

Report Seveso II Review Stakeholders Consultation Meeting  
November 10, 2009  
DG Environment, Brussels

### Introduction

Seveso Directive (82/501/EEC) was created to respond to big leak of chemicals in Seveso in 1976 and was replaced by Seveso II in 1996 ( 96/82/EC). The Seveso II Directive was extended by Directive 2003/105/EC to cover risks arising from storage and processing activities in mining.

More info at [www.ec.europa.eu/environment/seveso/index.htm](http://www.ec.europa.eu/environment/seveso/index.htm)

The Stakeholders consultation meeting was chaired by Ian Clark head of unit A4 of DG ENVI, Civil Protection - prevention and preparedness (tel +32 2 296.90.94).

Main conclusions:

1. Info on consequences for hydrogen (on-site storage quota) is welcome till end of November: we could have a joint paper with EIGA , discussed this with Andrew Webb of EIGA.
2. questions to be addressed in comments to Tobias Biermann and Julian Foley ([env-seveso@ec.europa.eu](mailto:env-seveso@ec.europa.eu))
  - CLP Regulation itself: is there an impact on Seveso II due to new categories, new definitions, change from preparations to mixtures (sodium hypochlorite)?
  - Translation by the TWG: impact by “not 1.1 – translatable” categories and of different options assessed by the Impact Assessment Study.

Summary of presentations:

*1. Julian Foley , responsible officer DG ENVI*

Reasons for Directive review:

- Amending Seveso II Directive is necessary due to changes in the EU system of classification of dangerous substances to which the Directive refers; the CLP Regulation (1272/2008) on classification, labelling and packaging of substances and mixtures

Emerging conclusions

1. No fundamental changes to Seveso II necessary;
2. Maintain existing approach;
3. Clarify update of some provisions;
4. Improve implementation;
5. Avoiding administrative burden.

*2. Olivier Sarvi, European Virtual Institute for Integrated Risk Management, EU VRI*  
Presented the study on the effectiveness of the implementation of the Seveso II Directive.

- Focus of the study was on operators and effectiveness of implementation: questionnaires were sent around in 8 Member states, covering 83% of the number of Seveso II establishments and 86% of the accidents reports (MARS 1994-2004).

- Online questionnaires saw 155 participants. Interviews were conducted with 6 European industry organisations (EIGA?) and 9 industry operators (S, NL, H, UK, F, IT).

1. Feedback:
  - higher level of safety in Seveso II establishments;
  - well suited approach ;
  - valuable complement to Occupational Health and Safety Directive and IPPC Directive
  - opinions divided on market distortions
  - safety costs are financially beneficial as they avoid high costs in case of accidents.
2. Recommendations:
  - improve coordination of competent authorities (CA) at national and EU level
  - develop guidance documents on risk analysis, assessment of effectiveness of safety management systems, good practices, include natural hazards, investigation techniques, principles of proportionality, assess effectiveness of emergency planning.
  - extending the obligation for lower tier establishments.
3. Overlap with ATEX, IPPC, OHS directives
4. Communication with stakeholders improve quality of dialogue.
5. **Extending the directive to pipelines?**

Questions were raised on the pipeline legal situation. Achim Boenke of DG ENVI: proposals for pipeline directives have not been further pursued so far. In Environmental Action Programme it has been proposed again that the Commission should come up with a proposal.

4. *Dan Quinn of ERM* presented a study of the effectiveness of the requirements imposed by Seveso II on public authorities. Study was based on web based questionnaires

#### Main Outcome :

1. The key aims of the Seveso are being achieved;
2. Scope for greater harmonisation and guidance;
3. Land use planning : safety distances are effective but **authorities need more timely advice and tools;**
4. Inspections : inspections are effective and Mutual Joint Visits (MJV) proposal was supported.
5. Safety report assessment: SMS is integral part of reporting, **lack of tools for comparing reports.**
6. External emergency plans: **call for specific information for emergency services.**
7. Info to public: lack of monitoring, use of internet.
8. Accident reporting: timeliness and level of obligations generally unproblematic

#### Questions:

EHA asked how the Commission would approach the adaptation of current legislation to the use of hydrogen or as a new energy carrier (Seveso II, IPPC) . Tobias Biermann of DG ENVI responded that currently they are reviewing a lot of CO2 related information with regards to review of the Seveso Directive but that they do not have much information on the use of hydrogen as an energy carrier.

**EHA offered to submit more information on scenario's for hydrogen use in Europe.**

5. Tobias Biermann of the European Commission DG ENVI Civil protection unit.  
The presentation included questions of the Commission regarding:

1. Industry Obligations,

1. Requirement of Major Accident Prevention Policy MAPP and Safety Management Systems SMS for all Seveso II plants?
2. Clearer distinction between MAPP and SMS and between procedures and documentation?
3. Is it helpful to refer to other management systems like ISO and OHS?
4. Possible use of SPI and safety culture indications?

With regards to the safety report:

- Static report up to date, SMS and Internal Emergency Plan integrated or separated?
- More harmonized tools for comparing reports and risk assessments?
- External accidents causes are adequately addressed?

2. Information to public:

1. Balance between public access and confidentiality right (Aarhus Convention)?
2. How is dissemination monitored?
3. Are deadlines of review/updating still appropriate?

3. The Seveso Scope, Annex 1 and GHS

- A separate amendment to Annex 1 of the Seveso II Directive is suggested to include change reference CLP Regulation (1272/2008/EC).
- Technical Working Group (TWG) 1.1 Translation
- 35 members: 3/4 Member States, 1/4 industry stakeholders
- 5/6 TWG meetings have been held and draft interim report available (see attached)
- final meeting November 25-26
- Final report in winter.

Impact assessment is being done by COWI with input of industry (including EIGA) :  
impact assessment is necessary where old Seveso I categories not fully match the new GHS categories. The Impact Assessment includes:

- Developing options considering the hazard potential of substances;
- Estimate the likely impact of these options: relevance, high quantities, number of establishments?

The Effects of the GHS on Seveso II: questions to be addressed in comments to Tobias Biermann and Julian Foley ([env-seveso@ec.europa.eu](mailto:env-seveso@ec.europa.eu))

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Other possible amendments to Annex 1

1. Consider adding CO<sub>2</sub> (CCS) as a named substance.
2. Review derogation clause / Safeguard clause.

All stakeholders presentations European Aerosols Federation, CEFIC, EEB  
(European Environmental Bureau) will be on the Seveso II website.