of stakeholders:

- the operators have to ensure safety at the installations;**
- competent authorities have to establish and enforce the relevant legislative framework to ensure that operators take all the appropriate measures.**

How to ensure that appropriate preventive measures are in place?

- **By establishing and enforcing a system which:**
 - **clearly defines that operators of hazardous activities are responsible for safe operation;**

- obliged the operators of hazardous activities to demonstrate safe operation of activities to competent authorities – safety documentation;

- allowed competent authorities to manage hazards of industrial accidents by introducing control regime over the operators.

Indicators to be used

First: A mechanism giving the responsibility for industrial safety to hazardous activity operators.

Second: A mechanism introducing the control regime of the competent authorities.

Mechanism giving the responsibility for industrial safety to hazardous activity operators

Progress stage 5

Mechanism adopted and introduced in the national legal framework, but not yet operational in practice.

The adopted mechanism defines the following as a minimum:

- (a) Parameters for linking the degree of hazard with the responsibility for safe operation;
- (b) Parameters for defining the scope of demonstrations linked with the degree of hazard;
- (c) Content of the demonstration;
- (d) Methodologies, methods and models to be used for the demonstration;
- (e) Frequency of demonstration, review/revision of demonstration.

Progress stage 5 for the first mechanism-explanations

Parameters for linking the degree of hazard with the responsibility for safe operation

Legislation defines obligations of the operator of the installations where activities are performed that include or might include one or more dangerous substances in prescribed quantities, to create safety documentation, depending on the quantities of dangerous substances used for performance of such activities and to take measures for prevention of chemical accident and limiting of impact of the accident to human lives and health and environment, laid down in the documents.

Progress stage 5 for the first mechanism-explanations

Parameters for linking the degree of hazard with the responsibility for safe operation

Which activities?

Activities where dangerous substances are produced, utilized, stored or handled.

Type and characteristics of chemicals

The Rulebook on the list of dangerous substances and their quantities and criteria for determining a type of document to be created by the operator is prescribed.

Progress stage 5 for the first mechanism-explanations

Parameters for defining the scope of demonstrations linked with the degree of hazard

Legislation defines application of two procedure types, depending on the quantities of dangerous substances present in installation.

The operators of lower-tier installations shall create Major Accident Prevention Policy not to be submitted to the Ministry for approval, but to be controlled by the inspection on the inspection control.

The operators of upper-tier installations shall create Safety Report and Emergency Plan to be submitted to the Ministry for approval.

Progress stage 5 for the first mechanism-explanations

Content of the demonstration

Rulebook on content of Major Accident Prevention Policy and content and methodology of creation of Safety Report and Emergency Plan defines content of safety documentation .

Methodologies, methods and models to be used for the demonstration

Rulebook on content of Major Accident Prevention Policy and content and methodology of creation of Safety Report and Emergency Plan defines methodologies, methods and models to be used for the elaboration of safety documentation.

Progress stage 5 for the first mechanism-explanations

Frequency of demonstration, review/revision of demonstration

The operator shall periodically review the Safety Report and as needed update it:

- at least every five years;
- on its own initiative or upon request of the Ministry due to the new facts obtained , based on the analysis of other chemical accidents or nearly missed accidents;
- in the event of modification of the work process, change of nature or quantity of dangerous substance or other changes that may affect the danger of occurrence of chemical accident.

Conclusion

Within the adopted mechanism needed elements are defined – progress stage 5 is reached.

Progress stage 6

Mechanism (as adopted in progress stage 5) is operational and implemented in practice by competent authorities.

Resources (staff, funding, etc.) have been secured.

Authorities provide awareness campaigns for HA operators.

There is training/guidance available for HA operators, if needed.

Explanations

Operators are obliged to create and submit to the Ministry safety documentation by the end of 2011.

Great number of operators are limited with resources.

Ministry in cooperation with Chamber of Commerce organized few seminars for operators regarding identification of hazardous activities.

There is a need, trainings for operators on the development of safety documentation to be organized.

Still progress stage 5!

Identification of shortcomings and challenges with a list of priority actions to be undertaken

Task of operators is to prepare safety documentation – at this moment the operators' capacities are insufficient.

Priority

Organize training activities which will target relevant operators and assist selected operators that will improve the quality of safety documentation.

Plan of activities to be undertaken

Activity: Training for operators on the development of safety documentation.

Result: Enhanced capacities on the level of operators/companies and improved quality of safety demonstration.

Mechanism introducing the control regime of the competent authorities

Progress stage 5

Mechanism adopted through governmental act or other form of national practice, but not yet operational in practice.

The adopted mechanism defines the following as a minimum:

- (a) Hazardous activities identification parameters;
- (b) Licensing of planned hazardous activities (scope and content of safety documentation, administrative procedure, criteria for granting/denying a license);
- (c) Examination of safety documentation provided by HA operators for demonstration purposes;
- (d) Communication of the results of safety documentation examination, especially: safety measures to be taken by the operator, procedure and deadlines;

Mechanism introducing the control regime of the competent authorities

Progress stage 5

- (e) Criteria for prohibiting a hazardous activity from operating;
- (f) Inspection controls (goals and modalities of inspections);
- (g) Methods of inspections, actions in case of non-compliance;
- (h) Procedure for the prohibition of the operation of a hazardous activity;
- (i) Responsible competent authorities.

The need for training to implement a mechanism has been discussed.
A training programme has been designed in case of a confirmed need.

Progress stage 5 for the second mechanism-explanations

Hazardous activities identification parameters

The Rulebook on the list of dangerous substances and their quantities and criteria for determining a type of document (i.e. hazardous activities) to be created by the operator is prescribed.

It defines criteria for the identification of hazardous activities, which shall be determined in compliance with the List of dangerous substances and their threshold quantities and the List of hazard categories and threshold quantities.

Progress stage 5 for the second mechanism-explanations

Licensing of planned hazardous activities (scope and content of safety documentation, administrative procedure, criteria for granting/denying a license)

Rulebook on content of Major Accident Prevention Policy (lower-tier) and content and methodology of creation of Safety Report and Emergency Plan (upper-tier) defines scope and content of safety documentation and methodologies, methods and models to be used for the elaboration of safety documentation.

Progress stage 5 for the second mechanism-explanations

Examination of safety documentation provided by HA operators for demonstration purposes

MEMSP– Central competent authority for evaluation of safety documentation.

MEMSP is leading and coordinating the examination procedure.

Procedure for evaluation of the safety documentation consists of 3 main steps:

- Reviewing of submitted documentation**
- On - site inspection**
- Public participation**

Progress stage 5 for the second mechanism-explanations

Reviewing of submitted SR

- **To check that safety documentation is in compliance with prescribed content and methodology of creation of SR and**
- **That the operator fulfil the requirements prescribed by the law.**

Progress stage 5 for the second mechanism-explanations

According to LEP the operator shall be obliged to prove in the SR that it had:

Established of appropriate policy and defined safety management system for the purpose of its implementation;

Recognized danger from the chemical accident and undertake necessary measures for preventing occurrence of chemical accident i.e. for limiting consequences of such accident to humans and the environment;

Taken into account safety and reliability when designing, constructing, managing and maintaining all installations and storage premises, equipment and infrastructure that are in connection with danger of chemical accident;

Accepted and included in the SR justified comments and proposals of the public.

Progress stage 5 for the second mechanism-explanations

Communication of the results of safety documentation examination, especially: safety measures to be taken by the operator, procedure and deadlines

The Ministry shall issue consent on the safety documentation regarding the fulfilment of requirements.

Consent decision shall specify safety measures to be taken, procedure and deadlines.

The Ministry may request amendments of documents if it determines that they do not contain the required data.

Progress stage 5 for the second mechanism-explanations

Prohibition

- **In case the conditions for issuing consent on safety documentation have not been met, non-consent decision is issued.**
- **An appeal may be lodged against the non-consent decision within 15 days of the receipt of the decision.**
- **The Minister shall issue prohibiting operation decision, as well as for start-up of establishment or part of establishment and the storage premises.**

Progress stage 5 for the second mechanism-explanations

Inspection

On – site inspection's main goals:

- To check and verify the information in the safety documentation
- To check and verify the implementation of the MAPP
- To check and verify the information on safety management system, are safety measures implemented and the level of implementation
- To check for new relevant information

Progress stage 5 for the second mechanism-explanations

Hazardous activities are inspected at least once per year, as well as more often if necessary.

After the inspection, reports are made and operator is obliged to implement appropriate measures.

During inspection control, inspector of MESP is authorized to:

- order HA operator to create safety documentation;**
- order HA operator to take appropriate preventive and other measures of prevention of environment from dangerous substances;**

Progress stage 5 for the second mechanism-explanations

- **prohibit operating of HA when measures envisaged in safety documentation are not implemented or are partially implemented**
- **prohibit work of HA if the operator has not submitted the safety documentation within certain deadline;**
- **in case of an accident, to order taking of intervention measures and procedures of accident response pursuant to emergency plan and taking of mitigation measures**
- **For not proceeding in accordance with legislation, penalty provisions are prescribed.**

Progress stage 5 for the second mechanism-explanations

Competent authorities

MEMSP– Central competent authority for evaluation of safety documentation

According to LEP, for the purpose of evaluation the safety documentation, the Minister may issue a decision to appoint the special working group – Technical commission

TC consists of representatives of the MEMSP and other competent authorities and organisations and experts.

Conclusion

Within the adopted mechanism needed elements are defined.

Subregional Training on evaluation of SR and Training on on-site inspection were organized under the Assistance Program in 2010 and 2011.

Progress stage 5 is reached.

Progress stage 6

- *Mechanism* (as adopted in progress stage 5) *is implemented in practice* by competent authorities.
- Resources (staff, funding, etc.) have been secured.
- Competent national experts are available, aware and continuously trained to use the mechanism.
- Guidance documents and/or checklists are available and used, if needed.
- There is exchange of information/experience within the country and between countries.

Explanations

- **MEMSP will start with complete implementation of this mechanisms in practice after submitting the safety documentation by the operators of HA (2011).**
- **Insufficient administrative capacities.**
- **Trainings for competent national experts were organized and further are needed and planned.**
- **Checklists are developed within the AP activity, but will be available and used after harmonization with national legislation**
- **Trainings are subregional and supported by international experts.**

Still progress stage 5!

Identification of shortcomings and challenges with a list of priority actions to be undertaken

- **Insufficient capacities of public authorities for further evaluation the safety documentation.**
- **The main enforcement problem related to reviewing of safety documentation is the lack of intersectoral cooperation among bodies in charge of accidents.**

Priority

There is a need to develop the skills for enforcing national legislation, in particular to improve knowledge on evaluation of safety reporting and to increase cooperation and coordination among different public authorities.

Plan of activities to be undertaken

Activity:

- **Organize trainings for representatives of relevant institutional sectors that are included in the process of issuing approval in order to improve knowledge on evaluation of safety reporting using the checklist system and to increase cooperation and coordination among different public authorities.**

Result:

- **Implementation of checklists on evaluation of safety documentation.**
- **Further improvement of checklists and harmonization with national legislation.**
- **Enhanced capacities on national level referring on evaluation of safety reporting.**

**Thank you for your
attention!**