



Legal basis for adequate preparedness and response

Good Practice

**Technical Workshop on Crisis Management,
Project on hazard and crisis management in the Danube Delta**

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Emergency Preparedness and Response in the TEIA Convention

General provisions

Article 3(1) – take appropriate measures to protect human beings and the environment by preventing and mitigating the effects of industrial accidents.

This is to be achieved by...

Article 3(2) – the implementation of policies by the Parties to the Convention for reducing risks and **improving preventive, preparedness and response measures** (including for transboundary context).

Requirements for Emergency Preparedness in the TEIA Convention

Article 8 – Emergency Preparedness

- On-site plans
- Off-site plans
- Cooperation between neighbouring states

Annex VII – EP measures pursuant to Art. 8

- Coordination of on- and off-site plans
- Specific requirements concerning the information to be included in on- and off-site plans

Emergency Preparedness in the UK, Germany and Norway – Legal Basis

UK	Germany	Norway
TEIA Convention requirements implemented through Seveso II Directive, and reflected in the following national legislation:		
<p><u>Control of Major Accident Hazards Regulation 1999</u></p> <p>Operational principles: identification, prevention and control, mitigation</p> <ul style="list-style-type: none"> • Reg. 9 – OnEPs • Reg. 10 – OfEPs • Reg. 11 – Review and testing of EPs • Reg. 12 – Implementation of EPs • Reg. 13 – Charging for testing of OfEPs • Reg. 21 – Provision on information by the competent authority <p><u>Civil Contingency Act 2004</u></p> <ul style="list-style-type: none"> • Focuses on assessment and preparation • Creates duties to share information, assess the risks of emergencies and plan to prevent and deal with them • Establishes Regional and Local Resilience Forums 	<p><u>Bundes-Immissionsschutzgesetz, BImSchG, in particular the VO accident (Stoerfallverordnung) of 26 Sep 2002</u></p> <p>OnEPs, OfEPs, Reviewing and testing of EPs, training of staff, information to the public</p> <p>Additional requirements to Art. 8 TEIA Convention in the national law (VO accident)</p> <ul style="list-style-type: none"> • requirement to harness the effects of accidents: operator's obligation to take appropriate construction, technical and organisational measures • additional requirements: operator's obligations for e.g. maintenance and repair (in keeping with technical condition) and staff training • remaining obligations: operator must nominate a person responsible in case of an accident • Regional exercises 	<p><u>Fire and Explosion Prevention Act, Pollution Control Act and Civil Protection Act</u></p> <p>Establish the general legal basis for emergency planning in relation to hazardous installations, including requirement for OnEPs, OfEPs.</p> <p>Detailed requirements in Regulations of 17th June 2005 relating to Measures to Prevent Major Accidents in Enterprises Handling Hazardous Substances</p> <p>Availability of response forces and equipment at the facilities in proportion to the represented risks (risk assessment a basis for large installations)</p> <p>Availability of fire brigades at the level of municipalities, dimensioning of the fire service among municipalities so that response can be deployed to all kind of emergencies</p>

More detailed example from the UK legislation

OnEP – COMAH Sch. 5, Part 2: Contents

- Persons in charge of coordinating on-site actions
- Description of strategies for dealing with foreseeable incidents, including available equipment and other resources
- Persons who will liaise with local authority over off-site measures
- Type of information to be provided to the local authority

More detailed example from the UK legislation

OnEP – COMAH Reg. 9(3) & 9(4): Consultation

- Employees at the establishment
- UK Environment Agency
- Emergency services – fire, police, ambulance (and coastguard)
- Health authority
- Local authority (where an OfEP is required)

More detailed example from the UK legislation

OfEP – COMAH Sch. 5, Part 3: Contents

- Persons authorised to instigate and coordinate off-site actions
- Incident alert procedures
- Arrangements for coordinating resources and assisting with on-site actions
- Arrangements for providing information to the public
- Arrangements for providing information to other member states in the event of possible transboundary consequences

More detailed example from the UK legislation

OfEP – COMAH Reg. 10(5): Consultation

- Major hazard site operator
- Competent authority
- Emergency services – fire, police, ambulance (and coastguard)
- Health authority
- Members of the public, where appropriate

More detailed example from the UK legislation, OfEP – Responsibility

- **Local authority** => preparation of OfEPs
- **Site operator** => to provide appropriate information to the local authority
- **Reviewing and testing of EPs** – COMAH, Reg. 11
=> suitable intervals, min. 1 a year
- **Notification of the EC in case of a relevant major accidents** – COMAH Reg. 21 & Schedule 7 => by the UK Competent Authority

Requirements for Emergency Response in the TEIA Convention

Article 11 – Response

In the event of an accident (or a threat of)
Parties must:

- take adequate response measures asap to minimise the effects
- assess any possible transboundary effects, jointly where appropriate, and endeavour to cooperate

Emergency Response in the UK, Germany and Norway

UK	Germany	Norway
TEIA Convention requirements implemented through Seveso II Directive, and reflected in the following national legislation:		
<p><u>1. Control of Major Accident Hazards Regulation 1999</u> COMAH, Reg. 12 => person who has prepared an EP shall put it into effect without delay when;</p> <ul style="list-style-type: none"> - a major accident occurs; or - an uncontrolled event occurs which could reasonably be expected to lead to a major accident <p>COMAH, Reg. 19(4)(b) => Competent Authority shall ensure that any urgent, medium and long-term measures which may prove necessary are taken</p> <p><u>2. Civil Contingency Act 2004</u> Response structure: Identification of Lead Government Department Identification of Category 1 & 2 responders: Category 1 – local authority; police; fire and rescue; NHS and ambulance services; Environment Agency; Coastguard Category 2 – water, electricity, communications and transport providers; HSE</p>	<p><u>1. Bundes-Immissionsschutzgesetz, BImSchG, in particular the VO accident (Stoerfallverordnung) of 26 Sep 2002</u> - Application of mitigation measures (in accordance with the EPs) if an accident occurs - Technical and organisational protective measures - Involvement of appropriate administration offices and resources in the response</p> <p><u>2. Zivilschutz- und Katastrophenhilfegesetz (ZSKG, 25 Mar 1997)</u> Competence for civil protection lies with the Federation; competence for disaster response with the Länder => each Land had to adopt own provisions</p> <p><u>3. Bilateral agreements</u> Between Germany and (1) its 9 neighbours and (2) other countries, such as Hungary, Lithuania, Russia Between German Lands and a neighbouring country => Approx. 60 agreements altogether Including bilateral agreements on protection of waters (ex. Danube protection agreement of 1994, 10 participating states</p>	<p><u>Fire and Explosion Prevention Act, Pollution Control Act and Civil Protection Act</u> Establish the general legal basis for requirements for emergency response in case of accidents involving hazardous substances.</p> <p>Detailed requirements in Regulations relating to Measures to Prevent and respond to Major Accidents in Enterprises Handling Hazardous Substances</p> <p>Availability of procedures for activating the emergency forces</p> <p>A basis for countrywide public acute pollution emergency preparedness and response system within 34 regional centres. Based on the personnel and resources of one major municipality with its fire and rescue brigade, harbour authorities, county environmental protection personnel and other resources within each region</p>

Crucial terms of Preparedness and Response

Preparedness: Measures aiming at consequence reduction through emergency planning, land use planning and risk communication

Response: Actions following an accident for the limitation of adverse consequences, providing immediate relief as well as taking steps towards clean up and restoration

Basic elements for emergency preparedness development:

- **On-site and off-site emergency plans are key elements in every major hazards control system**
- **Must be prepared by industry and public authorities respectively, but in close co-operation**
- **Planning and exercises must include all parties involved**
- **Plans must be based on realistic scenarios**
- **Plans must be flexible**
- **Plans must be modified whenever necessary**
- **Involvement of media is essential**



Thank you for your attention!

