Control of major-accident hazards involving dangerous substances

2010/0377(COD) - 21/12/2010 - Legislative proposal

PURPOSE: to revise Directive 96/82/EC (Directive Seveso II) due to changes in the EU system of classification of dangerous substances to which the Directive refers.

PROPOSED ACT: Directive of the European Parliament and of the Council. .

BACKGROUND: Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (the Seveso II directive) is aimed at preventing major accidents involving large quantities of dangerous substances (or mixtures thereof) as listed in its Annex I and to limit the consequences of such accidents for man and the environment. The Directive, which applies to around 10 000 establishments in the EU, has contributed to reducing the probability and consequences of such accidents and increasing the level of protection in the Union. It must, however, be **amended due to changes in the EU system of classification of dangerous substances to which the Directive refers**.

The review process, which was launched in 2008, revealed that that overall the existing provisions are fit for purpose and that no major changes are required. However, a number of areas were identified where limited amendments would be appropriate in order to clarify and update certain provisions and to improve implementation and enforceability while maintaining or slightly increasing the level of protection for health and environment.

IMPACT ASSESSMENT: the main problems covered in the impact assessment related to the alignment of Annex I to Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regulation) and the impact on the scope of the Directive, which was the key issue. Other issues related to information to the public and information management systems and land-use planning, and other detailed provisions which could usefully be clarified or updated.

- As regards the alignment of Annex I, the Commission is proposing the option that, in addition to a very limited impact on scope shared with other options, maintains a high level of protection taking into account the most likely and relevant exposure routes in the event of a major accident. To deal with situations arising over time from the alignment where substances are included/excluded under the Directive that do/do not present a major-accident hazard, a package of corrective mechanisms to adapt Annex I via delegated acts is proposed.

- As regards information to the public, etc, it is proposed to improve the level and quality of information and how this is collected, managed, made available, updated and shared in an efficient and streamlined way.

LEGAL BASE: Article 192(1) (protection of the environment) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the main reason for the revision of the Seveso II Directive is to **align its Annex I to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of dangerous substances and mixtures (the CLP Regulation)**, which amends and repeals Directives 67/548/EEC and 1999/45/EC to which the Seveso II Directive currently refers. The CLP rules become definitive with effect from 1 June 2015.

The main changes relate to health hazards. The former category "Very Toxic" has been aligned to the CLP category "Acute Toxic 1" and "Toxic" to "Acute Toxic 2" (all exposure routes) and "Acute Toxic 3" (dermal and inhalation routes.) Several more specific CLP categories for physical hazards that did not exist before replace the more general old categories for oxidizing, explosive, and flammable hazards. For the new category of flammable aerosols, the thresholds have been adapted proportionately to those that apply currently based on their flammable properties and components; and for reasons of consistency, the group of pyrophoric substances has been completed by the inclusion of pyrophoric solids.

The new Annex I Part 2 retains the old Part 1 largely unchanged. The only changes are the following: (i) an updated reference to the CLP Regulation for liquefied flammable gases; (ii) the inclusion of anhydrous ammonia, boron triflouride, and hydrogen sulphide as named substances, previously covered by their hazard categories, to keep their thresholds unchanged; (iii) the inclusion of heavy fuel oil in the entry for petroleum products; (iv) clarifications to the notes in relation to ammonium nitrate; (v) and an update of the toxic equivalency factors for dioxins.

Among the excluded areas are the offshore exploration and exploitation of minerals, including hydrocarbons. The Commission will assess the appropriate way to strengthen environmental legislation with provisions that may be necessary to complement existing environmental legislation in relation to pollution control, inspection and accident prevention and management as regards individual offshore installations, ensuring a high level of protection of the environment in such activities. Corresponding legislative proposals will include either extending the scope of existing legislation to offshore oil and gas installations or a stand-alone initiative for such operations.

BUDGETARY IMPLICATIONS: the proposal has no implication for the Union budget.