

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 26/09/2002 - Modified legislative proposal

The European Commission accepts, fully or in part or in principle 24 amendments adopted by the European Parliament. 1) The Commission's position with regard to the amendments of the European Parliament is as follows: amendments accepted fully by the Commission: - propose recitals relating to the Toulouse accident, introducing the modifications of the entries for ammonium nitrate while pointing out that sites of end-users of ammonium nitrate should not be covered by the Directive; - creates a link with Council decision 2001/792/EC establishing a Community mechanism to facilitate reinforced co-operation in civil protection Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities, assistance interventions, by requiring Member States to take account of the decision in external emergency plans; - aims at obliging the Member States to provide the Commission with basic information on establishments covered by the Directive (name, address, activity); - proposes the creation of 4 new entries for ammonium nitrate including their qualifying quantities; - propose the creation of 2 new entries for potassium nitrate including their definitions and qualifying quantities; - rephrases a part of the section on organisation and personnel in Annex III, which defines the information to be included in the safety management system, emphasising the involvement of subcontractors. 2) As regards the amendments accepted in part or in principle by the Commission, these: - relate to the coverage of tailings from mining activities and specify that only operational tailings facilities are to be covered, which the Commission accepts in principle, while proposing to replace the term "operational" by "active"; - proposes to create an additional paragraph in Article 4, moving the exclusion of offshore exploration and exploitation of minerals; - address the issue of establishments that come subsequently under the scope of the Seveso II Directive. These amendments aim at providing reasonable time limits for the submission of notifications and safety reports, and the establishment of the major accident prevention policy and the internal and external emergency plans; - proposes that the safety report indicate all persons and organisations involved in drawing it up, as well as describing the methods used; - propose to reinforce the provisions of Article 11 for consultation in the preparation and review of emergency plans; - specifies that information on safety measures and on the requisite behaviour in the event of an accident should be supplied to persons liable to be affected by major accidents "regularly and in the most appropriate form" and extends the scope of this obligation to "all establishments serving the public (schools, hospitals, etc.); - proposes to modify Article 12 (Land-use planning) by extending the list of developments which should, in the long term, be separated from Seveso II establishments, to include buildings of public use, transport routes, industrial establishments, and recreational areas; - would oblige the Commission to draw up guidelines to be used for assessing the compatibility between existing establishments covered by the Directive and sensitive areas and to develop a methodology for establishing appropriate minimum safety distances; - proposes definitions for the four new entries on ammonium nitrate; - concerns the obligation to supply information to those liable to be affected by the consequences of an accident. 3) The Commission rejected the amendments which aim to: - propose recitals which refer to matters arising from the Toulouse accident (The Commission is of the opinion that the recitals proposed are not appropriate in Community legislation); - proposes to broaden the scope of the mining activities to be covered by the Directive by including mechanical and physical processing of minerals; - proposes to require the operator to include information on training measures in the notification; - proposes to require operators to inform the competent authority in the event of a modification of an installation, establishment or storage area; - proposes to require the operator to evidence compliance with his obligations in the document setting out the major accident prevention policy (MAPP); - proposes to add into Article 8 (Domino effect) a link to Article 12 on land-use planning; - proposes to require explicitly that the public be informed of the possible dangers and risks of domino effects through the local press, by mail and via the Internet website of the regional authority concerned; - proposes to make the review of the safety report compulsory in the event of changes in work organisation with an impact on the safety of an installation; - proposes to impose an

obligation on Member States to draw together different methods used for drawing up safety reports into a single European method; - propose to modify an Article so that the operators of all establishments are obliged to inform the competent authority of any modifications before making them; - proposes to oblige Member States, in the case of an accident, to inform the monitoring and information centre established according to Council decision 2001/792/EC and to co-operate with this centre; - proposes to amend Article 12 on Land-use Planning to include controls on technical measures put in place to reduce hazard areas; - would oblige the Commission to develop a scheme of incentives and / or funding for the relocation of establishments; - aim at reinforcing the right of the public to have access to safety reports and emergency plans by, among other points, requiring that these should appear in newspapers and on the Internet, be forwarded to local advisory bodies, and be posted in establishments open to large numbers of people; - proposes a new article on the Training of staff of establishments and of external enterprises", establishing obligations to provide staff with regular training and to provide competent authorities with a report on training every two years; - proposes an obligation for Member States to suspend activities where the operator has not provided information on changes/modifications and on training; - aims at restricting "commercial or industrial secrecy" exclusively to processes, and not to information concerning the storage of dangerous substances.