Control of major-accident hazards involving dangerous substances. Seveso II

1994/0014(SYN) - 19/03/1996 - Council position

The common position takes over, either wholly or in part, 29 amendments (of the 78 adopted by Parliament) incorporated in the Commission's amended proposal, together with seven amendments which had been rejected by the Commission. The aim of the main amendments taken over by the Council was to: - make it clear that high levels of protection should be ensured in a consistent and effective manner; - revise the definitions of 'establishment' and 'installation' and include the handling of dangerous substances; - amend the definition of 'hazard' to include the criterion of damage to human health and/or the environment; - restructure parts of the initial proposal regarding safety management, so as to clarify the relevant obligations (setting out principles and criteria relating to the measures required to prevent major accidents and to limit the consequences of such accidents); - establish a clear and transparent system with regard to the possible limitation of the information required in the safety report; the Directive provides for the publication by the Commission of a list of the establishments concerned, based on the information provided by the Member States; - provide for 'consultation' of interested parties in the preparation of emergency plans (rather than the 'opportunity to contribute') and clarify the text relating to the implementation of such plans; - clarify the relationship between land-use policies and the precautions taken inside establishments to minimize risks; - add an Annex VI setting out criteria for determining which accidents should be formally notified to the Commission; - place the emphasis on transparency, with information being made available on request to any natural or legal person; - amend the entries for nickel substances (Annex I) to make it clear that the major hazard potential of these substances depends on their physical state. The Council also included new provisions designed to: - amend the scope of the Directive to ensure that establishments that produce only dangerous substances are covered in the event of a major accident; - amend the definition of 'operator' to bring it into line with the definition given in the draft Directive on integrated pollution prevention and control; - clarify the exclusion from the Directive's scope of the transport of dangerous substances outside establishments; the Commission is asked to submit within three years proposals aimed at ensuring a high level of protection regarding the prevention of accidents at ports or marshalling yards or in pipelines; - set more reasonable notification deadlines for action by operators or competent authorities; - revise the 'domino' effect provision, to make its application more dependent on the professional judgment of the competent authorities; - ensure that application of the derogation from the requirement to produce an external emergency plan is no longer dependent on harmonized criteria; instead, Member States will be required to give their reasons for any decision; - delete the provisions requiring the closure of establishments which have no external emergency plan; - amend the procedure to be used for the technical progress committee from a type I procedure to a type IIIa procedure.