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## **EUROPEAN AND MEDITERRANEAN AGREEMENT ON MAJOR HAZARDS (EUR-OPA)**

*Network of Specialised Euro-Mediterranean Centres  
of the EUR-OPA Major Hazards Agreement*

### **Involvement of Local and Regional Authorities in Major Hazard Management**

## **SITUATION APPRAISAL**

*Higher Institute for Emergency Planning (ISPU), Belgium*



Project assigned by the EUR-OPA Major Hazards Agreement  
to the Higher Institute for Emergency Planning (ISPU),  
a Belgian specialised centre

## Aims

Identifying legal experiments, practices, texts and procedures which have proved particularly useful in EUR-OPA Agreement member countries.

## Methodology

The Higher Institute for Emergency Planning (ISPU) carries out analyses of legal and organisational aspects of major hazards management for the EUR-OPA Major Hazards Agreement of the Council of Europe in order to identify lessons and good practice that might assist the authorities in their management of major risks.

Following the adoption in 2006 by the Ministers of the Agreement of a Recommendation on the role of local and regional authorities in reducing major hazards<sup>1</sup>, the ISPU offered to continue studying this subject.

Drawing on its previous studies<sup>2</sup>, the Hyogo Framework for Action 2005-2015<sup>3</sup>, the work already conducted on this matter by the Congress of Local and Regional Authorities of the Council of Europe (CLRAE)<sup>4</sup>, the Recommendation on the role of territorial authorities<sup>5</sup> and the priority actions

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<sup>1</sup> Doc. AP/CAT (2006) 24 rev 2.

<sup>2</sup> K. VAN HEUVERSWYN, *National structures of civil protection*, Strasbourg, ISPU, 1998. K. VAN HEUVERSWYN, *Comparative study of legislation in the field of major hazard management in the 26 members countries of the Council of Europe EUR-OPA Major Hazards Agreement*, Strasbourg, ISPU, 2003. K. VAN HEUVERSWYN, *Comparative analysis of inter-ministerial management of major hazards: Belgium, France, Russia, Bulgaria*, Strasbourg, ISPU, 2005.

<sup>3</sup> World Conference on Disaster Reduction: Hyogo Framework for Action 2005-2015: "Building the Resilience of Nations and Communities to Disasters", Kobe, Japan, 2005. [http://www.un.org/french/ha/natural\\_disaster/index.asp](http://www.un.org/french/ha/natural_disaster/index.asp).

<sup>4</sup> Congress/Res 129 (2002) 22 March 2002, *Resolution 129 (2002)1 of the Congress of Local and Regional Authorities on local authorities confronting natural disasters and emergencies*; Congress/Rec 108 (2002) 22 March 2002 *Recommendation 108 of the Congress of Local and Regional Authorities on local authorities confronting natural disasters and emergencies*; Congress-CPL (12) 2 Part II/30 May 2005, *Natural and industrial disasters - local authorities facing emergencies: 40 measures in dealing with natural hazards*; Congress/Res 200 (2005) 2 June 2005, *Resolution of the Congress of Local and Regional Authorities on natural and industrial disasters - local authorities facing emergencies*; Congress/Rec 168 (2005) 2 June 2005, *Recommendation 168 of the Congress of Local and Regional Authorities on natural and industrial disasters: local authorities facing emergencies*; CM/CONG (2005) Rec 168 final 8 September 2005, *Natural and industrial disasters: local authorities facing emergencies - Recommendation 168 of the Congress of Local and Regional Authorities (Reply adopted by the Committee of Ministers on 7 September 2005 at the 936<sup>th</sup> meeting of the Ministers' Deputies)*; Congress/Rec 191 (2006) 2 June 2006, *Recommendation 191 (2006) on Chernobyl, 20 years on: local and regional authorities dealing with disasters*; Congress/Res 215 (2006) 2 June 2006, *Resolution 215 (2006) on Chernobyl, 20 years on: local and regional authorities dealing with disasters*. We might remember that the CLRAE has also launched the European Forum for Disaster Management at the local and regional levels.

<sup>5</sup> AP/CAT (2006) 47 – Document AP/CAT (2006) 24 rev 2.

on the Medium-Term Plan 2007-2011<sup>6</sup>, the ISPU first of all drew up the working paper **AP/CAT (2007) 11**, which was used as a **framework** for the questionnaire geared to fuelling the future comparative analysis.

**The survey by questionnaire** among Permanent Correspondents and Directors of Specialised Centres was intended to provide an overview of major hazard management from the local to the national through the intermediate levels, and to assess the importance of the role played by local and regional authorities in this system, the problems they are facing, the support offered by higher levels and the attempts at harmonisation in order to prevent incompatible or conflicting measures from being taken in the same risk areas. The questionnaire went through every stage in major risk management (risk analysis, prevention, preparedness, management, recovery and lesson-learning/feedback).

The ISPU would like to thank all those who took part in the survey, including its Belgian partners and also the following: Ms Fattoum Lakhdari for Algeria, Mr Stepan Badalyan for Armenia, Mr George GEROSIMOU for Cyprus, Mr Igor MILIC for Croatia, Mr Dimitrios PAGIDAS for Greece, Mr Michel FEIDER for the Grand Duchy of Luxembourg, Mr René FEUTEUN, Mr Yves DELACRETAZ, Mr Jacques FAYE and Ms Marie Luce PAVIA for France, and Mr Tony VARO for the Principality of Monaco. We would also express our gratitude to Mr Iuliu BARA for organising a Round Table with several Romanian local authorities, and Ms Rajae CHAFIL and Mr Said ELHADEQ for the contact made with their national authorities as part of the project analysing the situation in Morocco.

The survey provided the ISPU with sufficient information to launch an overall debate on major risk management and the role played by the local and regional authorities in the aforementioned countries (**AP/CAT (2009) 13**). Some of the surveys went even further: either the Correspondents themselves spontaneously sent the ISPU additional information such as the relevant legal texts or a description of the administrative organisation, or the ISPU invited them to clarify some of their replies to the questionnaire. In other cases, it was the methodology chosen by the Correspondents to co-ordinate the replies to the questionnaire which facilitated a more in-depth analysis of the situation. This applied, for example, to France and Belgium. For the analysis of the role of local and regional authorities in France, Ms Marie-Luce Pavia, a professor at the University of Montpellier, involved her students matriculated in the specialised Master's course on risk management in the area. In the case of Belgium, an interview conducted with the ten Provinces and the Administrative District of Brussels-Capital helped pinpoint the problems encountered by the Governors and Mayors in complying with their legal obligations, as well as good practices in specific provinces or municipalities.

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<sup>6</sup> AP/CAT (2006) 47 – Document AP/CAT (2006) 24 rev 3. One of these priority actions is to “*encourage States to develop and improve as appropriate their policy, legislative and institutional frameworks for disaster risk reduction*”.

In 2009, two **workshops** were attended by individuals having replied to the questionnaire for the following countries: Algeria, Armenia, Belgium, France, Grand Duchy of Luxembourg and Greece. The participants were asked to outline their country's administrative set-up and risk management system, with specific reference to the role of local and regional authorities, and then to explain two problems which they had been facing and give two examples of good practice. The first workshop concerned the planning and management phases of an emergency situation, while the second dealt with the major risk identification and prevention phases.

In 2010, a **transversal analysis** of the replies to the questionnaire highlighted a number of common aspects and a series of legal experiments, practices, texts and procedures which have proved particularly useful. This analysis is available in French and English (**AP/CAT (2010)8**).

Over this period, the ISPU has also designed a **Website (www.ispu.eu)** to facilitate exchange of information and appraisals. The site contains the replies to the questionnaire, the comparative analysis, the relevant legislation and recommendations and the examples of good practice identified. The testing carried out has shown that the site requires technical upgrading, that it should be better publicised among all EUR-OPA Agreement partners and that the "Good Practice" section should be simplified. The aim for the future is to use this website as a facility providing a platform for exchanging experience and good practice among Agreement partners, local authorities and experts in risk management.

**In 2011 the ISPU would like to enlarge the "local authorities" working group, starting off by encouraging further replies to the questionnaire.**

### **Problems**

It is difficult to identify a common basis for a comparative analysis of systems which are influenced by different histories, cultures and institutions. Each state has its peculiar features (federal/unitary structure, size, population density, risk exposure, resources, etc), and the concepts of local and regional authority vary from one country to the next. Some of the good practices identified in a given country will therefore be explained primarily by the specific context of this country and will not be transposable as such to another country. This means that a brief description of the context of the practices is required in order to understand their limitations. Where such limitations exist, they do not hamper but rather foster, in a variety of ways, the debate on improving the current systems.

## Recent results (extracts)

**I. The states are required to protect the persons within their territories against major hazards, and the population's demands on the public authorities in this respect are legitimate:** preventing a recurrence, avoiding the avoidable and reducing the consequences of an emergency by maintaining close contact with the victims through assistance, explanations and sometimes compensation.

However, the public must be aware of their own capacity to reduce the consequence of major risks for their lives, those of their families and the environment. Central government must develop this capacity by providing information on what to do before, during and after an emergency.

Thanks to their proximity to the ground, local authorities are well placed to adapt a standard message to each section of their populations (expatriates, children, older people, tourists, etc).

**II. The manner in which states manage these risks varies widely depending on their administrative organisation.** The degree of decentralisation or devolution, which varies from country to country, explains the extent of the role played by their local and regional authorities in protecting populations. The latter are sometimes free to develop an individual risk-reduction strategy, or else they simply implement standard measures, adapting them more or less to local specificities; or they may simply have no powers at all in this field.

**III. We might wonder if it is more effective to manage the risk locally or centrally.**

- Local authorities are better informed about the characteristics of their local areas and populations. In fact, since they often also belong to the local population themselves, they are regarded as credible dialogue partners. Their proximity, which enables them to engage in direct interpersonal communication and also gives them a certain permanence considering how fragile telecommunication systems are in an emergency, as well as the policing powers they usually exercise, mean that they are frontline operators in any emergency situation.

However, faced with a serious emergency, their resources may rapidly prove inadequate or else be completely wiped out. Since risk areas do not match administrative boundaries, another possible situation is where several localities face the same disaster phenomenon. In both types of situation, they are forced to seek co-operation from other localities or call on support from higher echelons. Their strategies can never form part of an effective and co-ordinated emergency response unless these strategies have been previously shared with these partners.

- Having more extensive resources and a wider network of partners, the upper echelons of authority will generally intervene if local resources prove inadequate or if an event affects the territory of more than one locality. This does not detract from the importance of the local authorities' role, since their mode of management in the initial hours of the emergency is decisive in reducing the seriousness of the disaster, and their participation in implementing the measures subsequently decided on is vital for ensuring a mode of management tailored to the circumstances.

**IV. Accordingly, we cannot say that one level of authority is more appropriate than another for managing a risk:** the alarm may be raised by the Mayor, but the higher echelons will take over if the crisis grows. However, it is true that the foreseeable gravity of a risk can help define upstream the role to be played by each level: some risks can be effectively managed at the local level, but when the foreseeable effects become too serious for the local authority to cope with, the higher echelons must intervene, either in a support role or as the crisis management authority. Local authorities may recognise this in their risk analysis and call on the services of higher echelons for risks with which they are unable to cope on their own.

**V. Emergencies are exceptional situations that involve services (fire brigades, emergency medical teams, police services, civil protection agencies, etc) which seldom meet up in the normal course of events.** The states face the problem of harmoniously combining the work of agencies with different cultures and missions in order to ensure maximum efficiency during the emergency. Involving local authorities and their services helps central government to identify certain specificities.

**VI. All the players are therefore involved and interdependent, and each player is vital to the system's success.** It is therefore essential to build the capacity of all these players to work within a network with the same objective of saving lives. Such networking means establishing meeting points (real or virtual) and developing methods and procedures able to promote better top-down and bottom-up information flows. Major reforms are not necessary for this purpose; small steps are enough, as and when required.

**VII. However, networking means that everyone involved must be speaking the same language.** And this is the first problem, since there is no standard risk management terminology apart from a few definitions deriving from legal texts transposed into domestic legislation as a result of binding international standards (such as those relating to Seveso<sup>7</sup>, nuclear

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<sup>7</sup> Directive 1996/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances; Directive 2003/105/EC of 16 December 2003; the Helsinki Convention on the Transboundary Effects of Industrial Accidents; ILO Convention No. 174 concerning the Prevention of Major Industrial Accidents.

energy<sup>8</sup>, use of genetically modified micro-organisms<sup>9</sup>, etc), but there is no real agreement.

**VIII. Despite the undisputed importance of involving the local authorities in major hazard management, experience unambiguously shows that these authorities still face many difficulties** stemming, *inter alia*, from lack of information (What is a hazard? How can I ascertain the effects of this risk on my area and population? What is the minimum content of an emergency plan? Whom should I involve in devising such a plan? Can I be held responsible if I make a wrong decision? etc) and lack of training (How can I inform my population? How am I to speak to the media? How am I to organise a drill? etc), but also resources which are insufficient to implement the necessary action (Who will conduct the risk analysis? Who will draw up the emergency plans? How will I protect my rescue teams if this risk eventuates? etc).

**IX. Central government can provide local authorities with support and guidance for their duties.**

**Document AP/CAT (2010) 8** sets out a number of pointers based on existing good practice:

1. Pool all information forwarded by local authorities, convert it into geographical data and provide all players with a national risk-exposure map.
2. Define the key concepts and lay down guidelines for hazard management in a statutory framework.
3. Set up a permanent consultation body in order to promote a comprehensive major-hazard management policy.
4. Spread a risk culture and build awareness in relevant sectors.
5. Promote local co-operation, exchange of experience and good practice at both national level and international level.
6. Provide local authorities with a risk analysis methodology.

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<sup>8</sup> Convention on Early Notification of a Nuclear Accident, IAEA document INFCIRC/335; Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, IAEA document INFCIRC/336/Add.1.

<sup>9</sup> Council Directive of 23 April 1990 on the contained use of genetically modified micro-organisms (90/219/EEC); Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms.

7. Facilitate local-authority access to technical and scientific resources<sup>61</sup> in order to improve risk analysis, threat assessment, monitoring, warning, and response times.
8. Satisfy local-authority requests for expert appraisal.
9. Identify, analyse and consider risk exposure in town planning and inform future buyers of the existence of risks and the measures taken to prevent them or limit their consequences if they occur.
10. Make earthquake-resistant building standards mandatory in areas subject to seismic risk.
11. Encourage analysis of the vulnerability of particularly important structures in these areas.
12. Encourage public-access buildings to prepare emergency plans in consultation with local authorities.
13. Make it mandatory to clear land round homes in order to reduce their vulnerability to forest fires. Make local authorities responsible for supervising this requirement.
14. Include in deeds relating to the sale or letting of real estate a clause informing buyers or tenants of the risks to which the property is exposed. Make this information available to other stakeholders, including local authorities.
15. Require industrial concerns to take appropriate steps to prevent any major accident.
16. Involve local authorities in carrying out inspections in hazardous plants and punishing breaches.
17. Require industrial plants to take appropriate steps to limit on-site and off-site effects while taking account of both internal and external risks.
18. Require them to take part in local emergency planning and prepare internal plans for containing incidents.
19. Specify a structure for these plans so that they are consistent with the local authorities' external plans.
20. Involve local authorities in approval of factories' emergency plans.
21. Establish interfaces between prevention and preparation.
22. Give preference to local channels in order to disseminate information better tailored to local circumstances and cultures. Give the public

information on what to do before, during and after an emergency. Also inform them of their duties.

23. Encourage households to do first-aid training, identify risks of concern (at home and work, on holiday, etc) and draw up their own emergency plans.

24. Set up a permanent round-the-clock monitoring body to co-ordinate distribution of relevant information to all the authorities concerned, including local authorities.

25. Encourage standardisation of local emergency planning whilst respecting specific circumstances and different cultures – for example, by providing local authorities with a methodology for preparation of emergency plans, with a standard structure and with a minimum content.

26. Keep a record of risk by encouraging local authorities to add to a database covering events that have already occurred and the lessons learnt from them.

27. Make an inventory of available local resources and assess needs.

28. Standardise methods of recognising response and rescue teams on the ground.

29. Specify preparation and training arrangements for all emergency players, including local authorities.

30. Assess risks run by rescue teams and plan appropriate safety measures.

31. Organise consultation with the response and rescue services to ensure that their procedures are consistent with the management structure laid down by the local emergency plans.

32. Provide local authorities with a methodology for exercises.

33. Calculate risk-exposure zones and inform the localities concerned.

34. Standardise warning procedures.

35. Plan procedures for keeping in constant contact with the local authority in an emergency.

36. Provide local authorities with a logbook.

37. Plan in advance for the longer-term consequences of risks in order to improve the post-crisis stage.

38. Determine in advance the bodies to be set up as interfaces between government and the area affected in order to expedite administrative procedures for recovery.
39. Determine in advance the bodies to be set up as interfaces between victims and the various victim support services and associations.
40. Consider a systematic and standardised method of feedback.