

Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1994/0014(SYN)	Procedure completed
Control of major-accident hazards involving dangerous substances. Seveso II		
Amended by 2001/0257(COD)		
Repealed by 2010/0377(COD)		
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
	ENVI Environment, Public Health and Consumer Protection	PSE BOWE David Robert	27/07/1994
Council of the European Union	Council configuration	Meeting	Date
	Environment	1978	09/12/1996
	Agriculture and Fisheries	1908	19/03/1996
	Environment	1861	22/06/1995
	Environment	1830	09/03/1995

Key events			
23/03/1994	Committee referral announced in Parliament		
20/04/1994	Vote in committee		Summary
20/04/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0265/1994	
03/05/1994	Decision by Parliament	COM(1994)0004	Summary
03/05/1994	Report referred back to committee		
23/11/1994	Vote in committee		Summary
23/11/1994	Committee report tabled for plenary, 1st reading/single reading	A4-0082/1994	
16/02/1995	Debate in Parliament		
16/02/1995	Decision by Parliament	T4-0041/1995	Summary
09/03/1995	Debate in Council	1830	Summary

16/06/1995	Modified legislative proposal published	COM(1995)0240	Summary
19/03/1996	Council position published	09743/6/1995	Summary
18/04/1996	Committee referral announced in Parliament, 2nd reading		
27/06/1996	Vote in committee, 2nd reading		Summary
27/06/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0224/1996	
15/07/1996	Debate in Parliament		Summary
16/07/1996	Decision by Parliament, 2nd reading	T4-0391/1996	Summary
03/09/1996	Modified legislative proposal published	COM(1996)0440	Summary
09/12/1996	Act adopted by Council after consultation of Parliament		
09/12/1996	End of procedure in Parliament		
14/01/1997	Final act published in Official Journal		

Technical information

Procedure reference	1994/0014(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2001/0257(COD) Repealed by 2010/0377(COD)
Legal basis	EC before Amsterdam E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07737

Documentation gateway

Legislative proposal	COM(1994)0004 OJ C 106 14.04.1994, p. 0004	26/01/1994	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A3-0265/1994 OJ C 205 25.07.1994, p. 0003	20/04/1994	EP	
Economic and Social Committee: opinion, report	CES0760/1994 OJ C 295 22.10.1994, p. 0083	02/06/1994	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0082/1994 OJ C 363 19.12.1994, p. 0003	23/11/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0041/1995 OJ C 056 06.03.1995, p. 0067-0080	16/02/1995	EP	Summary
Modified legislative proposal	COM(1995)0240 OJ C 238 13.09.1995, p. 0004	16/06/1995	EC	Summary
Council position	09743/6/1995 OJ C 120 24.04.1996, p. 0020	19/03/1996	CSL	Summary
Commission communication on Council's position	SEC(1995)1780	15/04/1996	EC	Summary

Committee recommendation tabled for plenary, 2nd reading	A4-0224/1996 OJ C 261 09.09.1996, p. 0005	27/06/1996	EP	
Text adopted by Parliament, 2nd reading	T4-0391/1996 OJ C 261 09.09.1996, p. 0017-0024	16/07/1996	EP	Summary
Modified legislative proposal	COM(1996)0440	03/09/1996	EC	Summary
Implementing legislative act	32002D0605 OJ L 195 24.07.2002, p. 0074-0080	17/07/2002	EU	Summary
Follow-up document	COM(2017)0665	16/11/2017	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1996/82](#)
[OJ L 010 14.01.1997, p. 0013](#) Summary

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

The Commission proposal was designed to replace the 'Seveso directive', to reinforce safeguards against major accident hazards involving dangerous substances in certain kinds of industrial activity. The new directive, based on the principles of caution, prevention, remedy at source and 'the polluter pays', had all the essential features of the existing directive, but with additional measures to improve its application, improve the way in which the human factors in major accidents were managed and introduce controls on land use. To that end the proposal: - required operators of the establishments concerned to produce safety reports, including a section specifically on the systems for managing and organising the establishment; operators would have to update their management systems afresh each time significant modifications were made; - provided for the preparation of emergency plans: in-house plans to be drawn up by the operator and external plans by an authority designated by the Member State; - introduced regional planning measures to keep residential areas and those of particular natural interest at a suitable distance from sources of major accident hazards; - removed the distinction between manufacture and storage in hazard prevention; - improved information to the public who would have access to the safety report and could take part in procedures and debates on policy for the management of major accidents, the siting of industrial establishments and use of land. ?

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

The Committee on the Environment adopted the draft report by Mr Delcroix. ?

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

The Committee adopted the draft report on a council proposal amending and replacing the Directive 82/501/EEC of 24 June 1982, commonly known as the 'Seveso' Directive. This directive was introduced in response to several major accidents as in Seveso in 1976. There also are 2 amending directives, 87/261/EEC and 88/610/EEC. This proposal is a more fundamental overhaul of the directive in the light of a decade's experience with the legislation. Some 70 incidents classified as 'major' accidents were reported under the Directive between 1982-1990 and an official analysis concluded that about 95% of these could have been prevented by the application of existing knowledge and proper management and operational procedures. The EU-wide total of major accidents has now increased to about 130. Rapporteur BOWE's amendments do not wish to significantly change the Commission's proposal for a directive. Said the rapporteur: "My amendments seek to ensure a proper involvement and training for workers, to involve local communities and to give them a say in the permitting process, a role for the European Environment Agency and clear criteria for reporting of accidents to avoid under reporting or neglect". There is a new emphasis on safety management systems based on the lessons learnt from recent major accidents. These new provisions include: - safety audits to be carried out as an integral part of safety management systems. These results must be available to the authorities when they carry out inspections; - also new is the set of duties of the authorities to respond to safety reports within a specified time. For an existing installation the authorities would have 12 months in which to 'indicate satisfaction' with the report, or to request further information or to prohibit the continued use of the installation. For new installations reports would have to be submitted between 4-8 months of the start up date; - another new

requirement concerns the updating of safety reports. Under the present directive updating is only required 'periodically'. But under the new proposal review and, where necessary, updating would be required at least every 5 years, or at any other time at the request of the authorities or to take account of technical knowledge. Under the existing proposal both on-site and off-site emergency plans must be prepared. Several clauses are now expanded. Deadlines are laid down for the completion of energy plans. For new installations, on-site plans would have to be completed before start-up. They also must provide for the clean-up of the environment after a major accident. Other new provisions deal with the participation of the workforce and the public in the preparation of emergency plans. Also new is the provision that authorities would have to ensure that emergency plans were put into effect without delay in event of a major accident. One major innovation is the introduction of a system of land use planning, designed to minimise the off-site consequences of major accidents and thereby limit the consequences of these accidents for humans and the environment. Member States have a general duty to make this an objective of their land-use policies and to achieve this by controlling the siting of installations, modifications and new developments around hazardous installations. Consultation with local authorities is the key of this system. Also important is that safety reports now should be made public. There should be public participation in decisions on major hazards. The rapporteur hopes that this will be further open up the debate on major accident hazard control policies, criteria for the siting and land use, which in the past have not been very transparent. Policing of major hazard sites varies across the EU. More consistent inspection arrangements will be introduced. Top-tier sites would have to be inspected at least every 12 months unless the authority has decided on a longer inspection frequency. Reports should be followed up with the site management within 3 months.

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

The European Parliament approved the Commission proposal subject to 77 amendments. These amendments seek mainly to: - guarantee suitable participation and training of workers; - ensure that local authorities are involved and can intervene in the decision-making process; - give the European Environment Agency a role; - define precise criteria for drafting accident reports so as to prevent any shortcomings or negligence in the matter. The Commission accepted amendments 1, 3 and 5 and parts of amendments 18, 100, 113 and 114.

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

The debate revealed the delegations' support for revising the Directive currently in force. Guidelines were established for further work on the following aspects: - scope (the vast majority of delegations supported the new approach, which introduced the idea of establishment into the scope); - major accident prevention policy (all delegations supported the proposal that basic rules be laid down, applicable to all types of establishment, relating to the major-accident prevention policy); - control of town planning (the introduction of provisions concerning town planning in the vicinity of sites at risk is recognised as necessary if confined to broad guidelines); - notification of accidents (a large majority of delegations felt that common criteria should be laid down to eliminate the disparity and delays recorded hitherto as regards the notification of accidents). The Permanent Representatives Committee will continue examining this dossier in the light of the debate with a view to enabling the Council to act at the earliest opportunity.

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

The Commission's amended proposal takes account of a number of amendments adopted by the European Parliament. The main changes relate to the following points: - the disclosure or confidentiality of information, which echoes the principles set out in Directive 90/313/EEC on the freedom of access to information on the environment; - the definition of the terms "risk" and "hazard", which clearly indicates that the proposal covers damage to both man and the environment; - the definition of establishments, which include "handling areas"; - the major accident prevention policies adopted by operators, which should allow major accident risks to be evaluated and identified and should, where applicable, include simulation exercises to test emergency plans; - information identifying hazardous substances, which needs to be accurate; - the obligation to give advance notice of any subsequent change, including to the number of substances present; - the involvement of interested parties in the preparation of emergency plans (the public need not be involved); - the circumstances in which operators should be able to claim compensation, which have been clarified; - the links between regional planning policies and precautions taken within establishments to minimize the risk of major accidents, which have been clarified; - the need to examine the advisability of action at Community level in the area of the transport of dangerous substances by pipeline; - as regards derogations, the exclusion of nuclear installations from the scope of the directive as far as the hazards of ionizing radiation are concerned (the inclusion of military installations is not accepted); - the authorities responsible for drawing up external emergency plans and taking suitable decisions in the event of a major accident, which need to have been given suitable training. The main amendments rejected by the Commission relate to: the limit on the number of questions which can be dealt with under the committee procedure, the role of the European Environment Agency, the definition of "near misses" in the text of the directive, the description of the facts which need to be included in the notification of a major accident, the erection of safety borders, together with guarantees for people living in the vicinity of the establishments in question, third countries, technology transfers and responsibility in the event of an accident.

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

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. ?

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

The Commission accepted the common position, which should result in a higher level of safety in establishments which risk causing major accidents.?

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

The committee adopted a draft recommendation by Mr David BOWE (PES, UK) for a second reading, under the cooperation procedure, of the common position of the Council on the control of major-accident hazards involving dangerous substances. The recommendation, which contains amendments by the committee aimed at improving the common position, is expected to be considered by the House during the part-session from 15 to 19 July. The two previous amending directives were 87/216/EEC and 88/610/EEC. In its amendments to the Council's common position, the committee insisted that, in order to limit the cross-border consequences of accidents, there had to be effective information exchange and early warning systems based on the harmonization of national principles and practices governing safety reports. The committee also insisted that the 'polluter pays' principle apply to accidents and was also adamant that "near misses" as well as actual incidents be included within the scope of the directive.

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

While approving the common position of the Council, the rapporteur, Mr BOWE (PSE, UK), tabled several amendments aimed at strengthening the Directive. He opposed the granting of exemptions and the attempt to restrict the scope of the text in question. As regards excluding military establishments, installations and storage sites from the scope of the Directive, he called for this matter to be looked at again in greater detail and was of the opinion that temporary interim storage sites and the discharge of waste should be included in the scope of the Directive. Finally, the rapporteur insisted that the public should be kept fully and clearly informed. Commissioner Bjerregaard expressed her agreement with the following objectives: increasing safety in the interests of the citizen and for the benefit of the environment. She agreed with Amendments Nos 1, 4, 5, 10, 11, 13, 25, 27, 33, 37, 39, 40, 42, 44 and 45 and partly supported Amendments Nos 2, 29, 30 and 32. However, she was opposed to Amendments Nos 3, 6, 7, 8, 9, 12, 14 to 24, 26, 28, 31, 34, 35, 36, 38, 41 and 43. As regards including military installations and waste discharge in the scope of the directive the Commissioner recalled that the former did not fall within the competence of the European Union, while the Commission was presently drawing up a specific proposal on the latter.

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

In adopting the recommendation for second reading by Mr David BOWE (PSE, UK), Parliament approved the common position of the Council with a series of amendments aimed at strengthening the safety of citizens in the face of dangers posed by the concentration of hazardous substances. The amendments deal, in particular, with: - limiting cross-border consequences of accidents, through the introduction of information exchange and warning systems based on harmonization of national principles and practices, - calling on the Commission to evaluate the risks engendered by the transmission of dangerous substances through pipelines and their storage and to prepare a Communication setting out the case for action in this area (though without including it in the Directive), -including waste land-fill in the scope of the Directive, - reducing differences in the arrangements for the inspection of establishments producing dangerous substances by laying down harmonized levels of protection; in this connection, the original safety report should be constantly updated in order to avert major-accident hazards ; - drawing up measures for risk-management in the event of 'almost major accident', i.e. a major accident avoided owing to an intervention, whether or not planned in advance, or owing to a chance coincidence'; - in order to provide greater protection from major-accident hazards for centres of population and natural areas of particular interest or sensitivity, providing for land-use policies which ensure adequate separation between establishments presenting hazards; - in relation to the safety report, laying down time-limits for the information of the competent authorities for new establishments (between four and eight months before commencing construction or operation) and for existing establishments (within two years of the entry into force of the Directive); - prohibiting the use of an establishment or storage facility if there are serious deficiencies in its design, construction or operation which would give rise to a significant risk of a major accident; - providing for more stringent measures relating to the system of inspections for establishments. At the same time, Parliament called on the Commission to establish appropriate relations with the specialized agencies of international bodies, especially the OECD, to ensure that world standards for the control of major-accident hazards are agreed upon. ?

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

The Commission's amended proposal incorporates a number of amendments adopted by the European Parliament at second reading. The most important amendments seek to: - make more explicit provision for efficient cooperation with third countries outside the European Union (the UN/ECE convention on the cross-border consequences of industrial accidents is considered particularly relevant in this respect); - incorporate a more detailed text on pipelines; - strengthen the provisions in the common position on inspection systems; - introduce measures to train the authorities responsible for drafting external emergency plans; - take full account of "near misses" as major accidents; - cover certain installations used to stock chemical products, rather than just the manufacturing process; - make provision for consultation on the protection of residential areas and natural sensitive areas between the authorities responsible for town and country planning.?

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

OBJECTIVE: replaces Directive 82/501/EEC, the Seveso directive, in order to strengthen the protection measures against major-accident hazards involving dangerous substances in certain types of industrial activity. **COMMUNITY MEASURE:** Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. **SUBSTANCE:** the new 'Seveso II' Directive, strengthens the legislation in force in several respects, in particular by: - the drawing up by each establishment covered by the directive of a major-accident prevention policy; - the production of safety reports by establishments where there are quantities of dangerous substances as laid down in the annex to the directive (parts 1 and 2, column 3); - the taking into account of the objectives of preventing major accidents and limiting the consequences of such accidents in the land-use policies or other relevant policies of the Member States. The safety report must, inter alia: - demonstrate that a major-accident prevention policy and a safety management system for implementing it have been put into effect in accordance with the information set out in one of the annexes to the directive; - demonstrate that major-accident hazards have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for man and the environment; - demonstrate that adequate safety and reliability have been incorporated into the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked to major-accident hazards inside the establishment; - demonstrate that internal emergency plans have been drawn up and supply information to enable the external plan to be drawn up in order to take the necessary measure in the event of a major accident; - provide sufficient information to the competent authorities to enable decisions to be made in terms of the siting of new activities or developments around existing establishments. The Member States must ensure that the public is able to give its opinion in the following cases: - planning for new establishments; - modifications to existing establishments where such modifications affect land use; - developments around such existing establishments. Finally, the directive makes provision for an information system so that lessons can be learned from experience gained in order to improve prevention. **ENTRY INTO FORCE:** 03/02/1997 **DEADLINE FOR TRANSPOSITION:** 03/02/1999 ?

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

The European Commission adopted Decision 2002/605/EC concerning the questionnaire relating to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. (Seveso II Directive). By applying this Directive, the Member States are required to report on the implementation of this Directive on a three-year basis. The three-year period should cover 2003 to 2005 inclusive. This report has to be established on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure set out in Article 6 of Directive 91/692/EEC of 23 December 1991 on standardising and rationalising reports on the implementation of certain Directives relating to the environment. Member States shall provide the Commission with that report by 30 September 2006 at the latest. The questionnaire is attached in the Annex to this Decision.?

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

The Commission presented a report on the application in the Member States of Directive 96/82/EC on the control of major-accident hazards involving dangerous substances for the period 2012-2014.

Under the Seveso-II-Directive, Member States shall provide the Commission with a three-yearly report on the implementation of the Seveso-II-Directive. The Commission shall publish a summary of this information every three years. The present report primarily provides this summary for the period 2012-2014.

All 28 Member States submitted their triennial reports to the European Commission. They reported a total of 11 297 establishments as falling under the Seveso-II Directive. This constitutes a net increase by 983 establishments compared to 2011 (10 314 establishments). While almost all Member States reported an increase, a significant share of this increase occurred in Germany (+859 establishments).

Among 48 activities used to categorise Seveso establishments, four activities account for almost 40% of establishments:

- general chemicals (763 establishments = 12.3%);
- fuel storage (650 establishments = 10.5%);
- wholesale and retail (553 establishments = 8.9%);
- LPG production, bottling and bulk distribution (465 establishments = 7.5%).

Inspections: the Seveso-II- Directive requires Member States to establish an inspection system and a programme of inspections for all establishments. While noteworthy progress has been made compared to earlier reporting periods and the number of inspections is increasing, the situation on inspections is still not fully satisfactory in several Member States. It can nevertheless be assumed that the observed rate of compliance by establishments with the requirements of the Seveso-II Directive is in part a result of the rigorous inspection regime mandated by the Directive.

In order to improve the situation further, clearer inspection requirements have been introduced with the Seveso-III-Directive (Directive 2012/18/EU) establishing amongst other a timeframe also for lower-tier establishments (at least every three years), clarifying the provisions on inspection plans and systematic appraisals and an obligation for non-routine inspections e.g. after serious complaints or near misses.

Conclusions and way forward: the report concludes that considering the very high rate of industrialisation in the European Union, the Seveso-II Directive has contributed to achieving a low frequency of major accidents. It is widely considered as a benchmark for industrial accident policy and has been a role model for legislation in many countries world-wide.

The report confirms that the Seveso-II-Directive is working properly. The practical implementation and enforcement of the Seveso-II-Directive has further improved in most areas, and in particular industry operators are complying to a large extent with the requirements regarding safety reports and internal emergency plans.

However, as was observed already for the previous reporting periods, efforts are still needed in some fields in a small number of Member States. This concerns in particular the development and testing of external emergency plans, providing information to the public and inspections.

Despite the increase in the number of establishments covered by the Seveso-II-Directive, overall the annual number of major accidents remained stable around 30 per year and there are indications that their impact is decreasing.

The Commission will closely monitor progress on these issues and continue to assist Member States to further improve their level of performance, through various supporting activities and enforcement action as appropriate.

The Commission will also continue working on simplification of reporting process thus reducing administrative burden whilst improving the relevance and quality of the data deducted from the reports. To achieve this, the monitoring systems will be reviewed also with a view to develop indicators to better monitor the implementation and assess the performance of the Seveso-III-Directive.