

Technical mission to support Montenegro in the implementation of the UNECE Convention on Transboundary Effects of Industrial Accidents

# General remarks on the preparation of the national self-assessment

### Preparation of the National self assessmet

- to protect human beings and the environment against industrial accidents by preventing accidents as far as possible, by reducing their frequency and severity and by mitigating their effects Montenegro prepared the draft self-assessment
- proper identify national priorities, gaps and challenges
- facilitate and enable the implementation of the Convention

#### Responsible institution

- Ministry of Ecology, Spatial planning and Urbanism
- Environmental protection Agency
- Ministy of Interior
- Administration for inspection Affairs

## General remarks on the preparation of the national self-assessment

### Preparation of the National self assessmet

- The Strategic Approach outlines six working priority areas of high priority that correspond to the main obligations under the Convention and two cross-cutting areas.
- The six working areas of high priority are:
  - ✓ Identification of hazardous activities
  - ✓ Notification of hazardous activities
  - ✓ Prevention
  - ✓ Preparedness
  - ✓ Response and mutual assistance
  - ✓ Information to and public participation
  - The two cross-cutting areas are:
    - ✓ Legislation (i.e. primary and secondary legislation)
    - ✓ Institutional capacity (at the national, regional and local levels)

## General remarks on the preparation of the national self-assessment

### Preparation of the National self assessmet

- In order to prepare nacional self assessment, benchmarks have been developed:
  - ✓ User-friendly version of the Benchmarks for the implementation of the Convention
  - ✓ Word version of tables to submit self-assessment and action plan
  - ✓ Benchmarks for the implementation of the Convention
  - ✓ annex VIII (table 1): Forms for monitoring, analysing, planning and evaluating the participation of (country name) in the

Assistance Programme

Self assessment need to be further improved, develop and implement

### Preparation of the National self assessmet – obstacles

- Letter to Secretariat of Industrial Accidents Convention (2020)
- Technical assistance in order to assist in building the capacity of Montenegro
- Human and financial resources need to be secured.
- Training to implement the mechanism need to be conducted.
- relevant mechanisms have been adopted and introduced in the national legal framework, but implementation needs to be further improved.

### 1. Identification of hazardous activities

#### I. Mechanism for data collection

 Article 50 of the Law on Protection and Rescue obliges operators to submit to the

Ministry of Interior Affairs – Directorate for Resque and Protection data on the type s and

quantities of hazardous materials which possess. Therefore, it is established a data base for

determining the technical and technological risk.

 Law on environment article 39 obliges Seveso operators to submit notification to the

Environmental Protection Agency.

- ✓ Rulebook on quantities of hazardous substances per category that determine the degree of risk of Seveso installations
- ✓ Rulebook on detailed content of the Major-accident prevention policy and Emergency plans



#### I. Mechanism for data collection

- The system for data collection is established (competent authorities), also the type of data to be collected including the characteristics and quantities of chemicals.
- The data format to be used by HA operators to present data to the competent authorities is defined by national regulations.
- the progress stage is between 4 and 5
- Administrative capacities within the competent authorities are insufficient, especially in terms of number of staff dealing with particular tasks in this area
- for competent national experts to be continuously trained to use/implement the policy.
- Capacities within the Municipal Protection and Rescue Units are insufficient, and there is a need for continuously trainings.
- There is a need to conduct necessary revision of legal framework, as well to prepare training programs and to secure human and financial resources



### II. Mechanism for data analysis and validation

- EPA is CA for data analysis and data validation
- Rulebook on detailed content of the Major-accident prevention policy and Emergency plans defines all necessary documentation that need to be checked in order to proper conduct analysis and validation.

the progress stage is between 4 and 5.
List of HA within the country is available
<a href="https://epa.org.me/2018/03/02/obavjestenja-seveso/">https://epa.org.me/2018/03/02/obavjestenja-seveso/</a>

The validation procedure and time intervals of data validation is not defined, and training programme need to be prepared.

- administrative capacities for the evaluation of safety documentation are insufficient and current staff has to be additionally trained
- ❖ The main enforcement problem related to reviewing of safety documentation is the still unsatisfactory level of inter-sectoral cooperat ion among bodies in charge of accidents.
- ❖ The necessary improvements and revisions of legal acts need to be undertaken.



#### III. Mechanism for data review and revision

- Environmental Protection Agency receives notification from the Seveso operators and checks all informations
- Regulatory mechanism for data review and revision is established
- further capacity building for implementation is needed.
- The progress stage is between 4 and 5.
  - ❖ Training to implement the mechanism need to be regularly conducted
  - \* Review and revision of this mechanism need to occur

## 2. Notification of hazardous activities

### 1. Mechanism for transboundary consultation on hazardous activities

- Article 5 of the **Law on Environment** ensures cooperation and solidarity in addressing global and transnational environmental issues, especially through international treaties, cooperation with other countries and the conclusion of appropriate agreements, as well as informing other countries on transboundary impacts on the environment, on environmental accidents and the international exchange of information on environment.
- The Ministry of Interior already has numerous bilateral and multilateral agree ments - improveing cooperation with the potential affected countries by signing agreements,
- The progress stage is 5.
- It is defined responsible CA for initiating transboundary consultation on existing or planned hazardous activities, as well as CA responsible for responding to an initiative to consult.
  - Human and financial resources need to be secured,
  - Training to implement the mechanism need to be conducted.



#### **II. Mechanism for notification of hazardous activities**

- Legal framework is set up and ensures that hazardous activities operators prepare Emergency plans.
- On-site Emergency Plan based on the assessment of danger of chemical accident in the plant or establishment, stipulated prevention measures, available resources of the operator and protective means. On-site Emergency Plan - the operator shall use:
- technical documentation (technological, mechanical design, etc.),
- the Fire Protection Document with defined hazard zones, approved by the competent authority,
- Fire Protection Plan, operational manuals for installations, machines, devices and equipment as prescribed by manufacturer
- standards and regulations pertaining to subject activity or hazardous
- existing safety instructions and occupational health and safety



#### II. Mechanism for notification of hazardous activities

- Three levels of protection and rescue management and coordination have been established:
  - Coordination Team for Protection and Rescue;
  - Operational Headquarters for protection and rescue and
  - Municipal Protection and Rescue Team.
- An integrated protection and rescue system has been established within the Ministry of Interior.
- Cooperation between competent authorities is enhanced, which will lead to better implementation of legislation that addresses emergency preparedness. Content and methodology for elaboration of emergency plans is prescribed in 2016.
- The progress stage is 5.
- The notification format and channels for both the existing and planned hazardous activities, and CA responsible for notification is defined.
- Law on protection and rescue also defines the timing for the notificat ion of existing/planned hazardous activities.
  - Training programme need to be prepared.



#### Mechanism for notification of hazardous activities

- ❖ Further capacity building are needed in order to ensure that the competent authorities of the concerned Parties cooperate with each other and coordinate emergency plans to make them compatible
- ❖ The competent authority needs to further enhance its capacity for evaluating submitted documentation, especially Safety reports.
- ❖ As the biggest shortcoming in the results of evaluation of the Safety Reports (SR) and assessment of the level of implementation of legal obligations by the operators, poor quality of SR has been identified
- Human and financial resources need to be secured.
- Training to implement the mechanism need to be conducted

### 3. Prevention



### I. Mechanism for responsibility for safe operation to HA operators

- Article 49 of the Law on Protection and Rescue the operators are obliges t
   o prepare entrepreneurial plans of protection and rescue for which approval
   is responsible Ministry of interior
- Aarticle 40 on Law on environment operators prepare prevention policy.
- The prevention policy shall be drawn up according the Rulebook on detaile d content of prevention policy and emergency plans
- Legislation defines application of procedure, depending on the quantities of dangerous substances present in installation.
- The operators of upper-tier installations shall create Safety Report and Emergency Plan to be submitted to the Environmental Protection Agency for a pproval.
- Content of safety documentation is defined, as well as methodologies, methods and models to be used for the elaboration of safety documentation.



### I. Mechanism for responsibility for safe operation to HA operators

- The progress stage is 4
- Training is necessary for operators who manage hazardous s ubstances, how to determine whether and to which group of facilities or complexes they belong, ie how to determine the types of documents that they are obliged to prepare on the basis of the Law on Environmental Protection
- Also, training for determining the Hazard Class of substances and mixtures or hazardous substances
- There is a need to define content of the demonstration taking account of Annexes IV and V of the Convention, as well a s methodologies, methods and models to be used for the demonstration and frequency of demonstration and frequency of revie w/revision of demonstration.
- CA need to provide awareness campaigns for HA operators, and all necessary training/guidance for HA operators need to be prepaired and available.



### II. Mechanism for control regime

- The inspection supervision, in accordance with Law on Protection and Rescue, performs the inspector for protection and rescue.
- The inspection supervision, in accordance with Law on environment, performs the Environmental inspector
- Regarding inspection controls, on-site inspection is performed within the scope of evaluation of safety documentation.
- After the inspection, reports are made and operator is obliged to implement appropriate measures.
- For not proceeding in accordance with legislation, penalty provisions are prescribed.
- According to the Law on health and safety at work, operator conducts preventive measures by working out the risk assessment, implementing the prevention principles, and on that basis taking the technical, organizational and other measures



#### **II. Mechanism for control regime**

- Law on industrial emission defines joint inspection supervision over the implementation of this Law
- Joint inspection of environmental inspections and inspections of competent authorities in accordance with special regulations for the supervision of individual segments of the environment -perf ormed on all activities of the plant that affect the environment, i ncluding site visits, monitoring of emissions monitoring, verificati on of internal reports and supporting documents, verification of monitoring results.
- The progress stage is 5
- Parameters for identification of hazardous activities, licensing of planned hazardous activities is established.
- Examination of safety documentation provided by HA operators is provided
- Criteria and procedures for prohibiting a hazardous activity from operating, inspection controls, methods of inspections, actions in case of non-compliance is defined
- Further, training programme need to be prepared



### **II. Mechanism for control regime**

- Administrative capacities for the control regime are insufficient and current staff has to be additionally trained
- Lack of practice regarding the activities that include the process of inspection supervision over SEVESO
- Expert training of inspectors and obtaining guidelines and recommendation for implementation are necessary inspection of SEVESO plants.
- Training to implement the mechanism need to be conducted.
- Any necessary guidance documents and/or checklists need to be prepared.
- Exchange of information/experience within the country and between countries need to be occurred.

### 4. Preparedness



### I. Mechanism for responsibility for emergency preparedness of HA operators

- Law on protection and rescue contains provisions which regulate preparedness and response in emergency situations at national and local level
- Mol organizes system of observation, notification, early warning and alerting
- Based on article 51 of Law on Protection and Rescue operators are oblige in their entrepreneurial unit include protection at the invitation of the Municipal team.
- Based on the article 47 of the Law on Protection and Rescue companies, legal entities and entrepreneurs are obliged to participate in the protection and rescue of people and material goods and to perform a material obligation on the request of the Mol or the Municipal Team
- The installation of means and devices for informing and alerting on business and other facilities is also considered as material obligation.
- A material obligation are not relate to funds and equipment that are allocated for the needs of the country's defense or are intended for health care.



### I. Mechanism for responsibility for emergency preparedness of HA operators

- Law on environment (article 41) obliges operator of a upper-tier installation to prepare Safety Report and Accident protection plan in accordance on which the approval is issued by Environmental Protection Agency
- operator need to be aware that the safety is not just to be documented in papers, it must be implemented by the operator and its staff
- The operator has to demonstrate that the operations run onsite, that the installations are safe, etc.
- A powerful tool for enforcement of these requirements is inspections.
- The progress stage is 4
- Procedures and rules with regard to the review and revision of OnEP, testing of OnEP and inspection controls is also defined with the legal act above mentioned



### I. Mechanism for responsibility for emergency preparedness of HA operators

- ❖ Training/guidance for HA operators need to be prepared and available.
- ❖ The CA need to provide any necessary awareness-raising campaigns for HA operators.
- ❖ Member of rescue and relief teams of HA operators need to be trained regularly to be able to respond to an emergency.
- ❖ Institutions need to be involved in consultation and procedures for coordination of preparation of OnEP.



### II. Mechanism for responsibility for emergency preparedness of competent authorities

- formation of a rescue and rescue team within a company, another legal entity and entrepreneurs, which manages and coordinates protection and rescue activities in accordance with the Enterprise Plan.
- ❖ Further capacity building are needed in order to ensure that the competent authorities of the concerned Parties cooperate with each other and coordinate emergency plans to make them compatible.
- ❖ The Law on Protection and Rescue, in articles 34, 35 and 35a defines the plans for protection and rescue.
- Enterprise plans must be consistent with the national action plans and municipal plans.
- Environmental inspection has the authority to determine whether the operator of Seveso installation developed and submitted to the
- Environmental Protection Agency Safety Report and Emergency plans.



### II. Mechanism for responsibility for emergency preparedness of competent authorities

- Operational Communication Center 112 within the Ministry of Interio point of cont act responsible to requesting and/or providing assistance in the event of an accide nt.
- 112 performs international communication and information task in the field of prot ect and rescue.
- Protection and rescue plans are:
  - national protection and rescue plans,
  - municipal protection and rescue plans and
  - protection and rescue plans of companies, other legal entities and entrepr eneurs
- National plans are adopted by the Government, at the proposal of the Mol
- Municipal plans are adopted by municipal assemblies, and enterprise plans are adopted by companies, other legal entities and entrepreneurs
- OfEP is equivalent to municipal plan and need to be prepared by the local authorit
  y while OnEP is equivalent to enterprise plans and they are prepared by the HA op
  erators.
- Principles to be followed and targets to be achieved through the application of Of EP and principles with regard to sharing of capacities to respond to emergencies is defined.
- Contents and input data needed for the preparation of OfEP as well as institutions/ experts to be involved in the preparation of OfEP s defined, but the progress stage is 4, because no one local authority still did not prepared OfEP



### II. Mechanism for responsibility for emergency prepare dness of competent authorities

- The CA needs to further enhance its capacity for evaluating submitted documentation, especially Safety reports.
- biggest shortcoming in the results of evaluation of the Safety Reports (SR) and assessment of the level of implementation by the operators, poor quality of SR has been identified
- There is a need for financial and human support in order to prepare OnEP for local authorities
- Training to implement the mechanism need to be conducted
- Necessary guidance documents and/or checklists need to be prepared
- Exchange of information/experience within the country
- Member of rescue and relief teams need to be trained regularly to be able to respond to an emergency



### III. Mechanism for transboundary emergency plans

**Law on environment** - state ensures cooperation in addressing global and trans national environmental issues, especially through international treaties, as well as informing other countries on transboundary impacts on the environment, on environmental accidents

Cooperation in the area of protection and rescue is conducted in particular:

- ✓ Conclusion of international contracts and their enforcement;
- ✓ Membership and participation in the work of international organizations;
- ✓ Mutual notification and exchange of information with other countries on the threats and consequences of catastrophes and of devices for reducing the risk from catastrophes;
- ✓ Providing, accepting and asking for assistance in protection and rescue of people and material goods;
- ✓ Coordination of crossing the state border during acceptance or provision of international aid, as well as during the transit of forces and goods intended as aid in protection and rescue between other states;
- ✓ Preparation, organization and participation at international conferences, seminars, trainings, exercises and other forms of trainings.



#### III. Mechanism for transboundary emergency plans

#### The progress stage is 5.

- It is necessary to develop the procedures followed for requesting/and or providing assistance with the aim the competent authority, which will act as a point of contact, to be identified
- ❖ Taking into account the complexity of the mentioned procedures, in elaborating these procedures it is necessary all relevant representatives from national competent authorities to be involved
- Training to implement the mechanism need to be conducted
- Exercises to train joint transboundary response need to be performed
- Human and financial resources need to be secured

### 5. Response and mutual assistance

### 1. Mechanism for prompt recognition of industrial accidents

- Law on Protection and Rescue set of measures and actions taken to detect and prevent the occurrence of hazards and consequences of technical and technological accidents, chemical contamination, and other disasters that may endanger or threaten the population, material goods and the environment.
- The Law defines the management and coordination of protection and rescue, as well as other elements necessary for the functioning of the protection and rescue system.
- Three levels of protection and rescue management and coordination
- Operational Communication Center within the Ministry of Interior is point of contact responsible to requesting and/or providing assistance in the event of an accident



### I. Mechanism for prompt recognition of industrial accidents

- The progress stage is 5
- The procedure for and responsibility to notify and communicate with possibly affected Parties, to jointly assess possible effects if appropriate, to ensure joint response and to coordinate measures to contain and minimize effects of an industrial accident is established
- relevant mechanisms have been adopted and introduced in the national legal framework, but implementation needs to be further improved
- Administrative capacities within the competent authorities are insufficient, especially in terms of number of staff dealing with particular tasks in this area
- Human and financial resources need to be secured.
- Training to implement the mechanism need to be conducted.



### II. Mechanism for application of UNECE IAN system

- Point of Contact to operate a relevant notification system for transboundary notification purposes in the case of accident is within the Ministry of Interior.
- Montenegro appointed a point of contact responsible for utilizing the IAN system this year
- The progress stage is 4

- Points of Contact need to be trained for the use the IAN System
- Training to implement the mechanism need to be conducted



### III. Mechanism for local notification systems IV. Mechanism for requesting/providing assistance for IA

- Law on protection and rescue regulate preparedness and response in emergency situations at national and local level.
- Mol organizes system of observation, notification, early warning and ale rting, CA
- responsible for requesting or providing assistance and Point of Contact for assistance.
- The state of progress is 5
  - established system for operating the notification system,
  - procedures to be used under the notification systems
  - link to the notification system
- Montenegro is a member of the EU Civil Protection Mechanism and NA TO Alliance.
- By signing the Agreement between the EU and Montenegro on Monten egro's participation in the Union's Civil Protection Mechanism in 2014, Montenegro became a member in order to strengthen cooperation and to improve the efficiency of the prevention system, preparedness and re sponse to natural disasters and technical technological disasters
- cooperation with the Euro-Atlantic Disaster Response Coordination Cent er (EADRCC), which are reflected in the area of international assistance.



### III. Mechanism for local notification systems IV. Mechanism for requesting/providing assistance for IA

- National plan for protection and rescue from technical tech nological accidents - enhanced institutional cooperation with other departments/organizations in order to better manage all aspects related to disaster risk reduction
- In the last two years, Ministry of Interior signed agreements in the area of civil protection:
- Agreement with Republic of Albania about cooperation and mutual assistance in emergency situations
- ✓ Agreement with Republic of Turkey, on cooperation and mut ual assistance in the field of emergency situations.
- ✓ Agreement with thw Republic Azerbaijan on cooperation in the field of emergency situations



### III. Mechanism for local notification systems

### IV. Mechanism for requesting/providing assistance for IA

- 18 international contracts in the area of protection against natural and civilizational disasters; protection against natural and other dis asters and/or on cooperation in the field of protection against natural ral and other disasters.
  - ✓ 12 bilateral agreements with following countries: Bosnia an d Herzegovina, Croatia, Macedonia, Greece, Slovenia, Serbia, Slovakia, Ukraine, Albania, Turkey, Azerbaijan and Bulgaria as well as Agreement between Montenegro and the EU on the participation of Montenegro in the Civil Protection Mechanis m of the EU.
  - ✓ 4 memorandums with Republic of Armenia, Republic of Ital y and Russian Federation as well as Memorandum of Under standing on the institutional framework for the Southeast E urope Disaster Prevention and Preparedness Initiative and Protocol on explosive remnants of war to the Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons with Excessive Traumatic Effect.



### III. Mechanism for local notification systems

### IV. Mechanism for requesting/providing assistance for IA

- The state of progress is 5.
- ❖ The Ministry of interior defines procedures to be followed and division of responsibilities with regard to the request/provision of assistance
- Human and financial resources need to be secured
- Notification exercises at the local level need to be performed
- ❖ Training to implement the mechanism for requesting/providing assistance for IAN need to be conducted.

## 6. Information to the public and public participation

### I. Mechanism for information to the public potentially affected by IA

- The Law on Environment right to the public to be informed about the activities in major hazard establishments and to participate in the decision-making process regarding preventive measures set up in the Safety Report.
- Principle of public information and participation everyone is entitled to be
  e informed of the state of environment and to participate in the process of making decisions whose implementation may affect the environment
- The responsible authority is obliged to ensure public availability, organize pre sentation and administer public debate regarding the plans.
- public announcement of the procedure for decision-making and it shall take part in the process by submitting opinions, comments and suggestions to the responsible authority and it shall be timely informed of the adopted decision
- The responsible authority will inform the person submitting the report, intere sted bodies and organizations and the public on the time and place for the p ublic insight, public presentation and the public debate on the Protection Pla n.



### I. Mechanism for information to the public potentially affected by IA

- Law on protection and rescue defines the obligation of the o perator to ensure that information on safety measures and procedures in the event of an accident, set up in Internal emergency plan, is provided to all natural and legal persons and all establishments serving the public liable to be affected by a major accident consequences
- The state of progress is between 4 and 5.
- The parameters and procedures to determine the potentially affected public that needs to be informed is defined
- MSDT, Mol, and HA operators has the responsibilities to ensure e public information
- Scope and content of public information, and review and revisi on of public information need to be improved, as well as disse mination channels.



#### I. Mechanism for information to the public potentially affected by IA

- ❖ Public actively participates in the procedure of public consultation, presentand debate on the EIA Studies and other similar documents and takes advantage of these opportunities.
- ❖ General and interested public take part in the process of public hearing by submitting opinions, comments and suggestions to the competent authority and are timely informed about the final decision
- Authorities need action to provide any necessary awareness-raising campaigns for the public



- An access to environmental information Law on Environment and the Law on free access to information
- Environmental information is published electronic databases or through the media
- EPA publishes on its website all relevant environ information
- EPA informs the public without delay by means of electronic media or in any other appropriate manner in cases of threat to human health and/or the environment
- EPA and the polluters, immediately after discovery, notify the public without delay, about any exceedances of the prescribed emission limit values in the environment
- An access to environmental information is provided on the basis of a request submitted to a state administration body
- The request has to be decided within 15 days from the day of submitting the request in accordance with the law regulating free access to information.



State administration bodies, administration bodies and local government bodies competent for environmental protection timely inform the public and the public concerned about environmental decision-making procedures relating to:

- strategic assessment of the impact of plans and programs on the environment;
- environmental impact assessment;
- the procedure of issuing a permit for the integrated prevention and control of pollution through the procedure of granting an approval for the operation of new or existing facilities;
- strategies, plans, programs and other documents in the field of environmental protection;
- other issues in the field of environment in accordance with special regulations.



- In the decision-making process regarding environmental issues, the public concerned has the right to initiate the procedure for reviewing the decision before the competent authorities or the court
- The public concerned has the right to file an appeal against the decision of the competent body for environmental protection, that is, the right to file an appeal with the competent court
- The progress stage is 5
- The parameters for the definition of procedures relevant for public participation are defined, as well as CA responsible for ensuring opportunities for public participation.
- The time frames and modalities for public participation is defined by Law on Environment and the Law on free access to information
- MESPU is responsible for taking due account of the outcome of the public participation and for informing the public of final decisions

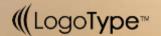


- General and interested public take part in the process of public hearing by submitting opinions, comments and suggestions to the competent authority and are timely informed about the final decision (in terms of if their comments and suggestions ar e accepted or rejected, with firm justifications provided by com petent authority).
- Human and financial resources need to be secured
- Authorities need to provide any necessary awareness-raising campaigns for the public





Activities	Description of the activity with an indication of targeted result	Responsibility and stakeholders involved	Timing	External assistance needed? If yes, what kind?
1st activity	Further capacity building is planned, in collaboration with the TAIEX Office (expert mission or study visit) Part of the training will also be organized through the EU Environment Partnership Program for Accession (EPPA).	MSDT, EPA, MIA, operators	2021-2023	Yes, TAIEX IPA
2nd activity	Development of guidelines for operators for preparation of notifications, prevention policy, safety report, emergency plan	MSDT, NEPA, MIA, operators	2022	Yes
3th activity	Development of training program, guidelines and check list in order to proper implement all mechanism in accordance with the Convention	MSDT, MIA	2022	yes
4th activity	Development of study on overlapping between MSDT and MIA in particularly on emergency plans with proposal on rationalisation	MSDT, EPA, MIA	2021	Yes
5 <sup>th</sup> activity	Organizing the awareness-raising campaigns for the public and for the HA operators	NEPA, MI, MSDT	2023	Yes
6 <sup>th</sup> activity	Training for the Points of Contact for the use the IAN System	MIA	2023	Yes
7 <sup>th</sup> activity	Training for the Member of rescue and relief teams to be able to respond to an emergency	MIA	continuously	Yes



Summary of planned activities by Montenegro containing the steps to be taken by appropriate institutions to implement requirements under the UNECE Industrial Accidents Convention and time frame for their completion



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