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Preparing for the Seveso III Directive
What’s new?

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Outline

• Major accident Seveso
• Seveso Directive(s) in a nutshell
• Drivers for Seveso III Directive
• Main changes
• Conclusions
Major accident Seveso

- July 10, 1976
- Major-accident at chemical factory
- Uncontrolled emission dioxin
- Large area around factory was contaminated
- Including the small town of Seveso
- Thousands of people exposed
- 4% of local live stock was killed
- Tens of thousands animals were culled
- Area of 110 hectare was evacuated
- Now park
Seveso Directive(s) in a nutshell


  Whereas, for every industrial activity which involves, or may involve, dangerous substances and which, in the event of a major accident, may have serious consequences for man and the environment, the manufacturer must take all necessary measures to prevent such accident and to limit the consequences thereof;

- Main aims:
  - to prevent major accidents involving dangerous substances
  - And to limit their consequences for man and the environment
Seveso Directive(s) in a nutshell

• 1996: Seveso II Directive (96/82/EC)
• Replaced Seveso I Directive in 1999
• Scope:
  – Establishments with ‘dangerous substances’ in large quantities
  – Named substances and categories of substances
  – E.g. toxic, explosive, flammable and dangerous for the environment
  – Lower tier versus upper tier
• Main obligations:
  – Notification to CA
  – Major-accident prevention policy (lower tier)
  – Safety report (upper tier)
  – Emergency plan (upper tier)
Seveso Directive(s) in a nutshell

• 2003: amendment Seveso II (2003/105/EC)
• Extension scope in view of major-accidents:
  – January 2000 – Cyanide spill Baia Mare, Romania
  – May 2000 – Fireworks accident Enschede, Netherlands
  – Sept. 2001 – Explosion fertilizer plant Toulouse, France
• 2012: Seveso III Directive (2012/18/EU)
• Transposition by May 31, 2015
• Application from June 1, 2015
• Seveso II Directive repealed
Seveso III Directive

• Phase 3 in combatting major-acidents
• Main drivers:
  – Need to align with new system of classification of dangerous substances under the European Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP Regulation)
  – Improve current framework in order to further strengthen the level of protection drawing on experience with SIID
• Improvements mostly relate to:
  – Access to safety information
  – Public consultation and participation in decision-making
  – Access to justice
  – Inspections
  – Penalties for violations of national Seveso provisions
Classification under CLP Regulation

• Categories of substances and preparations
• Under SIID these must be classified according to:
  – Directive 88/379/EEC on the classification, packaging and labelling of dangerous preparations
• Both Directives will be replaced by CLP Regulation as per June 1, 2015,
• CLP Regulation aligns with the harmonised criteria of the UN: GHS
• Change in classification is expected to result in some changes to the scope of the Seveso Directive
• Substances previously not classified as dangerous may now be deemed dangerous and vice versa
• Implications:
  – Some companies may move in or out of Seveso scope
  – Some existing Seveso companies may move in or out upper tier
New named substances

Some new ‘named’ substances are included in annex I

For example:
- Anhydrous ammonia
- Boron trifluoride prev. covered by hazard category
- Hydrogen sulphide

Entry 34: Petroleum products and alternative fuels
a) Gasolines and naphtha's
b) Kerosene's (including jet fuels)
c) Gas oils (including diesel fuels, home heating oils and gas oil blending streams)
d) Heavy fuel oils
e) Alternative fuels
Access to safety information & confidentiality

- Basic info must be made available to public (annex V)
  - Name operator and address
  - Explanation of activity undertaken
  - Names of dangerous substances involved
  - Date of last routine inspection
- Permanent basis, electronically and updated
- More info for upper tier establishments
- For upper tier establishments MS must ensure that persons likely to be affected by a major accident receive information on
  - Safety measures; and
  - Requisite behavior
Access to safety information & confidentiality

• Member States must ensure that the
  – Safety report; and
  – Inventory of dangerous substances
  are made available to the public upon request
• Under SIID operator could ask to restrict publication on
grounds of industrial, commercial or personal confidentiality
• Disclosure may now only be refused or restricted by
  the CA in accordance with Directive 2003/4/EC on
  Public Access to Environmental Information
Access to safety information & confidentiality

• Directive 2003/4/EC lists similar grounds for refusal
• For example a request for information may be refused if disclosure may adversely affect

(d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;

(f) the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law;
Access to safety information & confidentiality

In practice less ´room´ to refuse or restrict publication of Seveso documents

a. Confidentiality must provided for by national or Community law

b. The grounds for refusal shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure

c. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal

d. Requests relating to information on emissions into the environment may not be refused on grounds of commercial, industrial or personal confidentiality.
More stringent inspection obligations

Under SIID the CA must organise:
- A system of inspections ´or other measures of control´
- Including a programme of inspections

In addition SIID now demands that all Seveso establishments are covered by an inspection plan at national, regional or local level

Plan must include:
- List of groups of establishments with possible domino effects
- Procedures for routine and non-routine inspections
- Provisions on cooperation between inspection authorities

Plan is subject to periodic review and updating
More stringent inspection obligations

Inspection plan forms basis for programmes for routine inspections for all establishments
Programmes must include the frequency of site visits:
- Minimum 1 or 3 years for upper tier resp. lower tier
Non-routine inspections must now be carried out to investigate:
- Serious complaints
- Serious accidents
- Near misses
- Incidents
- Violations
CA must ensure that the operator takes all necessary actions to correct violations within a reasonable period after receipt of inspection findings
Conclusions

• Seveso III Directive takes major accident hazard control to next level
• New classification system for ´dangerous substances´ under CLP Regulation may bring some companies under Seveso scope, others may ´fall out´.
• More safety information must be made available ´online´
• Less room for refusal or restriction of publication of Seveso documents
• All Seveso establishments must be included in inspection plan and inspection programme for routine inspections
• Non-routine inspections must be carried out
• All violations found must be corrected within reasonable period
Questions?

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