Control of major-accident hazards involving dangerous substances

2010/0377(COD) - 04/07/2012 - Final act

PURPOSE: to improve the control of major-accident hazards involving dangerous substances (Seveso III).

LEGISLATIVE ACT: Directive 2012/18/EU of the European Parliament and Council the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

CONTENT: following an agreement with the European Parliament on first reading, the Council adopted a Directive on control of major-accident hazards involving dangerous substances. The text of the Directive is the outcome of technical work and extensive and intensive negotiations between the Council, the European Parliament and the European Commission ("trilogues"), during the Hungarian, Polish and the Danish Presidencies.

The new Directive will replace, by 1 June 2015, the current Seveso II Directive which applies to around 10,000 establishments in the EU. It lays down rules for the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner.

The main objectives of the Directive are the following:

- align Annex I (defining the substances falling within the scope of the Directive) to changes in the EU system of classification of dangerous substances to which it refers;
- adapt Annex I to deal with situations occurring after the alignment where substances are included /excluded, that do/do not present a major-accident hazard;
- strengthen the provisions relating to public access to safety information, participation in decision-making and access to justice, and improve the way information is collected, managed, made available and shared;
- introduce stricter standards for inspections of installations to ensure the effective implementation and enforcement of safety rules.

Specifically, **the new Directive covers the following**:

- **the Commission shall assess**, where appropriate or in any event on the basis of a notification by a member state, whether it is impossible in practice for a particular dangerous substance to cause a release of matter or energy that could create a major accident under both normal and abnormal conditions which can reasonably be foreseen ;
- **the operator** will be obliged to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment;

- with the view to preventing major accidents, the operator shall draw up a **document in writing** setting out the major-accident prevention policy (MAPP) which shall include the commitment towards continuously improving the control of major-accident hazards, and ensuring a high level of protection;

- in order to **reduce the risk of domino effects**, operators should cooperate in the exchange of appropriate information and in informing the public, including neighbouring establishments that could be affected;

- in the case of establishments where dangerous substances are present in significant quantities, the operator must provide the competent authority with information in the form of a **safety report**;

- in the case of establishments where dangerous substances are present in significant quantities, it is necessary to establish **internal and external emergency plans** and to establish procedures to ensure that those plans are tested and revised as necessary and implemented in the event of a major accident or the likelihood;

- **after a major accident**, the competent authorities must inform the persons likely to be affected, of the accident which has occurred and, where relevant, of the measures undertaken to mitigate its consequences;

- **the information is permanently available to the public**, including electronically. For «upper-tier » establishments, member states shall also ensure that, all persons likely to be affected by a major accident receive regularly and in the most appropriate form, without having to request it, clear and intelligible information on safety measures and requisite behaviour in the event of an accident;

- **the public concerned is given an early opportunity to give its opinion** on specific individual projects relating to: i) planning for new establishments; ii) significant modifications to establishments; iii) new developments around establishments where the siting or developments may increase the risk;

- Member States shall ensure that the competent authorities organise a **system of inspections** and that all establishments are covered by an inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed. The period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments .

By 30 September 2020, and every four years thereafter, the Commission, shall **report** on the implementation and efficient functioning of this Directive, including information on major accidents that have occurred within the Union and their potential impact upon the implementation of this Directive.

ENTRY INTO FORCE: 13/08/2012.

TRANSPOSITION: 31/05/2015.

APPLICATION: to apply from 01/06/2015.

DELEGATED ACTS: the Commission can adopt delegated acts to take account of technoogical changes. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** from 13 August 2012 (tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension). The European Parliament or the Council can object to delegated acts

within a period of **two months** of notification of that act (this notification can be extended by two months). If the European Parliament or the Council objects, the delegated act will not come into force.