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COMPARATIVE LEGAL ANALYSIS OF ROMANIAN AND
BULGARIAN LEGISLATION CONCERNING DISASTER
MANAGEMENT ON THE EQUIPMENT SAVE OUR LIVES
PROJECT WITH NUMBER: ROGAN-305 FINANCED BY
INTERREG V-A CROSS-BORDER COOPERATION PROGRAM
ROMANIA-BULGARIA 2014-2020 ”



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Project „Equipment save our lives”, e-MS code: ROBG-305. The content of this material does not necessarily represent the official position of the European Union.
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1. INTRODUCTION

The present comparative legal analysis of Romanian and Bulgarian disaster management legislation aims to reduce environmental vulnerability and prevent the consequences of the socio-economic disaster caused by floods or fires in the border area. Knowing in depth the legislation of the two countries in these fields is a prerequisite for the successful implementation of the purpose of the project „Equipment save our lives” with the number: ROBG-305, financed by the INTERREG V-A CROSS-BORDER COOPERATION PROGRAM ROMANIA-BULGARIA 2014-2020. This will clarify the mechanisms by which the two countries use each other to draw up plans and take disaster prevention measures. Having in mind that Bulgaria and Romania are Member States of the European Union, European legislation should be taken into account when developing the analysis, which is not only mandatory for implementation in the legal world of any country, but also helps to unify the rules to a great extent.

This legal analysis will be used as a basis on which during the implementation of the project will enable the establishment of common strategic measures, institutional partnerships and an expert network in the field of risk



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management and thus will help to solve the identified complex joint problem, related to the management and response of floods and fires. It will also be crucial in the subsequent proposals for improving the municipal plans in the context of harmonization, integration and better coordination based on lessons learned so far and recent European and international regulations, as well as trends in this area and the reconciliation of both legislative and practical action between the two countries (Bulgaria and Romania). The activity will greatly contribute to the implementation of the project outcome indicator for improving joint risk management in the cross-border region, as it will provide valuable information on the current status and level of adequacy in accordance with EU legislation.

In the preparation of the comparative legal analysis, it was taken into account that in addition to their own local legislation on disaster management and response to events with catastrophic characteristics, as mentioned above both countries also have their own structures, administrative responsibility and disaster management organizations, activities in place by stakeholders, strategic and organizational documents. Another main thrust of the purpose of this comparative legal analysis is to provide useful information not only to the beneficiaries of the current project, in the execution to which it is prepared, but also to local management units, which may subsequently use it to improve regulation, practical governance and the legislative framework that they go through in disaster management, this will result as a benefit to the society as a



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whole. Comparison between the legislations regulating the same sphere in Bulgaria and Romania will allow for greater transparency and clarity of practices in both Mocacei and Montana and in this way will contribute to the synchronization and cooperation between partners in the field of disaster management which will ultimately lead to the identification of good and bad practices in Bulgaria and Romania, formulation of proposals for their improvement and, last but not least, will be the legal basis for bringing the existing plans for disaster management and operation of the structures responsible for dealing with them in accordance with the actual legislation and the practical need at maximum economy of resources and benefits to society.

The activity will contribute significantly to the implementation of the project outcome indicator for improving joint risk management in the cross-border region, as it will provide valuable information on the current status and level of adequacy in accordance with EU legislation.

The following tasks have been solved in order to achieve the development goals:

- Review and analysis of relevant European legislation;
- Review and analysis of the national institutional framework of the Republic



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of Bulgaria

- Review and analysis of the national institutional framework of Romania
- Review and analysis of the legislation of the Republic of Bulgaria and local regulations in the Municipality of Montana on disaster management
- Review and analysis of Romanian legislation and local regulations in the Municipality of Motatei on disaster management
- Outline the problem - the differences and the lack of synchronization between the Republic of Bulgaria and Romania
- Finding a Solution
- Outline the result

The analysis has been developed in scope and content according to the local legislation of the Republic of Bulgaria, Romania and good European practices have been taken into account.



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2. Overview and analysis of European legislation in the European Union

The Republic of Bulgaria and Romania are Member States of the European Union and as such they should comply with local legislation in the Community. In order to create a common framework, European legislation has obligatory regulations and directives that must be implemented in the local legislation of each Member State and rules that must be followed. Therefore, in order to achieve the objectives of this comparative legal analysis, European legislation in the field of disaster management, their prevention and their action in the first place must be addressed first and foremost.

Each of the EU Member States has been severely affected by natural disasters. Disasters cause both serious economic losses resulting in billions of euros in damages, which in turn shake the economic stability of a particular country, but also disrupt or even halt its economic growth, and take human casualties. Natural disasters can also have transboundary effects and can literally endanger entire regions in neighboring countries. As part of a community and understanding and appreciating the grave consequences of a disaster, not only for the specific country in the territory in which it occurred, but for the community as a whole, the European Commission prepares the so-called European Union Civil Protection Mechanism (CPMEU).



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First of all, it should be specify that the problem of natural disasters, their prevention, management and their consequences is a global problem. They can occur anywhere, at any time, and can be caused by a variety of causes, including human causes, such as the massive case of forest fires, for example. In order to reduce the impact of natural disasters, it is important that the respond to be immediate, in order to be effective, it should be regulated and comply with certain regulatory rules to follow. The aim of European legislation in this regard is precisely to create mechanisms for managing and preventing the effects of disasters, knowing that good disaster management saves lives, and effective coordination between the different authorities is crucial for successful preparation and response in the case of a disaster.

The European Union Civil Protection Mechanism (CPMEU) was established in 2001. The current legal framework establishing its existence and mechanisms is in Decision No 1313/2013 of the European Parliament and of the Council of 17.12.2013 , which has been amended and supplemented by Decision (EU) 2019/420 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 March 2019 in order to encourage the rapid and effective operational coordination between national civil protection services. In accordance with Decision No 1313/2013, the European Union Civil Protection Mechanism (CPMEU) should provide protection which has the



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following scope: first and foremost, ensuring the protection of the population, while preserving the most intimate value of the life and physical integrity of the population, at the same time, however, it should guarantee the protection and protection of the environment and property, including cultural heritage. The European Union Civil Protection Mechanism (MSG) is designed to create protection against all kinds of natural and human-made disasters, including environmental disasters, marine pollution and emergencies related to acute health problems that arise inside or outside the Union. The mechanism provides ways to assist in addition to the response capabilities of each country concerned.

In the spirit of solidarity, one of the fundamental principles of the European Union's functioning, a solidarity clause has been laid down by the Treaty on the Functioning of the European Union. In Art. 222 TFEU provides that, in the event of a natural or human-made disaster, the European Union shall mobilize all available legal instruments provided to it by the Member States. This solidarity clause should adopt its legal framework that defines the mechanisms, terms and conditions for its implementation. Provision 222 TFEU provides that this shall be done by approved Decision adopted by the Council on a joint Commission proposal.

Decision No 1313/2013, which establishes the legal framework for the terms



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and conditions of functioning of the Union Mechanism, is a clear expression of European solidarity, by providing a practical and timely contribution to disaster prevention and preparedness and disaster response and immediate response. disaster threat without prejudice to the relevant guiding principles and mechanisms in the field of civil protection. It therefore sets out the principles not to prejudice the reciprocal rights and obligations of the Member States arising from bilateral or multilateral contracts, and in no case can this be taken to diminish the responsibility of the Member States to protect the population, the environment, as well as property on their territory, namely to assist them in the accomplishment of these tasks.

The European Union Civil Protection Mechanism (CPMEU) aims to consolidate the efforts of the Member States, as well as to support the further development and better integration of transnational systems of general European interest of detection, early warning and alert. Duty of the Union is to support and assist Member States in minimizing the time they need to respond to disasters.

The Union mechanism should facilitate the mobilization and coordination of relief operations. The Union mechanism should be based on a Union structure consisting of the Emergency Response Coordination Center (ERCC), European Emergency Response Capacity (EERC) in the form of voluntary



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merging of Member States' pre-allocated capabilities. experts, the Commission-led Common Communication and Emergency Management System (CECIS) and contact points in the Member States. It should provide a framework for collecting validated information on the situation, for disseminating it to the Member States, and for sharing lessons learned from operations.

The Union mechanism has two main objectives. Firstly, to strengthen cooperation between the Union and the Member States and to facilitate coordination in the field of civil protection in order to improve the effectiveness of systems for the prevention, preparedness and response of natural and human-made disasters.

The main European document that EU Member States shall fulfill as regards the assessment and management of flood risk is Directive 2007/60 / EC of the European Parliament and of the Council of 23 October 2007.

According to the requirements of Directive 2007/60 / EC, the assessment and management of flood risk in each Member State consists of three stages:

- Preparation of a preliminary flood risk assessment;



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- Establishing a flood hazard maps and flood risk maps ;
- Development of a Flood Risk Management Plan (RMP) with incorporated Program of Measures in connection with the flood prevention (PoM)

In this comparative legal analysis, Directive 2007/60 / EC finds its place and application with respect to both countries Bulgaria and Romania. In Art. 9 of the Directive sets out the obligation for Member States to take the necessary measures to coordinate its implementation, paying particular attention to the possibilities of improving efficiency, exchanging information for joint action and reaping benefits. The successful transposition of the imperative provisions means that both countries should have the three stages listed above. Similarities and differences are the subject of analysis of the local legislation of the two countries and their successful transposition into them.

3. Institutional frameworks in the Republic of Bulgaria and Romania. Review and analysis. Problem, Solution and Result

3.1. Institutional framework in the Republic of Bulgaria

The Council of Ministers forms and implements the state policy in the field of disaster protection, implementing a general management of disaster



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protection. To support its activities, a Disaster Risk Reduction Council is set up, which includes representatives of the ministries, departments, the Bulgarian Academy of Sciences, Universities, research institutes, the National Association of Municipalities in the Republic of Bulgaria, the Bulgarian Red Cross and legal entities, including non-profit legal entities, relevant to disaster risk reduction.

To monitor and implement the national disaster protection plan by order of the Prime Minister of the Republic of Bulgaria, a national headquarters with a designated head and members is established. Logistically, administratively and communicatively, the national headquarters is served by the Directorate General "Fire Safety and Population Protection" - the Ministry of Interior, as well as by the ministries, agencies and institutions competent in the view of the nature of the particular disaster.

A Council on Disaster Risk Reduction is set up at the Council of Ministers, chaired and represented by the Minister of the Interior. The activity of the Council is extremely important, and its activities include:

- Developing and proposing to the Council of Ministers the National Strategy for Disaster Risk Reduction;



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- Developing and proposing to the Council of Ministers a National Disaster Risk Reduction Program and annual plans.

- Developing and proposing to the Council of Ministers a National Disaster Protection Plan;

- Review and update planning documents and coordinate their implementation.

- Assisting the Council of Ministers in the development and implementation of Acts and regulations related to disaster risk reduction;

- Proposes drafting and giving opinions on draft regulatory acts related to the implementation of the state policy for disaster risk reduction;

- The Council assists the Council of Ministers in the formulation and implementation of policies in areas relevant to disaster risk reduction;

- Review and prepare an annual report to the Council of Ministers on the state of disaster protection;

- Communicates with the Secretariat of the United Nations International



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Strategy for Disaster Reduction (UNISDR);

- Develops guidelines related to disaster protection

The Disaster Protection Act and the Act on the Ministry of the Interior define the functions, activities, management and structure of the authorities at municipal and regional level, as well as their duties and responsibilities during and after a disaster. Regional governors and mayors have primary responsibility for disaster protection at the district and municipal levels, respectively. During the response phase, there is close cooperation between the Regional Directorate of „Fire Safety and Population Protection”, the regional governors and the mayors.

Disaster protection plans, drawn up at district and municipal level, are developed on the basis of the National Disaster Management Plan and are approved by the Regional Governor and respectively by the Mayor / municipal council. Responsibilities have been assigned, both to institutions and individuals, according to their legal role and mandate. In general, the responsibilities of the Regional Governor and the Mayor include activities in all phases of disaster risk management, not just in the area of emergency planning and response. For example, they chair the established coordinating



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authority at the district and municipal level, which is described as "headquarters".

For the purposes of the current legal analysis, it is necessary to outline precisely all competent authorities at local level for the development, adoption, coordination and implementation of disaster protection plans:

1) First of all, this is the Regional Governor

The Regional Governor organizes and manages disaster protection in the district; organizes and is responsible for the training of the regional administration on the ways of behavior and action when implementing the regional disaster protection plan; coordinates and controls the disaster preparedness carried out by the regional administration, the territorial units of the ministries and agencies, legal and natural persons in the district; organizes and controls the implementation of preventive measures to prevent or reduce the effects of disasters; provides data on the preparation of the National Disaster Risk Reduction Program and the National Disaster Protection Plan; establish an early warning organization for disasters; establish a regional headquarters with an order for implementation of the regional disaster protection plan and for interaction with the national and municipal staffs, coordinate and supervise the development and implementation of the regional



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disaster risk reduction program; coordinates and controls the development and implementation of the district plan; Appoints the Head of Operations by order

Regional Headquarter is set up in order to assist the Regional Governor in performance in his activity , modeled and similar to the National Headquarters. In this sense, it also carries out similar activities, namely:

- Prepare analysis and evaluation of the situation in case of disaster;
- Proposes to the Regional Governor for approval decisions on the necessary volume and resource provision of rescue and emergency restoration works for the prevention, limitation and elimination of the consequences of the disaster and for the assistance to the affected population;
- Exercise control over the implementation of the tasks and measures for disaster management;
- Inform the population through the media about the development of the disaster, the actions taken to curb it and control it, and the necessary precautions and actions;



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- Report to the District Governor on the progress of the protective measures carried out

In turn, the activities of the regional headquarters are assisted by a regional council. It consists of the mayors of municipalities or their authorized representatives, one representative of the municipal council from each municipality in the territory of the region, the director of the regional directorate "Fire safety and Population Protection", the director of the regional directorate of the Ministry of Interior, the commander of the military formation on the territory of the district, the director of the territorial directorate of the State Agency for National Security, the director of the center for emergency medical aid, the heads of the territorial units of the central administration of executive authority, legal entities, including entities with non-profit and other relevant at reducing disaster risk.

The Regional Council is chaired and represented by the Regional Governor. The Regional Council implements the Council on Disaster Risk Reduction instructions and guidelines for reducing risk to the Council of Ministries.

The Regional Council has the following powers:

- Develops and coordinates the implementation of the regional disaster risk



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reduction program;

- Coordinates the implementation activities of the municipal programs for disaster risk reduction;
- Develops, reviews and updates the regional disaster protection plan;
- Coordinate municipal programs for disaster risk reduction;
- Coordinate municipal plans for disaster protection;
- Review and prepare an annual report to reduce the risk to the Council of Ministries about the state of disaster protection in the territory of the district.

2) In the second place for each specific Municipality is the Mayor

Mayor of the Municipality has the following competences in the field of disaster protection:

- Organizes and manages disaster protection on the territory of the municipality;
- Organize, coordinate and implement preventive measures to prevent or



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reduce the effects of disasters;

- Establish an early warning organization for disasters;
- Plans financial resources for disaster protection in the draft municipal budget;
- Establishes, by order Municipal headquarter for the implementation of the municipal disaster protection plan and interaction with the headquarters.
- By order appoints the Head of Operations;
- Coordinate and control the development and implementation of the municipal disaster risk reduction program;
- Coordinates and controls the development and implementation of the municipal disaster protection plan;
- Provides the municipality with the response capacity;
- Organizes and is responsible for the training of the municipal administration and the population of the respective municipality, for the behaviors and



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actions, which shall be made in case of disasters and for the implementation of the necessary protective measures;

- Provide data on the preparation of the regional disaster risk reduction program and the regional disaster protection plan;

To assist the mayor in the performance of his competance a Municipal Headquarters is established, which performs the following main activities:

- Analysis and evaluation of the disaster situation;
- Proposes to the Mayor of the municipality for approval decisions on the necessary volume and resource provision of rescue and emergency disaster recovery works for the prevention, limitation and elimination of the consequences of the disaster and for the assistance of the affected population;
- Supervise the implementation of the tasks and measures for disaster management;
- Inform the population through the media of the development of the disaster, the actions taken to its restriction and control and the necessary precautions and actions;



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- Reports to the mayor of the municipality about the progress of the protective measures.

A Municipal Council for Disaster Risk Reduction shall be established at the Municipal Headquarters to assist it in carrying out its activities. It consists of the Deputy Mayors of the Municipality, the Chief Architect of the municipality, representatives of the municipal council, heads of emergency response structures, legal entities, including non-profit legal entities, and others relevant to disaster risk reduction.

The Municipal Council for Disaster Risk Reduction is chaired and represented by the Mayor of the respective Municipality.

The activity of the municipal council for disaster risk reduction is expressed in:

- Development and coordination of activities for the implementation of the municipal disaster risk reduction program;
- Developing, reviewing and updating the municipal disaster protection plan;



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- Review and prepare an annual report to the Council on Disaster Risk Reduction at the Council of Ministers on the state of disaster protection on the territory of the municipality.

3.2. Institutional framework in Romania

The institutional structure for disaster risk management in Romania includes a system of different government authorities. On the order of Bulgarian institutional structure, Romanian is also composed of central, territorial and local public administrations.

In Romania, the Department of Emergency Situations DES and the General Inspectorate for Emergency Situations GIES also play a major role in the institutions responsible for disaster management. They are created and operate under the Ministry of the Interior. Their main activity is in the field of and respectively are responsible for disaster response, preparedness and prevention to disaster in the territory of Romania.

In order to differentiate between the two agencies, the competences and activities for which they are responsible under current Romanian legislation should be considered in more exhaustive aspect.



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- 1) The Department for Emergency Situations DES coordinates public policy on disaster management meanwhile also coordinating functions in the field of disaster management of other ministries than the Ministry of the Interior under the law, such as the Ministry of Regional Development and Public Administration, Ministry of Environment and Climate Change, Ministry of Agriculture and Rural Development, Ministry of Health, Minister Education and Ministry of Economy.

- 2) The General Inspectorate for Emergency Situations GIES is responsible for disaster prevention and management and manages the National Operations Center. However, specific roles and responsibilities for disaster management activities are carried out in addition to central, on municipal, district and local levels, with actions administered. For example, by emergency committees or professional public emergency services (County Emergency Inspections).

Competent Central Disaster Management Authorities.

- (1) The Ministry of Public Finance is responsible for the intervention fund. The intervention fund has been set up under the imperative provisions of Act 500/2002 and is intended to support disaster-related expenditure.



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The amount of the intervention fund is set annually and the initial contributions are usually around EUR 4 million, but Parliament is likely to increase this. In the event of major disasters, in order to recover the most damage (damage exceeding €3 billion or 0.6 percent of GNI), the government may also have access to the European Union „Solidarity Fund” for Critical Infrastructure Repairs , rescue and temporary shelter, cultural heritage repairs and waste disposal and cleaning.

- 3) The Ministry of Regional Development and Public Administration (MRDPA) is responsible for reducing seismic risk and for integrating disaster and climate risks into municipal, local, agricultural and regional plans. The National Local Development Program covers infrastructure - roads, bridges, treatment plants, schools, hospitals and cultural buildings, and a number of smaller programs are dedicated to sports buildings. The MRDPA is also responsible for programs aimed at reducing seismic risk in high-risk buildings. The MRDPA is seeking to develop an improved strategy to address seismic risk in multi-family housing as part of its broader housing reform agenda. Finally, the MRDPW is responsible for strengthening building standards against seismic risk for new and existing buildings and recently commissioned additional improvements. The Ministry of Regional Development and Public Administration is also responsible for assisting regional and



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local authorities in managing and assessing climate and disaster risk in development and urban plans.

4) The Ministry of Water and Forests is responsible for the implementation and compliance with Directive 2007/60 / EU, which includes:

- Preliminary assessment of flood risk in river basins and coastal areas;
- Development of flood hazard maps and flood risk maps in high risk areas;
- Development of flood risk management plans in these areas. These plans should include measures that will reduce the potential adverse effects of floods on human health, the environment, cultural heritage and economic activity, and should focus on prevention, protection and preparedness. Romania is currently in compliance with the Floods Directive and more than € 3.7 billion in flood protection investments has been identified under the flood management plans.

5) The Ministry of Environment and Climate Change (MECC) is the authority responsible for administering the National Climate Change System. MECC is also responsible for the assessment of of greenhouse



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gas emissions. The previous National Climate Change Strategy 2005-2007 for Romania focused on fulfilling its climate change commitments, including adapting to the impacts of climate change, reducing carbon intensity in the national economy and increasing its competitiveness. This strategy has been updated in the National Climate Change Strategy 2013-2020. This strategy addresses the effects of climate change on water safety, agriculture, energy, transport, industry, insurance, biodiversity, health, tourism, forestry, infrastructure and recreational activities.

6) The National Institute of Hydrology and Water Management (NIHWM) is responsible for the disclosure of flood warnings alerts, where possible, and for sudden floods where drought, ice and air pollution cannot be predicted through daily and monthly newsletters . The National Meteorological Administration provides freely accessible information through its website for alerts, forecasts and "current forecasts" as well as for regional and seasonal forecasts. They also provide weekly agrometeorological forecasts and soil moisture maps. This information is made available to a wide range of ministries and to the Red Cross and national medias.

7) The National Institute of Earth Physics has a comprehensive seismic



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monitoring system and can automatically calculate the magnitude, location and depth of earthquakes occurring in the territory of Romania in seconds. Depending on the attributes of the earthquake, the Institute can provide an early warning of vulnerable infrastructures before the most damaging earthquakes arrive - in about 15-25 seconds. This is enough to push for emergency procedures in the country's nuclear energy plan - a process that already exists. This system may also enable the automatic shutdown of gas and electricity, for example in the affected areas, reducing the likelihood of fire following an earthquake. Although technically and financially feasible, processes to ensure the safety of these facilities are not yet in place, as regulations do not require action by private owners.

- 8) In the event of a major emergency, a municipality, ministry or other body may request a meeting of the National Special Emergency Committee (NSEC). The NSEC is formed with representatives of all ministries, representatives of which are the Minister or Secretary, including the Ministry of the Interior and the Ministry of Public Finance, and chaired by the Minister of the Interior. At the convening of the NSEC, the Head of the Emergency Department shall report on the parameters of the disaster. According to a Government Decision (GD) no. 94/2014, the NSEC shall make recommendations and issue



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decisions regarding governmental actions that must be taken to respond to a natural, technological, biological or radiological disaster, emergency or emergency occurring, or an imminent threat of natural disasters. The NSEC also addresses health emergencies. Decisions are voted on by all its members in accordance with Governance Decision GD No 94/2014. The NSEC can also recommend to the government a set of actions to help address the disaster more quickly and effectively. The NSEC's recommendations are submitted to the Prime Minister for decision.

At regional level, competent authorities in the field of disaster management are :

The National Special Emergency Committee operates at national level, with a decision are establishing three units operating at regional and local level as follows:

- 1) The Regional Emergency Committee forms with representatives of the local authority, the representatives being the Regional Governor and volunteer formations, including the heads of various institutions and private companies whose activities are under special regime and can lead to disaster as well as National authorities at the regional level responsible and implementing disaster management activities in



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neighboring cross-border areas of neighboring countries. Such cooperation also takes place between the Montana Districts in Bulgaria and Motatei in Romania. Implement the decisions and plans adopted by the National Special Emergency Committee. Its activities are supported by a Regional Committee.

- 2) The Local Emergency Committee shall establish with representatives of the local authority, the representatives being the Mayor of the respective municipality, the Deputy Mayor, the Secretary of the municipality and voluntary formations, including national authorities at local level responsible for and implementing disaster management activities in the cross-border regions of neighboring countries. Such cooperation also takes place between the Municipality of Montana in Bulgaria and Motatei in Romania. Implement the decisions and plans adopted by the National Special Emergency Committee and the Regional Emergency Committee.

The Regional Emergency Committee and the Local Emergency Committee may establish municipal or regional emergency plans and submit proposals to the National Special Emergency Committee. However, the proposed plans should be consistent with Romania's national disaster management strategy and be subject to mandatory approval by central level authorities.



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3.3. Problem

At the institutional level, the Republic of Bulgaria and Romania have many similarities. This is due to the fact that both countries are members of the European Union, and as such they have the obligation to transpose into their legislation the binding mechanism of the European Union Civil Protection Mechanism, both countries have adopted the Hyogo Framework for Action 2005-2015 on United Nations Organizations UNO „Building the Resilience of Nations and Communities to Disasters” and the Sendai Framework Program for Action 2015-2030 and Directive 2007/60 / EU, Directive 2008/114 / EC and a number of other mandatory regulatory acts constituting the basic legal institutional framework.

At local and regional level, Bulgarian legislation gives more competence to the Regional Governor and the Mayor of the municipality as independent figures, while in Romanian legislation their powers are through the Regional Emergency Committee and respectively the Local Emergency Committee, managed by them. In the Bulgarian legislation, the authorities at the district and municipal level have clearly defined roles in disaster management under



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the Disaster Protection Act. Organizational structures for cooperation and coordination during emergencies between national, regional and municipal authorities have been put in place.

In both Montana and Motatei municipalities, disaster protection plans are developed and implemented in accordance with and elaborated by the competent authorities on the basis and in implementation of the National Disaster Protection Strategies and Plans of both countries. However, although they have entered into a common regulatory framework, they contain their organizational and functional differences. In a moment of cooperation in a situation of danger or distress, this would be a problem. Given the desire of both states and municipalities to develop mechanisms to respond as quickly as possible and to prevent disasters, or in the event of impossible consequences, the synchronization of the different mechanisms in the two border regions would delay them unreasonably.

3.4. Decision

A priority set in both the National Disaster Management Strategies and the Municipal Disaster Management Plans is to strengthen cross-border cooperation and encourage local committees to work in constant cooperation. The next step is to conclude appropriate co-operation and mutual assistance



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agreements between the Municipality of Montana and the Municipality of Motatei in the event of disasters. They should outline accurate and clear rules, mechanisms and action plans that partners can follow in the event of an emergency situation. General volunteer formations, consisting of members from the Bulgarian and Romanian countries, with common internal rules can be set up to organize trainings and to familiarize themselves with the main risks and specifics of the two municipalities.

In addition, a standard or guideline on disaster risk management may be developed jointly, as well as a joint platform at the municipal level to improve partner cooperation and coordination.

3.5. The result

As a result, there will be ongoing communication, training sessions, accurate and clear mechanisms and rules for local authority response. This will help both parties to help each other adequately, timely and effectively in the event of disasters. The resource will include all levels of competent authorities, including volunteer units. Development of a standard or guidance for disaster risk management district and municipal level, would enable partners to implement a joint approach and set a framework for information sharing.



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4. The Hyogo Framework for Action 2005-2015 on United Nations Organizations UNO „Building the Resilience of Nations and Communities to Disasters” . Its transposition of Bulgarian and Romanian legislation. Problems. The solution. The result.

4.1 The Hyogo Framework for Action 2005-2015 on United Nations Organizations UNO „Building the Resilience of Nations and Communities to Disasters”

The UNO is actively involved in the fight against disasters, including in the direction of their prevention. In 1999, the United Nations Organization adopted an international disaster reduction strategy and the United Nations Office for Disaster Risk Reduction is established, hereinafter referred to as UNISDR, it was created to act as secretary. Over the years of its establishment, UNISDR has continued to pursue disaster prevention and prevention activities as early as possible.

The Hyogo Framework for Action was adopted at the International Conference on Risk Prevention, which took place from 18 to 22 January 2005 in Kobe, Hyogo, Japan. Not only did the conference outline the need for nation-building and resilience, their disaster management mechanisms, but it also promoted and enforced a unified strategic and systematic approach. The



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conference made it clear that this would identify ways of building nations' resilience to disasters, as well as reducing risk and vulnerability.

The Hyogo Framework for Action - Building Sustainability for Nations and Communities is the first blueprint for explaining, describing and detailing the work required by all sectors and actors to reduce disaster losses. It has been developed and coordinated with many partners to reduce disaster risk - governments, international agencies, disaster experts and many more - to put them into a common coordination system. The Hyogo Framework outlines five priorities for action and provides guiding principles and practical tools for disaster resilience. It aims to significantly reduce disaster losses by 2015 by building resilience of nations and communities to disasters. This means reducing life and social, economic and environmental assets in the face of danger.

The Hyogo Framework for Action is binding and has been transposed into the legislations of the Republic of Bulgaria and Romania. The comparative analysis of the legislations of the two countries in the area of disasters should first outline the 5 priority actions set out therein and to follow up in individual legislation of both countries how the two countries managed to transpose them in order to achieve the objectives of this analysis.

The first priority action is: Ensuring that disaster risk reduction is a national and local priority with a strong institutional basis for implementation.



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Countries that develop a political, legislative and institutional framework for disaster risk reduction and that are able to develop and follow up progress through specific and measurable indicators have greater capacity to manage risks and to achieve widespread consensus, commitment and compliance with disaster risk reduction measures in all sectors of society.

Second priority action: Identifying, assessing and monitoring disaster risks and enhancing early warning. The starting point for disaster risk reduction and fostering a culture of disaster resilience is to understand the dangers and physical, social, economic and environmental vulnerabilities of most societies and how they change the dangers and vulnerabilities in the short and long term, followed by actions taken on the basis of this knowledge.

Third Priority Action: Use of knowledge, innovation and education to build a culture of safety and resilience at all levels. Disasters can be significantly reduced if people are well informed and motivated to a culture of disaster prevention and resilience, which in turn requires the collection, compilation and dissemination of relevant knowledge and information on hazards, vulnerabilities and capacity.

Fourth priority action Reduction of major risk factors. Disaster risks related to changing social, economic, environmental and land use conditions, as well as the impact of geological events, weather, water, climate change and climate change, are addressed in development planning and programs. sector, as well



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as in the aftermath of disasters. situations.

Fifth Priority Action Strengthen disaster preparedness for effective response at all levels. During disasters, impacts and losses can be significantly reduced if authorities, individuals and communities in threatened areas are well prepared and prepared to act and are equipped with the knowledge and capacity to effectively manage disasters.

4.2. Transposition of the Hyogo Framework into Bulgarian legislation:

Operational disaster protection is a must to make sure that disaster protection plans are in place. The collected Bulgarian construction plans to protect in case of disasters is being developed at municipal, regional and national level.

It is a comprehensive activity covering the development and updating of the National Disaster Risk Reduction Strategy, the National Disaster Risk Reduction Program, sectors and regional programs, with attention to disaster risk reduction, regional disaster risk reduction programs and municipal disaster risk reduction programs.

The National Disaster Risk Reduction Strategy is drawn up by the Council of Ministers and obligatory shall be published for public consultation on the Council of Ministers website. The strategy is valid for at least 10 years.

The current National Disaster Risk Reduction Strategy have been adopted in



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accordance with the mandatory provisions of the Disaster Protection Act, through which European Union Civil Protection Mechanism (CPMEU), Hyogo Framework for Action 2005-2015 on United Nations Organizations UNO „Building the Resilience of Nations and Communities to Disasters” , Sendai Framework Program for Action 2015-2030 and Directive 2007/60 / EU, Directive 2008/114 / EC of the Council are applying in the Bulgarian legislation.

The National Disaster Risk Reduction Strategy of the Republic of Bulgaria was adopted on 19.07.2018 and is valid for the period 2018-2030. It is upgrading its previous national risk reduction strategy of the Republic of Bulgaria. The strategy is clearly one major strategic objective that sets out the five priorities for action. Statistics show that in recent years Bulgaria has been mainly affected by floods, extremely high temperatures, storms, fires and earthquakes. Unfortunately, in the country are registered also cases of transport and industrial incidents, which have taken many people's lives and caused significant damage.

In the period 2002 -2017, Bulgaria has mobilized five times the Union “Solidarity” Fund, because of a natural disasters, four of which have been classified as a "major natural disaster" and respectively one as a "regional natural disaster".

The strategy is a major step implying the establishment of a comprehensive



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and coherent disaster prevention framework. Applying the Strategy is going to guarantee disaster risk reduction raising it to national priority and arriving to avoid the disasters and mitigate the effects of being actively involved at all levels of government (central, regional and local) and coordinating between responsible institutions. The mechanism of work between them and the coordination of their action is regulated in the Disaster Protection Act.

The existing strategy, such as the National Disaster Risk Reduction Strategy of the Republic of Bulgaria for the 2014-2018 period, is a main document that develops the national policy in the country of the disaster management respectively their prevention, mechanisms of reaction and maintenance from adverse effects. Main priority is the analysis, evaluation and mapping of Europe's critical infrastructures and, where appropriate, the use of genuine protection, which is already came in into force and adopted Council Directive 2008/114 / EC of 8 December 2008.

In Bulgarian legislation, operational protection maintains only a rescue system that outlines the activities for the protection of the population which shall be undertaken in the event of disasters.

The Water Act refers to the Disaster Protection Act, which is a normative act in the Bulgarian legislation in force, which establishes the framework for action to be taken in the event of the use of a rapid and efficient protection of the population as a major value.



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Looking over at the activities covered by operational protection, painted by the legislator, it is clear that a single rescue system is applicable to all types of disasters.

The single rescue system has clearly scheduled activities, on average, implemented and should be undertaken with the following: Population warning, Population awareness and advance preparation can be greatly enhanced to reduce the temporary impact and to cover the disaster; used for emergency action to exclude the impact - the timely implementation of legally scheduled emergency operations in the event of a disaster and to which it can be used in temporary consequences;

Disclosure - Awareness of the population is of extremely importance and, therefore, in the implementation of the international instruments transposed into national legislation, the public should be informed by all possible other means through the mass media. Due to the nature of disasters, which cannot be anticipated and prevented in large numbers, the legislator also provides for activities that should be undertaken immediately upon their occurrence and preventive ones that improve public awareness of the different types of disasters and reactions to be taken when they occur.

For this reason, the creation and effective functioning of the Single Rescue System is of such leading importance. This includes the activities of organizing and conducting rescue operations; rendering medical help in



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emergencies, providing first psychological assistance to the victims and rescue teams in these activities all resources from specialists are included. In order to be fully effective, population protection activities should cover the conditionally delimited three stages that each disaster goes through. Before its occurrence, when possible, during the disaster itself and after its passage in order to manage and minimize its harmful effects.

In this sense, the Bulgarian legislation also enumerates the following activities for the protection of containment and eradication of environmental incidents, protection against explosives and ammunition, search and rescue operations, radiation, chemical and biological protection in the event of incidents and accidents involving dangerous substances and materials, and against nuclear, chemical and biological weapons, containment and elimination of fires, temporary removal, evacuation, concealment and provision of individual means of protection, emergency disaster recovery work, reducing the spread and eradication of epidemic outbreaks, epidemics and outbreaks of infectious and parasitic diseases, other protection-related operations.

In order to raise awareness of the population and at the same time to strengthen disaster preparedness for effective response at all levels, the law also provides for voluntary entities and non-profit legal entities as a statutory structure for carrying out activities to protect the population in the event of disasters. Moreover, in the settlements with population over 20 thousand they



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are obligatory.

4.3. Transposition of the Hyogo framework into Romanian legislation.

Romania has adopted and transposed the Hyogo framework into its legislation. Adopting the law that created the legal basis for the creation of a National Platform for Disaster Risk Reduction. But the legislative framework for the National Emergency Committee has been changed twice in the last year. Therefore, the original structure proposed for the National Platform had to be re-analyzed.

Coordination between the central ministry, local authorities and the involvement of other departments in disaster preparedness and risk reduction requires further strengthening. The Government Emergency Ordinance 21 / 15.04.2004, adopted and already in force, clearly indicates that at the central level, the authority responsible for multisectoral coordination is the National Special Emergency Committee (NSEC), acting through the Emergency Department and the General Emergency Inspectorate. According to these acts, sectoral institutions are responsible for drawing up plans, which are then coordinated by the NSEC. The institutional capacity and resources are considerable and are designed to provide effective response to natural and human-made and biological disasters. With the adoption of Government Decision GD no. 557/2016 new legislation in Romanian disaster management



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legislation has been adopted. The main and most important obligation imposed by this act is in relation to the already legally established obligation for public authorities to draw up sectoral plans for the provision of specific emergency management. Coordination of the whole process is also ensured by the National Special Emergency Committee (NSEC).

Romania has fallen victim to severe disasters in recent years. Against this background, and in pursuit of the Hyogo Framework and the pursuit of the priority goals set therein, the Government has made improvements to the emergency response system and modified the country's national priorities. This is a complex process that involves, first and foremost, upgrading early warning systems, upgrading search and rescue operations equipment, integrating emergency and preparedness response and emergency response and developing community awareness campaigns for local communities, raising awareness of exposure levels and possible safeguards. Romania has also relied on several innovative national awareness-raising strategies aimed at promoting disaster resilience in urban and rural areas.

Romanian legislation also enables and provides for the participation of volunteers, in the form of various formations and associations, to take part in disaster protection activities.

4.4. Problem



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In Romanian and Bulgarian legislation, the UNO's Hyogo Framework 2005-2015 "Building resilience to nations and societies" has been transposed. The relevant legislative changes have been made and the goals set out in it have been actually achieved. In Bulgaria, in particular in the Disaster Protection Act, disaster risk reduction has been legally established as a national and local priority with a strong institutional basis for implementing clear and precise mechanisms for implementation.

At present, the regulatory framework in Romania's legislation establishing accurate and clear regulation on making disaster risk reduction a priority is not a fully fulfilled requirement.

Despite significant progress, Romania faces challenges in maintaining the commitments of the authorities, especially at local level. There is an annual budget allocated to local authorities for disaster risk management.

In the Bulgarian legislation the Uniform Rescue System is described as mandatory, in Romanian legislation it is also created, but in a slightly different form. Both legislations pursue a common goal, but there are many differences in organizing and creating a more streamlined and reliable order for action. At this stage in transposing the mandatory provisions and principles laid down in the Hyogo Framework for Action, Bulgaria has largely fulfilled its priority objectives. Romania, for its part, is also introducing an innovative approach to help raise public awareness, respectively improve the level of preparation for



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dealing with a natural disaster situation and, consequently, make it easier to deal with its harmful effects.

4.5. Decision

The Municipality of Montana and the Municipality of Motatei have different developed mechanisms, regulatory rules but aimed at the same goal, namely identification, assessment and monitoring of disaster risks and enhancing early warning, raising disaster risk reduction at national and local priority with a strong institutional foundation to implement, leverage knowledge, innovation and education to build a culture of safety and sustainability at all levels, reduce major risk factors and strengthen preparedness for disaster for effective response at all levels.

Both countries have come up with innovative and effective solutions. In this hypothesis, the exchange of good practices built up so far can achieve a fully-fledged, detailed regulation containing the best of both policies and systems in place. The exchange of practical benefits and disadvantages of the current regulations will help at local level between the partner municipalities to clear the shortcomings of the two systems. Formation of working mixed groups with the participation of experts from the Municipality of Montana and the Municipality of Motatei can be a tool for achieving a positive result.



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4.6. The result

The exchange of good practice and experience between the Municipality of Montana and the Municipality of Motatei will lead to the development of synchronized municipal disaster protection plans, drawn up on the basis of the best legislative decisions enshrined in the legislation of the two countries. Subsequently, local structures and proposal mechanisms can also propose and implement in national disaster management plans and strategies for Bulgaria and Romania.

As a result, a sustainable partnership will be achieved and cross-border and disaster protection partnerships in the cross-border area will be possible.

5. Review and analysis of the national legislation of the Republic of Bulgaria on disaster management. Review and analysis of Romania's national disaster management legislation. Problem. Decision. Result.

5.1. Review and analysis of the national legislation of the Republic of Bulgaria on disaster management

The main legislation on population protection and disaster management in Bulgaria is the Disaster Protection Act (DPA) (State Gazette SG No 102 /



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19.12.2006). Since 2006, changes have been made to the text to improve the system and to make its provisions compatible with those of other legislation regulating specific disaster risks, including spatial planning, environment and critical infrastructure.

In the current Bulgarian legislation, the legal definition of a disaster is contained in Art. 2 of the Disaster Protection Act. According to it "disaster is a significant disruption of the normal functioning of society, caused by natural phenomena and / or human activity and leading to negative consequences for the life or health of the population, property, economy and the environment, preventing, controlling and overcoming it, which exceeds the capacity of the system to service ordinary to public protection activities. "

In recent years, disasters caused by natural phenomena or human activities have often occurred in the Republic of Bulgaria, but with serious social and economic consequences. The significance of this problem can be traced globally in recent years to prevention, pre-treatment and prevention of disasters has been seen as a global priority. This is the reason why more documents, strategies, different plans are being adopted, and uniform rules for disaster management are being adopted too.

The European Union adopts a number of mechanisms and documents, as well



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as the European Union Civil Protection Mechanism (CPMEU), the UNO's 2005-2015 Hyogo Framework for Activity „Building Disaster Resilience for Nations and Societies”, and the Sendai Framework Program for Action 2015-2030, which explicitly emphasizes the role of local and regional authorities in supporting countries' efforts to reduce disaster risk. The validity of all these documents, which are not only mandatory but also already implemented in the legislation of the Republic of Bulgaria, create a responsibility for each country to create a national platform and strategy for risk reduction.

To a large extent, as will be seen in the presentation of this analysis, the similarity between the legislations of the two countries in the area of disasters comes from them. They are the ones that impose a great deal of good practice over time.

Bulgarian legislation distinguishes between two main types of disaster protection, namely permanent and operational protection.

Permanent protection of all activities entrusted to the permanent performance of contractors, sole proprietors and anyone engaged in an activity in an environment or equipment that may cause a disaster as a result of human activity and have a negative effect on the life or health of the population , property, economy and the environment.

Permanent protection is the obligation of these people to draw up emergency



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plans for the site, which must contain the minimum maximum possible consequences for the personnel, the population and the environment from an accident at the site, determined on the basis of a risk assessment; measures for limiting and eliminating the consequences of an accident at the site; personnel protection measures; the allocation of responsibilities and responsible structures and persons for the implementation of the measures envisaged; the resources and resources needed to implement the measures envisaged; the timing of the response to the structures, the procedure for informing the executive authorities when necessary to introduce disaster protection plans. They are obliged, upon change, to update their emergency plans and to submit them to the Mayor of the Municipality. It is imperative that training be carried out on the emergency plan at least once a year.

For example, permanent disaster protection should be exercised by legal entities or sole proprietors, this obligation is for those who operate on sites representing works within the meaning of Art. 137 para. 1, Vol. 1, b. d and e of the Spatial Planning Act. In these cases, the legislator refers to the first category of works, which are works that have the risk of explosion, of significant harmful impact on the environment or of the spread of toxic or harmful substances or hydraulic equipment that have the risk of flooding, incl. large dams and dams of the first degree of potential danger and their associated facilities and temporary construction. The legal entities performing



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such activities in such sites are obliged by the mandatory provision of Art. 35 Disaster Protection Act to adopt emergency plans. This hypothesis refers to disasters caused by human intervention.

The content of emergency plans is mandatory, except the hypothesis when another special act to Disaster Protection Act prescribes other content.

The other type of disaster protection under Bulgarian legislation is operational protection.

Operational protection under the Disaster Protection Act should be implemented by a unified rescue system involving specific structures, namely, first of all, the State, through its ministries and agencies. At the local level, the responsible structure is the Municipalities, representing the state power on the ground. However, the scope of structures included in the single rescue system is much broader than just public authorities, in order to respond in a timely, effective and efficient manner, while including all available resources in the population. For this reason, in Art. 20 of The Disaster Protection Act includes as structures that can and should, where necessary, carry out activities to protect the population and sole proprietorships, emergency medical centers, other health and medical establishments, the armed forces, and legal entities. non-profit organizations, including voluntary units.



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Voluntary formations within the meaning of the law are created by the Mayor of the municipality by decision of the Municipal Council. Here it is important to specify that their creation is given to the competences included in the scope of the operational independence of the Mayors only in the smaller settlements with a population of up to 20 000 thousand. In larger settlements with a population of over 20,000 people, the establishment of voluntary formations is not dependent on the discretion of local governments. Art. 41 para. 2 is a mandatory provision and introduces this as an obligation.

In such voluntary formations, the Mayor of the municipality should provide space, resources and training for the volunteers. All voluntary formations in the order established under the procedure of the Disaster Protection Act shall be registered in the register of voluntary formations. The procedure for creating, maintaining and maintaining the register of voluntary formations shall be carried out in accordance with the provisions of Ordinance No. Iz-1669 of August 17, 2012 on the procedure for creating, maintaining and maintaining a register of voluntary formations for overcoming or managing disasters, fires and emergency situations and remedying of their consequences, issued by the Minister of the Interior.

The application for registration shall be submitted in accordance with a pre-



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approved form by the Mayor of the municipality, including the mandatory requisites described in Ordinance No. Iz-1669 of August 17, 2012.

The basic structures of the unified rescue system charged with the responsibility for carrying out actions for the protection of the population are:

1. Directorate General "Fire Safety and Population Protection" - Ministry of Interior. According to Art. 6 of the Ministry of the Interior Act one of the main activities is precisely the provision of fire safety and protection in the event of fires, disasters and emergencies, which is carried out through the separate units and directorates.

The activity of ensuring fire safety and protection in the event of fires, disasters and emergencies shall be carried out by the authorities of fire safety and protection of the population under the conditions and in accordance with the procedure of this Act and the Disaster Protection Act. In its essence and composition this activity is complex and contains a number of other sub-activities, namely: preventive activity, state fire control; fire fighting and rescue activities; permit and control activities of traders engaged in activities for ensuring the fire safety of sites and / or maintaining and servicing appliances, systems and equipment related to fire safety; conformity assessment and control of fire extinguishing products; emergency disaster



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recovery operations, operational flood protection and search and rescue operations, and chemical, biological and radiation protection; early warning and warning of disasters and air hazards to the executive authorities and the population; methodological and expert assistance to the territorial bodies of the executive power with regard to disaster protection and in organizing the activity of voluntary formations; determination of the fire performance of products and the technical and operational performance of fire-fighting equipment and fire-extinguishing products.

At the local level, these activities are carried out by the Regional Directorates of the Ministry of the Interior, who, on the spot, carry out the above actions in case of disaster or danger to the population.

2. Regional Directorates of the Ministry of Interior, which are established on a territorial basis, as an area of the scope of their activity are established by Council of Ministries` Act
3. Bulgarian Red Cross - is one of the basic structures part of the unified rescue system.

Its structure and functions are set out in the Bulgarian Red Cross Act. The Bulgarian Red Cross is the only national organization of the Red Cross on the



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territory of the Republic of Bulgaria. It is also part of the international movement of the Red Cross and Red Crescent. The Bulgarian Red Cross carries out its activities in accordance with the Bulgarian legislation, which in turn is built in full compliance with the provisions of the Geneva Conventions of 12.08.1949, the Additional Protocols thereto of 08.06.1977.

The Bulgarian Red Cross is an autonomous organization whose main activity is to assist the state in the humanitarian field with the preparation for action in martial cases, military conflicts and disasters, for the protection and promotion of the health of the population, as well as for the reception, preservation and distribution of the supplies provided by foreign countries , organizations and citizens assistance with humanitarian, including environmental, cultural and educational goals.

In the event of a disaster or danger to the population, the activity carried out by the Bulgarian Red Cross is of extremelly importance.

The Bulgarian Red Cross is officially recognized by the Republic of Bulgaria as a voluntary organization in support of its authorities, to assist the people in need. The Bulgarian Red Cross was established in accordance with the provisions and requirements of the Geneva Convention and is the only national organization that operates in the territory of the Republic of Bulgaria.



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Although it is one of the basic structures of the unified rescue system, the Bulgarian Red Cross is an association within the meaning of the Non-Profit Legal Entities Act. Although officially recognized by the Act as a voluntary organization, the Bulgarian Red Cross is autonomous with respect to the state. He was recognized by the International Committee of the Red Cross on October 20, 1885, and is part of the International Red Cross, a member of the International Federation of the Red Cross and Red Crescent. It operates entirely in accordance with the Geneva Conventions, the principles of the International Red Cross and Red Crescent Movement, as well as the Bulgarian Red Cross Act.

Part of the main activities of the Bulgarian Red Cross is jointly with state, municipal and non-governmental organizations carrying out activities for preparation and assistance in the event of disasters, accidents and catastrophes (crises), such as:

- Builds on a functional principle a permanent National Operational Headquarters, respectively Regional Operational Headquarters for work in the event of disasters, accidents and catastrophes, under the direction of the Director General, respectively. the relevant director of the Secretariat of the BRC Regional / City Council of BRC;



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- Creates and prepares teams and structures that can perform the following activities: needs assessment, assistance to the affected population, including humanitarian assistance, first aid and psychosocial support, first aid and other assistance to the people in need through the creation of warehouses with a reserve of necessary resources, depending on the nature of the disaster and the assistance needed by the population.
- Property for immediate assistance to a disaster population, cooperates and participates individually or in cooperation with other formations and specialized services for the prevention and limitation of consequences of disasters, accidents and catastrophes, according to their competences, prepares and renders assistance according to its capabilities in response to appeals other countries and national societies in the event of disasters and conflicts. With the aim to carry out its functions throughout the country as efficiently as possible, to organize a faster response in case of need on the ground.

The Bulgarian Red Cross has a four-tier organizational structure:

- Social level;
- Municipal level - structure in the area of each municipality;



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- Regional, respectively Capital level - 28 regional organizations
- National level - General Assembly - BRC Supreme Authority and National Council - main executive and executive body.

The Bulgarian Red Cross is an extremely important unit in the implementation of state disaster policy. Works and assists in raising the population's preparedness for disaster response and, together with civil protection, is responsible for training and preparation of first aid units for victims, directs its activity by working to increase the capacity of the organization and improve coordination in the situation of disaster or danger.

As a governing structure in the single rescue system and as part of operational protection, the Bulgarian Red Cross is included in the National Plan for the Protection of the Population;

The Association assists the State in humanitarian activities to protect and promote the health of the population in the event of disasters, accidents and catastrophes. The BRC provides humanitarian assistance in the face of natural disasters, technological disasters, accidents, catastrophes / crises.

In the event of a disaster, BRC employees execute plans for work on the occurrence of a BAC, which are drawn up at the national and regional levels.



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The plans are coordinated with the state institutions operating in the event of disasters, updated annually and when necessary.

Good organization and mobilization of the population in the event of a disaster is crucial for the successful management of an emergent emergency situation, while the rapid and maximum optimization in the process of rescue work and assistance to the distressed population are set up and operate the following units:

1. National Operations Headquarters (NIGHT) with action teams.

2. Regional Operational Headquarters (UN) with action teams.

The National Red Cross Disaster, Emergency and Catastrophe Rescue Team (NRCECRT) is a voluntary rescue team that assists the BRC in limiting and eliminating the effects of disasters, accidents and catastrophes (crises).

NRCECRT operates in strict compliance with the legal basis of the Republic of Bulgaria in the event of disasters, the BRC Act, the BRC Statute, the BRC Action Plan for the BAC and others, and in accordance with the principles of the International Red Cross Movement: humanism, impartiality, independence, neutrality, voluntariness, unity, universality.



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The main purpose of NRCECRT is to support the activities of the National Society at BAC and to promote the protection of life and health of people in the event of disasters, accidents and catastrophes. The work of the team is organized and carried out in accordance with previously prepared rules for its activities.

Voluntary teams for work at BAC (DERBAC) are formed at the Secretariat of the respective Regional Council of the Bulgarian Red Cross (General Assembly of the BRC).

DERBAC support the activities of the BRC in limiting and eliminating the consequences of disasters, accidents and catastrophes (crises).

The BRC Volunteer Disaster Response Teams function in strict compliance with the legal base for disaster relief in the Republic of Bulgaria and the principles of the International Red Cross Movement: humanism, impartiality, independence, neutrality, voluntariness, unity, universality and in accordance with the BAS Action Plans. of the BRC General Assembly.

The main purpose of DERBAC is to support the activities of the BRC at BAC and to assist in the protection of the life and health of people in the event of disasters, accidents and catastrophes. In order to achieve its main objective,



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DERBAC fulfills its tasks before, during and after the disaster.

The Bulgarian Red Cross has established an organization for the work of the teams by stages, in the three key moments for effective actions in the implementation of operational disaster protection:

- Preventive action - carried out before the onset of the disaster. In essence, it is about recruiting volunteers, their training, getting the necessary equipment, filing the threatened areas in accordance with EU directives transposed and coming into force for the Republic of Bulgaria. At this stage, the role and functions of the voluntary teams in the work system of the Bulgarian Red Cross should also be clarified, in order for each team to act in accordance with the approved rules and plans in the BRC and BAC system in case of a disaster. purpose is also organized training simulations.

- During the disaster, this is the key stage in which the really voluntary formations, district, municipal, regional and central structures of the BRC carry out in practice the activities for which they have undergone trainings and training simulations. The introduction of voluntary teams is aimed at limiting the harmful effects of the disaster. The local teams act according to plans at the regional and national level, which are also announced through the notification and information flow systems. voluntary formations support the



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activities of specialized formations.

- In the aftermath of the disaster - In the event of a malicious outcome, the focus at this stage is to focus the teams' actions on repairing the damage and helping the population to recover more quickly. Depending on the magnitude and intensity of the disaster, actions can be conditionally divided into long- and medium-term.

5. Emergency medical centers

Emergency medical care centers are another integral part of a single rescue system. As an essential element of the national health system and at the same time an element of national security, emergency medical care is a state commitment to ensure timely medical assistance in life-threatening conditions in order to prevent death or damage leading to disability.

Therefore, in the adopted concept for the development of medical care for the period 2014-2020, its improvement is one of the set priorities. However, this is an extremely broad concept. First of all, a reliable communication link should be ensured, ensuring security and independence from public mobile networks. The establishment of a Central Dispatch Center within the Ministry of Health is also envisaged to perform the functions of a coordination center



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of the emergency medical aid and crisis response system and to ensure coordination between the dispatch centers of the CSMP, the medical establishments for hospital care, and in cases of disasters, accidents and catastrophes - and with the other structures of the National Emergency Call System tel. 121, in this regard, operational connectivity between the national emergency call system should be established and ensured emergency calls and information system of emergency medical care.

Another priority goal set by the Ministry of Health in front of the Bulgarian Emergency Medical Centers is to improve crisis management. In the event of a disaster, the most important point is the reaction, and especially the quick one. To this end, the emergency medical emergency response and crisis response system should be maintained. The achievement of this objective is linked to the approval of a crisis action plan.

A priority that is also relevant to Bulgaria and Romania is the development of cross-border cooperation in emergency medical care. Adopt a regulatory framework to regulate the coordination protocols for cross-border cooperation. Participation of emergency medical teams in international exercises to deal with the effects of crises.

The current Bulgarian legislation regarding the scope, procedure and



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conditions for rendering emergency medical care sets out detailed rules contained in Ordinance No. 25 of November 4, 1999 on the provision of emergency medical care issued by the Minister of Health. In accordance with the provisions of the ordinance and Art. 9 of Ordinance No. 25/1999. Emergency medical centers organize, ensure and provide emergency medical assistance in the event of disasters, accidents and catastrophes, cooperating with the police, fire and civil protection authorities.

In accordance with the Bulgarian legislation in force, the main components of the single rescue system described in detail above ensure continuous readiness for receiving messages in the event of disasters, their assessment and immediate action.

The main duty of the state is to ensure the life, safety and physical integrity of its population. Therefore, in order to optimize the process and maximize efficiency in the shortest possible time, due to the nature of the problem that the structure of the basic components of the single rescue system must solve, it is being built throughout the country in accordance with the administrative-territorial division.

The other constituents shall act and provide assistance and facilitation to the basic on demand and in accordance with the National Disaster Protection



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Plan, acting and adopted by the Council of Ministers.

Coordination and management of the components of the single rescue system is of crucial importance for the successful implementation of the protection of the population in the event of disasters.

According to Art. 29 of the Disaster Protection Act the coordination is carried out by the Directorate General "Fire Safety and Population Protection" - the Ministry of Interior, through its operational centers, which perform the following main activities: receive and evaluate information on emergencies, notify the competent components of the single rescue system and coordinate further activities on the basis of standard operating procedures, carry out early warning and notification to the executive authorities, the competent constituents of the single rescue system and coordinate further activities on the basis of standard operating procedures, carry out early warning and notification to the executive authorities, the constituents of the single rescue system and the population in the event of disasters. On request, the Operations Manager shall organize the inclusion of the components of the single rescue system provided for in the disaster protection plans, as well as additional forces and resources.



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5.2. Review and analysis of Romania's national disaster management legislation.

Romania is an EU Member State and a party to the Paris Agreement. As a party to the agreement, it also has commitments stemming from it, namely to mitigate and adapt to the collective national contribution of the EU. Romania also adopted the National Climate Change Strategy 2013-2020 in 2013, followed by the National Climate Change and Low Carbon Growth Strategy 2016-2030 and its related 2016 Climate Change Action Plan The 2020-2020 sets out sectoral priorities for tackling climate change, including energy, transport, agriculture and rural development, forests, biodiversity, urban development and water and waste management.

Romania, like Bulgaria, has accepted and is obliged to transpose into its legislation and comply with the provisions of the European Union Civil Protection Mechanism (CPMEU), the UNO's Hyogo Framework 2005-2015 "Building Resilience of Nations and Societies to Disasters" , The Sendai Framework Program for Action 2015-2030 for disaster risk reduction for the period of 2015-2030.

Under current Romanian legislation, in the event of a major emergency a municipality, ministry or other authority may request a meeting of the National Special Emergency Committee (NSEC). After the NSEC is



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convened, the Head of the Emergency Department will report on the parameters of the disaster.

According to Government Decision (GD) no. 94/2014, the NSEC has a legal obligation to make recommendations and to make decisions regarding governmental actions that must be taken to respond to a disaster, accident or emergency related to natural, technological, biological or radiological phenomena, that have arisen or an imminent threat of natural disasters. The competence of the NSEC also encompasses health emergencies.

Decisions taken by the NSEC are taken by a vote of all its members, in accordance with Government Decision (GD) No 94/2014. The NSEC can also recommend to the government a set of actions to take, both in the event of a disaster and with a preventive purpose in the event of a disaster. The NSEC's recommendations are addressed to the Prime Minister and submitted to the Prime Minister for decision.

At present, Romania is in the process of strengthening, complementing and strengthening the legislative and organizational frameworks adopted in relation to disaster mitigation and disaster preparedness. Over time and with the development of the country, the Romanian Disaster Management System has undergone dramatic changes, from a highly militarized and centralized



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system, underwent a process of decentralization and reached a stage of systematic reconstruction of civilian rules and regulations compatible with NATO and EU.

Romania is undergoing a major transition with the reorganization of the disaster management structure. The country is also working to develop national and regional risk management plans to include risk mitigation approaches. To drive this overall process, the multi-threat approach is increasingly shaping the way Romania manages disaster risks, in line with European regulations and NATO action plans. Such an approach involves translating and integrating knowledge of the full range of hazards into risk management strategies, assessments and analyzes leading to greater efficiency and cost-effectiveness. To illustrate this recent change, Romania has recently completed an integrated national risk assessment through an EU project (RO-RISK 2013–2016) that seeks to offer a range of tools to local authorities for multi-hazard analysis.

In this process of development of Romania's disaster management legislation, the country is introducing and changing in order to achieve the priority goals set out in the UNO's Hyogo Framework for Action 2005-2015 "Building Resilience of Nations and Societies to disasters", Sendai Framework Program for Action 2015-2030 for disaster risk reduction for the period of 2015-2030,



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namely coordination and interaction between the different institutional units.

Coordination between the central ministry and local authorities, as well as the involvement of other departments in disaster preparedness and risk reduction, is in the process of legislative development. The Government Emergency Ordinance 21 / 15.04.2004 established that the national authority responsible for multisectoral coordination is the National Special Emergency Committee (NSEC), which acts through the Emergency Department and the General Emergency Inspectorate. According to these acts, sectoral institutions are responsible for drawing up plans, which are then coordinated by the NCCIS. Institutional capacity and resources are considerable and are designed to provide effective response to natural and human-made disasters. Government Decision (GD) No 557/2016 on risk management has legally established the obligation for authorities to draw up sectoral plans for the provision of specific emergency management. Coordination of the whole process is also ensured by the National Emergency Committee (NCISIS). Despite significant progress, Romania, like Bulgaria, still faces challenges in maintaining the authorities' commitments, especially at local level.

The Ministry of Regional Development and Public Administration has recently started providing funding to sub-national authorities for mapping and analysis of risks and risks for urban and land use planning. The Emergency



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Department and the General Emergency Inspectorate, together with other partners and various organizations involved in the scope of disaster risk reduction activities, have also made significant efforts and increased methods and diversified their ways of communicating natural disasters to communities and students. This is crucial, as awareness of the population and knowledge of the real situation leads to a reduction in the harmful outcome of a disaster.

The General Inspectorate for Emergency Situations follows the outlined priorities by 2020, which, following a study, have been derived with the aim of improving the preparedness of the population and institutions, relying on early warning and timely response. The priorities outlined by the General Emergency Inspectorate are the following:

- Developing and improving procedures, standards, regulations and innovative tools for optimizing resources and anticipating emergencies to ensure management of complex or unprecedented situations;
- Improving partnerships with the community to respond and get acquainted with the current situation, the ways and means by which it should use and protect itself when needed;
- Increasing the effectiveness of the legal framework to improve the organization and functioning of institutions and military firefighters and



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volunteer statutes during an emergency;

- Enhancing operational and response capabilities through new integrated prevention, preparedness and response technologies;
- Centralized Alarm - a national system achieved by providing 100% coverage by 2020;
- Discussion of insufficient coverage of methodologies, guidelines and systems for updating the identification of drought thresholds and mapping of droughts, as well as methodologies;
- Addressing the lack of priorities and appropriate methods and techniques for the rehabilitation or construction of dams, as well as the implementation of protective works in connection with territorial plans for urban construction;
- Ensuring the reliability and sustainability of the General Emergency Inspectorate to reduce damage and the risk of collapse and to ensure that it is fully operational after a disaster.

Emergency prevention and management at the district and municipality level is carried out by the local authorities, and they are responsible for the management and prevention of emergencies at the local level. Local



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authorities are required to have risk zone maps for their territorial administrative units, but to a large extent the information is incomplete, inconsistent, outdated or simply not available in some cities. Part of the challenge arises from a planning perspective - as a pure emergency response issue, or as something that can be planned and adequately addressed over time through capital investment and policy changes, at least for disasters that modernity can be foreseen.

Given Romania's experience in severe disasters in recent years, the government has made improvements to the country's emergency response system a national priority. Some of the improvements include upgrading early warning systems, upgrading search and rescue operations equipment, integrating preparedness and response procedures in medical and non-medical emergencies, and developing information campaigns for local communities to raise awareness of exposure levels and possible safeguards.

Romania has also introduced some innovative approaches in its legislation regarding a national public awareness strategy to foster a culture of disaster resilience in urban and rural communities, where awareness is especially low in smaller towns.

The country has activated the Community Civil Protection Mechanism (MIC)



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and has received assistance due to severe flooding. At the same time, as regards citizens of other Member States, Romanians are less familiar with EU civil protection activities. The government has relatively recently taken action in this direction, through the Ministry of the Interior and the Ministry of Emergency Situations, to actively engage local civil society to improve preparedness and responsiveness and to start training volunteers to support response.

General Inspectorate for Emergency Situations - the process of establishing a national emergency information system has started. This system enables local services to provide disaster and emergency data and to determine support and resources available, and to monitor this information in near real time, with national support, if necessary. The Government has made significant efforts to ensure the adoption of all stakeholders at national and sub-national levels of the information system by providing critical training and developing standard operating procedures. The SMISU system was officially adopted and launched in 2017.

Romanian legislation also has mandatory homeowners insurance to insure people from disasters caused by earthquakes, floods and landslides - the most significant dangers in the country. This obligation is laid down by the legislator in Act 260/2008.



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5.3 Problems

The national legislation of Bulgaria and Romania in disaster management has very similar basic parameters and guidelines. Similarly, central, regional and local level authorities have been set up to implement disaster management policies. But they are also very different one from another.

There are differences in the progress of disaster legislation between the two countries. In Bulgaria, a very serious attention is paid to the single rescue system. The ways of its creation, activities, structures, powers are all described in detail by the legislator.

5.4 Decision

Developing a training approach between the partners that is integrated with the overall integrated, multidisciplinary and coherent disaster risk management approach, including through the development of training programs to increase knowledge and awareness of the entire disaster risk management cycle as of the authorities of the two municipalities of Montana and Motatei and of the population in the territory of the two municipalities.



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A mutual exchange of experience that will encourage both partners to improve the weaker sections of the country's legislation, which they present and at the same time share the already elaborated and existing mechanisms.

Signing bilateral agreements between partners and in this way creating a prerequisite for continuing disaster prevention cooperation.

Organization of various training meetings and seminars of voluntary formations from both countries.

Formation of working groups of experts from Bulgaria and Romania on topics such as prevention and disaster loss data.

Exchange of experts, organization of joint scientific meetings.

5.5 Result

Synchronizing the legislations of the two partners as a start-up at the local level and thus creating an opportunity for easier cooperation and mutual assistance in the event of disasters in the territory of the Municipality of Montana or the Municipality of Motatei.



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Improvement of cross-border cooperation between the partners, respectively between the two countries Bulgaria and Romania. Consolidating the knowledge and experience of experts at national, regional and municipal level, improving the qualification of experts in the partner structures of the two partners.

6. The Sendai Framework Program for Action 2015-2030 for Disaster Risk Reduction. Transposition of Bulgarian and Romanian legislation. Problem. Decision. Result.

The Sendai Framework Program for Action 2015-2030 for Disaster Risk Reduction (Sendai Framework) is the first major agreement after 2015 Development Program with seven objectives and four action priorities.

The Sendai Framework for Disaster Risk Reduction was endorsed by the UNO General Assembly following the 2015 UNO World Conference on Disaster Risk Reduction.

The Sendai Framework is a 15-year, voluntary, non-binding agreement that recognizes that the State has a primary role to play in reducing the risk of disasters, but that responsibility must be shared with other stakeholders, including local authorities, the private sector and other stakeholders .



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The Sendai Framework aims at the following result:

Significantly reduce the risk of disasters and losses in life, livelihoods and health, as well as in the economic, physical, social, cultural and environmental assets of people, businesses, communities and countries.

The Sendai Framework is the successor tool heir to the 2005-2015 Hyogo Framework for Action: „Building Resilience for Nations and Communities to Disasters” . This is the result of stakeholder consultations launched in March 2012 and intergovernmental negotiations conducted from July 2014 to March 2015, which were supported by UNISDR at the request of the UNO General Assembly. The United Nations Office on Disaster Risk Reduction (UNISDR) is tasked with supporting the implementation, follow-up and review of the Sendai Framework.

The seven global goals set out in the Sendai Framework are as follows:

- Significantly reduce global mortality by 2030 in order to reduce the average of 100,000 global deaths in the 2020-2030 decade compared to 2005-2015.
- a significant reduction in the number of people affected globally by 2030, with the aim of reducing the average global figure per 100,000 people in the



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2020-2020 decade compared to 2005-2015.

- reduce direct economic losses from disasters in relation to world gross domestic product (GDP) by 2030.
- Significantly reduce disaster damage to critical infrastructure and disrupt basic services, including health and education facilities, including by developing their resilience by 2030.
- Significantly increasing the number of countries with national and local disaster risk reduction strategies by 2020.
- Significantly enhance international cooperation for developing countries through adequate and sustainable support to complement their national actions to implement the current framework by 2030
- Substantially increasing access to multi-level early warning and information systems and disaster risk assessment for people by 2030.

The four priorities for action set out in the Sendai Framework are as follows:

Priority 1. Understanding disaster risk



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Disaster risk management should be based on an understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure to persons and assets, hazardous characteristics and the environment. Such knowledge can be used for risk assessment, prevention, mitigation, preparedness and response.

Priority 2. Strengthen disaster risk management for disaster risk management

Disaster risk management at national, regional and global level is very important for prevention, mitigation, preparedness, response and recovery. It promotes cooperation and partnership.

Priority 3. Investing in disaster risk reduction for sustainability

Public and private investment in the prevention and reduction of disaster risk through structural and non-structural measures is essential to enhance the economic, social, health and cultural sustainability of individuals, communities, countries and their assets, as well as the environment.

Priority 4. Enhancing disaster preparedness for effective response and "Better Recovery" in the recovery process



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Increasing the risk of disasters means that there is a need to strengthen disaster preparedness, take action in anticipation of events, and ensure that there is capacity for effective response and recovery at all levels. The recovery phase is from extreme importance, including by integrating disaster risk reduction into development measures.

The Sendai Framework for Disaster Risk Reduction sets the global course for the next 15 years. The consultations and negotiations that led to its conclusion have called for serious development of practical guidelines to support implementation, ensure the involvement and ownership of all stakeholders, and enhance accountability in disaster risk reduction.

Paragraph 48 (c) of the Sendai Framework calls on the “United Nations Office for Disaster Risk Reduction (UNISDR), in particular, to support the implementation, follow-up and review of this framework by [...] generating evidence and practical guidance on implementation in close cooperation with countries and through the mobilization of experts; enhancing the culture of prevention in the relevant stakeholders...”. To support this process, a number of guidelines for the implementation of the Sendai Framework will be developed.

Bulgaria has adopted the Sendai Framework and is actively working to meet



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all its seven objectives and the implementation of the four priority activities with the entire resource by central, regional and local authorities involved in disaster management.

Romania adopts Sendai Framework for Disaster Risk Reduction in 2015, which aims to significantly reduce the risk of disasters and loss of life, livelihoods and health, as well as the economic, physical, social, cultural and environmental assets of persons, businesses, communities, and countries. As part of this commitment, the government is actively working to create a National Platform for Disaster Risk Reduction. This platform is organized and functions as a national multisectoral and interdisciplinary mechanism consisting of members of the National Special Emergency Committee (NSEC), technical and scientific support groups and representatives of NGOs, local government associations, professional associations, trade unions, higher education institutions and research institutes, cultural institutions of religious denominations and associations recognized by law and the media.

6.1 Problems

The Sendai Framework is in the process of being developed and applied to the relevant national legislation of Bulgaria and Romania. Although they have already completed some of the priority activities and goals, both countries still



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have a lot of work and legislative changes that they need to do to implement all the requirements of the UNO Action Plan.

6.2 Solution

Formation of a Working Group of Qualified Experts from Bulgaria and Romania to Work Together on the Development of Regulatory Acts for the Implementation of the Sendai Framework Program for Action 2015-2030 in the National Legislation of Romania and Bulgaria.

6.3 Result

Synchronized legislation and drafting mechanisms that are similar for both partners, which will facilitate their future partnership.



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