

I

(Information)

COMMISSION**Report on the application in the Member States of Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities for the period 1994-96**

(1999/C 291/01)

EXPLANATORY MEMORANDUM

Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities⁽¹⁾ (commonly known as the Seveso Directive) aims at the prevention of major accidents involving dangerous substances and the limitation of their consequences for man and environment.

It requires industrial operators, Member States and the Commission to take a number of measures.

Article 18 of the Directive provided that, five years after notification of the Directive, the Commission must forward to the Council and the European Parliament a report on its application, to be drawn up on the basis of an exchange of information between the Member States and the Commission.

On 18 May 1988, the Commission presented a first report⁽²⁾ on the application in the Member States of the Seveso Directive.

Council Directive 91/692/EEC⁽³⁾ has since replaced Article 18 of Directive 82/501/EEC and has introduced a new requirement that obliges the Commission to prepare triannual reports, starting with the period 1994-96.

This paper is the 1994-96 report.

⁽¹⁾ OJ L 230, 5.8.1982, p. 1.

⁽²⁾ COM(88) 261 final

⁽³⁾ OJ L 377, 31.12.1991, p. 48.

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1. INTRODUCTION

This report starts with a general overview of the main obligations of the Seveso Directive and then briefly describes the amendments to the Directive. It also contains information on the new Seveso II Directive that has replaced the original Seveso Directive as from 3 February 1999 (Chapter 2).

The next part of the report covers the transposition of the Seveso Directive and its amendments into national laws, regulations and administrative provisions in the Member States (Chapter 3).

Chapter 4 starts with the questionnaires that have been used in the reporting period 1994-96 and then goes on to the specific situations in the Member States.

Further chapters cover the work of the Committee of Competent Authorities (Chapter 5) and other Commission activities during the reporting period 1994-96, such as data collection on accidents and dissemination of information, performed by the Major-accident Hazards Bureau (MAHB), as well as activities such as workshops, seminars and conferences (Chapter 6).

The report finishes with a short summary (Chapter 7).

2. THE SEVESO DIRECTIVE

2.1. General overview of the main obligations laid down in the Seveso Directive

The Seveso Directive applies to existing industrial activities, i.e. those established before 8 January 1984 and to new industrial activities, i.e. those brought into use after 8 January 1984.

It lays down two types of obligations:

- general obligations of the type set out in Articles 3 and 4, concerning safety measures and measures to prevent major accidents in industrial installations of the kind covered by Annexes I and IV or Annex II (first column),
- specific obligations in respect of installations covered by Annexes I and III or Annex II (second column).

The specific obligations include the following three points in particular:

- notification — via the safety report and the on-site emergency plan — by the manufacturer to the competent authorities of the items of information listed in Article 5(1) of the Directive, i.e. information on substances, information on the installation and information relating to possible major-accident situations,
- drawing up by the responsible authorities of emergency plans for action outside establishments (Article 7(1)), referred to in Section 2 below as external emergency plans,
- communications to persons liable to be affected by a major accident, of information on safety measures and what to do in the event of an accident (Article 8(1)).

The Seveso Directive also provides that the competent authorities must organise inspections or other measures of control proper to the type of activity concerned (Article 7(2)).

In the event of a major accident, the operator must immediately inform the competent authorities thereof and provide them with information about it. The authorities in their turn must inform the Commission and send a report on the accident. This obligation is set out in Articles 10 and 11 of the Directive.

2.2. Amendments to the Seveso Directive

2.2.1. Council Directive 87/216/EEC of 19 March 1987⁽¹⁾

This first revision of the Seveso Directive limited itself to correcting and clarifying some entries and threshold levels in Annexes I, II and III of the Directive. It was aimed at avoiding different interpretations of the scope of the Directive, thus ensuring a more coherent and effective implementation by the Member States.

The lowering of threshold quantities in Annexes II and III was deemed necessary in order to reinforce the provisions of the Directive concerning industrial activities which involve particularly dangerous substances such as chlorine, phosgene or methylisocyanate.

Other amendments concerned the inclusion of liquid oxygen and sulphur trioxide, and a better definition of certain substances or groups of substances.

2.2.2. Council Directive 88/610/EEC of 24 November 1988⁽²⁾

Following the warehouse fire at the premises of the Sandoz Company in Basle, Switzerland on 1 November 1986, the second amendment to the Seveso Directive aimed at the inclusion of the isolated storage of dangerous substances.

This amendment also brought a new list of dangerous substances (new Annex II) and entered a new category of substances (oxidising substances — amendment of Annex IV, amongst others).

Furthermore, the items of information to be communicated to the public in the case of an accident were listed in a new Annex VII to the Directive⁽³⁾.

2.2.3. Council Directive 91/692/EEC of 23 December 1991⁽⁴⁾

This horizontal framework Directive on the standardisation and the rationalisation of reports on the implementation of certain directives relating to the environment replaced Article 18 of the Seveso Directive and introduced a new requirement that obliges the Commission to prepare triannual reports, starting with the period 1994-96.

2.3. The new Seveso II Directive

On 9 December 1996 Directive 96/82/EC on the control of major-accident hazards⁽⁵⁾ (the 'Seveso II' Directive) was adopted by the Council. Following its publication in the *Official Journal of the European Communities* the Directive entered into force on 3 February 1997.

⁽¹⁾ OJ L 85, 28.3.1987, p. 36.

⁽²⁾ OJ L 336, 7.12.1988, p. 14.

⁽³⁾ Further elaborated, following a resolution from the Council of Ministers (16 October 1989, published in OJ C 273, 26.10.1989, p. 1), in: B. De Marchi & S. Funtowicz: *General guidelines for content of information to the public (Directive 82/501/EEC — Annex VII)*, EUR 15946 EN (1994), published also in French EUR 15946 FR, German EUR 15946 DE and Spanish EUR 15946 ES.

⁽⁴⁾ OJ L 377, 31.12.1991, p. 48.

⁽⁵⁾ OJ L 10, 14.1.1997, p. 13.

Member States had up to two years to bring into force the national laws, regulations and administrative provisions to comply with the Directive (transposition period). From 3 February 1999 at the latest the obligations of the Directive have become mandatory for industry as well as the public authorities of the Member States responsible for the implementation and enforcement of the Directive.

The Seveso II Directive has replaced the original Seveso Directive. This revision of the original Seveso Directive was presented not in the form of an amendment but as a completely new directive, demonstrating that important changes have been made and new concepts have been introduced. These include a revision and extension of the scope, the introduction of new requirements relating to safety management systems, emergency planning and land-use planning and a reinforcement of the provisions on inspections to be carried out by Member States.

As at April 1999, none of the Member States had yet informed the Commission about their transposition measures in order to comply with the provisions of the Seveso II Directive. This means that at present *all* Member States are already infringing Community law. Therefore, the Commission will soon take the appropriate measures in accordance with Article 226 of the EC Treaty (see 3.1 below).

3. TRANSPOSITION OF THE SEVESO DIRECTIVE AND ITS AMENDMENTS IN THE MEMBER STATES

3.1. Introduction

The Commission has two tasks with regard to controlling the implementation of Community law in the Member States:

- controlling the correct and complete transposition of Community directives into national laws, regulations and administrative provisions, and
- controlling the application in practice of the national laws, regulations and administrative provisions in the Member States.

Under Article 226 of the Treaty the Commission may bring proceedings for failure to comply against Member States which do not meet their obligations. This procedure starts with a letter of formal notice, followed by a reasoned opinion, and then by bringing the matter before the Court of Justice.

3.2. Situation with regard to complaints and infringement proceedings as at April 1999

There are a total of five complaints being dealt with by the Commission. The following two infringement proceedings are pending before the Court of Justice.

3.2.1. Italy

The Commission took Italy to the Court of Justice of the European Community in 1997 and the case is still pending. The ruling is expected during the year 1999.

In the opinion of the Commission, Italy has failed to adopt all the measures stipulated in Article 7(1), third indent, and Article 7(2) relating to the installations notified under the terms of Article 5 of the Seveso Directive. In practice, the Commission considers that the preparation of emergency plans for actions outside the establishments and the inspection and control activities are insufficient. Such activities are still being developed and are not yet concluded for a large proportion of the industrial activities subject to notification, because of delays in implementing the Directive. In particular, the number of plans for emergencies effectively drawn up, and of establishments requiring inspections effectively controlled, is insufficient.

3.2.2. Spain

A complaint against Spain, covering *inter alia* air and water pollution caused by an industrial installation, led the Commission to undertake a full investigation of the case. Among its findings, the Commission realised that no external emergency plans pursuant to Article 8 of the Seveso Directive had been established for that particular industrial installation. This industrial plant had been operating since the late 1960s, and at the time of the presentation of the complaint to the Commission (1994) eight years had passed since Spain joined the Community. This situation was in violation of both the Seveso Directive and the Spanish transposition legislation.

The Commission took action, starting an infringement procedure pursuant to Article 169 of the EC Treaty against Spain on this case. Shortly after this, the Spanish authorities started to establish an external emergency plan for this industrial installation. The purpose of the infringement procedure was to demonstrate that an external emergency plan should be established and brought to the attention of the people liable to be affected by a major accident originating at that industrial installation, so that they were informed of the behaviour to follow in case of accident.

4. APPLICATION IN PRACTICE

4.1. The questionnaires

4.1.1. *The questionnaires for the reporting period 1994-96*

The procedure laid down in the Council Directive 91/692/EEC to establish and formally adopt a questionnaire has never been concluded, so that the questionnaires have not been formally adopted. However, the Committee of Competent Authorities responsible for the implementation of the Seveso Directive agreed upon an amended pro forma, which was set up as a form for informal collation of information from the member States each year.

The Member States undertook to provide the Commission with information on the basis of this amended pro forma for the years 1994-96. The questionnaires used for the year 1994 and the years 1995/96 can be found in Annex I and II.

4.1.2. *Answers to the questionnaires for the reporting period 1994-96*

The answers of the Member States are summarised and presented in three tables, one table for each year. They can be found in Annexes III to V.

NB: Empty fields mean that there are no answers given or that the answers proposed do not respond to the question appropriately. In those cases further explanations and comments will be given in the particular chapter of the Member State.

4.2. Situation in the Member States

This section and the next are based on the information contained in the questionnaires, and cover the reporting period 1994-1996.

The information for each Member State is set out under the following headings:

- general remarks (if necessary),
- main national laws,

- authorities,
 - competent authorities,
 - implementing authorities (where indicated),
- sites covered by Article 5,
- activities on sites,
- safety reports,
- internal emergency plans,
- external emergency plan,
- inspections,
- information to the public,
- notification of accidents,
- observations.

4.2.1. *Belgium*

Main national laws

— Federal level

- Royal Decree of 1 February 1985 adding to the General Regulation on the protection on work (RGPT) a new chapter, 'Particular measures in reports of certain industrial activities' ⁽¹⁾,
- Law of 21 January 1987 on the major-accident hazards of certain industrial activities ⁽²⁾,

— Regional level

The Directive is integrated into the various licensing systems for classified establishments:

- Decree of 28 June 1985 for the Flemish Region ⁽³⁾,
- Decree of 11 September 1985 for the Walloon Region ⁽⁴⁾,
- Ordinance of 30 July 1992 for the Brussels Region ⁽⁵⁾.

Competent authorities

— Federal level

- Federal Ministry of Employment and Labour — Administration for Labour Safety — Chemical Risk Directorate,
- Federal Ministry of the Interior — Civil Protection,
- Federal Ministry for Public Health and the Environment,
- Federal Ministry of Economic Affairs — Administration of Quality and Safety,

⁽¹⁾ Moniteur Belge of 26 March 1985.

⁽²⁾ Moniteur Belge of 10 March 1987.

⁽³⁾ Moniteur Belge of 17 September 1985.

⁽⁴⁾ Moniteur Belge of 24 January 1986.

⁽⁵⁾ Moniteur Belge of 29 August 1992.

— Regional level

- Ministry of the Flemish Community — Administration for the Environment, Nature and Land Use Planning (Aminal),
- Ministry of the Walloon Region — Directorate-General for Natural Resources and the Environment,
- Ministry of the Brussels Region.

Sites covered by Article 5

In Belgium 85 sites were covered by Article 5 at the end of 1996; during the reporting period the highest number of sites was 86 in 1995. Out of the total number of sites covered, 20 sites have entered into the scope through the second amendment to the Seveso Directive (Directive 88/610/EEC).

Activities on sites

266 activities are indicated as being pursued in Seveso sites, of which 45 have been brought in by the provisions of Directive 88/610/EEC.

In fact these figures refer to 'installations', and since sometimes more than one installation is involved in a single activity, it is thought that the number of activities is actually about 20% smaller.

Safety reports

162 safety reports have been submitted to the competent authorities. A total of 165 are expected.

Internal emergency plans

All safety reports include an internal emergency plan, therefore the actual number due (whether or not yet submitted) is 165.

External emergency plan

There are 46 external emergency plans in existence.

Inspections

The number of safety reports examined that are considered to be satisfactory has increased during the reporting period from 68 to 152. The number of sites which have had formal requirements imposed or legal action taken by the competent authorities as a result of examination of the safety reports has increased from 18 in 1994 to 51 in 1996. Only officials from the administration examine the safety reports.

All sites are subject to inspections.

Information to the public

There are no data available concerning the number of sites that have issued information to the public. However, general information to the public surrounding 61 sites has been provided by the Civil Protection of the Ministry of Home Affairs.

Notification of accidents

Four major accidents were notified to the Commission during the period; they are included in the databank of the Major Accident Reporting System (MARS).

Observations

The Seveso Directive has been implemented by the competent authorities in an effective way.

4.2.2. Denmark

Main national laws

- Order No 520 of the Ministry of the Environment of 5 July 1990 on the assessment of safety in relation to hazardous activities,
- Order No 867 of the Ministry of Labour of 13 October 1994 on the performance of work,
- Danish Preparedness Act No 1054 of 23 December 1992,
- Law No 567 of 1 September 1986 on the administration of justice.

Competent authorities

- Ministry of Environment, Danish Environmental Protection Agency,
- Ministry of Labour, Danish Working Environment Service,
- Ministry of Justice,
- Ministry of the Interior, Emergency Management Agency.

Implementing authorities

- Danish Environmental Protection Agency,
- the County Councils,
- Municipal Rescue Preparedness, Emergency Management Agency,
- Danish Working Environmental Service,
- the police.

Sites covered by Article 5

The number of sites covered by Article 5 in Denmark decreased from 24 at the end of 1994 to 21 at the end of 1996. Directive 88/610/EEC covers 4 of them.

Activities on sites

On these 21 sites there were at the end of 1996 27 activities in operation, 4 of them covered by Directive 88/610/EEC.

Safety reports

The Danish competent authorities received a total of 41 safety reports; no more are expected.

Internal emergency plans

22 safety reports contain internal emergency plans.

External emergency plans

There are 21 external emergency plans in existence.

Inspections

31 safety reports had been examined by the end of 1996 by competent authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7. The number of cases in which formal requirements or legal actions were taken by competent authorities, resulting from examination of the safety report in respect of obligations of Article 7(1), varies between 18 and 21 per year.

Independent external experts examined 8 safety reports.

In Denmark all sites have been subject to inspections as referred to in Article 7(2).

Information to the public

Information to the public as required by Article 8 was issued by 13 sites.

Notification of accidents

No accidents were notified during this reporting period. However, one accident occurred during the reporting period, on 24 August 1996, and was notified subsequently.

Observations

The implementation of the Seveso Directive has improved significantly during the reporting period, in particular as regards the preparation of safety reports by the manufacturers and the collaboration between the competent authorities at the central as well as the local level in fulfilling the obligations of the Directive.

The number of sites covered by the Directive has decreased during the period mainly due to the prohibition of the use of arsenic pentoxide for wood impregnation, and reduced utilisation of liquid ammonia as fertiliser and LPG for heating purposes.

4.2.3. *Germany*

General remarks

The German implementation of the Seveso Directive, the 'Störfall-Verordnung' does not refer to sites, but to installations. Therefore, all the answers given to the 1994-1996 questionnaires refer to 'installations'. Installations covered by the 'Störfall-Verordnung' need a permit before they may be constructed and/or operated. Within this permitting procedure the safety reports are examined and, where appropriate, formal requirements or legal action are taken by the competent authorities. The safety reports are also a very important instrument for further inspection and for the consideration of major changes of these installations.

Data concerning internal and external emergency plans have not been collected separately so far; therefore answers to these questions cannot be given. However, all installations coming under Article 5 require an internal emergency plan, which is prepared in consultation with the competent authority. At present, Germany is preparing a new system for collating data required by the Seveso II Directive. All data given below refer to 1996.

Main national laws

- Bundes-Immissionsschutzgesetz — BImSchG (Federal Emission Control Act),
- Störfall-Verordnung (Hazardous Incident Ordinance),
- 1., 2., 3. Störfall-Verwaltungsvorschrift (first, second, third general administrative provision on the Hazardous Incident Ordinance).

Competent authorities

- Federal authorities
 - Federal Ministry for the Environment, Nature Conservation and Nuclear Safety,
 - Federal Ministry of Labour and Social Affairs,
 - Federal Ministry of Interior.
- Länder authorities
 - Various ministries and local authorities.

Sites covered by Article 5

In Germany there are 1 828 installations covered by Article 5; there are no data available for the number of sites, as has been explained above. 338 installations were newly built or subject to major changes. There are no separate data available for existing installations newly covered by Directive 88/610/EEC (question 1c).

Activities on sites

The number of activities equals the number of installations. There are 1 828 activities run in these installations, 338 of them newly built or subject to major changes. There are no separate data available for existing activities newly covered by Directive 88/610/EEC (question 2c).

Safety reports

1 909 safety reports have already been submitted to the competent authorities. There are no further safety reports expected so far.

Internal emergency plans

There are no data available for internal emergency plans, since such data have not yet been collected separately, as explained above (question 4a).

External emergency plan

There are no data available for external emergency plans, since such data have not been collected so far, as explained above (question 6a).

Inspections

1 582 safety reports were examined and considered to be satisfactory. The number of inspections in accordance with Article 7(2) is not at present available (question 6b). There are no separate data available concerning formal requirements or legal action taken by the competent authorities resulting from examination of the safety reports in respect of obligations under Article 7, paragraph 1 (question 5). There are also no data available concerning the examination of safety reports by independent external experts (question 7a).

Information to the public

Information to the public has been given in 1 612 cases.

Notification of accidents

20 major accidents which occurred in the reporting period have been notified to the MARS database.

Observations

In the period under review, there were no essential changes with regard to the Major Accident Control Policy of Germany. The number of installations, which fall into the range of the Störfall-Verordnung (Hazardous Incident Ordinance) is consolidated, now that the German unification process and the related reorganisation of industry have been almost completed. The requirements of the Seveso Directive are now qualitatively and quantitatively fulfilled. Moreover, German regulations exceed the requirements of the Directive in many cases.

Germany has brought its national legislation in line with the Seveso Directive on different points following an infringement procedure initiated by the Commission. This procedure was brought to the Court of Justice as case C-192/97. The Commission has now withdrawn its application.

4.2.4. Greece

Main national laws

- Framework Law 1650/1986 for the environment,
- Law 1568/1985 on health and safety,
- Common Ministerial Decision 18187/272 of 24 February 1988 (transposition of Directive 82/501/EEC plus its first amendment into Greek legislation),
- Common Ministerial Decision 77119/4607 of 19 July 1993 (transposition of the second amendment to Directive 82/501/EEC plus some modifications).

Competent authorities

- Ministry of Environment, Physical Planning and Public Works (focal point for Greece),
- Fire Corps Headquarters, Directorate of Fire Safety,
- Ministry of Industry,
- Ministry of Health,
- Ministry of Labour.

Implementing authorities

- Ministry of the Interior,
- Ministry of Agriculture,
- Ministry of Transportation and Communications,
- Ministry of the Merchant Marine,
- local authorities (Prefectures).

Sites covered by Article 5

There are 52 sites being covered by Article 5, five of them being newly built.

Activities on sites

On these sites, there are 54 activities run, five of them new.

Safety reports

52 safety reports have already been submitted; no more are expected.

Internal emergency plans

35 safety reports include internal emergency plans.

External emergency plan

Two sites have external emergency plans.

Inspections

47 safety reports have been examined by independent external experts. 17 sites have been examined by competent authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7. The number of cases of formal requests or legal action by the authorities resulting from examination of the safety report in respect of obligations under Article 7(1) rose from seven in 1994 to 22 in 1996.

Information to the public

One site has issued information to the public.

Notification of accidents

No major accidents occurred within the reporting period.

Observations

In the period under review, there were no essential changes with regard to the previous major accident control policy of Greece.

4.2.5. Spain

General remarks

The answers given by the Dirección General de Protección Civil in relation to the report of 1994 concerned 75% of the industrial activities covered by the Seveso Directive and therefore this information should be taken as provisional. The information given for 1995 and 1996 concerned 92% of the industrial activities.

All the explanations referred to the following report are in relation to the data collected in 1996.

Main national laws

National legislation

- Real Decreto 886/1988, de 15 de julio de 1988, sobre prevención de accidentes mayores en determinadas actividades industriales⁽¹⁾,
- Real Decreto 952/1990, de 29 de junio de 1990, por el que se modifican los anexos y se completan las disposiciones del Real Decreto 886/1988, de 15 de julio de 1988, sobre prevención de accidentes mayores en determinadas actividades industriales⁽²⁾,
- Resolución, de 30 de enero de 1991, de la Subsecretaría, por la que se publica el Acuerdo del Consejo de Ministros por el que se aprueba la Directriz Básica para la elaboración y homologación de los planes Especiales del Sector Químico⁽³⁾.

Legislation of the different autonomous communities

In Spain there are 19 competent authorities in the autonomous communities, having statutory powers in the geographical area concerned. This means that they must enact specific regulations to implement the national legislation; each community has enacted its own decree, nominating the competent department responsible for the various obligations that the Directive stipulates.

Competent authorities

National competent authority

- Dirección General de Protección Civil — Ministerio de Interior (Directorate-General of Civil Protection — Minister of the Interior) in coordination with the National Department of Industry, Environment and Labour, and with the national civil protection services of each province,

Autonomous communities

- In general it is the department in charge of the tasks of civil protection in each Community which coordinates the implementation of the Directive in its area, with other regional departments such as industry, environment, labour, etc.

Local authorities

The different municipalities concerned have to develop their external emergency plans following the guidelines given by their autonomous community.

⁽¹⁾ Boletín Oficial del Estado of 5 August 1988.

⁽²⁾ Boletín Oficial del Estado of 21 July 1990.

⁽³⁾ Boletín Oficial del Estado of 6 June 1991.

Sites covered by Article 5

At the end of 1996, 158 industrial sites in Spain were covered by Article 5, although the report of 1996 mentioned only 147 of them. 10 of these were newly built ones, and 19 were newly covered by Directive 88/610/EEC.

Activities on sites

On these sites, there are 156 activities being run, 15 of them new, and 19 newly covered by Directive 88/610/EEC. Approximately 39% are isolated storages of LPG.

Safety reports

The competent authorities have already received 150 safety reports, with another 10 expected. The reason why the number of safety reports is bigger than the number of industrial sites covered, is that some of the industrial sites which are covered only by Article 3 and 4 have presented safety reports voluntarily to the competent authority, in order to be included in off-site emergency planning.

Internal emergency plans

150 safety reports include internal emergency plans.

External emergency plan

There are 113 external emergency plans for these sites.

Inspections

133 safety reports have been examined by competent authorities and judged as sufficient, leading to formal requirements or legal action by competent authorities in 50 cases. 76 sites were the object to inspections referred to in Article 7(2). 93 safety reports were examined by an independent external expert.

Information to the public

Information to the public was issued in 24 cases.

Notification of accidents

Four major accidents which occurred during the period have been notified to the Commission. All of them took place in 1996. All sites had an internal emergency plan and for the two sites covered by Article 5 external emergency plans were activated during the accidents.

Observations

In Spain, the questionnaire was sent to 19 regional autonomous communities and it is important to stress that in many cases some of the questions were not well understood. Therefore, the data given for the year 1994 by the autonomous communities covered only 75% of the total number of sites while in the years 1995 and 1996, the percentage of sites covered was 92%.

4.2.6. France

Main national laws

- Law of 19 July 1976 on classified installations for the protection of the environment,
- Law of 22 July 1987 on the prevention of major risks.

Competent authorities

The Ministry for the Environment is in charge of the legislation on classified installations.

The prefect of the department issues licences. The inspectors of classified installations in the Direction régionale de l'industrie, de la recherche et de l'environnement (DRIRE) assist the prefect at the technical level.

Sites covered by Article 5

In 1996, 392 sites were covered by Article 5 of the Seveso Directive, 13 of them newly built and 85 existing sites newly covered after entry into force of Directive 88/610/EEC.

Activities on sites

698 activities were carried out in 1996 on the sites listed under question 1a, 18 (1994), 17 (1995) and 27 (1996) of them newly built, and 16 of them newly covered by Directive 88/610/EEC.

Safety reports

720 safety reports have been submitted to the competent authorities; no more are expected. All the safety reports have been examined by the inspectorate.

Internal emergency plans

370 safety reports include an internal emergency plan or refer to such a plan.

External emergency plan

227 sites have an external emergency plan.

Inspections

There are no readily available data either on inspections as referred to in Article 7(2), or on legal action being taken by competent authorities.

For all establishments covered by the Law of 16 July 1976 (63 000 establishments subject to authorisation), on average 17 000 inspections are made per year.

Information to the public

Information to the public according to Article 8 of the Seveso Directive has been given in 252 cases.

Notification of accidents

15 accidents occurred in 1994, 9 in 1995 and 14 in 1996. Moreover, a near miss that occurred showed useful lessons for accident prevention.

Observations

63 000 establishments are covered by the Law of 16 July 1976 and are subject to authorisation. The authorisation request must include, in particular, an impact assessment and a risk assessment. These studies are crucial in implementing the prevention of major accidents in terms of risk reduction at source, emergency planning, control of urbanisation, and information of the public.

4.2.7. Ireland

Main national laws

- European Communities (major-accident hazards of certain industrial activities) Regulations, 1986⁽¹⁾,
- European Communities (major-accident hazards of certain industrial activities) (amendment) Regulations, 1989⁽²⁾,
- European Communities (major-accident hazards of certain industrial activities) (amendment) Regulations, 1992⁽³⁾.

Authorities

- Central competent authority:
 - national authority for occupational safety and health,
- Local competent authorities:
 - Garda Síochána (police),
 - local authorities,
 - regional health boards.

Sites covered by Article 5

In Ireland, 20 sites were covered by Article 5 of the Directive at the end of 1996, two of them becoming subject to the Article 5 provisions in 1996 due to increased inventories of dangerous substances.

Activities on sites

Ireland applies the Seveso Directive in terms of the whole establishment site rather than individual industrial activities, so that individual activity data is not available.

Safety reports

19 safety reports were submitted to the competent authorities out of a total of 20 expected.

Internal emergency plans

The 19 safety reports included an internal emergency plan.

⁽¹⁾ S.I. No 292-1986.

⁽²⁾ S.I. No 34-1989.

⁽³⁾ S.I. No 21-1992.

External emergency plan

14 sites have an associated external emergency plan, prepared by the local competent authorities.

Inspections

The examination of the safety reports by the central competent authority showed that 17 safety reports were sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7. All the safety reports were examined by the competent authority. The number of cases in which legal action or formal requests were taken by the competent authority resulting from examination of the safety reports in respect of obligations under Article 7, paragraph 1 decreased from 6 in 1994 to 3 in 1996. In each year of the reporting period, all the sites were subject to inspections referred to in Article 7(2) by inspectors of the competent authority.

Information to the public

The 14 sites which required an external emergency plan have issued the required information to the public.

Notification of accidents

No major accidents occurred within the reporting period.

Observations

In general, the central competent authority was satisfied with the perceived level of compliance with the Seveso Directive and its implementing legislation during the reporting period. However, an increasing emphasis over the period on environmental protection, leading to the introduction of technology such as central abatement systems, began to create new hazards on sites, having the potential to significantly increase the level of risk and thereby became a focus for competent authority attention.

4.2.8. *Italy*

Main national laws

- Decreto del Presidente della Repubblica del 17 maggio 1998, n. 175 attuativo della direttiva CEE n. 82/501, relativi ai rischi di incidenti rilevanti connessi con determinate attività industriali,
- Decreto del Presidente del Consiglio dei Ministri del 31 marzo 1989 sull'applicazione dell'articolo 12 del DPR 175/88,
- Decreto del Ministero dell'Ambiente del 20 maggio 1991; modificazioni ed integrazioni al DPR 17/05/1988 n. 175, in recepimento della direttiva CEE n. 86/610 che modifica la direttiva CEE n. 82/501 relativa ai rischi di incidenti rilevanti connessi con determinate attività industriali,
- Decreti Legge non convertiti in leggi: D.L. 10 gennaio 1994 n. 13, 10 marzo 1994 n. 278, 8 luglio 1994 n. 437, 7 settembre 1994, n. 529, 7 novembre 1994, n. 618, 7 gennaio 1995 n. 2, 9 marzo 1995 n. 65, 10 maggio 1995 n. 160, 7 luglio 1995 n. 271, 7 settembre 1995 n. 371, 8 novembre 1996 n. 5, 8 marzo 1996 n. 111, 3 maggio 1996 n. 245, 8 luglio 1996 n. 351, 6 settembre 1996 n. 461.

Competent authorities

- Ministero dell'Ambiente, Servizio Inquinamento Atmosferico, Acustico e delle Industrie a rischio,
- Ministero dell'Industria, Direzione Generale Fonti de Energia,
- Ministero dell'Interno, Direzione Generale della Protezione Civile e dei Servizi Antincendio.

Sites covered by Article 5

In 1994, there were 418 sites covered by Article 5, 30 of them newly built and 70 newly covered after entry into force of Directive 88/610/EEC. The number of sites increased to 430 in 1996.

Activities on sites

In 1994, there were 1 080 activities run on these sites, 45 of them newly built ones and 150 having been newly covered after entry into force of Directive 88/610/EEC. The number of activities reduced slightly to 1 068 in 1996.

Safety reports

Competent authorities have already received 430 safety reports; no more are expected.

Internal emergency plans

All safety reports include internal emergency plans.

External emergency plan

190 of a total of 430 sites have an external emergency plan.

Inspections

In 1994, 40 sites were subject to inspection as referred to in Article 7(2). This number rose to 179 inspections in 1996. No safety reports have been examined by external independent experts. Data is not available on the number of safety reports that have been examined by competent authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7.

Information to the public

319 sites have issued information to the public as required by Article 8.

Notification of accidents

In 1994, one accident occurred, none in 1995, and four in 1996, making a total of five over the three years.

Observations

Problems were experienced in the implementation of the DPR 175/88 which transposes the Seveso Directive into national law. As a result of this, the responsibility for the evaluation of the safety report was decentralised to a local level, thus ensuring that the work was carried out in the best possible manner.

4.2.9. Luxembourg

Main national laws

Law of 17 June 1994 on health and safety at work⁽¹⁾.

Law of 17 June 1994 on health and care services at work⁽²⁾.

Law of 8 June 1994 on health and safety at work in the public sector⁽³⁾.

Law of 9 May 1990 concerning dangerous, unhealthy or noxious establishments⁽⁴⁾.

— Grand-Ducal Regulation of 18 May 1990 listing and classifying dangerous, unhealthy or noxious establishments⁽⁵⁾, modified by Grand-Ducal Regulation of 9 November 1993⁽⁶⁾.

— Grand-Ducal Regulation of 10 April 1987 on the major accident hazards of certain industrial activities⁽⁷⁾, modified by Grand-Ducal Regulation of 19 July 1991⁽⁸⁾.

— Law of 27 February 1986 on emergency medical aid.

— Law of 18 November 1976 on the organisation of disaster relief⁽⁹⁾, modified by the Law of 11 January 1990⁽¹⁰⁾.

— Law of 4 April 1974 on the organisation of the Labour and Mines Inspectorate⁽¹¹⁾, modified by the Law of 9 May 1990 (see above) and the Law of 17 June 1994 (see above).

Competent authorities

— Inter-ministerial Committee, chaired by a representative of the Ministry of Labour and Employment and made up of representatives of the Department of the Environment, the Department of Health, the Department of Internal Affairs, the Labour and Mines Inspectorate and experts,

— Ministry of Labour and Employment.

Implementing authorities

— National Department for Disaster Relief,

— Department of Health.

⁽¹⁾ Mémorial A 55, 1 July 1994, p. 1060.

⁽²⁾ Mémorial A 55, 1 July 1994, p. 1054.

⁽³⁾ Mémorial A 55, 1 July 1994, p. 1050.

⁽⁴⁾ Mémorial A 55, 23 May 1990, p. 310.

⁽⁵⁾ Mémorial A 55, 23 May 1990, p. 316.

⁽⁶⁾ Mémorial A 91, 1 December 1993, p. 1652.

⁽⁷⁾ Mémorial A 23, 10 April 1987, p. 305.

⁽⁸⁾ Mémorial A 49, 2 August 1991, p. 999.

⁽⁹⁾ Mémorial A 69, 24 November 1976, p. 1125.

⁽¹⁰⁾ Mémorial A 4, 27 January 1990, p. 26.

⁽¹¹⁾ Mémorial A 27, 18 April 1974, p. 486.

Sites covered by Article 5

In Luxembourg, there is a total of four sites, one having been newly built (being a relocation of an existing one); all the four sites were newly covered after entry into force of Directive 88/610/EEC.

Activities on sites

On each of these sites, there is one single activity.

Safety reports

Four safety reports of a total of four expected have been submitted to the Competent Authorities.

Internal emergency plans

There are four internal emergency plans.

External emergency plan

There are three external emergency plans.

Inspections

Four safety reports have been examined by competent authorities, and in all four cases formal requirements or legal actions have been taken by competent authorities resulting from examination of the safety report in respect of obligations under Article 7(1).

Inspection as referred to in Article 7(2) has been carried out in three cases.

Information to the public

None of the sites has issued information to the public as required in Article 8.

Notification of accidents

No accident has occurred in direct relationship with the activities on the four Article 5 sites.

Observations

The Seveso Directive has been implemented by the competent authorities in an effective way.

4.2.10. *The Netherlands*

Main national laws

- Environmental Management Act ⁽¹⁾,
- Decree on establishments and licenses ⁽²⁾,
- Major Accident Hazards Decree ⁽³⁾,

⁽¹⁾ Stb. (Government Gazette) 1994/80.

⁽²⁾ Stb. 1993/50.

⁽³⁾ Stb. 1992/291.

- Working Conditions Act⁽¹⁾,
- Decree on working conditions (Chapter 2, Section 2)⁽²⁾,
- Disasters and Major Accidents Acts⁽³⁾,
- Decree on information on disasters and major accidents⁽⁴⁾,
- Act on the public nature of Government⁽⁵⁾.

Competent authorities

- Ministry of Social Affairs and Employment,
- Ministry of Housing, Spatial Planning and the Environment,
- Ministry of the Interior.

Implementing authorities

- County aldermen (provinces),
- Courts of mayor and aldermen (municipalities),
- labour inspectorate,
- mayors,
- executive committees of the regional fire service.

Sites covered by Article 5

In 1994, there were 115 sites covered by Article 5, 91 of which are obliged to make occupational safety reports. Three of the sites were newly built, and 46 newly covered by entry into force of Directive 88/610/EEC. The number of sites grew to 124 in 1996.

Activities on sites

On these sites, there were 733 activities run in 1994, five of them new, and 201 existing activities were newly covered after entry into force of Directive 88/610/EEC. The total number of activities decreased to 592 in 1996.

Safety reports

119 safety reports have already been received by competent authorities and another four are expected.

Internal emergency plans

102 safety reports include internal emergency plans.

⁽¹⁾ Stb. 1980/664.

⁽²⁾ Stb. 1997/60.

⁽³⁾ Stb. 1985/88.

⁽⁴⁾ Stb. 1994/463.

⁽⁵⁾ Stb. 1991/703, most recent revision by Act of 1993, December 16, Stb. 1993/650.

External emergency plan

86 sites have an external emergency plan.

Inspections

In 1996, 124 sites were the object to inspections as referred to in Article 7(2), 103 safety reports were examined by competent authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7. Examination of safety reports by independent external experts has been carried out in a total of 68 cases during the reporting period.

Information to the public

23 sites have issued information to the public as required by Article 8.

Notification of accidents

During the reporting period four accidents occurred; these were notified to the MARS database.

Observations

The Seveso Directive is successfully implemented in the legislation in the Netherlands by means of occupational and external safety reports. The Directive has played an important role in increasing safety awareness in the Netherlands.

4.2.11. Austria

General remarks

Austria is a new Member State, having entered into the European Union on 1 January 1995. It had already implemented the Seveso Directive by a 'major accident ordinance' in 1991, this being an addendum to the requirements of the Trade and Industrial Code. It should be mentioned that, in contrast to other countries, the Austrian operating licenses always relate to the 'site' (or establishment) as used in the questionnaire (and as now defined in the Seveso II Directive). The terms 'installation' and 'activity' are not used uniformly by the various authorities and are not yet legally defined.

The Austrian Major Accident Order allowed existing sites coming under the Seveso Directive a period of one year for notification to the competent authorities, and four years to prepare and submit a safety report.

It should be mentioned that the first figures submitted to the Commission relate to the year 1995, the first year of Austrian membership in the EU.

Main national laws

- Ordinance concerning major accidents of 28 November 1991⁽¹⁾, based upon the Trade and Industrial Code⁽²⁾,
- Ordinance concerning information on industrial accidents of 25 May 1994⁽³⁾, based on the Law concerning information on the environment⁽⁴⁾.

⁽¹⁾ BGBl. Nr. 593/1991.

⁽²⁾ BGBl. Nr. 50/1974 in the version of supplementary law BGBl. Nr. 399/1988.

⁽³⁾ BGBl. Nr. 391/1994.

⁽⁴⁾ BGBl. Nr. 495/1993.

Competent authorities

- Federal Ministry of Economic Affairs,
- Federal Ministry of Environmental Affairs.

Sites covered by Article 5

The total number of sites covered by Article 5 in Austria was 158 by the end of 1995 and came down to 140 in 1996 due to capacity reductions in several sites. As the second amendment of the Seveso Directive had already entered into force before the 'Major Accident Ordinance', this did not influence the figures.

The total number of sites is not yet complete, as there is one major difference between the requirements of the Seveso Directive and the implementation into Austrian law: Austrian legislation also includes waste treatment sites (waste incinerators and disposals) of a certain size, but only new ones built after 1990. For this reporting period, reliable data are not yet available, so for the moment these figures are not included.

Nevertheless, the number of Seveso sites in Austria is relatively high, partly because the threshold quantities for dangerous substances in Austrian law are lower than those set out in the Seveso Directive.

Activities on sites

As the term 'activity' is not used uniformly by the various authorities involved licensing procedures, some practical rules of procedure were worked out following examples from other Member States. In 1996 a provisional number of activities of 213 was submitted.

Safety reports

A total of 108 safety reports have already been submitted to the competent authorities. As sometimes safety reports only cover parts of the site or 'activities' in the meaning of Article 1(2a), there may be more than one safety report per site in some cases. Because of the reduction of the overall number of Seveso sites from 1995 to 1996, the total number of safety reports under examination in 1996 is 100. In 1995 39 reports were sent back to the operators for further information, and 67 in 1996. This procedure in some cases happens more than once with the same safety report, so the overall figure given as a response to question 5 of the questionnaire cannot be consistent with the numbers under question 4b.

Internal emergency plans

All safety reports contain internal emergency plans, so the total number is 100 (1996).

External emergency plan

For the reporting period of 1995, 33 external emergency plans have been prepared, although not all of them yet fulfil all the requirements concerned. In 1996, further external emergency plans were produced, giving an overall figure of 50.

Inspections

73 inspections as referred to in Article 7(2) have been reported in 1995. Some of those inspections are repeated yearly, most of them refer to the current national obligation to inspect in a three-year interval. In 1996 altogether 78 sites had been inspected.

Information to the public

Article 8 has been implemented in Austria by separate legislation, it is the 'Major Accident Information Ordinance'.

Notification of accidents

During this reporting period no accident had been notified. It has to be mentioned that the Austrian contact point for reporting was only installed in 1997.

Observations

The Austrian federal system makes it difficult to collect data efficiently on a yearly basis. The whole reporting system is relatively new and will be improved by establishing single contact points in the provinces.

The origin of the Seveso legislation in Austria dates back well before accession to the European Union, and the responsibility is spread amongst various authorities. The implementation of the Seveso II Directive is seen as a chance to make the legislative framework more coherent.

4.2.12. Portugal

Main national laws

— Decree-Law No 204/93 of 3 June 1993 (*Diário da República* No 129 I-A). This law implements the Seveso Directive in its amended version (Directives 87/216/EEC and 88/610/EEC).

Competent authority

— Technical Authority for Major Industrial Hazards (ATRIG). This is an interministerial body chaired by the Director-General for the Environment from the Portuguese Ministry for the Environment, and based at the Directorate-General for the Environment.

Sites covered by Article 5

In Portugal, 42 sites are covered by Article 5, one of them being newly built, one site is newly covered by Directive 88/610/EEC.

Activities on sites

As the operator of the site needs to submit only one safety report per site, independent of the number of activities run on it, there are no figures available for the activities.

Safety reports

42 safety reports have already been submitted.

Internal emergency plans

All safety reports include an internal emergency plan, so the total is 42.

External emergency plan

There are 19 external emergency plans in existence.

Inspections

All the safety reports have been examined, in 10 cases leading to formal requirements or legal action by the competent authorities. Inspections as referred to in Article 7(2) were carried out in 28 cases.

Information to the public

18 sites have issued information to the public.

Notification of accidents

No accidents occurred during the reporting period.

Observations

The Seveso Directive has been implemented with great thoroughness concerning the technical contents of the Article 5 (safety reports, risk assessing methodologies and consequence analysis), which means better and more in-depth response from the operators.

A decrease in the number of sites covered by Article 5 is foreseen for the future, due to substitution of substances in process industries such as glass and pulp and paper, and LPG being replaced by natural gas, as well as by the reduction of inventories in some cases.

4.2.13. Finland

General remarks

Finland became a Member State of the European Union from 1 January 1995. It had implemented the Seveso Directive in Finnish legislation before accession to the EU, as part of the agreement on the European Economic Area (EEA). The implementation was carried out by amending the legislation concerning the handling of dangerous chemicals, the fire and rescue services and occupational safety. The central authority supervising the compliance with the regulations concerning prevention of major accident hazards is the Safety Technology Authority (TUKES). Regulations concerning emergency preparedness and response are enforced by the local fire and rescue services. Occupational safety authorities (labour inspectors) supervise the compliance of regulations concerning the safety of employees.

Operators of the major-accident hazard sites are required to apply a licence from TUKES at the planning stage. The application covers major part of the information mentioned in Article 5(1a) and (1b) of the Directive. In addition to that, the application contains more detailed technical descriptions of the establishment and a hazard assessment of the planned activity. Assessment includes scenarios for typical and worst-case accidents. An operator of an establishment that has dangerous substances present beyond the threshold quantities referred to in Article 5(1) is obliged to supplement the licence application by compiling a systematic safety report that handles in detail the possible hazard sources and the consequences of accidents on-site and off-site. Additionally, the safety report has to describe how the prevention of accidents and mitigation of their consequences are taken care of in the establishment. Furthermore an operator has to notify modifications in installations to TUKES. TUKES, accompanied by the local authorities, carries out a commissioning inspection of a new or modified establishment before it is allowed to start operation.

When the provisions concerning the safety report came into force, existing installations were obliged to compile a separate safety report by 1 September 1995. The safety reports were then examined and their conclusions assessed by TUKES as a separate procedure.

An operator of a major-accident hazard site is obliged to compile an internal emergency plan and deliver it and information needed for external emergency plan to local fire and rescue authorities,

who are responsible for compiling the external plans. As provided for in the Directive, the operator has to issue information to the public according to Finnish regulations. These obligations have been in force since 1 September 1995.

Since the provisions based on the Seveso Directive have been in force in Finland only since September 1995, no statistics concerning 1994 are available. However the number of sites concerned was estimated at the time to be 64.

In Finland, the supervision of internal emergency plans and the compilation of external emergency plans are duties of the local fire and rescue authorities. Statistics concerning the number of plans has been compiled on the basis of information gathered from the local authorities. That information was only available for the year 1996.

Main national laws

- Decree on the industrial handling and storage of dangerous chemicals (682/90, amendment 703/92),
- Decree on liquefied petroleum gas (711/93),
- Decree on natural gas (1058/93),
- Decree on explosives (473/93),
- Decision of the Ministry of the Interior on emergency preparedness for chemical accidents (7/94),
- Council of State Decision on prevention of major-accident hazards caused by chemicals (1705/91).

The first decree is based on the Chemicals Act (744/89) and the Act on explosive substances (263/53). Decrees 2-4 are based on the Act on explosive substances alone. The Decision of the Ministry of the Interior is issued based on the Act on fire and rescue services (559/75). The Council of State Decision has the Act on occupational safety (299/58) as its base.

Competent authorities

The Safety Technology Authority (TUKES) is responsible for enforcing Decrees 1-4. Decision 5 is enforced by the local fire and rescue authorities under the guidance of the Ministry of the Interior. The Ministry of Social Affairs and Health with its regional organisation is responsible for the supervision of the Council of State Decision.

Sites covered under Article 5

At the end of the year 1996 the number of sites covered by Article 5 was 69.

Activities on sites

The number of activities on sites was approximately 110. Due to the vague definition of 'activity', an exact number cannot be given.

Safety reports

The Safety Technology Authority had received 74 safety reports from major accident establishments by the end of 1996. An additional 21 safety reports had been received from other installations, based on the requirements of Finnish national legislation.

The Safety Technology Authority requested supplementary information from 30 sites and imposed formal requirements for improvements on one site as a result of the examination of the safety report.

The Safety Technology Authority judged 50 safety reports sufficient as regards meeting the obligations referred to in Article 7.

Assessment of safety reports is normally carried out by a team of two or three inspectors from the Safety Technology Authority.

At the end of 1996 TUKES was still awaiting nine safety reports, the total number of reports expected being thus 83.

Internal emergency plans

According to the information obtained from the local authorities 67 sites had an internal emergency plan in use in 1996.

External emergency plans

According to the information from the local authorities 36 sites had an external emergency plan. However, this low number probably reflects failures in reporting rather than in the preparation of emergency plans.

Inspections

All sites had been inspected in connection with the licensing procedure when establishing a new installation or modifying an existing establishment.

Information to the public

60 installations had so far (1996) issued information to the public as required by Article 8.

Notification of accidents

During the reporting period two accidents fulfilling the criteria of the Seveso Directive occurred in Finland, one on 3 November 1995 and the other on 26 August 1996.

Observations

Since TUKES was well acquainted with the establishments concerned, through experience collected during previous licensing and inspection procedures, inspection of safety reports revealed only in one case deficiencies serious enough to take legal action.

At the end of 1996 in Finland there was still room for improvements to meet all the obligations of the Seveso I Directive.

4.2.14. Sweden

General remarks

Sweden is a new Member State of the European Union since 1 January 1995.

An authority regulation on labour protection has been in force since January 1991, and safety reports covering this field were required by 1 October 1991. Regulations for public and environmental protection have been in force since June 1994.

Safety reports, covering in combination all the requirements of the Seveso Directive, were jointly required by these regulations for the first time by 1 October 1995.

Authorities at local and regional level are responsible for the supervision of these regulations. As no formal reporting system has yet been set up at national level, the data reported here are mainly based on a questionnaire addressed to all local and regional supervising authorities concerned. The data have been collected and compiled by the central competent authorities.

Main national laws and competent authorities

- Arbetarskyddsstyrelsens kungörelse med föreskrifter om storskalig kemikaliehantering, AFS 1989:6⁽¹⁾ (Regulation of the National Board of Occupational Safety and Health on use of chemicals in large scale) in force from 1 January 1991

Competent Authority: Arbetarskyddsstyrelsen (National Board of Occupational Safety and Health),

- Kungörelse med föreskrifter om skydd av den yttre miljön vid storolyckor vid industriell kemikaliehantering, SNFS 1994:1, MS:71⁽²⁾ (Regulation of the Swedish Environmental Protection Agency on protection of the environment in the case of major accidents in industrial use of chemicals) in force from 25 May 1994

Competent Authority: Statens Naturvårdsverk (Swedish Environmental Protection Agency),

- Lagen om brandfarliga och explosiva varor, SFS 1988:868⁽³⁾ (Act on flammable and explosive products) in force from 1 July 1989 and Förordningen om brandfarliga och explosiva varor, SFS 1988:1145⁽⁴⁾ (Ordinance on flammable and explosive products) in force from 1 July 1989

Competent Authority: Sprängämnesinspektionen (National Inspectorate of Explosives and Flammables),

- Räddningstjänstlagen, SFS 1986:1102⁽⁵⁾ (Rescue Services Act) in force from 1 January 1987, Räddningstjänstförordningen, SFS 1986:1107⁽⁶⁾ (Rescue Services Ordinance) in force from 1 January 1987 and Statens Räddningsverks föreskrifter om informationskyldighet i samband med kemikaliehantering, SRVFS 1994:1⁽⁷⁾ (Regulation of the Swedish Rescue Services Agency on information obligations in connection with use of chemicals) in force from 1 June 1994

Competent Authority: Statens Räddningsverk (Swedish Rescue Services Agency).

Sites covered by Article 5

In 1995, the total number of sites was 80. In 1996 the number decreased to 69, partly because the authorities judged that not all sites that had submitted safety reports were actually covered by Article 5 of the Seveso Directive.

⁽¹⁾ ISBN 91-7930-094-4, ISSN 0348-2138.

⁽²⁾ ISSN 0374-5301.

⁽³⁾ ISSN 0346-5845.

⁽⁴⁾ ISSN 0346-5845.

⁽⁵⁾ ISSN 0346-5845.

⁽⁶⁾ ISSN 0346-5845.

⁽⁷⁾ ISSN 0283-6165.

No new sites were built during the period.

Since the amendments of the Directive were already issued at the time of the Swedish implementation, no evaluation of the number of existing sites covered as a result of the entry into force of Directive 88/610/EEC is possible.

Activities on sites

Since the Directive is applied in terms of sites (establishments) rather than individual activities, no evaluation of the number of activities is possible.

Safety reports

The authorities had received 75 safety reports in 1995. The number of safety reports reported for 1996 is 69, which reflects that some sites not covered by Article 5 of the Directive had previously submitted safety reports.

Internal emergency plans

The number of reported internal emergency plans was 44 in 1995 and 40 in 1996.

External emergency plans

For 1995, 47 external emergency plans of variable quality were reported. In 1996 this figure was 41.

Inspections

In 1995 all the sites were the object of inspections referred to in Article 7(2). In 1996, 36 sites were reported to have been inspected.

In 1995, all the safety reports were examined: 49 were judged as sufficient and formal requirements were imposed in 25 cases. In 1996, 55 sites had formal requirements imposed as a result of the examination of the safety report.

The picture is complicated by the fact that the authorities examine the safety reports from different points of view, and a safety report thus may be judged sufficient by one authority but not by the others.

Information to the public

There are no data available concerning the issue of information to the public.

Notification of accidents

One major accident occurred during the reporting period.

Observations

There are a number of regulations implementing the Seveso Directive. Authorities at the local and regional level are responsible for the supervision of these regulations. The authorities have not found it obvious how to judge whether the Seveso Directive applies to a site or not. These difficulties are to a large extent dependent on the fact that the scope of the Directive differs for storage of chemicals and use of chemicals in industrial activities. However, Sweden estimates that

these problems will be solved when the Seveso II Directive has been implemented into national regulations. The quality of the figures reported will improve when a reporting system at national level (currently in the project phase) has been set up.

4.2.15. *United Kingdom*

Main national laws

- The European Communities Act 1972: this extends the powers of the Health and Safety Executive (HSE) to enforce requirements for environmental protection for the purpose of the CIMAH Regulations,
- Health and Safety at Work etc. Act 1974: this is the main law relating to health and safety risks arising from work activities and it gives powers to HSE inspectors (to inspect, examine documents, take photographs, take statements, serve improvement and prohibition notices and bring prosecutions) and makes it a criminal offence for employers to breach the Act or any regulations made under it,
- the Control of Industrial Major Accident Hazard Regulations 1984 (CIMAH): this is statutory instrument (S.I.)(S.I. 1984/1902) and is the main law implementing Council Directive 82/501/EEC,

CIMAH has been amended three times through the following:

- the Control of Industrial Major Accident Hazards (Amendment) Regulations 1988: (S.I. 1988/1462): this implemented the first amendment of the Council Directive 82/501/EEC,
- the Control of Industrial Major Accident Hazards (Amendment) Regulations 1990: (S.I. 1990/2325): this implemented the second amendment of the Council Directive 82/501/EEC,
- the Control of Industrial Major Accident Hazards (Amendment) Regulations 1994: (S.I. 1994/118): this removed the exclusion in the principal regulations for sites operated by a waste disposal authority.

Competent authorities

The Health and Safety Executive (HSE) enforce the regulations at all top tier sites and all lower tier sites that are industrial activities. Local authorities enforce at a small number of lower tier sites in the retail, wholesale and commercial sector.

Northern Ireland has its own regulations but these are identical to the British CIMAH regulations.

Sites covered by Article 5

The number of sites covered by Article 5 has increased from 303 in the year 1994 to 308 in the year 1996; 14 of them are newly covered by Directive 88/610/EEC.

Activities on sites

The number of activities on these sites has decreased from 470 in the year 1994 to 466 in the year 1996; the Directive 88/610/EEC brought six activities under the scope of the Seveso Directive.

Safety reports

493 safety reports have already been submitted to competent authorities; another 26 are expected.

Internal emergency plans

The number of safety reports including internal emergency plans has increased from 300 to 488 during the reporting period.

External emergency plan

283 sites have an external emergency plan.

Inspections

The competent authorities examined 477 safety reports and judged them as being sufficient for adequate administrative follow-up to fulfil the obligations under Article 7. No safety report was examined by external experts. The number of sites which were subject to formal requests or legal action from the competent authorities resulting from examination of the safety report varied between 12 in 1994 and four in 1995; in 1996 there were 10.

Information to the public

247 sites have issued information to the public as required by Article 8.

Notification of accidents

During the reporting period 13 accidents occurred, all of which were reported to the MARS database.

Observations

The Seveso Directive has been successfully implemented in the UK. Both companies and local authorities are now familiar with the CIMAH Regulations and this will facilitate the introduction of the new COMAH Regulations to implement Seveso II. There are now better links between HSE and local authorities and authorities have learnt from our experience of CIMAH in the assessment of safety reports. A robust set of assessment criteria for the new COMAH safety reports has been derived from the experience of assessing CIMAH reports.

5. COMMITTEE OF COMPETENT AUTHORITIES (CCA)

A coherent implementation and consistent application of the provisions of the Seveso Directive throughout the Community necessitates a close cooperation of the competent authorities of all Member States and the European Commission.

In order to underline the importance of continuous administrative cooperation, the Directive obliges the Member States and the Commission to exchange information on the experience acquired and the functioning in practice of the Directive.

The forum for such an administrative cooperation is the **Committee of Competent Authorities (CCA)** which consists of representatives of the Member States and the Commission services. The CCA is chaired by a representative of the Commission and meets once in every Council presidency, i.e. every six months. The work of the CCA is based upon consensus.

Whereas the two CCA meetings in 1994 were both held in Brussels, from 1995 on meetings were organised in the Member State that held the Council Presidency (1/1995 — Bordeaux, France; 2/1995 — Toledo, Spain; 1/1996 — Naples, Italy; 2/1996 — Cork, Ireland). These meetings were held over two days: the first day was the 'meeting proper' and the second day was assigned to the host Member State to demonstrate how it implements the Seveso Directive. This format has proved very successful for reasons including the following:

- it submits the Member State concerned to a 'peer review' of its system which is extremely beneficial in ensuring good implementation of the legislation,
- it allows Member States to learn from each other, and this is known to be particularly helpful to those Member States with less well-developed approaches.

The CCA discussed all issues concerning the implementation of the Seveso Directive and gives guidance as to their practical application. In this context, the guidelines on important provisions of the Seveso Directive, such as the content of information to the public (see footnote 3 on page 5), play an important role. Although they have no legal status, they provide valuable guidance both to industrial operators and to enforcement authorities, bearing in mind that they represent the unanimous view of all Member States on the issue concerned.

When fulfilling the tasks referred to under the comitology provisions of the Directive (Articles 15 and 16), the CCA acts as a regulatory committee (type IIIa).

6. OTHER COMMISSION ACTIVITIES

6.1. Major-accident Hazards Bureau (MAHB)

The Major-accident Hazards Bureau (MAHB) was officially established by the European Commission in February 1996 with a remit to offer scientific and technical support to other services of the Commission (principally DG XI) in the successful implementation of European Union policy on the control of major industrial hazards and the prevention and mitigation of major accidents, in particular in connection with the Seveso Directives (see <http://mahbsrv.jrc.it/>). This includes the following tasks:

- managing the Major-accident Reporting System (MARS) (see Chapter 6.2), including:
 - verification and input of information,
 - extracting information and lessons learnt from the accidents and incidents reported,
 - disseminating information to national authorities, industry and other interested parties,
- managing the Community Documentation Centre on Industrial Risk (CDCIR) (see Chapter 6.3), including:
 - acquisition of relevant public-domain material, both published and unpublished,
 - preparation of an occasional bulletin with details and summaries of material acquired,
- making non-copyright material available to authorities and other parties,
- preparing reports on the implementation of the Directive,

- providing technical and scientific support for Technical Working Groups (see Chapter 6.4) studying various aspects of the control of major-accident hazards,
- undertaking specific tasks of information dissemination, including organising seminars and workshops with the competent authorities (with industrial participation where appropriate) on relevant topics in the areas of industrial risk, risk management, major hazard regulation and licensing, and emergency response to industrial accidents.

6.2. Major-accident Reporting System (MARS) ⁽¹⁾

Since the implementation of the Seveso Directive, the competent authorities of all Member States are required to notify to the Commission all major industrial accidents involving dangerous substances which come within the scope of the Directive (essentially this excludes nuclear, military, mining, transport, and landfill accidents). For this purpose, the Commission set up in 1984 an industrial accident notification scheme, the Major-accident Reporting System (MARS), operated and maintained by the MAHB of the EC's Joint Research Centre (JRC) in Ispra, Italy. The accidents reported are collected in a register and information system ('MARS database'), and analysed in order to:

- classify the accidents according to various parameters, in particular the substances involved, consequences, and causative factors,
- extract 'lessons learned' to prevent the recurrence of similar accidents and to mitigate their consequences ⁽²⁾.

The number of events reported is — fortunately — not very large, but what makes MARS unusual among accident databases is the high level of detail, which is sufficient to establish the detailed causes of an accident, both the immediate and the underlying ones.

Various analyses on the contents of MARS have been performed, providing a basis for practical recommendations for industry to prevent future accidents. MARS data analysis results are distributed either in the form of open publications ⁽³⁾ (with identifying details removed), as regular summary evaluations of accidents notified for the CCA or as reports on specific data evaluations (e.g. by the CDCIR). Various such requests to perform specific analyses of non-confidential MARS data were received by MAHB in this reporting period from industry, regulatory authorities or research institutions.

The Seveso II Directive 96/82/EC which has replaced the original Seveso Directive implies significant MARS-related changes, in particular concerning:

- criteria for the notification of an accident to the Commission,
- confidentiality of information submitted,
- information system and exchanges.

⁽¹⁾ C. Kirchsteiger: 'The functioning and status of the EC's major-accident reporting system on industrial accidents', *Journal of Loss Prevention in the Process Industries*, 12(1), January 1999.

⁽²⁾ C. Kirchsteiger (ed.): 'Lessons learnt from accidents', *Proceedings of EU Seminar*, Linz, Austria 16-17 October 1997, EUR 17733 EN (1998).

⁽³⁾ K. Rasmussen: *The experience with the major-accident reporting system from 1984 to 1993*, EUR 16431 EN (1996).

The new Directive gives a clear and unequivocal definition of what constitutes a 'major accident' and thus quantitative criteria for the notification of such events to the EC, resulting in an overall lowering of the threshold for notification, and thus presumably in an increased number of events to be reported.

Information reported to MARS is considered confidential if it calls into question the confidentiality of the deliberations of the competent authorities, public security, personal data, industrial secrets, etc. However, without violating these aspects, access to the register and information system is open to the members of the CCA, other governmental departments of the Member States, industry, non-governmental organisations and research institutions working in this field.

Furthermore, the new Directive calls for a more open approach to the supply of information to the public, both from the Member States and from the Commission. In other words, exchanging information on major accidents should be facilitated.

In the light of these new requirements on MARS due to Seveso II and the presumably significant increase in event notifications, it was decided to develop a new structure for the MARS system⁽¹⁾. This structure, which was developed over the course of 1996 through discussions with the national competent authorities and was put in place at the end of the year, consists of a distributed self-standing data logging and analysis tool at each competent authority ('local MARS'), supported by a centralised data management system at MAHB ('central MARS'). One of the main features of the 'new MARS' is that data are not simply flowing in one direction, but are exchanged between the competent authorities and the Commission.

By using their local MARS copy, the authorities can create, under a user-friendly Windows-guided environment, their accident data files by writing accident descriptions in the English language and assigning the appropriate codes. Accident files are then sent on diskettes or via e-mail to MAHB, where they are checked for quality and, if considered necessary, further edited in consultation with the respective authority. Both the central and local units include — at different levels of complexity — options to select events according to user-defined criteria, to perform statistical evaluations and to generate reports. For more detailed analyses, such as extracting lessons learned from accidents, MAHB performs on its central part of MARS complex pattern analyses on the entire data set⁽²⁾.

To support the active operation and use of the local MARS databases in each Member State, MAHB periodically distributes the updated data to each participating authority at each of the CCA meetings.

6.3. Community Documentation Centre on Industrial Risk (CDCIR)

The objective of the Community Documentation Centre on Industrial Risk (CDCIR) is to create a bibliographic and scientific environment which facilitates exchange of information between the member States on the control of major hazard industrial activities, and to gain maximum knowledge from the common European effort towards industrial safety.

CDCIR contains only documents which are in the public domain, but includes many documents that are not easily found elsewhere ('grey literature' such as accident reports, codes of practice,

⁽¹⁾ C. Kirchsteiger: 'MARS 3.0 — an electronic documentation and analysis system for industrial accidents data', EUR 17331 EN (1997) 7.

C. Kirchsteiger: 'Using modern database concepts to facilitate exchange of information on major accidents in the European Union', ESREL 97 International Conference on Safety and Reliability, Lisbon, June 1997.

⁽²⁾ C. Kirchsteiger: 'Impact of accident precursors on risk estimates from industrial accident databases', *Journal of Loss Prevention in the Process Industries*, 10(3), May 1997.

C. Kirchsteiger: 'Auswertung der nach schweren Chemieunfällen an die Öffentlichkeit weitergeleiteten Informationen im Hinblick auf entsprechende Erfordernisse der Seveso Richtlinie', 17th International Symposium on Plant Safety in the Chemical Industry, IChemE 97, Frankfurt, 9-11 June, 1997.

recommendations, laws, etc.). At the end of 1996, CDCIR contained more than 2 000 reviewed documents, issued by governmental institutions, industry and research institutes. These bibliographic data include document-related data fields, e.g. title, original title, year of publication, source, availability, key words and abstract.

MAHB manages the Community Documentation Centre on Industrial Risk (CDCIR), including:

- acquisition of relevant public-domain material, both published and unpublished,
- making non-copyright material available to authorities and other parties,
- providing continued assistance to Directorate-General XI in the reparation of reports on the implementation of the Directive,
- preparation of a Bulletin on a regular basis with details and summaries of material acquired.

In the reporting period, two such bulletins have been produced and a total of about 700 requests have been handled at the CDCIR. Most of MAHB's studies performed in this period are based on the CDCIR.

6.4. **Technical working groups; seminars and workshops; Studies**

6.4.1. *Technical working groups*

Technical working groups ('TWGs') have been set up by the Commission in certain technical domains connected with the Seveso Directives. In particular, the domains covered include some where the proposed fundamental revision to the Directive modifies or extends the provisions of the current Directive, and where there was therefore felt to be need for guidance to expand on and explain the requirements of the proposed new Directive. These TWGs are in most cases administered jointly by the MAHB and DG XI.

During the period concerned, six TWGs were in existence:

- TWG1 'Accident Gravity Scales' held its first meeting, as a result of which a proposal defining what is a 'major accident' for reporting purposes was incorporated into the new Directive,
- TWG2 'Inspection Systems' was essentially dormant during this period, since it became clear that the provisions in the new Directive concerning inspection systems were going to be discussed extensively in Parliament and Council,
- TWG3 'Safety Reports' finished its discussions and finalised a draft guidance document, which has since been published⁽¹⁾,
- TWG4 'Safety Management Systems' produced a draft guidance document, which was then sent for testing and further review. It is now in press⁽²⁾.

⁽¹⁾ G. A. Papadakis & A. Amendola (Eds.): 'Guidance on the preparation of a safety report to meet the requirements of Council Directive 96/82/EC (Seveso II)', EUR 17690 EN (1997).

⁽²⁾ N. Mitchison & S. Porter (Eds.): 'Guidelines on a major-accident prevention policy and safety management system, as required by Council Directive 96/82/EC (Seveso II)', EUR 18123 EN.

- TWG5 'Land Use Planning' was set up and held its first meetings, discussing two case studies prepared by MAHB staff in order to understand the impact of different national approaches,
- TWG6 'Dispensations according to Article 9(6) of Directive 96/82/EC' was set up and held one meeting.

6.4.2. Seminars and workshops

These seminars are intended primarily for national authorities concerned with the implementation of the Seveso Directive. Previous seminars held in this series had been oriented round the experience of one particular country across many technical areas connected with the Directive, but the seminars held during this period had a more thematic orientation, comparing national experience in one particular technical domain across several countries. Given the domains chosen, there was substantial invited participation from industrial representatives and from other national and local authorities concerned (e.g. transport authorities for the Livorno seminar).

Three seminars were held during 1994-96:

- Frankfurt 1994: 'Safety and runaway reactions' (attendance: 65),
- Toledo 1995: 'Accident scenarios and emergency response' (attendance: 120),
- Livorno 1996: 'Chemical risks in ports and marshalling yards' (attendance: 170).

The proceedings of the 1994 and 1996 seminars have been published; those of the 1995 seminar will be published shortly⁽¹⁾.

6.4.3. Studies

The following studies were carried out by MAHB:

- analysis of safety-related issues concerning temporary storage of hazardous materials in transportation-related activities (mainly ports and marshalling yards)⁽²⁾,
- analysis of hazards and accidents involving pipelines transporting dangerous substances⁽³⁾,
- land-use planning in the context of major-accident hazards⁽⁴⁾,
- dangerous substances created as a result of loss of control of a chemical process⁽⁵⁾,

⁽¹⁾ N. Mitchison & B. Smeder (Eds): *Safety and Runaway Reactions*, 228 pp, EUR 17723 EN (1998).
N. Mitchison & S. Caprioli (Eds.): *Chemical Hazards in Ports and Marshalling Yards/Rischi Chimici in Porti e Scali Ferroviari*, 242 pp, EUR 17745 EN (1998).
N. Mitchison, A. Garcés de Marcilla & B. Smeder (Eds.): *Accident Scenarios and Emergency Response*, Joint Research Centre of the European Commission (forthcoming).

⁽²⁾ M. Christou in Mitchison & Capriolo, op cit.

⁽³⁾ G.A. Papadakis: 'Gravity scaling and lessons learnt in pipelines accident prevention', European Conference on Leak Prevention of Onshore and Offshore Pipelines, Conference Proceedings, IChem E, London May 1997.

⁽⁴⁾ Y. Kermode: *Major Accident Hazards, Land Use Planning and Decision Making: Cases in Switzerland and in the Netherlands*, S.P.I. 96.69 (1996).
S. Besi, F. Amendola et al: *La pianificazione dell'uso del territorio in relazione ai rischi di incidente rilevante*, EUR 16412 IT (1996).
M. Smeder, M. Christou & S. Besi: *Land Use Planning in the Context of Major Accident Hazards — An Analysis of Procedures and Criteria in Selected EU Member States*, EUR 16452 EN (1996).

⁽⁵⁾ V. Cozzani, A. Amendola & S. Zanelli: 'The formation of hazardous substances as a consequence of accidental events in the chemical industry', *La Chimica e l'Industria*, December 1997.
V. Cozzani & S. Zanelli: *EUCLID, A study on Emission of Unwanted Compounds Linked to Industrial Disasters*, EUR 17351 EN (1997).

- substances covered by Annex I to Directive 96/82/EC ⁽¹⁾,
- analysis of substances involved in accidents which had consequences for the environment,
- chemical emergency management across EU member states — reporting of lessons learned ⁽²⁾,
- accidents involving risks to groundwater ⁽³⁾,
- procedures in Italy for informing the public concerning chemical risks.

7. SUMMARY

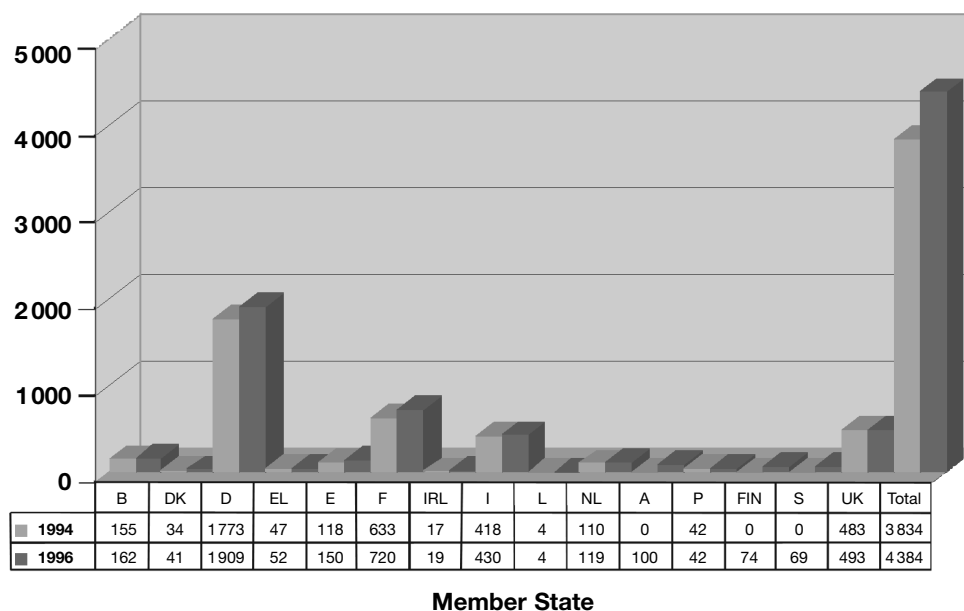
The Seveso Directive and its amendments have been successfully transposed into national laws, regulations and administrative provisions in all Member States. The three new Member States (Austria, Finland and Sweden) that joined the European Union from 1 January 1995 has already transposed the Seveso Directive as part of the agreement on the European Economic Area (EEA).

During the reporting period, the practical implementation and enforcement of the Seveso Directive has significantly improved across the Member States. This is shown in particular by

- the growing number of safety reports received (from 3 834 in 1994 to 4 384 in 1996), see Figure 1 and Annexes, the difference between number of safety reports expected and received having come down from 706 in 1994 to 93 in 1996,

Figure 1

Question 3a: Total number of safety reports received by the authorities



⁽¹⁾ M. Smeder: *Substances covered by Part 1, Annex I of the Seveso Directive* (forthcoming).

M. Smeder: *Seveso Directive Annex II substances in the Seveso II Directive* (forthcoming).

There is also a database, available from the MAHB WWW site, including all substances covered by Annex I of Directive 96/82/EC (see <http://mahbsrv.jrc.it/NewProducts-DBSubstances.html>).

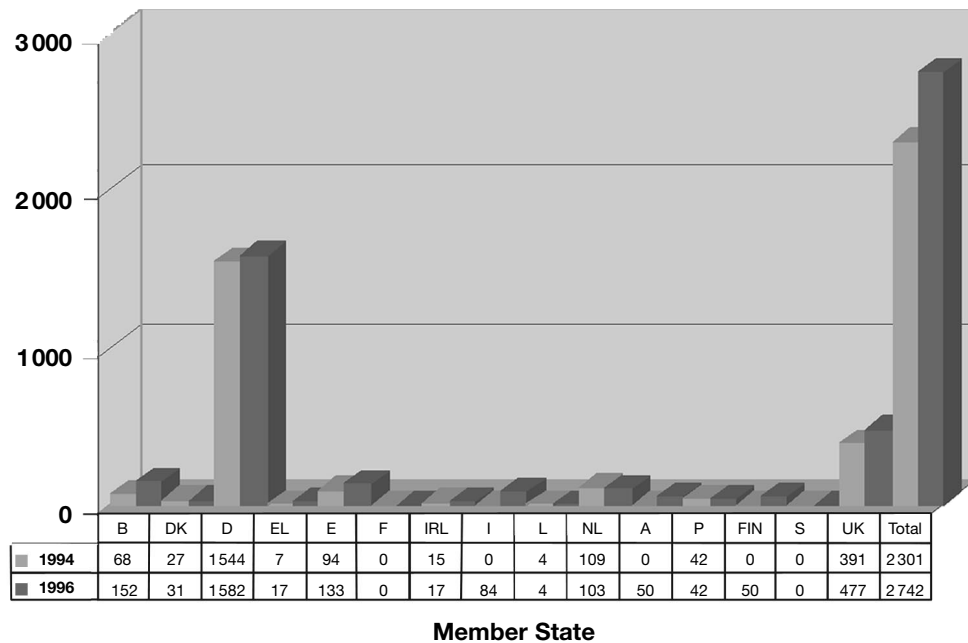
⁽²⁾ P. Dilara: *Chemical Emergencies Management Across the European Union: Reporting of Lessons Learned*, Technical Note I.96.115.

⁽³⁾ G. C. Bellos, P. Mattiuz, H. P. Luhr & D. Rottgardt: *Soil & Groundwater Protection: Classification Systems of the Substances Endangering Subsoil and Groundwater Quality — Criteria for the Notification of Major Accidents and Hazardous Installations*, IWC & EIDOS, Berlin/Lodi (1997).

- the growing number of safety reports *examined* (from 2 301 in 1994 to 2 742 in 1996), see Figure 2 and Annexes, out of which only a small number were examined by external experts (around 500 over the reporting period),

Figure 2

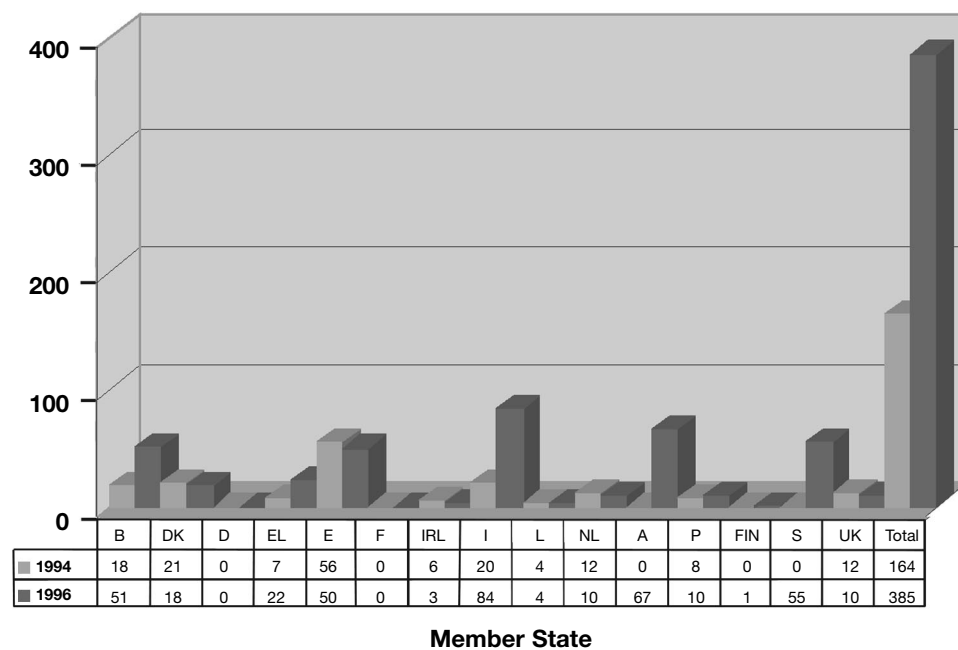
Question 4b: Total number of safety reports examined



- the growing number of requests or legal actions taken by competent authorities following the examination of safety reports (from 164 in 1994 to 385 in 1996), see Figure 3 and Annexes,

Figure 3

Question 5: Total number of sites with legal actions taken by authorities

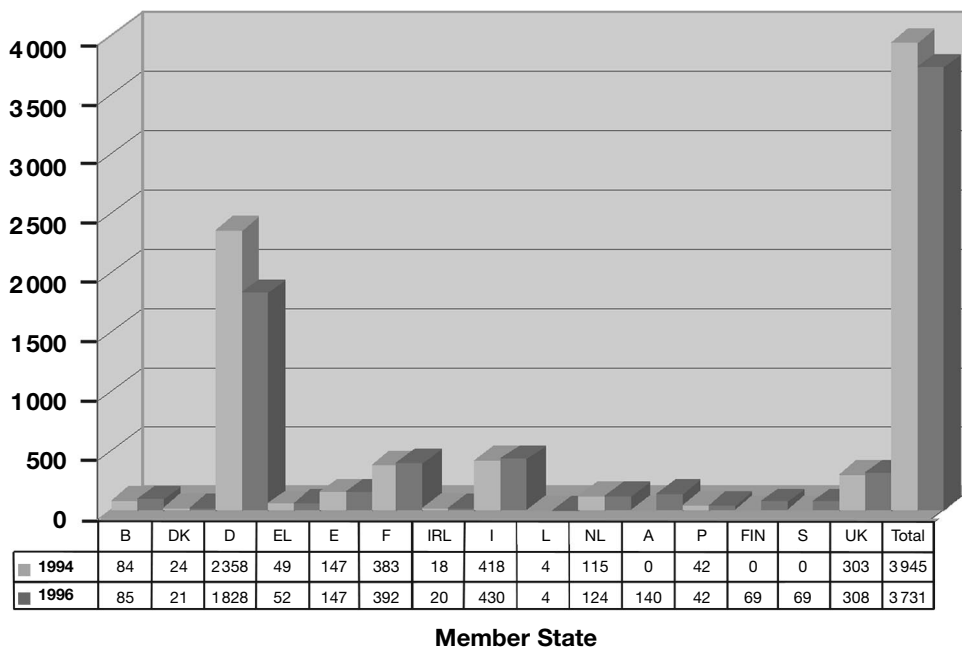


- the growing number of internal emergency plans (from 1 543 in 1994 to 2 034 in 1996) and external emergency plans (from 963 in 1994 to 1 131 in 1996);
- the growing number of sites inspected (from 701 in 1994 to 1 070 in 1996);
- the growing number of sites that have given information to the public (from 2 269 in 1994 to 2 689 in 1996).

This must be seen against the background that over the reporting period the overall number of Seveso sites and activities decreased, see Figure 4 and Annexes. Only about 7% of the total number of sites have newly entered into the scope of the Seveso Directive through its second amendment (Directive 88/610/EEC).

Figure 4

Question 1a: Total number of sites



Unfortunately, the numbers of sites are not comparable within the EU as Member States continue to have different approaches. For example, the large number sites in Germany is primarily due to the fact that each installation within an industrial establishment is counted as a 'site' whereas the majority of Member States defines an establishment that consists of different installations as one site. For the future it should be noted that the Seveso II Directive has introduced an unequivocal system based on *establishments*.

As is the case with the number of sites, the number of safety reports varies considerably from Member State to Member State, since some Member States require a safety report for each activity whereas others require one safety report for the whole site. Again, this problem should be solved for the future by the approach set out in the Seveso II Directive.

Although the Seveso Directive did not contain any obligation for the Member States to implement specific land-use planning requirements for the mitigation of major accidents, a large

number of sites, particularly in France and the United Kingdom, are indeed subject to such requirements — which have now been introduced into Community law by the Seveso II Directive.

In the reporting period, a total of 92 major accidents occurred and were notified by the authorities, increasing the total number of accidents in MARS to 288 at the end of 1996.

As can be seen from Figure 5, the rate of major accident notifications to MARS is fairly constant in the reporting period. Since the rate of reporting major accidents to MARS is in good correspondence to the actual rate of occurrence of major accidents, the approximately constant trend in Figure 1 is an indication that many of the often seemingly trivial 'lessons learned' from accidents have not yet been sufficiently evaluated and implemented in industry's practices and standards. Therefore, efforts are still necessary to further reduce the risks related to major accidents from fixed industrial installations.

Figure 5

Cumulative number of accidents notified to MARS in the reporting period 1994-96

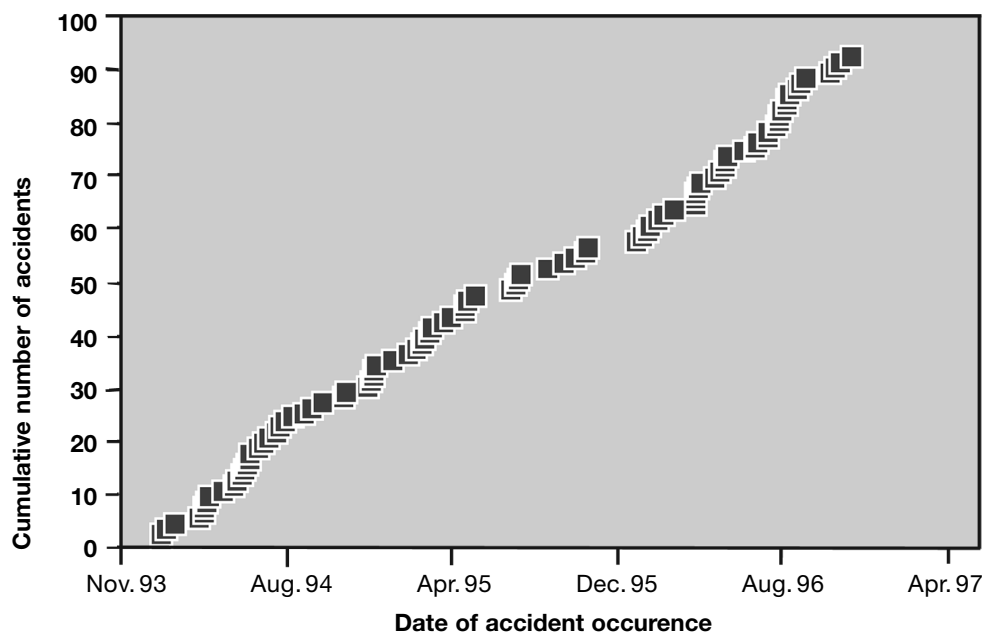
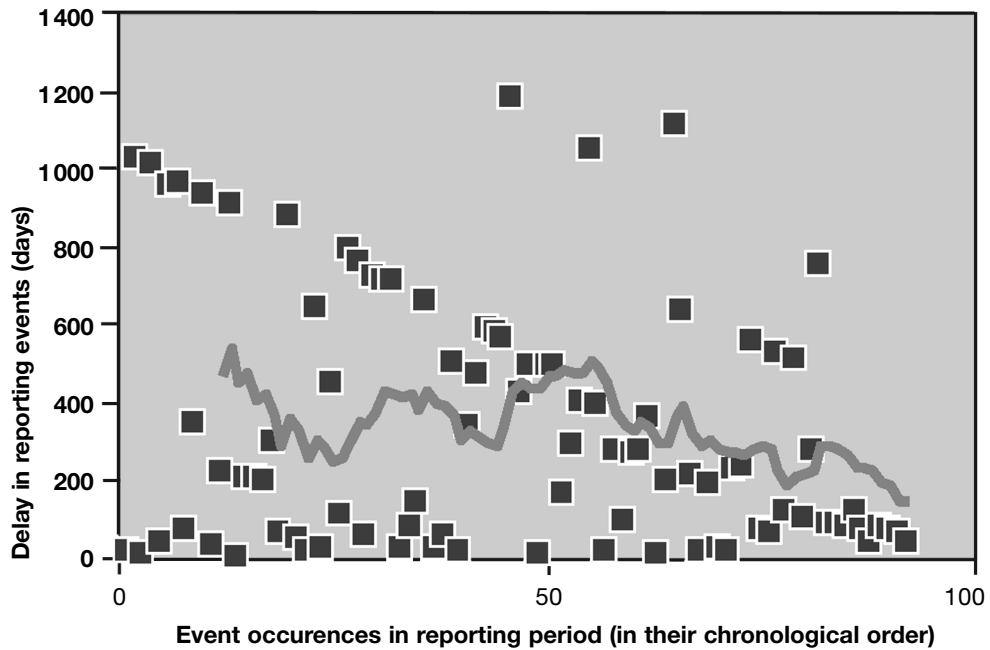


Figure 6 shows that the delay in reporting accidents from the authorities to MARS slightly improved within the reporting period, but was on average still about one year.

Figure 6

Delay in notification of accidents to MARS in the reporting period 1994-96
(including moving average trend)



At the threshold of the 21st century, the new Seveso II Directive represents a modern piece of goal-oriented legislation that will hopefully contribute to improving safety in European chemical industry.

The future challenge for the Commission will consist in ensuring consistent and effective implementation and application of the Seveso II Directive throughout the Community. This objective will only be achieved by fostering administrative cooperation with the Member States and by providing further guidance to industrial operators as well as to national administrations.

ANNEX I

QUESTIONNAIRE ON DIRECTIVE 82/501/EEC FOR 1994

The answers given should only relate to activities and sites covered by Article 5. The terms 'site', 'activity', 'safety report', 'internal emergency plan' and 'external emergency plan' (typed in bold and italics) are defined at the end of the questionnaire.

1. (a) Total number of **sites**.
 - (b) Number of newly built **sites** (new construction or process/capacity modification).
 - (c) Number of existing **sites** newly covered after entry into force of Directive 88/610/EEC.
2. (a) Total number of **activities** on sites given in (a).
 - (b) Number of newly built **activities** (new construction or process/capacity modification).
 - (c) Number of existing **activities** newly covered after entry into force of Directive 88/610/EEC.
3. Total number of **safety reports**:
 - (a) already received by the competent authorities;
 - (b) total expected (already received and not yet submitted).
4. How many **safety reports**:
 - (a) include **internal emergency plans** or have contributed towards a site **internal emergency plan** (as referred to in Article 5(1)(c))?
 - (b) have been examined by competent authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7 fourth indent?
5. How many sites have had formal requests or legal action taken by competent authorities resulting from examination of the safety report in respect of obligations under Article 7(1) final indent?
6. How many sites given in 1(a) have:
 - (a) an **external emergency plan**?
 - (b) been subject to inspection referred to in Article 7(2)?
 - (c) issued information to the public as required by Article 8?
7. NOT compulsory (when possible or available):
 - (a) how many **safety reports**(with or without internal emergency plans) have been examined by an external expert?
 - (b) how many **sites** given in 1(a) are subject to specific land use planning requirements for the mitigation of major accidents?

Notes:

1. (a) The meaning of 'activity' corresponds to the definitions given in Article 1(2)(a) of the Directive.
 - (b) The meaning of 'site' corresponds to an industrial establishment where one or several activities take place and are operated under the responsibility of the same manufacturer.
2. (a) The meaning of 'safety report' corresponds to information to be provided under Article 5(1) excluding the first and third indent of paragraph (c).
 - (b) The meaning of 'internal emergency plans' corresponds to information to be provided under Article 5(1)(c), first and third indent.
3. The meaning of 'external emergency plan' in this questionnaire corresponds to those referred to in Article 7(1) final indent, of the Directive.

ANNEX II

QUESTIONNAIRE ON THE IMPLEMENTATION OF CERTAIN PROVISIONS OF DIRECTIVE 82/501/EEC FOR THE YEARS 1995 AND 1996

The answers given should only relate to activities and sites covered by Article 5. The terms 'site', 'activity', 'safety report', 'internal emergency plan' and 'external emergency plan' (typed in bold and italics) are defined at the end of the questionnaire.

1. (a) Total number of **sites**.
(b) Number of newly built **sites** (new construction or process/capacity modification).
2. (a) Total number of **activities** on sites given in (a).
(b) Number of newly built **activities** (new construction or process/capacity modification).
3. Total number of **safety reports**:
(a) already received by the competent authorities;
(b) total expected.
4. How many **safety reports**:
(a) include **internal emergency plans** or have contributed towards a site **internal emergency plan** (as referred to in Article 5(1)(c))?
(b) have been examined by Competent Authorities and judged as sufficient for adequate administrative follow-up to fulfil the obligations referred to in Article 7?
5. How many sites have had formal requests or legal action taken by competent authorities resulting from examination of the safety report in respect of obligations under Article 7(1), final indent?
6. How many sites given in 1(a) have:
(a) an **external emergency plan**?
(b) been subject to inspection referred to in Article 7(2)?
(c) issued information to the public as required by Article 8?
7. NOT compulsory (when possible or available):
(a) how many **safety reports** (with or without internal emergency plans) have been examined by an external expert?
(b) how many **sites** given in 1(a) are subject to specific land use planning requirements for the mitigation of major accidents?

Notes

1. (a) The meaning of 'activity' corresponds to the definitions given in Article 1(2)(a) of the Directive.
(b) The meaning of 'site' corresponds to an industrial establishment where one or several activities take place and is/are operated under the responsibility of the same manufacturer.
2. (a) The meaning of 'safety report' corresponds to information to be provided under Article 5(1) excluding the first and third indent of paragraph (c).
(b) The meaning of 'internal emergency plans' corresponds to information to be provided under Article 5(1)(c), first and third indent.
3. The meaning of 'external emergency plan' in this questionnaire corresponds to those referred to in Article 7(1), third indent, of the Directive.

ANNEX III

Seveso-I Questionnaire 1994 — Overview

Member State \ Question	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
1a	84	24	2 358	49	147	383	18	418	4	115	—	42	—	—	303	3 945
1b	1	1	338	5	9	13	0	30	1	3	—	1	—	—	1	403
1c	20	4	—	0	19	85	2	70	3	46	—	1	—	—	14	264
2a	234	33	2 358	50	134	687	—	1 080	4	773	—	—	—	—	470	5 823
2b	42	10	338	5	9	18	—	45	1	5	—	—	—	—	1	474
2c	45	4	—	—	19	16	—	150	3	201	—	—	—	—	6	444
3a	155	34	1 773	47	118	633	17	418	4	110	—	42	—	—	483	3 834
3b	161	34	2 358	50	140	687	18	418	4	131	—	42	—	—	497	4 540
4a	155	21	—	35	119	341	17	418	4	91	—	42	—	—	300	1 543
4b	68	27	1 544	7	94	—	15	—	4	109	—	42	—	—	391	2 301
5	18	21	—	7	56	—	6	20	4	12	—	8	—	—	12	164
6a	47	23	—	2	77	227	14	190	3	78	—	19	—	—	283	963
6b	84	24	—	1	88	—	18	40	3	114	—	26	—	—	303	701
6c	10	9	1 464	1	25	252	14	210	—	21	—	18	—	—	245	2 269
7a	—	7	—	47	94	—	—	—	—	60	—	—	—	—	—	208
7b	—	7	—	—	2	325	—	60	—	6	—	—	—	—	268	668

ANNEX IV

Seveso-I Questionnaire 1995 — Overview

Question	Member State															
	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
1a	86	21	1 845	49	147	392	18	430	4	122	158	42	57	80	304	3 755
1b	2	—	325	—	10	9	—	38	—	7	—	—	1	—	8	400
2a	254	27	1 845	50	156	690	—	1 068	4	773	—	—	90	—	466	5 423
2b	48	6	325	—	15	17	—	42	—	21	—	—	1	—	8	483
3a	161	41	1 847	47	150	640	18	430	4	116	108	42	64	75	491	4 234
3b	164	41	1 847	50	160	720	18	430	4	141	158	42	66	80	492	4 413
4a	161	21	—	35	150	370	18	430	4	84	108	42	—	44	488	1 955
4b	142	31	1 521	7	133	—	16	84	4	111	4	42	45	49	477	2 666
5	33	18	—	7	50	—	4	84	4	13	39	8	1	25	4	290
6a	53	21	—	2	113	227	14	190	3	78	33	19	—	47	283	1 083
6b	86	21	—	1	76	—	18	179	3	120	73	26	57	80	304	1 044
6c	61	13	1 496	1	24	252	14	319	—	22	33	18	45	—	247	2 545
7a	—	8	—	47	93	—	—	—	—	6	—	—	—	—	—	154
7b	—	7	—	—	6	330	—	—	—	8	—	—	—	—	269	620

ANNEX V

Seveso-I Questionnaire 1996 — Overview

Member State \ Question	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
1a	85	21	1 828	52	147	392	20	430	4	124	140	42	69	69	308	3 731
1b	—	—	338	5	10	—	2	—	—	6	—	—	1	—	1	363
2a	266	27	1 828	53	156	698	—	1 068	4	592	213	—	110	—	466	5 481
2b	4	6	338	5	15	27	—	—	—	3	—	—	1	—	1	400
3a	162	41	1 909	52	150	720	19	430	4	119	100	42	74	69	493	4 384
3b	165	41	1 909	52	160	720	20	430	4	123	140	42	83	69	519	4 477
4a	165	22	—	35	150	370	19	430	4	102	100	42	67	40	488	2 034
4b	152	31	1 582	17	133	—	17	84	4	103	50	42	50	—	477	2 742
5	51	18	—	22	50	—	3	84	4	10	67	10	1	55	10	385
6a	46	21	—	2	113	227	14	190	3	86	50	19	36	41	283	1 131
6b	85	21	—	43	76	—	20	179	3	124	78	28	69	36	308	1 070
6c	61	13	1 612	1	24	252	14	319	—	23	45	18	60	—	247	2 689
7a	—	8	—	47	93	—	—	—	—	2	—	—	—	—	—	150
7b	—	8	—	—	6	330	—	—	—	9	—	—	—	—	269	662