Analytical examination of the acquis
Screening of Chapter 27 – ENVIRONMENT
Industrial pollution control and risk management

7 April 2006 15h15 Seveso

Tobias BIERMANN
Environment Directorate-General
Unit A.5 Civil Protection
Tel: (+32-2) 29-62573; Fax: -90314
e-mail: tobias.biermann@cec.eu.int

http://europa.eu.int/comm/environment/seveso/index.htm
Seveso II Directive 96/82/EC:

- Published in OJ L 10 of 14 January 1997, entered into force on 3 February 1997
- Must be applied as from 3 February 1999 (date of repeal of Directive 82/501/EEC-SEVESO I)

- Published in OJ L entered into force of 31 December 2003
- Must be transposed by 1 July 2005
Aim (Art. 1)

- prevention of major accidents involving dangerous substances
- limitation of the consequences of accidents on man and the environment

**high level of protection** for man and the environment **throughout the Community**

Obligations to operators and authorities
Areas concerned: Environment, Safety & Health, Civil Protection
Scope (Art. 2 and Annex I)

- relates to ‘presence of dangerous substances’
- Annex I contains
  - a list of Named Substances (Part 1)
    - Chlorine, Arsine, …
  - a list of Generic Categories
    of Substances and Preparations (Part 2)
    - Toxic, flammable, …
- Two tier approach (i.e. toxic: 50/200t)
  - lower threshold quantities (lower tier):
    excludes Articles 9, 11 & 13
  - upper threshold quantities (upper tier):
    all provisions apply
- Exclusions (Art. 4): Nuclear, Transport, Pipelines, Offshore, Mining, Military, Land-Fills
**Scope**

- ~4000 upper + ~4000 lower tier establishments storing dangerous substances in EU 25
- ~1 upper + 1 lower tier site per 100,000 habitants
- Mainly chemical and petrochemical industry, storage, big industrial production and energy installations

### Number of upper tier establishments

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>BE</td>
<td>137</td>
</tr>
<tr>
<td>CY</td>
<td>14</td>
</tr>
<tr>
<td>CZ</td>
<td>74</td>
</tr>
<tr>
<td>DK</td>
<td>23</td>
</tr>
<tr>
<td>DE</td>
<td>13</td>
</tr>
<tr>
<td>EE</td>
<td>108</td>
</tr>
<tr>
<td>EL</td>
<td>216</td>
</tr>
<tr>
<td>ES</td>
<td>626</td>
</tr>
<tr>
<td>FR</td>
<td>474</td>
</tr>
<tr>
<td>HU</td>
<td>19</td>
</tr>
<tr>
<td>IE</td>
<td>14</td>
</tr>
<tr>
<td>IT</td>
<td>2</td>
</tr>
<tr>
<td>LV</td>
<td>9</td>
</tr>
<tr>
<td>LI</td>
<td>176</td>
</tr>
<tr>
<td>LU</td>
<td>60</td>
</tr>
<tr>
<td>MT</td>
<td>146</td>
</tr>
<tr>
<td>NL</td>
<td>38</td>
</tr>
<tr>
<td>AT</td>
<td>26</td>
</tr>
<tr>
<td>PL</td>
<td>364</td>
</tr>
<tr>
<td>PT</td>
<td>0</td>
</tr>
<tr>
<td>FI</td>
<td>0</td>
</tr>
<tr>
<td>SE</td>
<td>0</td>
</tr>
<tr>
<td>SK</td>
<td>0</td>
</tr>
<tr>
<td>SL</td>
<td>0</td>
</tr>
<tr>
<td>UK</td>
<td>0</td>
</tr>
</tbody>
</table>

*Note: The table above represents the number of upper tier establishments for each country in the EU 25.*
Control measures aimed at Prevention

All operators need to meet requirements including:

- General obligations
- notification
- major accident prevention policy
- controls on modifications
- be subjected to inspection by the Competent Authorities of the Member State

For upper tier only:

- safety report
- safety management system
Control measures aimed at limitation of the consequences

For all
- land use planning

For upper tier
- emergency planning
- public information
Obligations of the Operator

- Art. 5 Operator must take and prove to the Competent Authority that he has taken all necessary measures
- Art. 6 Notification: information on the establishment and dangerous substances
- Art. 7+Annex III Major-Accident Prevention Policy
- Art. 9+Annex II Safety Report incl. Safety Management System (only upper tier)
- Art. 10 Modifications: update Safety Report …
- Art. 13 Information to the public
- Art. 14 Information following a major accident
Competent Authority must

- Art. 6 require Notifications
- Art. 8: identify possible “Domino Effects”
- Art. 9 examine the Safety Report, decides to allow or prohibit (Art. 17) the use of the establishment and communicates conclusions to the operator
- Art. 12 do Land-use planning (controls on siting of new establishments, modifications and new developments)
- Art. 13 consult the public
- Art. 15+19 supply information to the Commission
- Art. 18 organise a System of Inspections
Emergency Plans (Art. 11)

Operator

- Internal Emergency plan
  - Inside the establishment
  - Consultation of the personnel

Competent Authority

- External Emergency plan
  - Outside the establishment
  - Consultation of the public

Review & test min. every 3 years
European Cooperation

- Art. 16, 19, 22 Committee of the Competent Authorities CCA
  - Regulatory Committee
  - Forum for the exchange information between Member States and the Commission
  - adopts Technical Guidance Documents, Questions and Answers, Working Group results, etc.
  - Meets twice a year
  - Network
- Overall Coordination
- Political Developments
- Legal Control Transposition and Implementation
- Publish every three years an Implementation Report and a ‘questionnaire’ for the reporting
- Organise CCA Meetings
- Accompanying Measures (Seminars, Working Groups, Research activities, for example Seveso and Security, GHS)
MAHB is part of the Joint Research Centre (JRC) located in Ispra, Italy and has the following main tasks:

- Seveso Plants Information Retrieval System (SPIRS) - *database of Seveso sites*
- Major-Accident Reporting System (MARS) *Accident database containing more than 600 events*
- Scientific and administrative support for Technical Working Groups (TWG’s)
- Guidelines on Safety Management Systems, Inspections, Info to the public, Dispensations, Safety Reports (recently revised and published) or Land-use Planning (under review)
UN/ECE Convention on the Transboundary Effects of Industrial Accidents

- done at Helsinki, on 17 March 1992
- entered into force on 19 April 2000
- signed by 34 UNECE Member States and the European Community
  - Croatia is Party since 2000
- The Seveso II Directive is considered as the legal and technical instrument to fulfil the obligations of the European Community arising out of the Convention
OECD Working Group on Chemical Accidents

Turkey is OECD and Working Group Member

- Guiding Principles for Chemical Accident Prevention, Preparedness and Response
- Guidance on Safety Performance Indicators
Screening Questions

The following ‘Screening Checklist’ contains questions on:

- **Transposition**
  - General (Seveso II)
  - Specific (scope, provisions etc.)

- **Enforcement**
  - authorities / resources
  - reporting
  - ‘cost of compliance’ for industry / authorities
General questions:

- Has the Seveso II Directive 96/82/EC and its Amendment been transposed into national laws, regulations and administrative provisions?
- If yes, where are the laws, regulations and administrative provisions published?
- If yes, when did they enter into force?
- If no, until when will this be achieved?
General questions:

- Has the UN/ECE Industrial Accidents Convention been ratified?
- If yes, where was this published and when was the instrument of ratification or accession deposited with the Secretary-General of the United Nations?
- If no, until when will ratification/accession be achieved?
Specific Questions:

- What is the scope of your national legislation?
- Does your national legislation contain provisions on:
  - Definitions of terms
  - Notification
  - Major Accident Prevention Policy (MAPP)
  - Safety Report
  - Safety Management System (SMS)
Specific Questions (continued):

- Does your national legislation contain provisions on
  - Controls on Modifications
  - Inspections
  - Land-use Planning
  - Emergency Planning
  - requirements on Consultation of and Information to the Public
Specific Questions (continued):

- Does your national legislation contain provisions on
  - Transboundary consultation and exchange of information
  - Prohibition of use
  - Information to be provided following a major accident
  - Reporting about the enforcement
Specific Questions:

- Which are the national authorities responsible for enforcement at
  - federal level
  - regional level
  - local level?

- What are their resources in terms of
  - staff available
  - budget available?
Enforcement II

Specific Question:

- Will the national authorities responsible for enforcement be in a position to answer the questionnaire on the Seveso II Directive drawn up for reporting purposes?

Remark Costs:

- What is the cost involved in setting up the transposition legislation as well as the administrative structures ensuring enforcement of this legislation?
- What is the « cost of compliance » for the economic operators affected by the legislation?