INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK FOR ADEQUATE PREPAREDNESS AND RESPONSE IN CASE OF INDUSTRIAL ACCIDENTS WITH TRANSBOUNDARY EFFECTS

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- Romania is located in the hydrographical basin of the Danube.
- The Danube catchment has a surface of 817.000 km2, of which 232.000 km2 are within Romanian borders, aprox. 30% of the total surface.
- The length of the river is 2840 km, of which 1076 km run along Romanian borders, representing almost 40 % of it's entire length.
- The Danube river represents the border-line between Romania and: Bulgaria 471 km, Ukraine 134 km, 0,6 km Moldavia and 94 km Serbia.

INTERNATIONAL LEGAL FRAMEWORK

- **1985 - Bucharest Declaration (1985) –** the first important agreement regarding the Danube protection – introduces system for water quality monitoring in the transboundary context the quality of border-line waters;

- **1987 – Montreal Protocol** for ozone depleting substances – an international treaty for the protection of the ozone layer by gradual shutdown of manufacturing ozone depleting substances;

- **1989 – Basel Convention** regarding transboundary transport of dangerous waste materials and their elimination, establishes certain kinds of waste materials to be transported, be in transit, exported, imported or notified;

- **1991 – ESPOO Convention** – The convention for transboundary environmental impact assessment, establishes a coherent methodology for assessing transboundary environmental impact, requiring the member-states to take firm prevention actions, reduce and control the transboundary impact of industrial activities on the environment.

INTERNATIONAL LEGAL FRAMEWORK

- **1992 – The Helsinki convention for the protection and use of transboundary waterways and international lakes**. The stakeholders` actions are governed by precaution, the “polluter pays” principle and the principle of sustainability;

- **1992 – The Helsinki Convention on transboundary effects of industrial accidents** – unitary legal framework aimed to prevent and mitigate industrial accidents with potential transboundary effects;

- **1994 – Convention regarding cooperation for the protection and sustainable usage of the Danube River**, mandated in Sofia, Bulgaria. Establishes the objectives, principles and ways of cooperation for riparian member states, measures for the protection of water resources, mitigation of emissions, monitoring programs, reporting and information exchange obligations for the effective management of emergency situation in the Danube river basin.

INTERNATIONAL LEGAL FRAMEWORK

1998 – The Aarhus (Denmark) convention on access to information, public participation in decision making and right to justice regarding environmental concerns. Establishes the legal framework for accessing environmental information, ways for collect and disseminatie, specific actions for public involvement in decision making and developing emergency plans, environmental strategies and programs, as well as the procedure to be followed for solving stakeholders` differences;

2001 – Stockholm Convention is an international legal agreement regarding persistent organic pollutants (POP). The main goal of the Convention is to protect human health and the environment from the effects of persistent organic pollutants. The Convention sets up ways for classifying POPs, based on caused harm, persistency and transboundary impact.

NATIONAL EMERGENCY MANAGEMENT LEGAL FRAMEWORK

- **Governmental Decision. no. 21/2004** – referring to the National Emergency Management System
- **Governmental Decision. no. 1489/2004** – referring to the organization and functioning of the National Committee for Emergency Situations;
- **Governmental Decision no. 1490/ 09.09.2004** – Regulations of organization and functioning of the General Inspectorate for Emergency Situations;
- **Governmental Decision 1491 / 28.09.2004** – Regulations on organization, functioning, tasks and endowment of operative committees and emergency situation centers;
- **Governmental Decision 1492 / 28.09.2004** – organization principles, functioning and tasks of the professional emergency services;
- **Civil Protection Law** no. 481 / 08.11.2004;
- **Governmental Decision no. 2288/ 09.12.2004** – allocation of the main support function for the ministries, central public authorities and non-governmental organizations considering the management of the emergency situations.

SPECIFIC NATIONAL LEGAL FRAMEWORK

- **Law no. 92/2003** for acceding to UNECE Convention on the transboundary effects of industrial accidents adopted on 17 March 1992 in Helsinki;
- **Ministerial Order no. 811/2010** regarding the approval on publishing the acceptance of the amended Annex I of the UNECE Convention on the transboundary effects of industrial accidents adopted on 17 March 1992 in Helsinki;
- **Governmental Decision no. 804/2007** on the control of major accident hazards involving dangerous substances;
- **Ministerial Order no. 1084/2003** concerning the notification procedure for activities with major - accidents hazards involving dangerous substances;
- **Ministerial Order no. 647/2005** regarding methodological norms for the elaboration of emergency plans;
- **Ministerial Common Order no. 520/1318/ 2006** for approval of the major accidents investigation procedure.

SPECIFIC NATIONAL LEGAL FRAMEWORK

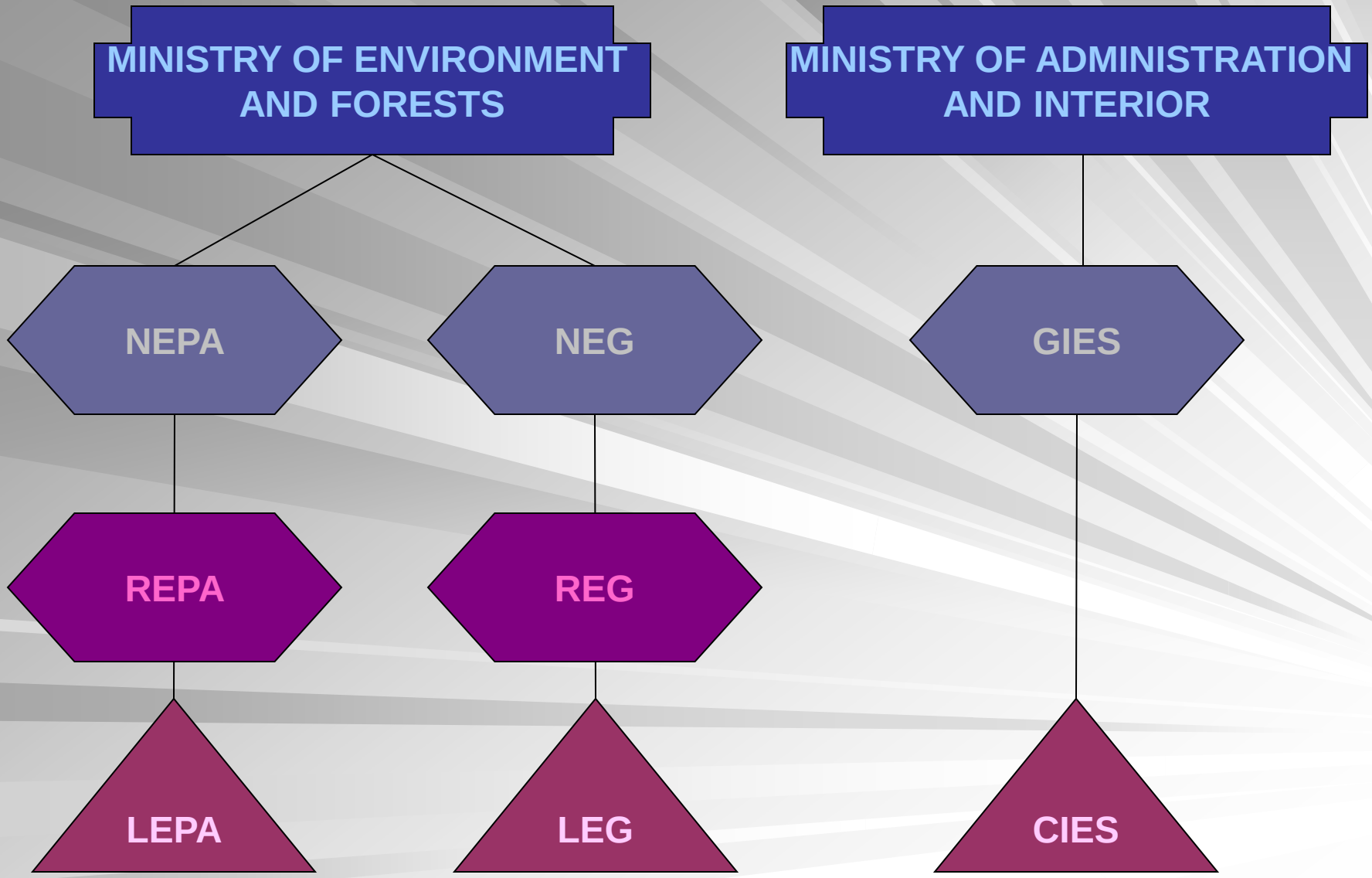
- **Convention on the transboundary effects of industrial accidents - Law 92/2003**
- **Emergency preparedness** measures have to be established and maintained and must mitigate transboundary effects of accidents;
- On - site duties are undertaken by operators;
- On - site and off - site contingency plans have to be prepared and implemented;
- Contingency plans are reviewed regularly;
- The parties concerned shall inform each other of their contingency plans;
- Adequate information is given to the public in the areas possibly affected by industrial accidents;
- The public of the possibly affected country is given the same opportunity as the public of the origin country to participate in relevant procedures.

SPECIFIC NATIONAL LEGAL FRAMEWORK

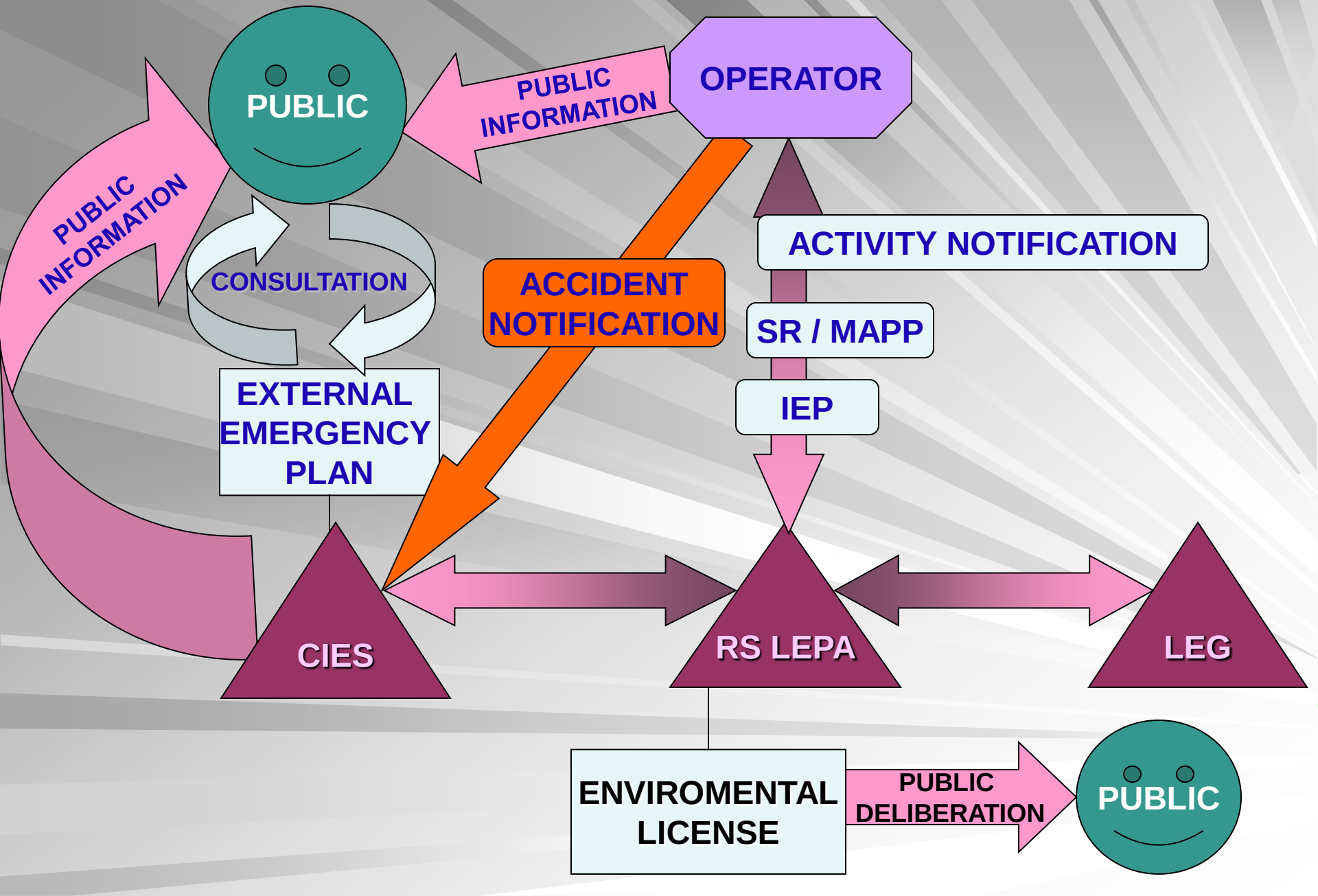
- **Governmental Decision (GD) no. 804/2007** on the control of major - accident hazards involving dangerous substances–transpose in national legislation Directive 96/82/EC-Seveso II and Directive 2003/105/EC of the European Parliament and of the Council amending Council Directive 96/82/EC (replace Governmental Decision no. 95/2003)

- is aimed at the prevention of major accidents which involve dangerous substances, and **the limitation of their consequences for man and the environment**, with a view to ensure high levels of protection throughout the Community in a consistent and effective manner.

ROMANIAN COMPETENT AUTHORITIES FOR THE IMPLEMENTATION OF THE SEVESO II DIRECTIVE AND HELSINKI CONVENTION



IMPLEMENTING LEGAL REQUIREMENTS



LEGAL FRAMEWORK ENFORCEMENT

Ministry of Administration and Interior

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Ministry of the Environment and Forest

Inspection

- Joint inspections at Seveso sites
- Major accident investigations

Document approval

- Safety report
- Major accident prevention policy
- Internal emergency plans

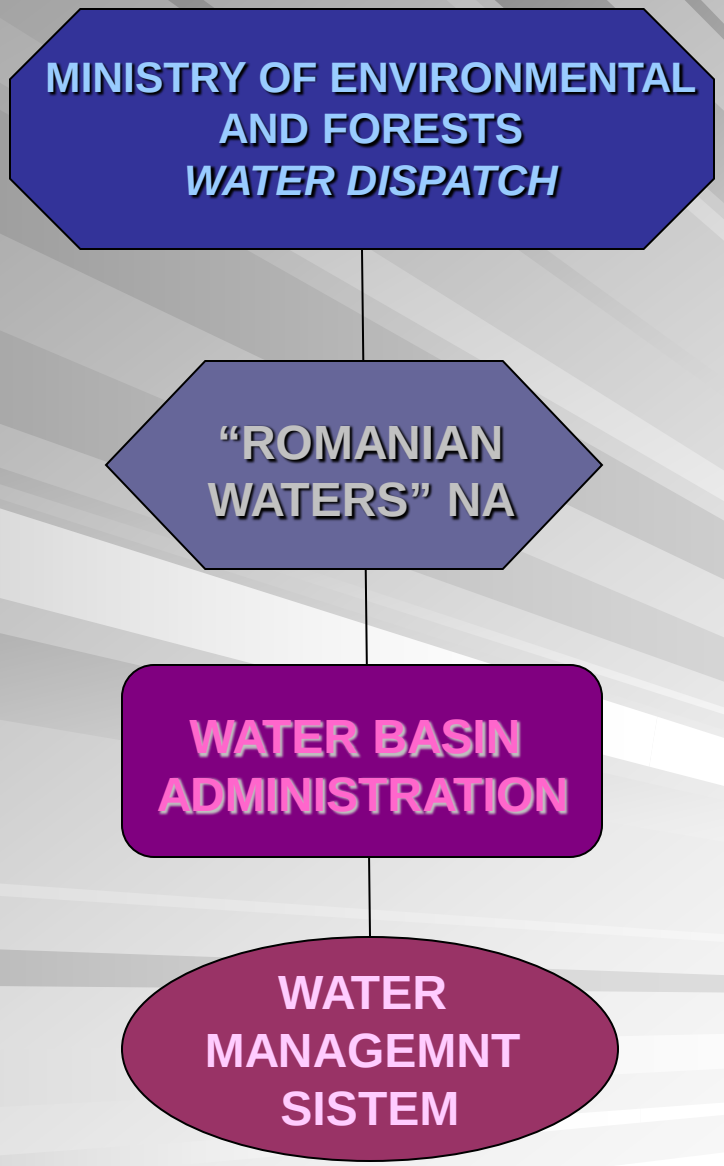
Emergency Plans

- Developing external emergency plans
- Testing external emergency plans
- Constant improvement

NATIONAL WATER POLUTION LEGAL FRAMEWORK

- **No. 107/1996 Water Law**;
- **Ministerial Order no. 278/1997**: Framework methodology for the development of pollution prevention and mitigation plans for water users;
- **Ministerial Order no. 84/1995** for the organization of the International Pollution Main Alert Center (PIAC) in case of pollution of the Danube River;
- **Ministerial Order no. 485/1995** – regarding the regulations for the organization and functioning of the Alert System in case of Romanian waterways accidental pollution, SAPA-ROM;
- **Ministerial Common Order no. 420/638/2005**: Regulations for the management of emergencies due to floods, dangerous meteorological phenomena, hydro dam constructions and accidental pollution;
- **Emergency Ordinance no. 152/2005** regarding integrated pollution prevention and control;
- **Ordinance no. 195/2005** for environmental protection.

COMPETENT AUTHORITIES FOR THE MANAGEMENT OF WATER POLLUTION



NO. 107/1996 WATER LAW

- **«Romanian Waters» NA (11 Water basin Administrations):**

MAIN ATTRIBUTES

- ✓**Preventing accidental pollutions and**
- ✓**Mitigation of effects** (distinctive plans developed according to the water basins` particularities and polluting substances which might be released);
- ✓**Identifying the pollutants and causes**
- ✓**Early warning** of users and public authorities for **downstream** localities in order to take protective measures or **equip and use** mitigating measures and
- ✓**Intervention** (whichever the cause of the pollution phenomenon).

NO. 107/1996 WATER LAW

Water users and other dependencies:

- **Developing pollution prevention and mitigation plans**
- **Application of the plans in case of need**

- Ministerial Order no. 278/1997 – Framework methodology for pollution prevention and mitigation plans

Water users who have produced an accidental pollution:

- **Urgent mitigation measures**;
- **Immediate notification** of the nearest water management system;
- **Endowment and use of distinctive intervention means** (whichever the cause of the pollution phenomenon).

NO. 107/1996 WATER LAW

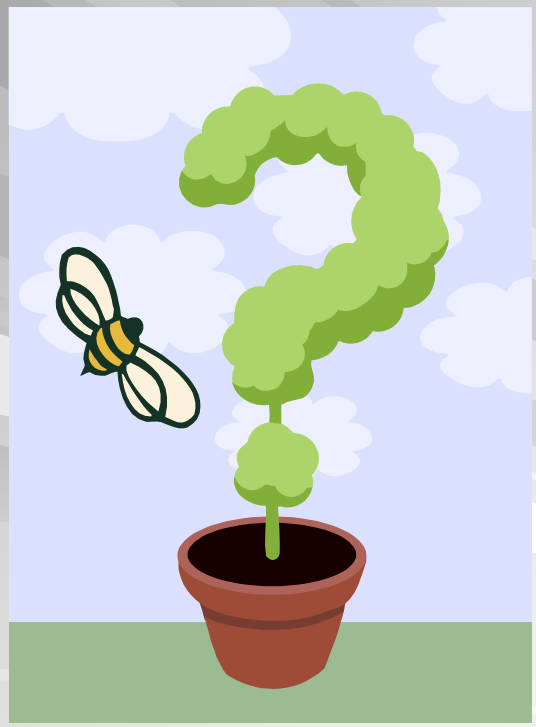
- **Potential polluters, maritime, fluvial and navigable waterways ports administrations, other water users:**
  - Endowment and use of distinctive intervention means (whichever the cause of the pollution phenomenon);
- **Individuals and companies which have suffered economical losses caused by upstream pollution or destruction of an upstream water retaining structure:**
  - Are entitled to compensations from the polluter, according to the law

NO. 107/1996 WATER LAW

- **Polluter pays:**
  - Pays for:
    - Consequence mitigation;
    - Monitoring the pollution;
    - Identifying of the pollutant;
    - Acknowledge the effects of the pollution.

MINISTERIAL ORDER NO. 278/1997: FRAMEWORK METHODOLOGY FOR THE DEVELOPMENT OF POLLUTION PREVENTION AND MITIGATION PLANS FOR WATER USERS

- **Prevention and mitigation plan**: any potential water pollutant use or one which can lead to events which imply accidental water pollution.

- **Lack of plans or not enforcing them => sanction**

THANK YOU FOR YOUR ATTENTION !