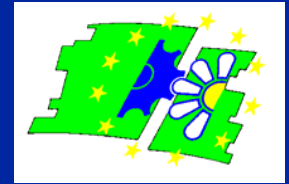




# **SEVESO II Directive (96/82/EC)**



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## **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**

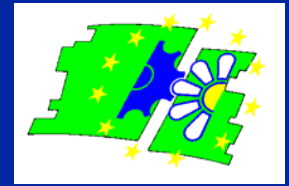
**e-mail: [tobias.biermann@cec.eu.int](mailto:tobias.biermann@cec.eu.int)**

**<http://europa.eu.int/comm/environment/seveso/index.htm>**

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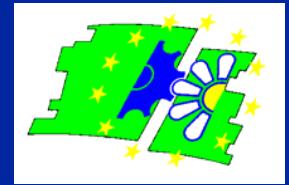
# SEVESO II



**Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso II Directive)**



# SEVESO II



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## 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)

Amended by Directive 2003/105/EC of 16 December 2003

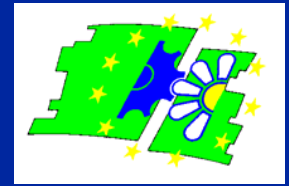
Published in OJ L entered into force of 31 December 2003

Must be transposed by 1 July 2005

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# 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

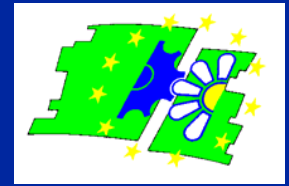
for man and the environment  
throughout the Community

Obligations to operators and authorities

Areas concerned: **Environment**, Safety & Health, **Civil Protection**



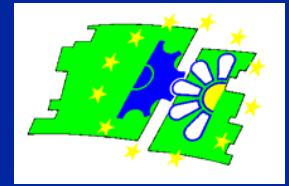
# Scope (Art. 2 and Annex I)



- 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, Off-shore, Mining, Military, Land-Fills

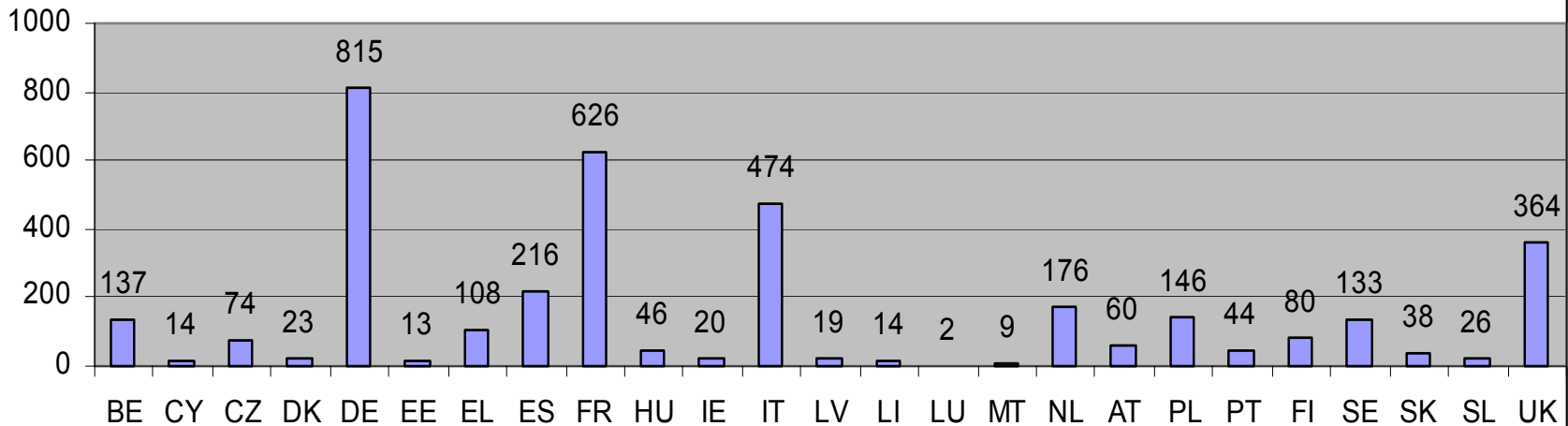


# Scope



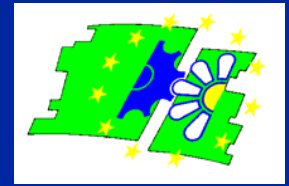
- ~ 4000 upper + ~ 4000 lower tier establishments storing dangerous substances in EU 25
- ~ 1 upper + 1 lower tier site per 100.000 habitants
- Mainly chemical and petrochemical industry, storage, big industrial production and energy installations

Number of upper tier establishments





# Control measures aimed at Prevention



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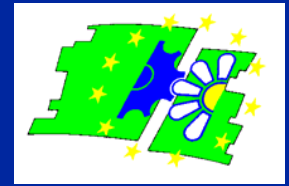
## All operators need to meet requirements including:

- 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



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## For all

- land use planning

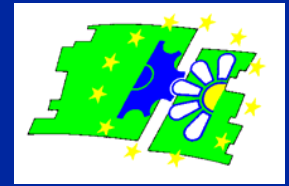
## For upper tier

- emergency planning
  - public information
-





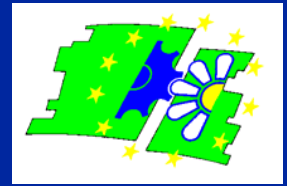
# Obligations of the Operator



- 
- **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**
-



# Obligations of the Authorities

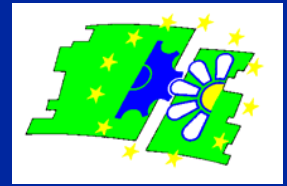


## Competent Authority must

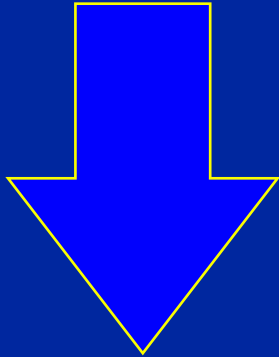
- Art. 6 require Notifications
- Art. 8: identify possible “Domino Effects”
- Art. 9 examine the Safety Report, decides to **allow** or **prohibit** (Art. 17) the use of the establishment and communicates conclusions to the operator
- Art. 12 do Land-use planning (controls on siting of new establishments, 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)



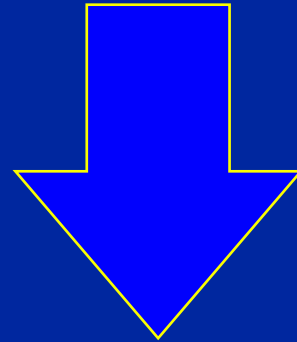
## Operator



**Internal Emergency  
plan**

*review & test min.  
every 3 years*

## Competent Authority



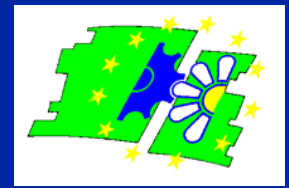
**External Emergency  
plan**

- **Outside the establishment**
- **Consultation of the public**

**Inside the establishment**  
**Consultation of the personnel**



# European Cooperation



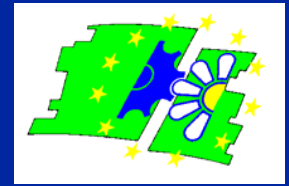
- 
- **Art. 16, 19, 22 Committee of the Competent Authorities CCA**
    - **Regulatory Committee**
    - **Forum for the exchange information between Member States and the Commission**
    - **adopts Technical Guidance Documents, Questions and Answers, Working Group results, etc.**
    - **Meets twice a year**
    - **Network**
-



# DG Environment

<http://europa.eu.int/comm/environment/seveso/>

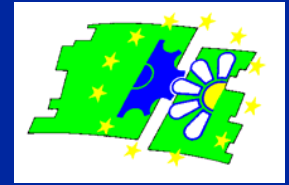
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- **Overall Coordination**
  - **Political Developments**
  - **Legal Control Transposition and Implementation**
  - **Publish every three years an Implementation Report and a ‘questionnaire’ for the reporting**
  - **Organise CCA Meetings**
  - **Accompanying Measures (Seminars, Working Groups, Research activities, for example Seveso and Security, GHS)**
-



# Major Accident Hazards Bureau (<http://mahbsrv.jrc.it/>)



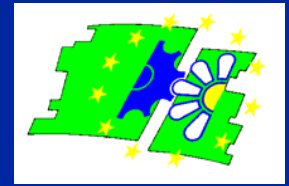
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**MAHB is part of the Joint Research Centre (JRC) located in Ispra, Italy and has the following main tasks:**

- **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)**
-



# Industrial Accidents Convention



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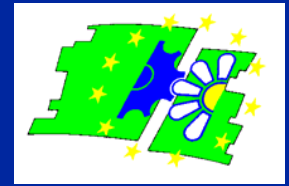
## UN/ECE Convention on the Transboundary Effects of Industrial Accidents

- done at Helsinki, on 17 March 1992
  - **European Community** has approved (Council Decision 98/685/EC of 23 March 1998, published in OJ L 326 of 3 December 1998)
  - 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
-



# International Activities, OECD

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## OECD Working Group on Chemical Accidents

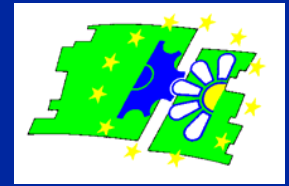
Turkey is OECD and Working Group Member

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





# Screening Questions



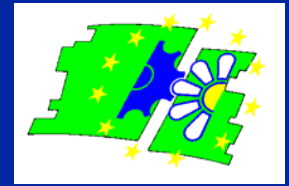
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The following ‘Screening Checklist’ contains questions on:

- Transposition
    - General (Seveso II)
    - Specific (scope, provisions etc.)
  - Enforcement
    - authorities / resources
    - reporting
    - ‘cost of compliance’ for industry / authorities
-



# Transposition I



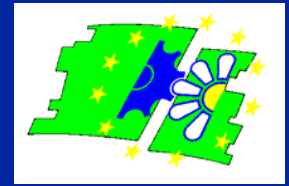
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## General questions:

- **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 ?**
-



# Transposition II



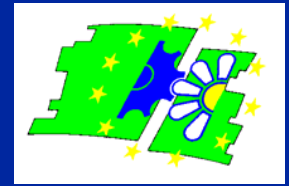
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## General questions:

- **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 ?**
-



# Transposition III



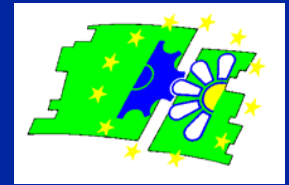
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## Specific Questions:

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



# Transposition IV



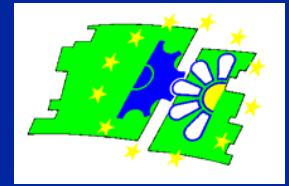
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## Specific Questions (continued):

- **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**
-



# Transposition V



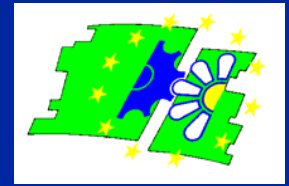
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## Specific Questions (continued):

- **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**
-



# Enforcement I



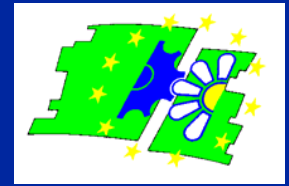
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## Specific Questions:

- **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



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## 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?
-