Basic information

2001/0257(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Industrial major-accidents: hazard control, dangerous substances Amending Directive 96/82/EC 1994/0014(SYN) **Subject** 3.70.10 Man-made disasters, industrial pollution and accidents 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	LISI Giorgio (PPE-DE)	22/07/2003

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	LISI Giorgio (PPE-DE)	13/03/2002
ENVI Environment, Public Health, Consumer Policy	LISI Giorgio (PPE-DE)	13/03/2002

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, External Trade, Research, Energy	CORBEY Dorette (PSE)	19/02/2002
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	2549	2003-12-01
Agriculture and Fisheries	2486	2003-02-20
Agriculture and Fisheries	2524	2003-07-22
Environment	2457	2002-10-17
Environment	2399	2001-12-12
Environment	2413	2002-03-04
Environment	2439	2002-06-25

European Commission	

Commission DG	Commissioner
Environment	

Key events

Date	Event	Reference	Summary
10/12/2001	Legislative proposal published	COM(2001)0624	Summary
12/12/2001	Debate in Council		
13/12/2001	Committee referral announced in Parliament, 1st reading		
04/03/2002	Debate in Council		
18/06/2002	Vote in committee, 1st reading		Summary
18/06/2002	Committee report tabled for plenary, 1st reading	A5-0243/2002	
25/06/2002	Debate in Council		Summary
02/07/2002	Debate in Parliament		
03/07/2002	Decision by Parliament, 1st reading	T5-0355/2002	Summary
26/09/2002	Modified legislative proposal published	COM(2002)0540	Summary
20/02/2003	Council position published	14054/1/2002	Summary
13/03/2003	Committee referral announced in Parliament, 2nd reading		
22/05/2003	Vote in committee, 2nd reading		Summary
22/05/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0198/2003	
18/06/2003	Debate in Parliament		
19/06/2003	Decision by Parliament, 2nd reading	T5-0285/2003	Summary
22/07/2003	Parliament's amendments rejected by Council		
09/09/2003	Formal meeting of Conciliation Committee		
09/09/2003	Final decision by Conciliation Committee		Summary
09/09/2003	Report tabled for plenary, 3rd reading	A5-0365/2003	
22/10/2003	Joint text approved by Conciliation Committee co-chairs	3665/2003	
18/11/2003	Debate in Parliament		
19/11/2003	Decision by Parliament, 3rd reading	T5-0498/2003	Summary
01/12/2003	Decision by Council, 3rd reading		
16/12/2003	Final act signed		
16/12/2003	End of procedure in Parliament		
31/12/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/0257(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 96/82/EC 1994/0014(SYN)
Legal basis	EC Treaty (after Amsterdam) EC 175
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/20280

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0243/2002	18/06/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0355/2002 OJ C 271 12.11.2003, p. 0196-0315 E	03/07/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0198/2003	22/05/2003	
Text adopted by Parliament, 2nd reading		T5-0285/2003	19/06/2003	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0365/2003	09/09/2003	
Text adopted by Parliament, 3rd reading		T5-0498/2003 OJ C 087 07.04.2004, p. 0073-0149 E	19/11/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	05878/2003	05/02/2003	
Council position	14054/1/2002 OJ C 102 29.04.2003, p. 0001-0015 E	20/02/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0624 OJ C 075 26.03.2002, p. 0357 E	10/12/2001	Summary
Modified legislative proposal	COM(2002)0540  OJ C 020 28.01.2003, p. 0255 E	26/09/2002	Summary
	SEC(2003)0251		

Commission communication on Council's position		05/03/2003	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0460	23/07/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0515/2002 OJ C 149 21.06.2002, p. 0013	24/04/2002	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3665/2003	22/10/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0105
OJ L 345 31.12.2003, p. 0097-0105 Summary

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 10/12/2001 - Legislative proposal

PURPOSE: To amend and update Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances/ Seveso II.
CONTENT: The so-called Seveso II Directive was agreed in 1996 in order to prevent major accidents involving dangerous substances, whilst at the same time limiting the consequences of such accidents on man and the environment. Essential to the proper functioning of the Seveso II Directive is the obligation for industrial operators to put into effect Safety Management Systems including a detailed risk assessment using possible accident scenarios. Recent, large-scale accidents involving dangerous substances suggest that a revision of the Directive is needed in order to broaden its provisions in line with current realities. The fireworks explosion in Enschede/the Netherlands and the industrial leaking of cyanide in Baia Mare /Romania combined with a similar accident in Aznalcollar/Spain in 1998 have alerted the Commission to certain short-comings in the Directive as it stands. Since Seveso II dealt mainly with chemical plants and storage facilities, both pyrotechnics/explosions and mining waste had previously been excluded from the scope of the 1996 Directive. In terms of the mining industry, the proposed revision would mean that certain activities of the extractive industries, including tailings disposal facilities, would fall under the breadth of the Directive. In substance the amendments would mean that operators who bring dangerous substances onto a mining or quarrying site in sufficient quantities will in the future come under the Directive's provisions. Industrial operators performing these activities will be obliged to put into effect Safety Management Systems, including a detailed risk assessment on the basis of possible accident scenarios. Concerning explosions and pyrotechnics, the proposal aims to offer an improved definition of both. Essentially, the proposed amendments seek to revise the definitions currently in Annex I Part 2 in order to reflect the hazards of different types of explosives. Importantly, the UN/ADR classification system of explosions and pyrotechnics will be introduced to the Seveso II Directive. In addition to amending Seveso II to take account of mining and pyrotechnic activities the proposal also seeks to offer amendments relating to carcinogens and substances dangerous for the environment. More carcinogenic substances will be included in the Directive whilst at the same time lowering the qualifying quantities for certain substances.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 05/03/2003 - Commission communication on Council's position

The Commission notes that the Council agrees with the Commission that it is premature to opt for a more substantial review of Seveso II at this stage. The present Directive has only been applicable for three years. This is too short a period to get sufficient feedback from industrial operators or Member States with regard to any problems encountered in the application of the Directive. Without such feedback a broader revision, as requested by the

European Parliament, cannot be justified at this stage. The Commission considers that the Common Position does not alter the approach and aims of the Proposal and can thus support the common position.

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.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 16/12/2003 - Final act

PURPOSE : to extend the application of the Seveso II Directive, inter alia, so as to include certain activities of the extractive industries. LEGISLATIVE ACT : Directive 2003/105/EC of the European Parliament and of the Council amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. CONTENT : Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (so-called Seveso II Directive) aims at the prevention of major accidents and the limitation of their consequences for man and the environment, with a view to ensuring high levels of protection throughout the Community in a consistent and effective manner. This Directive aims at including certain activities of the extractive industries, including tailings disposal facilities. The principal points are as follows: - mining operations were exempted from the SEVESO II Directive. This Directive provides that any chemical and thermal processing operations, plus storage related to it, which involves Annex I substances would not be exempt from the Directive, even if carried out in connection with mining. The SEVESO II Directive is extended to include operational tailings disposal facilities containing dangerous substances, when used in connection with the chemical and thermal as well as mechanical and physical processing of minerals. However, offshore exploration and exploitation of minerals are not covered. - the Directive addresses the fireworks explosion that occurred in Enschede in May 2000 by ensuring a better definition of explosive and pyrotechnic substances along with a decrease of qualifying quantities for these substances; - following the recommendations of two studies on carcinogens and

substances dangerous for the environment, it includes more carcinogenic substances and the lowering of the qualifying quantities for substances toxic to aquatic environment. - following the explosion of the chemical site of AZF that occurred in Toulouse on 21 September 2001, the Directive introduces changes with regard to the definition of and qualifying quantities for ammonium nitrate, land-use planning and information to the public. The legislation creates four classes of ammonium nitrate each having different thresholds and requirements, according to the danger involved in their storage. ENTRY INTO FORCE : 31/12/03. DATE OF TRANSPOSITION : 01/07/05.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 23/07/2003 - Commission opinion on Parliament's position at 2nd reading

On 19 June 2003, the European Parliament adopted 11 amendments. The Commission can accept 4 amendments. With regard to the amendments accepted by the Commission, these - seek to reinforce the necessity for training for emergencies by introducing an explicit reference to training in the section on emergency planning within the description of the elements of a safety management system in Annex III of the Directive; - propose to add to the items to be communicated to the public a map showing areas that might be affected by the consequences of major accidents. The text proposed by Parliament is identical with the text adopted by the Commission in its Amended Proposal; - propose the creation of 2 new entries for potassium nitrate including their definitions and qualifying quantities. As regards the amendments rejected by the Commission, these concern: - broadening the scope of the mining activities to be covered by the Seveso II Directive by deleting the words "chemical and thermal", thus including mechanical and physical processing of minerals. The Commission continues to be of the opinion that the Seveso II Directive should only apply where dangerous substances are brought onto site and stored there, or where chemical and thermal processing take place; - establishing a requirement for operators to inform the competent authority in the event of a modification of an installation, establishment or storage area; - imposing an obligation on Member States to ensure that different methods used for drawing up safety reports are harmonised; - obliging the Commission to draw up guidelines to be used for assessing the compatibility between existing establishments covered by the Directive and sensitive areas; - obliging the Commission to develop a "scheme of incentives and / or funding for the relocation of establishments". However, on the grounds of subsidiarity considerations, the Commission continues to believe that such a task falls to the Member States. The Commission will monitor compatibility of any such scheme with European competition law; - proposing references to Directive 2000/60/EC (Water Framework Directive) and Directive 91/689/EEC on hazardous waste.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 03/07/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Giorgio LISI (EPP-ED, Italy) on the control of major accident hazards involving dangerous substances. (Please refer to the summary dated 18/06/02.) Parliament expanded the list of areas that should, in the long term, be separated from dangerous establishments by buffer zones to include building, transport routes, industrial establishments and recreational areas. It also wanted the thresholds for ammonium nitrate lowered to 10 tonnes/50 tonnes, to include the category of this fertiliser which caused the accident at Toulouse. In addition, Parliament voted to include another fertiliser, potassium nitrate, whilst ensuring that farmers are not penalised for using it in the harmless form commonly used in agriculture. Parliament's amendments indicate that the scope of the directive should be broadened to include not only mining operations, but also mechanical operations, as well as chemical and thermal plants. Members went on to state that, in the light of the accident at Toulouse, it is vital to make the provisions applying to operators more stringent with regard to their general obligations, the relevance of safety reports, internal and external emergency plans and the information provided to the public. This is needed in order to reduce the risk of accidents at source and limit strategic errors in risk perception and trivialisation of risks. Member States must require the operator of a plant to draw up a document setting out his major-accident prevention policy evidencing his compliance with his obligations. The policy must be designed to guarantee a high level of protection for man and the environment by appropriate mans, structures and management systems. Operators must also take the necessary measures to prevent domino effects occurring in the event of a major accident. The public will be informed of possible dangers and risks of domino effects through the local press, by post and on the official website of the regional authority concerned. There are certain minimum requirements for the contents of safety reports.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 19/06/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the report drafted by Giorgio LISI (EPP-ED, Italy) and amended the common position. (Please refer to the document dated 22/05/03).

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 19/11/2003 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (Please see the summary of 09/09/03.)

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 25/06/2002

Pending receipt of the European Parliament's Opinion, the Council established a general approach on the amendment of Council Directive 96/82/EC (the "Seveso II" Directive) on the control of major-accident hazards involving dangerous substances. The Permanent Representatives Committee was

instructed to examine the European Parliament's Opinion as soon as it was available so that the Council could adopt a common position. The text approved by the Council, which is based on a Presidency compromise, follows a request from the French delegation for the proposal to be expanded to include provisions concerning ammonium nitrate, which was involved in the accident in Toulouse on 21 September 2001, when an explosion of products containing ammonium nitrate at the AZF chemical plant left thirty people dead and 2 400 injured. Under Article 176 of the Treaty, the Member States' own legislation may set more stringent thresholds than those specified in the Directive. The draft also seeks to extend the scope of Council Directive 96/82/EC in the wake of accidents at a firework manufacturer's premises in Enschede (Netherlands) and a mine in Baie Mare (Romania) and in the light of studies on carcinogens and environmentally dangerous substances carried out by the Commission at the request of the Council. It provides for an obligation on industrial operators to put into effect Safety Management Systems, including a detailed risk assessment using possible accident scenarios.

Industrial major-accidents: hazard control, dangerous substances

2001/0257(COD) - 20/02/2003 - Council position

As this proposal was never intended as a full-scale revision of the Seveso II Directive, but rather as a quick response to two, now amended to include a third, very specific accidents and some studies the Commission had undertaken on certain carcinogens and substances dangerous for the environment. The Council was therefore very keen to try to work towards a first reading agreement with the EP, with a view to having this legislation implemented as soon as possible to prevent future accidents or damage of this nature. Against this background and given the large number of amendments tabled at first reading to the Articles of Directive 96/82/EC which were not covered by the proposal, the Council has not been able to accept all of the EP amendments. The Council suggests that it would be advantageous to await the Commission's extensive review of the operation of the Directive which would give rise to a full revision of the terms of Directive before making further amendments to Directive 96/82/EC. The Council does not see merit in using this proposal as a vehicle to review the whole Directive without the proper studies having been undertaken and therefore hopes for close and constructive cooperation with the EP, with a view to reaching a quick second reading agreement. In its plenary vote on 3 July 2002, the EP adopted 47 amendment to the proposal (of which 8 related to the original Commission proposal). 21 of these have been incorporated either verbatim, in part or in spirit, into the Council's common position. The main issues are: - exemption of mining operations from this Directive. The Commission's amendment proposes that any chemical and thermal processing operations, plus storage related to it, which involves Annex I substances would not be exempt from the Directive, even if carried out in connection with mining. Tailings disposal facilities used in connection with such processing operations are also now covered by the Directive, however, offshore exploration and exploitation of minerals is not covered; - the Council introduced time limits providing a period of time for establishments falling under the scope of the Directive due to this amendment to comply with all the requirements of the Directive; - in relation to Part 2 of Annex I to the Directive the Commission's proposal for the alteration to the classification system for explosives was amended slightly to take account of other classification systems; - amendments to take account of the Toulouse accident were agreed, these create four classes of ammonium nitrate each having different thresholds and requirements, according to the danger involved in their storage; - following receipt of the EP's first reading many amendments relating to provision of information were also incorporated into the common position.