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*Committee on the Environment, Public Health and Food Safety*

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**2010/0377(COD)**

28.6.2011

# **AMENDMENTS 49 - 200**

**Draft report**

**János Áder**

(PE464.978v01-00)

on control of major-accident hazards involving dangerous substances

Proposal for a directive

(COM(2010)0781 – C7-0011/2011 – 2010/0377(COD))

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PE467.297v01-00

**EN**

*United in diversity*

**EN**

**Amendment 49**  
**Anna Rosbach**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) Major accidents *often* have serious consequences, as evidenced by accidents like Seveso, Bhopal, Schweizerhalle, Enschede, Toulouse and Buncefield. Moreover the impact can extend beyond national borders. This underlines the need to ensure that appropriate precautionary action is taken to ensure a high level of protection throughout the Union for citizens, communities and the environment.

*Amendment*

(2) Major accidents have serious consequences, as evidenced by accidents like Seveso, Bhopal, Schweizerhalle, Enschede, Toulouse and Buncefield. Moreover the impact can extend beyond national borders. This underlines the need to ensure that appropriate precautionary action is taken to ensure a high level of protection throughout the Union for citizens, communities and the environment.

Or. da

**Amendment 50**  
**Juozas Imbrasas**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) Major accidents often have serious consequences, as evidenced by accidents like Seveso, Bhopal, Schweizerhalle, Enschede, Toulouse and Buncefield. Moreover the impact can extend beyond national borders. This underlines the need to ensure that appropriate precautionary action is taken to ensure a high level of protection throughout the Union for citizens, communities and the environment.

*Amendment*

(2) Major accidents often have serious consequences, as evidenced by accidents like Seveso, Bhopal, Schweizerhalle, Enschede, Toulouse and Buncefield. Moreover the impact can extend beyond national borders. This underlines the need to ensure that appropriate precautionary action is taken to ensure a high level of protection throughout the Union for citizens, communities and the environment.  
***The existing high level of protection must, therefore, continue to be maintained and if possible improved.***

Or. It

**Amendment 51**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) Directive 96/82/EC has been instrumental in reducing the likelihood and consequences of such accidents thereby leading to better protection levels throughout the Union. A review of the Directive has confirmed that overall the existing provisions are fit for purpose **and that no major** changes are required. **However**, the system established by Directive 96/82/EC should be adapted to changes to the Union system of classification of dangerous substances to which it refers. In addition, a number of other provisions should be clarified and updated.

*Amendment*

(3) Directive 96/82/EC has been instrumental in reducing the likelihood and consequences of such accidents thereby leading to better protection levels throughout the Union. A review of the Directive has confirmed that **the rate of major accidents has remained stable**. **While** overall the existing provisions are fit for purpose, **several** changes are required **in order to further strengthen the level of protection, in particular with regard to the prevention of major accidents**. **At the same time the** system established by Directive 96/82/EC should be adapted to changes to the Union system of classification of dangerous substances to which it refers. In addition, a number of other provisions should be clarified and updated.

Or. en

*Justification*

*The number of major accidents has remained stable over the last years. 30 major accidents per year are too many. It is thus important to use the opportunity of the revision triggered by the new classification system to strengthen important provisions of the directive.*

**Amendment 52**  
**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) It is therefore appropriate to replace Directive 96/82/EC to ensure that that existing levels of protection are maintained

*Amendment*

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and further improved, by making the provisions more effective and efficient, and where possible reducing unnecessary administrative burdens by streamlining or simplification **without compromising** safety. At the same time, the new provisions should be clear, coherent and easy to understand to help improve implementation and enforceability.

and further improved, by making the provisions more effective and efficient, and where possible reducing unnecessary administrative burdens by streamlining or simplification, **provided that safety and environmental and public health protection are not compromised**. At the same time, the new provisions should be clear, coherent and easy to understand to help improve implementation and enforceability.

Or. en

#### *Justification*

*It must be ensured that not only the level of safety but also the level of environmental and public health protection should not be compromised.*

### **Amendment 53** **Juozas Imbrasas**

#### **Proposal for a directive** **Recital 4**

##### *Text proposed by the Commission*

(4) It is therefore appropriate to replace Directive 96/82/EC to ensure that that existing levels of protection are maintained and further improved, by making the provisions more effective and efficient, and where possible reducing unnecessary administrative burdens by streamlining or simplification without compromising safety. At the same time, the new provisions should be clear, coherent and easy to understand to help improve implementation and enforceability.

##### *Amendment*

(4) It is therefore appropriate to replace Directive 96/82/EC to ensure that that existing levels of protection are maintained and further improved, by making the provisions more effective and efficient, and where possible reducing unnecessary administrative burdens by streamlining or simplification without compromising safety. At the same time, the new provisions should be clear, coherent and easy to understand to help improve implementation and enforceability, **while the level of protection for health and the environment remains at least equal or increases**.

Or. It

**Amendment 54**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) Certain industrial activities should be excluded from the scope of this Directive ***due to their specific characteristics. These activities*** are subject to other legislation at Union or national level providing an equivalent level of safety. The Commission should however continue to ensure that there are no significant gaps in the existing regulatory framework, in particular as regards new and emerging risks from other activities, and take appropriate action where necessary.

*Amendment*

(8) Certain industrial activities should be excluded from the scope of this Directive, ***provided they*** are subject to other legislation at Union or national level providing an equivalent level of safety. The Commission should however continue to ensure that there are no significant gaps in the existing regulatory framework, in particular as regards new and emerging risks from other activities ***as well as from specific dangerous substances that do not yet fall within the scope of this Directive***, and take appropriate action where necessary.

Or. en

*Justification*

*Gaps in the scope may not just relate to industrial activities that are excluded, but also to substances that are not yet included. The Commission should review both these aspects.*

**Amendment 55**  
**Patrice Tirolien, Gilles Pargneaux**

**Proposal for a directive**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8 a) As a result of their insularity and small size – specific structural handicaps mentioned in Article 349 of the Treaty on the Functioning of the European Union – the EU’s outermost regions have a limited capacity for electricity generation and import, which influences their security of supply. Given this situation, there is a need to ensure that the provisions of this***

***Directive do not affect the supply of electricity to the islands and that they can be adapted accordingly.***

Or. fr

**Amendment 56**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) Annex I to Directive 96/82/EC lists the dangerous substances falling within its scope, inter alia by reference to certain provisions of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>6</sup> as well as Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations<sup>7</sup>. Those Directives have been replaced by Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures<sup>8</sup>, which implements within the Union the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) that has been adopted at the international level, within the structure of the United Nations. That Regulation introduces new hazard classes and categories only partially corresponding to those used under the previous arrangements. Annex I to Directive 96/82/EC therefore needs to be amended to align it to that Regulation

*Amendment*

(9) Annex I to Directive 96/82/EC lists the dangerous substances falling within its scope, inter alia by reference to certain provisions of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>6</sup> as well as Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations<sup>7</sup>. Those Directives have been replaced by Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures<sup>8</sup>, which implements within the Union the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) that has been adopted at the international level, within the structure of the United Nations. That Regulation introduces new hazard classes and categories only partially corresponding to those used under the previous arrangements. ***At the same time, it lacks certain important hazard classes, as they are not part of the Globally***

*while maintaining* the existing *levels* of protection of that Directive.

***Harmonised System of Classification and Labelling of Chemicals.*** Annex I to Directive 96/82/EC therefore needs to be amended to align it to that Regulation ***and to address gaps in that Regulation to maintain and further increase*** the existing *level* of protection of that Directive.

Or. en

#### *Justification*

*Substances that are persistent, bioaccumulative and toxic, as well as substances that are very persistent and very bioaccumulative are not addressed by the CLP Regulation, yet they can create lasting problems in case of an accident and should thus be included in the scope of this Directive.*

### **Amendment 57**

**Åsa Westlund**

#### **Proposal for a directive**

##### **Recital 9**

###### *Text proposed by the Commission*

(9) Annex I to Directive 96/82/EC lists the dangerous substances falling within its scope, inter alia by reference to certain provisions of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances as well as Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations. Those Directives have been replaced by Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, which

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implements within the Union the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) that has been adopted at the international level, within the structure of the United Nations. That Regulation introduces new hazard classes and categories only partially corresponding to those used under the previous arrangements. Annex I to Directive 96/82/EC therefore needs to be amended to align it to that Regulation while maintaining the existing levels of protection of that Directive.

implements within the Union the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) that has been adopted at the international level, within the structure of the United Nations. That Regulation introduces new hazard classes and categories only partially corresponding to those used under the previous arrangements. ***Certain hazard categories would however not be classified under that system due to absence of criteria within that framework.*** Annex I to Directive 96/82/EC therefore needs to be amended to align it to that Regulation while maintaining the existing levels, ***or further increase the level,*** of protection of that Directive.

Or. en

## **Amendment 58** **Richard Seeber**

### **Proposal for a directive** **Recital 10**

#### *Text proposed by the Commission*

(10) Flexibility is needed in order to be able to amend Annex I to deal with any unwanted effects from the alignment to Regulation (EC) No 1272/2008 and subsequent adaptations to that Regulation having an impact on the classification of dangerous substances. On the basis of harmonised criteria to be developed, derogations could be granted where notwithstanding their hazard classification, substances do not present a major accident hazard. There should also be a corresponding correction mechanism to deal with substances that need to be included within the scope of this Directive because of their major accident hazard potential.

#### *Amendment*

(10) Flexibility is needed in order to be able to amend Annex I to deal with any unwanted effects from the alignment to Regulation (EC) No 1272/2008 and subsequent adaptations to that Regulation having an impact on the classification of dangerous substances. On the basis of harmonised criteria to be developed, derogations could be granted where notwithstanding their hazard classification, substances do not present a major accident hazard. ***The assessment of possible derogations should start swiftly, in particular after the change of classification of a dangerous substance, to avoid unnecessary burdens for operators and competent authorities.*** There should also be a corresponding correction



mechanism to deal with substances that need to be included within the scope of this Directive because of their major accident hazard potential.

Or. en

#### *Justification*

*The mechanism of Article 4 is positive. However, in the event of a change of classification of a dangerous substance, the assessment of this derogation from the scope of the Directive should start quickly. This avoids unnecessary regulatory and administrative burdens.*

### **Amendment 59**

**Carl Schlyter, Michèle Rivasi**

#### **Proposal for a directive**

##### **Recital 10**

#### *Text proposed by the Commission*

(10) Flexibility is needed in order to be able to amend Annex I to deal with any unwanted effects from the alignment to Regulation (EC) No 1272/2008 and subsequent adaptations to that Regulation having an impact on the classification of dangerous substances. On the basis of harmonised criteria *to be developed*, derogations could be granted where notwithstanding their hazard classification, substances do not present a major accident hazard. There should also be a corresponding correction mechanism to deal with substances that need to be included within the scope of this Directive because of their major accident hazard potential.

#### *Amendment*

(10) Flexibility is needed in order to be able to amend Annex I to deal with any unwanted effects from the alignment to Regulation (EC) No 1272/2008 and subsequent adaptations to that Regulation having an impact on the classification of dangerous substances. On the basis of harmonised criteria, derogations could be granted where notwithstanding their hazard classification, substances do not present a major accident hazard. There should also be a corresponding correction mechanism to deal with substances that need to be included within the scope of this Directive because of their major accident hazard potential.

Or. en

*(Amendment of the recital corresponding to amendments 10 and 48 of the rapporteur.)*

#### *Justification*

*Criteria for derogations should be adopted by the legislator. Such criteria are proposed in*

*amendment 48 by the rapporteur. A reference to their future development is thus obsolete.*

## **Amendment 60**

**Carl Schlyter, Michèle Rivasi**

### **Proposal for a directive**

#### **Recital 15**

##### *Text proposed by the Commission*

(15) In order to provide greater protection for residential areas, areas of substantial public use and the environment, including areas of particular natural interest or sensitivity, it is necessary for land-use or other relevant policies applied in the Member States to ***take account of the need, in the long term, to keep a suitable*** distance between such areas and establishments presenting such hazards and, where existing establishments are concerned, to ***take account of*** additional technical measures so that the risk to persons is ***not increased***. Sufficient information about the risks and technical advice on these risks should be taken into account when decisions are taken. Where possible, to reduce administrative burdens, procedures should be integrated with those under other Union legislation.

##### *Amendment*

(15) In order to provide greater protection for residential areas, areas of substantial public use and the environment, including areas of particular natural interest or sensitivity, it is necessary for land-use or other relevant policies applied in the Member States to ***ensure that an adequate*** distance between such areas and establishments presenting such hazards ***is maintained*** and, where existing establishments are concerned, to ***implement*** additional technical measures so that the risk to persons is ***decreased to an acceptable level***. Sufficient information about the risks and technical advice on these risks should be taken into account when decisions are taken. Where possible, to reduce administrative burdens, procedures should be integrated with those under other Union legislation.

Or. en

##### *Justification*

*Land-use planning as well as technical measures for existing installations need to be fully implemented to decrease the risk to an acceptable level.*

## **Amendment 61**

**Åsa Westlund**

### **Proposal for a directive**

#### **Recital 15**

*Text proposed by the Commission*

(15) In order to provide greater protection for residential areas, areas of substantial public use and the environment, including areas of particular natural interest or sensitivity, it is necessary for land-use or other relevant policies applied in the Member States to take account of the need, in the long term, to keep a suitable distance between such areas and establishments presenting such hazards and, where existing establishments are concerned, to take account of additional technical measures so that the risk to persons is not increased. Sufficient information about the risks and technical advice on these risks should be taken into account when decisions are taken. Where possible, to reduce administrative burdens, procedures should be integrated with those under other Union legislation.

*Amendment*

(15) In order to provide greater protection for residential areas, areas of substantial public use and the environment, including areas of particular natural interest or sensitivity, it is necessary for land-use or other relevant policies applied in the Member States to take account of the need, in the long term, to keep a suitable distance between such areas and establishments presenting such hazards and, where existing establishments are concerned, to take account of additional technical measures so that the risk to persons **or the environment** is not increased. Sufficient information about the risks and technical advice on these risks should be taken into account when decisions are taken. Where possible, to reduce administrative burdens, procedures should be integrated with those under other Union legislation.

Or. en

**Amendment 62**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage**

**Proposal for a directive**

**Recital 16**

*Text proposed by the Commission*

(16) In order to promote access to information on the environment, in accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, which was approved on behalf of the Union by Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and

*Amendment*

(16) In order to promote access to information on the environment, in accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, which was approved on behalf of the Union by Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and

access to justice in environmental matters , the level and quality of information to the public should be improved. In particular, persons likely to be affected by a major accident should be given sufficient information to inform them of the correct action to be taken in that event. In addition to providing information in an active way, without the public having to submit a request, and without precluding other forms of dissemination, it should also be made available permanently and kept up to date on the internet. At the same time there should be appropriate confidentiality safeguards, to address security-related concerns, among others.

access to justice in environmental matters , the level and quality of information to the public should be improved. In particular, persons likely to be affected by a major accident should be given sufficient information to inform them of the correct action to be taken in that event. In addition to providing information in an active way, without the public having to submit a request, and without precluding other forms of dissemination, it should also be made available permanently and kept up to date on the internet. ***In order to achieve greater transparency, more detailed and comprehensive information, including in the form of documents, should be made available upon request.*** At the same time there should be appropriate confidentiality safeguards to address security-related concerns, among others, ***to be provided on a case-by-case basis, in line with the restrictive criteria and conditions set out under the Aarhus Convention.***

Or. en

#### *Justification*

*While respecting confidentiality safeguards, access to additional information or documents upon request from any natural/legal person would enhance transparency and public confidence in the safety of industrial installations. The handling of confidentiality requests should be subject to the Aarhus Convention in order to make sure that the amended Directive is fully aligned with the Convention which is ratified by the EU and all 27 Member States.*

### **Amendment 63**

**Åsa Westlund**

#### **Proposal for a directive**

#### **Recital 16**

##### *Text proposed by the Commission*

(16) In order to promote access to information on the environment, in accordance with the Aarhus Convention on access to information, public participation

##### *Amendment*

(16) In order to promote access to information on the environment, in accordance with the Aarhus Convention on access to information, public participation

in decision-making and access to justice in environmental matters, which was approved on behalf of the Union by Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, the level and quality of information to the public should be improved. In particular, persons likely to be affected by a major accident should be given sufficient information to inform them of the correct action to be taken in that event. In addition to providing information in an active way, without the public having to submit a request, and without precluding other forms of dissemination, it should also be made available permanently and kept up to date on the internet. At the same time there should be appropriate confidentiality safeguards, *to address security-related concerns, among others.*

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Or. en

#### **Amendment 64**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

#### **Proposal for a directive**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) In line with the Aarhus Convention, effective public *participation in* decision-making is necessary to enable the public to express, and the decision-maker to take account of, opinions and concerns that may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and

##### *Amendment*

(18) In line with the Aarhus Convention, effective *consultation of the members of the public affected by* decision-making is necessary to enable the public to express, and the decision-maker to take account of, opinions and concerns that may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental

support for the decisions taken. Members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment that is adequate for personal health and well-being.

issues and support for the decisions taken. ***Under no circumstances must such consultations result in delays or unwarranted complications in the process of making and implementing decisions.*** Members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment that is adequate for personal health and well-being.

Or. it

**Amendment 65**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20a) In order to provide for incentives to prevent major accidents which involve dangerous substances and to cover the costs for competent authorities arising from the implementation of this Directive, Member States should set up a fund. The fund should be financed by the operators and be proportionate to the quantities of dangerous substances present at the establishment.***

Or. en

*Justification*

*A fund is proposed to a) stimulate operators to invest in measures aimed at the prevention of major accidents involving dangerous substances, and b) cover costs relating to the implementation of this Directive by competent authorities.*

**Amendment 66**  
**Gaston Franco, Amalia Sartori, Françoise Grossetête, Sophie Auconie, Julie Girling**

**Proposal for a directive  
Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22 a) There needs to be a systematic evaluation of the need to adapt the annex to this Directive listing dangerous substances, following the adaptations to the technical progress of Regulation (EC) No 1272/2008. This would enable a functional link to be ensured between the Regulation and this Directive and would also provide for increased protection of human health and the environment.***

Or. fr

**Amendment 67  
Cristian Silviu Buşoi**

**Proposal for a directive  
Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22 a) There needs to be a systematic evaluation of the need to adapt the annex to this Directive listing dangerous substances, following the adaptations to the technical progress of Regulation (EC) No 1272/2008. This would enable a functional link to be ensured between the Regulation and this Directive and would also provide for increased protection of human health and the environment.***

Or. fr

*Justification*

*Adaptation of the scope of the Seveso Directive to Regulation (EC) No 1272/2008 (CLP) needs to be a continuous process, as the nature of the CLP suggests.*

**Amendment 68  
Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) *The Commission should be empowered* to adopt *delegated* acts in accordance with Article 290 of the Treaty in respect of *the adoption of criteria for derogations and* amendments to the Annexes of this Directive.

*Amendment*

(23) *In order to adapt this Directive to technical and scientific progress, the power* to adopt acts in accordance with Article 290 of the Treaty *on the Functioning of the European Union should be delegated to the Commission* in respect of amendments to *part 3 of Annex I, and the Annexes II, III, IV and VI* of this Directive. *It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.*

Or. en

*Justification*

*Annex V sets out the items of information to the public. This is an essential element and should be decided by the legislator, and not thus not be modifiable by a delegated act.*

**Amendment 69**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

*(a) military establishments, installations or storage facilities;*

*Amendment*

*deleted*

Or. en



*Justification*

*According to the risk assessment there is no reason to exclude military establishments while safeguarding confidentiality regarding security issues linked to each Member State defence policy and limiting information to the public could be included and subjected to the provisions of art. 21.*

**Amendment 70**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) military establishments, installations or storage facilities;

*Amendment*

(a) military establishments, installations or storage facilities ***unless they are owned and directly managed by the competent military authorities of the Member States;***

Or. en

*Justification*

*Only military establishments not subjected to the direct authority of the respective Member States, as under international agreements and obligations jurisdiction, could be excluded from the provisions of this directive.*

**Amendment 71**  
**Anna Rosbach**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) military establishments, installations or storage facilities;

*Amendment*

(a) military establishments, installations or storage facilities ***used solely for military purposes;***

Or. da

**Amendment 72**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the transport of dangerous substances **and intermediate temporary storage** by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, **including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;**

*Amendment*

(c) the transport of dangerous substances by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive;

Or. en

*Justification*

*Most part of the accidents occurred when loading and unloading hazardous substances from intermediate or temporary storage sites to transport modes due to the lack of rules on safety issues when preparing or ending the specific tasks related to their transport.*

**Amendment 73**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the transport of dangerous substances and intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

*Amendment*

(c) the transport of dangerous substances and intermediate temporary storage, **unless occurring on a regular basis or for periods exceeding 24 hours on working days or 72 hours when including a weekend**, by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

Or. en

### *Justification*

*"Intermediate temporary storage areas" may constitute the same risks as permanent storage facilities, when storage happens regularly or at longer intervals. These risks are not adequately addressed by transportation legislation. If dangerous substances are stored in an area on a regular basis or for longer periods, such storage facilities should not be exempted from this directive, otherwise there would be an important loophole.*

#### **Amendment 74** **Åsa Westlund**

##### **Proposal for a directive** **Article 2 – paragraph 2 – point c**

###### *Text proposed by the Commission*

(c) the transport of dangerous substances and intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

###### *Amendment*

(c) the transport of dangerous substances and intermediate temporary storage ***not exceeding 48 hours*** by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

Or. en

#### **Amendment 75** **Anna Rosbach**

##### **Proposal for a directive** **Article 2 – paragraph 2 – point c**

###### *Text proposed by the Commission*

(c) the transport of dangerous substances and intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

###### *Amendment*

(c) the transport of dangerous substances and intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards; ***areas used for such storage purposes shall not be exempted from this***

*Directive if hazardous substances are stored in the area on a regular basis or for long consecutive periods;*

Or. da

**Amendment 76**  
**Åsa Westlund**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;*      *deleted*

Or. en

**Amendment 77**  
**Anna Rosbach**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;*      *deleted*

Or. da

**Amendment 78**  
**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive, ***where the annual throughput of dangerous substances is below the quantities listed in Parts 1 and 2 of Annex I;***

Or. en

*Justification*

*In order to provide for harmonised levels of safety and environmental and public health protection, establishments with the same hazard potential should be treated equally. This particularly applies to pipelines transporting dangerous substances referred to in Annex I, which are subject to the Seveso III requirements.*

**Amendment 79**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive, ***where the annual throughput of dangerous substances is below the quantities listed in Parts 1 or 2 of Annex I;***

Or. en

*Justification*

*A number of severe accidents have happened with pipelines in the past. Unless pipelines are included in the scope of this Directive, there is no legislation in place to prevent these types of accidents. According to a response by former Commissioner Piebalgs to a Parliamentary question in 2005, both the Council and Parliament have expressed the view that pipelines should be included within the scope of Community legislation dealing with major-accidents hazards.*

**Amendment 80**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;

*Amendment*

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive, ***of at least 800mm in diameter;***

Or. en

*Justification*

*Serious and harmful accidents happened to pipelines justify their inclusion under the provisions of the proposed SEVESO III directive starting from those whose pipe diameter is the reference threshold as mentioned in Annexe I of directive 97/11 regarding the obligation of including a pipeline to comply with an Environmental Impact Assessment.*

**Amendment 81**  
**Corinne Lepage**

**Proposal for a directive**  
**Article 2 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the exploitation (exploration, extraction and processing) of minerals in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata and disused mines and of chemical and thermal processing operations and storage ***related to those operations*** which involve dangerous substances, as defined in Annex I;

*Amendment*

(e) the exploitation (exploration, extraction and processing) of minerals in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata and disused mines and of chemical and thermal processing operations and storage, ***including hydraulic fracturing***, which involve dangerous substances, as defined in Annex I, ***irrespective of whether or not the thresholds have been exceeded;***

Or. en

*Justification*

*Hydraulic fracturing is a high risk extraction method and must be specifically mentioned.*

**Amendment 82**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 2 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the exploitation (exploration, extraction and processing) of minerals in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata and disused mines and of chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as defined in Annex I;

*Amendment*

(e) the exploitation (exploration, extraction and processing) of minerals, **including hydrocarbons**, in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata and disused mines and of chemical and thermal processing operations, **including hydraulic fracturing of hydrocarbons**, and storage related to those operations which involve dangerous substances, as defined in Annex I;

Or. en

*Justification*

*Hydraulic fracturing, a high risk extraction method for shale gas or shale oil, should be included in the scope of the Directive.*

**Amendment 83**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**

**Article 2 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the exploitation (exploration, extraction and processing) of minerals in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata and disused mines and of chemical and thermal processing

*Amendment*

(e) the exploitation (exploration, extraction and processing) of minerals in mines, quarries, or by means of boreholes, with the exception of underground gas storage in natural strata, **salt cavities** and disused mines and of chemical and thermal

operations and storage related to those operations which involve dangerous substances, as defined in Annex I;

processing operations and storage related to those operations which involve dangerous substances, as defined in Annex I;

Or. it

*Justification*

*The Commission proposal covers only storage in natural strata and disused mines, leaving out storage in salt cavities, This gives rise to a competitive imbalance between the types of storage that are covered and those that are exempted, which is particularly detrimental to Member States which do not have any salt cavities.*

**Amendment 84**

**Åsa Westlund**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. en

**Amendment 85**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. en



*Justification*

*The recent explosion of the “Deepwater Horizon” demonstrates the need for more stringent and rigorous EU-wide rules to prevent major accidents from offshore activities. It is therefore suggested to include these activities within the scope of Seveso III.*

**Amendment 86**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. en

*Justification*

*Catastrophic accidents such as the recent “Deepwater Horizon” highlight the need for EU-wide rules to prevent such accidents. In its resolution of 7 October 2010 on EU action on oil exploration and extraction in Europe, the Parliament called on the Commission to include oil rigs into the scope of the Seveso Directive. The ongoing revision of the Seveso Directive needs to be seized to do so*

**Amendment 87**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. en

*Justification*

*Off shore oil and gas platforms and exploration sites have to be included under the provisions*

*of this directive, taking into account both the recent occurred accidents and that there are no adequate safety and protection rules comparable to the same applied standard level as in the provisions foreseen in the Seveso directive.*

**Amendment 88**

**Pavel Poc**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. en

**Amendment 89**

**Anna Rosbach**

**Proposal for a directive**

**Article 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***f) the offshore exploration and exploitation of minerals, including hydrocarbons;***

***deleted***

Or. da

**Amendment 90**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

2. ‘lower-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in

2. ‘lower-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in

excess of the quantities listed in column 2 of Part 1 of Annex I **and** column 2 of Part 2 of Annex I, , but less than the quantities listed in column 3 of Part 1 of Annex I, and column 3 of Part 2 of Annex I;

excess of the quantities listed in column 2 of Part 1 of Annex I **or** column 2 of Part 2 of Annex I, **where relevant**, but less than the quantities listed in column 3 of Part 1 of Annex I, and column 3 of Part 2 of Annex I;

Or. en

#### *Justification*

*For many substances, there is only an entry in Part 1 of Annex I, not in Part 2, so it has to be clarified that these two Annexes do not apply in a cumulative manner.*

### **Amendment 91**

**Carl Schlyter, Michèle Rivasi**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 3**

##### *Text proposed by the Commission*

3. ‘upper-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in column 3 of Part 1 of Annex I, **and** column 3 of Part 2 of Annex I;

##### *Amendment*

3. ‘upper-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in column 3 of Part 1 of Annex I **or** column 3 of Part 2 of Annex I, **where relevant**;

Or. en

#### *Justification*

*For many substances, there is only an entry in Part 1 of Annex I, not in Part 2, so it has to be clarified that these two Annexes do not apply in a cumulative manner.*

### **Amendment 92**

**Anna Rosbach**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. 'neighbouring establishment' or 'neighbouring site' means an establishment or site that is operating within the impact zone of an establishment;**

Or. en

### **Amendment 93**

**Gaston Franco, Sophie Auconie**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. 'new establishment' means an establishment that ***is newly constructed or*** has yet to enter into operation;

4. 'new establishment' means an establishment that has yet to enter into operation ;

Or. fr

#### *Justification*

*The reference to 'newly constructed' is very vague and might be interpreted in different ways.*

### **Amendment 94**

**Daciana Octavia Sârbu, Rovana Plumb**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. 'new establishment' means an establishment that ***is newly constructed or has yet to enter*** into operation;

4. 'new establishment' means an establishment that ***enters*** into operation ***after 31 May 2015;***

Or. en

**Amendment 95**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. ‘new establishment’ means an establishment that is newly constructed or *has yet to* enter into operation;

*Amendment*

4. ‘new establishment’ means an establishment that is newly constructed *after 1 June 2015* or *will* enter into operation *after 1 June 2017, or that due to modifications to its installations, activities or to its inventory of dangerous substances after 1 June 2015 falls within the scope of this Directive*;

Or. en

*Justification*

*Clear dates should be given to clarify the different meanings of a new establishment.*

**Amendment 96**  
**Elena Oana Antonescu**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. ‘new establishment’ means an establishment that is newly constructed or *has yet to enter* into operation;

*Amendment*

4. ‘new establishment’ means an establishment that is newly constructed or *enters* into operation *after 31 May 2015*;

Or. en

**Amendment 97**  
**Gaston Franco, Sophie Auconie**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. ‘installation’ means a technical unit within an establishment in which dangerous substances are produced, used, handled or stored, including underground, and includes all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation;

*Amendment*

7. ‘installation’ means a technical unit, within an establishment, in which dangerous substances are produced, used, handled or stored, including underground, and includes all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation;

Or. fr

*Justification*

*‘Explicit reference should be made to the installation and not the establishment. If the original wording was retained, all installations of a ‘Seveso’ establishment would be categorised as ‘Seveso’, which would not be in accordance with Community law as laid down in the Seveso II Directive. [The next part refers to the French and German language versions] The reference is therefore to the installation and not the establishment.*

**Amendment 98**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. ‘installation’ means a technical unit within an establishment in which dangerous substances are produced, used, handled or stored, including underground, and includes all the equipment, structures, pipework, machinery, tools, *private* railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation;

*Amendment*

7. ‘installation’ means a technical unit within an establishment in which dangerous substances are produced, used, handled or stored, including underground, and includes all the equipment, structures, pipework, machinery, tools, railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation;

Or. en

*Justification*

*The ownership should not be a criterion for the definition of an installation.*

**Amendment 99**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic power over **the technical functioning of** the establishment or installation has been delegated;

*Amendment*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic power over the establishment or installation has been delegated;

Or. en

*Justification*

*To avoid any loopholes, in case of delegation, the definition of an operator should not be limited to the entity that has decisive economic power over the technical functioning of the establishment.*

**Amendment 100**

**Oreste Rossi**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic power over the technical functioning of the establishment or installation has been delegated;

*Amendment*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic **and/or decision-making** power over the technical functioning of the establishment or installation has been delegated;

*Justification*

*Reference also needs to be made to decision-making power in order to cover all possible organisational set-ups.*

**Amendment 101**  
**Sergio Berlato**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic power over the technical functioning of the establishment or installation has been delegated;

*Amendment*

8. ‘operator’ means any natural or legal person who operates or controls an establishment or installation or, where this is provided for by national legislation, to whom decisive economic ***and/or decision-making*** power over the technical functioning of the establishment or installation has been delegated;

*Justification*

*The definition of 'operator' needs to include a reference to decision-making power in order to cover all possible organisational set-ups.*

**Amendment 102**  
**Elena Oana Antonescu**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. Member States shall ensure that the competent authority takes into account the domino effect when it elaborates external emergency plans;***



**Amendment 103**  
**Sabine Wils**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. ‘dangerous substance’ means a substance or mixture listed in Part 1 or Part 2 of Annex I and present as a raw material, product, by-product, residue or intermediate, including those substances which it is reasonable to suppose may be generated in the event of accident;

*Amendment*

9. ‘dangerous substance’ means a substance or mixture listed in Part 1 or Part 2 of Annex I and present as a raw material, product, by-product, residue or ***isolated and non-isolated*** intermediate, including those substances which it is reasonable to suppose may be generated in the event of accident;

Or. en

*Justification*

*In order to calculate the right quantities of each substance used inside a production plant their intermediate stages of use have to be taken into account irrespective if they are in an isolated or not isolated form according to the CLP Regulation.*

**Amendment 104**  
**Oreste Rossi**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. ‘dangerous substance’ means a substance or mixture listed in Part 1 or Part 2 of Annex 1 and present as a raw material, product, by-product, residue or intermediate, including those substances which it is reasonable to suppose may be generated in the event of accident;

*Amendment*

9. ‘dangerous substance’ means a substance or mixture listed in Part 1 or Part 2 of Annex 1 and present as a raw material, product, by-product, residue or intermediate, including those substances which it is reasonable to suppose may be generated in the event of accident ***in quantities equal to or in excess of the thresholds set out in Parts 1 and 2 of Annex I;***

*Justification*

*The intention is to avoid any ambiguity and to ensure consistency with the definition of 'presence of dangerous substances' (Article 3(1)).*

**Amendment 105**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive****Article 3 – paragraph 1 – point 11***Text proposed by the Commission*

11. 'presence of dangerous substances' means the actual or anticipated presence of dangerous substances in the establishment, or the presence of dangerous substances which it is believed may be generated during loss of control of ***an industrial chemical process***, in quantities equal to or in excess of the thresholds set out in Parts 1 and 2 of Annex I.

*Amendment*

11. 'presence of dangerous substances' means the actual or anticipated presence of dangerous substances in the establishment, or the presence of dangerous substances which it is believed may be generated during loss of control of ***any installation within the establishment***, in quantities equal to or in excess of the thresholds set out in Parts 1 and 2 of Annex I.

*Justification*

*The definition proposed is inadequate as emissions of dangerous substances caused by an accident such as from warehouse fires are currently disregarded, although the effect could be similar to that of a loss of control of an industrial chemical process. The definition for the "presence of a dangerous substance" should thus include reference to generation of such substances due to loss of control by any installation of the establishment.*

**Amendment 106**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive****Article 3 – paragraph 1 – point 11***Text proposed by the Commission*

11. 'presence of dangerous substances' means the actual or anticipated presence of

*Amendment*

11. 'presence of dangerous substances' means the actual or anticipated presence of

dangerous substances in the establishment, or the presence of dangerous substances which it is believed may be generated during loss of control of an industrial chemical process, in quantities equal to or in excess of the thresholds set out in Parts 1 and 2 of Annex I.

dangerous substances in the establishment, or the presence of dangerous substances which it is believed may be generated during loss of control of an industrial chemical process, **or during another severe incident within a storage facility or installation** in quantities equal to or in excess of the thresholds set out in Parts 1 and 2 of Annex I.

Or. en

#### *Justification*

*The damages caused by an accident such as warehouse fires could be equivalent to those caused by loss of control of an industrial chemical process. As the Directive lays down rules for the prevention of major accidents involving dangerous substances, it is irrelevant if the substance is generated through loss of control of an industrial chemical process or fire or any other cause.*

#### **Amendment 107**

**Andres Perello Rodriguez**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 17**

##### *Text proposed by the Commission*

17. ‘the public concerned’ means the public affected or likely to be affected, or **having an** interest in the taking a decision on any of the matters covered by Article 14(1), including non-governmental organizations promoting environmental protection and meeting any applicable requirements under national law ;

##### *Amendment*

17. ‘the public concerned’ means the public affected or likely to be affected **in terms of safety, health** or **having a legitimate** interest in the taking a decision on any of the matters covered by Article 14(1), including non-governmental organizations promoting environmental protection and meeting any applicable requirements under national law ;

Or. en

#### *Justification*

*The public concerned should be specified to avoid that any possible motive could be used to justify making the public "concerned".*

**Amendment 108**  
**Elena Oana Antonescu**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***18a. “appropriate safety distance” means the minimum distance at which no possible negative effects can be registered on human health or the environment in the event of a major accident;***

Or. en

**Amendment 109**  
**Daciana Octavia Sârbu, Rovana Plumb**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***18a. 'appropriate safety distance' means the minimum distance at which no possible negative effects could be registered on human health or the environment in the event of a major accident;***

Or. en

**Amendment 110**  
**Elena Oana Antonescu**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 18 b (new)**

*Text proposed by the Commission*

*Amendment*

***18b. “domino effect” the possibility of occurrence of a major accident in an establishment, caused by an accident produced in the proximity of that***

*establishment, either in another establishment or in a site that falls outside the scope of this Directive;*

Or. en

**Amendment 111**

**Daciana Octavia Sârbu, Rovana Plumb**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 18 b (new)**

*Text proposed by the Commission*

*Amendment*

***18b. 'domino effect' means the occurrence of a major accident in an establishment, caused by an accident in the proximity of that establishment. This could include accidents in establishments as defined in this Directive or on sites that fall outside the scope of this Directive.***

Or. en

**Amendment 112**

**Sabine Wils**

**Proposal for a directive**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Where it is demonstrated, on the basis of the criteria referred to in paragraph 4 of this Article, that particular substances covered by Parts 1 or 2 of Annex I are incapable of creating a major accident hazard, in particular due to their physical form, properties, classification, concentration or generic packaging, the Commission may list those substances in Part 3 of Annex I by delegated acts in accordance with Article 24.***

***deleted***

*Justification*

*Foreseeing the exclusion of dangerous substances with a clear listing of criteria within this directive could imply a high risk of possible decision of derogation backed by factors other than those physical-chemical and environmental ones.*

**Amendment 113**

Åsa Westlund

**Proposal for a directive  
Article 4 – paragraph 1***Text proposed by the Commission*

1. Where it is demonstrated, on the basis of the criteria *referred to* in *paragraph 4 of this Article*, that particular substances covered by Parts 1 or 2 of Annex I are incapable of creating a major accident hazard, in particular due to their physical form, properties, classification, concentration or generic packaging, the Commission may list those substances in Part 3 of Annex I *by delegated acts in accordance with Article 24*.

*Amendment*

1. Where it is demonstrated, on the basis of the criteria *set out* in *Annex VII to this Directive*, that particular substances *or mixtures* covered by Parts 1 or 2 of Annex I are *under specific conditions* incapable of creating a major accident hazard, in particular due to their physical form, properties, classification, concentration or generic packaging, *and should thus benefit from a derogation*, the Commission may *adopt delegated acts in accordance with Article 17 and 24 in order to* list those substances *and mixtures together with the applicable conditions*, in Part 3 of Annex I.

Or. en

**Amendment 114**

Corinne Lepage

**Proposal for a directive  
Article 4 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

*Where a Member State considers that a dangerous substance listed in Parts 1 or 2 of Annex I does not present a major*

*Amendment**deleted*

*accident hazard and may qualify for inclusion in Part 3 of Annex I in accordance with paragraph 1 of this Article, it shall notify the Commission.*

Or. en

**Amendment 115**  
**Corinne Lepage**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*The Commission shall inform the forum referred to in Article 17(2) of such notifications.*                      *deleted*

Or. en

**Amendment 116**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Commission shall **inform** the forum referred to in Article 17(2) of **such** notifications.

The Commission shall **consult** the forum referred to in Article 17(2) **prior to listing substances in Part 3 of Annex I and about notifications made pursuant to the first subparagraph of this paragraph.**

Or. en

*(Linked to the amendment to Article 17(2) that seeks to include stakeholders into the forum)*

*Justification*

*The Commission should consult stakeholders on these decisions.*

**Amendment 117**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. Where it is demonstrated to the satisfaction of a competent authority, on the basis of the criteria referred to in paragraph 4 of this Article, that particular substances present at an individual establishment or any part thereof and listed in Parts 1 or 2 of Annex I are incapable of creating a major accident hazard, due to the specific conditions pertaining in the establishment such as the nature of the packaging and containment of the substance or the location and quantities involved, the Member State of the competent authority may decide not to apply the requirements set out in Articles 7 to 19 of this Directive to the establishment concerned.***

*deleted*

***In the cases referred to in the first subparagraph the Member State concerned shall provide to the Commission a list of the establishments concerned, including the inventory of dangerous substances concerned. The Member State concerned shall give reasons for the exclusion.***

***The Commission shall forward annually the lists referred to in the second subparagraph of this paragraph to the forum referred to in Article 17(2) for information.***

Or. en

*Justification*

*National derogations would lead to an uneven application of the Directive in different Member States. The possibility of such derogations would make competent authorities unnecessarily vulnerable to the interests of big companies. For the sake of a harmonised application, the possibility of national derogations should be rejected.*



**Amendment 118**

**Patrice Tirolien, Gilles Pargneaux**

**Proposal for a directive**

**Article 4 – paragraph 3 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Whenever a Member State considers that mentioning a dangerous substance which appears in part 2 of Annex I might affect the supply of electricity to an outermost region or the region's economic activity, and that the substance might be included in part 3 of the Annex, in accordance with paragraph 1 of Article 4, the Member State shall notify the Commission of this. The Commission shall inform the forum referred to in Article 17(2) of such notifications.***

Or. fr

**Amendment 119**

**Sabine Wils**

**Proposal for a directive**

**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. By 30 June 2013, the Commission shall adopt delegated acts in accordance with Article 24, to establish criteria to be used for the purposes of paragraphs 1 and 3 of this Article respectively, and to amend Annex VII accordingly.***

***deleted***

Or. en

*Justification*

*Criteria of exclusion should be listed within this directive, not subjected to the delegated acts procedure. If new criteria are to be set up a codecision procedure should apply.*

**Amendment 120**  
**Cristian Silviu Buşoi**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. By 30 June 2013, the Commission shall adopt delegated acts in accordance with Article 24, to establish criteria to be used for the purposes of paragraphs 1 and 3 of this Article respectively, and to amend Annex VII accordingly.** **deleted**

Or. fr

*Justification*

*In order to deal with the undesirable effects of alignment with Regulation (EC) No 1272/2008 (CLP) and the failure to take account of recent adaptations of the Regulation in the Seveso Directive proposal, the criteria should be determined prior to the adoption of the Directive in order to ensure immediate flexibility.*

**Amendment 121**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 4 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where a Member State considers that a dangerous substance not listed in Parts 1 or 2 of Annex I, presents a major-accident hazard, it may take appropriate measures and shall notify the Commission.

Where a Member State considers that a dangerous substance not listed in Parts 1 or 2 of Annex I, presents a major-accident hazard, **or that a threshold is too high**, it may take appropriate measures and shall notify the Commission.

Or. en

*Justification*

*Member States should also be allowed to take action when they consider a threshold to be too high.*

## Amendment 122

Carl Schlyter, Michèle Rivasi

### Proposal for a directive

#### Article 4 – paragraph 5 – subparagraph 2

##### *Text proposed by the Commission*

The Commission shall **inform** the forum referred to in Article 17(2) of notifications made pursuant to the first subparagraph of this paragraph.

##### *Amendment*

The Commission shall **consult** the forum referred to in Article 17(2) of notifications made pursuant to the first subparagraph of this paragraph.

Or. en

##### *Justification*

*The Commission should consult stakeholders on these decisions.*

## Amendment 123

Carl Schlyter, Michèle Rivasi

### Proposal for a directive

#### Article 4 – paragraph 5 – subparagraph 3 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***Where appropriate, the Commission may adopt delegated acts in accordance with Article 24 in order to lower the threshold of the substances referred to in the first subparagraph of this paragraph in Part 1 or Part 2 of Annex I.***

Or. en

##### *Justification*

*While the listing of new substances should be done by the ordinary legislative procedure as suggested by the rapporteur in his amendment 11, the change of the threshold following a national notification could be done by a delegated act.*

**Amendment 124**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that the operator is obliged to take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment.

*Amendment*

1. Member States shall ensure that the operator is obliged to take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment. ***This shall include the obligation to perform independent safety studies at least every two years.***

Or. en

*Justification*

*Independent studies would be an important means to ensure that the operators take all necessary measures. Performing such studies at least every two years can make an important contribution to identify shortcomings in relation to safety and to remedy them.*

**Amendment 125**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that the establishment operates according to best available techniques, in particular in relation to safety aspects, pursuant to Directive 2010/75/EU of the European Parliament and of the Council of 14 November 2010 on industrial emissions (integrated pollution prevention and control)<sup>1</sup>, without any derogations.***

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<sup>1</sup> OJ L 334, 17.12.2010, p. 17.

Or. en

*Justification*

*Seveso sites should comply with best available techniques without any exceptions.*

**Amendment 126**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**

**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, including details of neighbouring establishments, whether or not those are covered by this Directive, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects.***

***deleted***

Or. it

*Justification*

*The operator is not legally entitled to gain access to this information. This is a task that should be performed by the competent authorities. In this connection, Article 8(2)(b) lays down the requirement to inform ‘neighbouring establishments that fall outside the scope of this Directive’; for this to be feasible, it should be restricted to establishments covered by the directive.*

**Amendment 127**

**Holger Krahmer**

**Proposal for a directive**

**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, **including details of*****

***(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof.***

***neighbouring establishments, whether or not those are covered by this Directive, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects.***

Or. en

*Justification*

*The operator has no legal possibility of obtaining such information. This task needs to be performed by the authorities.*

**Amendment 128**  
**Sergio Berlato**

**Proposal for a directive**  
**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, ***including details of neighbouring establishments, whether or not those are covered by this Directive***, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects.

*Amendment*

(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, as well as of other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects.

Or. it

*Justification*

*The Commission proposal requires the operator, as part of its notification obligations under Article 6, to provide details of neighbouring establishments. However, operators do not have the authority to request and obtain such details, which, among other things, may be considered confidential or of a sensitive industrial or commercial nature. The competent authority should therefore be responsible for obtaining and making available details of neighbouring establishments.*

**Amendment 129**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, including details of neighbouring establishments, ***whether or not those are covered by this Directive***, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects.

*Amendment*

(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, including details of neighbouring establishments, ***where available to the operator***, as well as other sites, areas and developments that could ***be the source of, or*** increase, the risk or consequences of a major accident and of domino effects.

Or. en

*Justification*

*Non-Seveso establishments may not only increase the risk or consequences of a major accident, they may also be the source thereof.*

**Amendment 130**  
**Anna Rosbach**

**Proposal for a directive**  
**Article 6 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) for existing establishments, ***one year*** from the date laid down in the second subparagraph of Article 28(1),

*Amendment*

(b) for existing establishments, ***three months*** from the date laid down in the second subparagraph of Article 28(1),

Or. en

**Amendment 131**  
**Anna Rosbach**

**Proposal for a directive**  
**Article 6 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) for subsequent establishments, **one year** from the date on which this Directive applies to the establishment concerned.

(c) for subsequent establishments, **three months** from the date on which this Directive applies to the establishment concerned.

Or. en

**Amendment 132**  
**Oreste Rossi**

**Proposal for a directive**  
**Article 6 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) any significant increase in the quantity or significant change in the nature or physical form of the dangerous substance present, as indicated in the notification provided by the operator pursuant to paragraph 1, or any change in the processes employing it,

(a) any significant increase in the quantity or significant change in the nature or physical form of the dangerous substance present **which could have significant repercussions on major accident hazards**, as indicated in the notification provided by the operator pursuant to paragraph 1, or any change in the processes employing it,

Or. it

*Justification*

*With a view to clarifying the scope of ‘significant increase’ and ‘significant change’, the wording needs to be brought into line with point (b) of the paragraph.*

**Amendment 133**  
**Paolo Bartolozzi**

**Proposal for a directive**  
**Article 6 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) any significant increase in the quantity or significant change in the nature or physical form of the dangerous substance

(a) any significant increase in the quantity or significant change in the nature or physical form of the dangerous substance



present, as indicated in the notification provided by the operator pursuant to paragraph 1, or any change in the processes employing it,

present ***which could have significant repercussions on major accident hazards***, as indicated in the notification provided by the operator pursuant to paragraph 1, or any change in the processes employing it,

Or. it

**Amendment 134**  
**Oreste Rossi**

**Proposal for a directive**  
**Article 6 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. Without prejudice to paragraph 4, the operator shall periodically review and where necessary update the notification, at least every five years. The operator shall send the updated notification to the competent authority without delay.***

***deleted***

Or. it

*Justification*

*The requirement for lower- and upper-tier establishments to review and update the notification to the competent authority every five years would cause additional red tape without offering any additional safety benefits. The requirement for upper-tier establishments is set out in Article 9(5).*

**Amendment 135**  
**Holger Krahmer**

**Proposal for a directive**  
**Article 6 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. Without prejudice to paragraph 4, the operator shall periodically review and where necessary update the notification, at least every five years. The operator shall send the updated notification to the***

***deleted***

*competent authority without delay.*

Or. en

*Justification*

*The requirement for lower- and upper-tier establishments to review and update the notification to the competent authority in five-year intervals means extra bureaucracy without proportionate gain in terms of safety. For upper-tier establishments, this requirement is already covered by Article 9 para 5.*

**Amendment 136**  
**Elisabetta Gardini, Sergio Berlato**

**Proposal for a directive**  
**Article 6 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 4, the operator shall periodically review and **where** necessary update the notification, **at least every five years**. The operator shall send the updated notification to the competent authority without delay.

*Amendment*

5. Without prejudice to paragraph 4, the operator shall periodically review and **wherever** necessary update the notification. The operator shall send the updated notification to the competent authority without delay.

Or. it

*Justification*

*The requirement for lower- and upper-tier establishments to review and update the notification to the competent authority every five years would cause additional red tape without offering any additional safety benefits.*

**Amendment 137**  
**Holger Krahmer**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy

*Amendment*

1. Member States shall require the operator **of lower-tier establishments** to draw up a document setting out the major-accident

(hereinafter: ‘MAPP’) and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management and shall address safety culture with respect to the control of major-accident hazards.

prevention policy (hereinafter: ‘MAPP’) and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management and shall address safety culture with respect to the control of major-accident hazards.

Or. en

### *Justification*

*As upper-tier establishments invariably need to have a safety management system which obviously includes the policy under Article 7, the requirements described here should be reduced to lower-tier establishments.*

## **Amendment 138** **Carl Schlyter, Michèle Rivasi**

### **Proposal for a directive** **Article 7 – paragraph 1**

#### *Text proposed by the Commission*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: ‘MAPP’) and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management and shall address safety culture with respect to the control of major-accident hazards.

#### *Amendment*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: "MAPP") and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, ***timetable and measures for the attainment of these objectives, periodic assessment of progress made towards achieving these objectives***, the role and responsibility of management and shall address safety culture with respect to the

control *and the commitment towards continuously improving the prevention* of major-accident hazards.

*It shall be implemented by appropriate means, structures and management systems and shall include the safety management system for implementing it in accordance with Annex III.*

Or. en

*Justification*

*Prevention is key. Aims and principles are important, but not sufficient. In the MAPP, the operators should also provide a timetable and the measures to attain the objectives for the prevention of major accidents, as well as a periodic assessment of the progress towards achieving the objectives.*

**Amendment 139**

**Gaston Franco, Sophie Auconie**

**Proposal for a directive**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: "MAPP") and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management *and shall address safety culture* with respect to the control of major-accident hazards.

*Amendment*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: "MAPP") and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management with respect to the control of major-accident hazards.

Or. fr

### *Justification*

*The term 'safety culture' does not refer to operational requirements.*

#### **Amendment 140**

**Sergio Berlato**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: "MAPP") and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management **and shall address safety culture** with respect to the control of major-accident hazards.

##### *Amendment*

1. Member States shall require the operator to draw up a document setting out the major-accident prevention policy (hereinafter: "MAPP") and to ensure that it is properly implemented. The MAPP shall be established in writing. It shall be designed to guarantee a high level of protection for human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action **and** the role and responsibility of management with respect to the control of major-accident hazards.

Or. it

### *Justification*

*The Commission proposal introduces the concept of 'safety culture'. However, this concept is meaningless in operational terms and is not defined in Article 3. The reference to it should therefore be amended.*

#### **Amendment 141**

**Sabine Wils**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

#### **1a. The major-accident prevention policy**

***(MAPP) shall include a management system of safety issues in accordance with the provisions as indicated in Annex III.***

Or. en

*Justification*

*It is worthwhile to recall the guidelines and information as required in Annexe III when drafting a MAPP in order to include all the concerned elements.*

**Amendment 142**  
**Sabine Wils**

**Proposal for a directive**  
**Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The MAPP to be drawn up in accordance with the information set out in Annex III shall include the inventory of dangerous substances.***

Or. en

*Justification*

*The obligation to list the dangerous substances only applies to the upper-tier establishments, while according to the harmful consequences of a dangerous substance such a list should be included in the MAPP regarding also lower-tier establishments as the level of quantity is only increasing factor to risk, but it is not avoiding it.*

**Amendment 143**  
**Andres Perello Rodriguez**

**Proposal for a directive**  
**Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The MAPP shall be sent to the competent authority within the following time-limits:

2. The ***document defining the*** MAPP shall be sent to the competent authority within the following time-limits:

*Justification*

*We would like to stress that the importance of the MAPP is not the mere document in which it's written, like a bureaucratic requisite, but the actual set of tasks, actions and responsibilities to be applied.*

**Amendment 144**  
**Sergio Berlato**

**Proposal for a directive**  
**Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The MAPP shall be **sent** to the competent authority within the following time-limits:

*Amendment*

2. The MAPP shall be **made available** to the competent authority within the following time-limits:

Or. it

*Justification*

*The Commission text provides that the operator shall send the major-accident prevention policy (MAPP) to the competent authority. Under the current system, the MAPP is not sent out because it is updated periodically, in particular in conjunction with management reviews, which take place annually in some cases. It would be more practical if, as provided for in Directive 96/82/EC, the operator had to make the MAPP available to the competent authority but did not have to send it out.*

**Amendment 145**  
**Andres Perello Rodriguez**

**Proposal for a directive**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. The operator shall periodically review and where necessary update the MAPP, at least every five years. The updated MAPP shall be sent to the competent authority without delay.

*Amendment*

4. The operator shall periodically review and where necessary update the MAPP, at least every five years. The **document defining the** updated MAPP shall be sent to the competent authority without delay.

*Justification*

*We would like to stress that the importance of the MAPP is not the mere document in which it's written, like a bureaucratic requisite, but the actual set of tasks, actions and responsibilities to be applied.*

**Amendment 146**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive  
Article 7 – paragraph 4**

*Text proposed by the Commission*

4. The operator shall periodically review and where necessary update the MAPP, at least every five years. The updated MAPP shall be sent to the competent authority without delay.

*Amendment*

4. The operator shall periodically review and where necessary update the MAPP, at least every five years. The updated MAPP shall be sent to the competent authority ***and made publicly available pursuant to Article 13***, without delay.

*Justification*

*As the MAPP is a key document setting out the operators' approach in relation to the prevention and limitation of the consequences of accidents, any changes to its content should be made publicly available without delay.*

**Amendment 147**

**Edite Estrela**

**Proposal for a directive  
Article 7 – paragraph 4a (new)**

*Text proposed by the Commission**Amendment*

***4a. The MAPP shall be implemented by appropriate means, structures and management systems.***

***For upper-tier establishments, and lower-tier establishments that are covered by the criteria set out in of Annex VIIa, the***



***MAPP shall be implemented by safety management systems, in accordance with Annex III and proportionate to the major-accident hazards, and to the complexity of the organisation or activities of the establishment.***

Or. en

*Justification*

*The possibility of a Member State to determine if lower-tier establishments should implement the MAPP by means of a safety management system (SMS) contributes to lack of harmonisation of the implementation of the Directive. In order to improve consistency, there should be a definition of criteria to clarify and harmonise which are the lower-tier establishment that should be subject to implement the MAPP by means of a SMS.*

**Amendment 148**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The MAPP shall be implemented by appropriate means, structures and management systems. For upper-tier establishments, it shall be implemented by safety management systems in accordance with Annex III. Member States shall require lower-tier establishments to implement the MAPP by means of a safety management system proportionate to the major-accident hazards, and to the complexity of the organisation or activities of the establishment.***

Or. en

*Justification*

*While the safety management system may well be different between upper and lower-tier establishments, it should be obligatory for Member States to require implementation of the MAPP by means of a safety management system for all installations, not just for upper-tier establishments.*

**Amendment 149**  
**Edite Estrela**

**Proposal for a directive**  
**Article 7 – paragraph 4b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. The Commission shall adopt implementing acts in order to establish the criteria referred to in Annex VIIa. Those implementing acts shall be adopted in accordance with the examination procedure referred to in of Article 17a(2).***

Or. en

*Justification*

*The possibility of a Member State to determine if lower-tier establishments should implement the MAPP by means of a safety management system (SMS) contributes to lack of harmonisation of the implementation of the Directive. In order to improve consistency, there should be a definition of criteria to clarify and harmonise which are the lower-tier establishment that should be subject to implement the MAPP by means of a SMS.*

**Amendment 150**  
**Sergio Berlato**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that the competent authority, ***using the information received from the operators in compliance with Articles 6 and 9 or through inspections pursuant to Article 19, identifies all lower-tier and upper-tier establishments or groups of establishments*** where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, and their inventories of

1. Member States shall ensure that the competent authority ***obtains comprehensive information about other sites and areas and makes it available to operators, including details of neighbouring establishments, even where the latter fall outside the scope of this Directive***, where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, and their inventories of

dangerous substances.

dangerous substances.

Or. it

*Justification*

*The Commission proposal requires the operator, as part of its notification under Article 6, to provide details of neighbouring establishments. However, operators do not have the authority to request and obtain such information, which, among other things, may be considered confidential or industrially/commercially sensitive. The competent authority should therefore be responsible for obtaining and making available details of neighbouring establishments.*

**Amendment 151**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that the competent authority, using the information received from the operators in compliance with *Articles 6 and 9* or through inspections pursuant to Article 19, identifies all lower-tier and upper-tier establishments or groups of establishments where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, and their inventories of dangerous substances.

*Amendment*

1. Member States shall ensure that the competent authority, using the information received from the operators in compliance with *Article 6, Article 8(1a) and Article 9* or through inspections pursuant to Article 19, identifies all lower-tier and upper-tier establishments or groups of establishments where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, and their inventories of dangerous substances, *or the proximity of other sites.*

Or. en

*Justification*

*A link to the information obtained by Member States through Article 8(1a) as proposed by the rapporteur in am 21 needs to be made in Article 8(1). Article 6(1)(g) clearly refers also to Non-Seveso sites in the context of domino effects, however, a corresponding reference to such sites is missing in Article 8.*

**Amendment 152**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

b) ***cooperate in informing*** the public and neighbouring establishments that fall outside the scope of this Directive, ***and in supplying information to the authority responsible for the preparation of external emergency plans.***

*Amendment*

b) ***supply details to the authority responsible for the preparation of external emergency plans so as to inform*** the public and neighbouring establishments that fall outside the scope of this Directive.

Or. it

**Amendment 153**  
**Paolo Bartolozzi**

**Proposal for a directive**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

b) ***cooperate in informing*** the public and neighbouring establishments ***that fall outside the scope of this Directive, and in supplying information to the authority responsible for*** the preparation of external emergency plans.

*Amendment*

b) ***supply details to the authority responsible so as to facilitate cooperation with*** the public and ***with*** neighbouring establishments, ***as well as*** the preparation of external emergency plans.

Or. it

**Amendment 154**  
**Daciana Octavia Sârbu, Rovana Plumb**

**Proposal for a directive**  
**Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that the competent authority takes into account the domino effect when drawing up external emergency plans.***

**Amendment 155**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) demonstrating that major-accident hazards and **possible** major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;

*Amendment*

(b) demonstrating that major-accident hazards and **all** major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;

Or. en

*Justification*

*It should be clarified that operators have to identify all relevant major-accident scenarios, and not just some.*

**Amendment 156**  
**Åsa Westlund**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) demonstrating that internal emergency plans have been drawn up and supplying information to enable the external emergency plan to be drawn up;

*Amendment*

(d) demonstrating that internal emergency plans have been drawn up **in close consultation with workers**, and supplying information to enable the external emergency plan to be drawn up;

Or. en

**Amendment 157**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) demonstrating that internal emergency plans have been drawn up and supplying information to enable the external emergency plan to be drawn up;

*Amendment*

(d) demonstrating that internal emergency plans have been drawn up ***in close consultation with workers*** and supplying information to enable the external emergency plan to be drawn up;

Or. en

*Justification*

*As workers are most likely to be directly affected by a major accident, and may even play a key role in the case of emergencies, internal emergency plans need to be drawn up in close consultation with workers.*

**Amendment 158**  
**Åsa Westlund**

**Proposal for a directive**  
**Article 9 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) for new establishments, a reasonable period of time prior to the start of construction or operation;

*Amendment*

(a) for new establishments, a reasonable period of time prior to the start of construction or operation, ***and at the latest at the time of application for an operating permit pursuant to Article 12 of Directive 2010/75/EU on industrial emissions.***

Or. en

**Amendment 159**  
**Sabine Wils**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The operator shall review and, where necessary, update the safety report following a major accident.***

Or. en

*Justification*

*An accident will of course imply a review of the authorization, but in any case the safety report has to be reviewed as its foreseen risk management didn't deserve the prevention aims to which it has been drafted to.*

**Amendment 160**  
**Holger Kraemer**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***The updated safety report shall be sent to the competent authority without delay.***      ***deleted***

Or. en

*Justification*

*For both operators and competent authorities this requirement is disproportionate and does not lead to any extra gain in safety.*

**Amendment 161**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

The updated safety report shall be sent to the competent authority without delay.

The updated safety report shall be sent to the competent authority ***and made publicly available pursuant to Article 13 of this***

*Directive* without delay.

Or. en

*Justification*

*As the safety report is a key document which directly affects the safety and security of citizens, any changes to its content should be made publicly available without delay.*

**Amendment 162**

**Andres Perello Rodriguez**

**Proposal for a directive**

**Article 9 – paragraph 6 – point a**

*Text proposed by the Commission*

(a) communicate the conclusions of its examination of the safety report to the operator,

*Amendment*

(a) communicate the conclusions of its examination of the safety report to the operator, ***if necessary after requesting further information,***

Or. en

**Amendment 163**

**Edite Estrela**

**Proposal for a directive**

**Article 9 – paragraph 7**

*Text proposed by the Commission*

***7. Member States may require lower-tier establishments to implement the MAPP by means of a safety management system proportionate to the major-accident hazards, and to the complexity of the organization or activities of the establishment.***

*Amendment*

***deleted***

Or. en



*Justification*

*The provisions concerning the implementation of the MAPP should be moved to Article 7 to improve readability.*

**Amendment 164**

**Åsa Westlund**

**Proposal for a directive**

**Article 9 – paragraph 7**

*Text proposed by the Commission*

7. Member States **may** require lower-tier establishments to implement the MAPP by means of a safety management system proportionate to the major-accident hazards, and to the complexity of the organization or activities of the establishment.

*Amendment*

7. Member States **shall** require lower-tier establishments to implement the MAPP by means of a safety management system proportionate to the major-accident hazards, and to the complexity of the organization or activities of the establishment.

Or. en

**Amendment 165**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**

**Article 10 – – introductory part**

*Text proposed by the Commission*

In the event of the modification of an installation, establishment, storage facility, or process or of the nature or quantity of dangerous substances which could have significant repercussions on major-accident hazards, the Member States shall ensure that the operator:

*Amendment*

***Does not affect English version***

Or. it

*Justification*

*Does not affect English version*

**Amendment 166**

**Andres Perello Rodriguez**

**Proposal for a directive**

**Article 11 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the operator supplies the necessary information to the competent authorities, to enable the latter to draw up external emergency plans;

*Amendment*

(b) the operator supplies the necessary information to the competent authorities, **including the safety report as accepted by the competent authority**, to enable the latter to draw up external emergency plans;

Or. en

*Justification*

*The competent authority needs the information contained in the safety report with respect to the identification and assessments of risks as a starting point in order to be able to elaborate the external emergency plan.*

**Amendment 167**

**Gaston Franco, Sophie Auconie**

**Proposal for a directive**

**Article 11 – paragraph 1 – point c**

*Text proposed by the Commission*

c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment within **one year** following receipt of the information from the operator pursuant to point (b).

*Amendment*

(c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment within **two years** following receipt of the information from the operator pursuant to point (b).

Or. fr

*Justification*

*The deadline of one year is not feasible in view of the kind of work which will be needed and the amount of time required for the procedure (2 months for public consultation; notification, approval...). The time needed for administrative and consultation procedures alone would be*

*in excess of 6 months.*

**Amendment 168**  
**Holger Kraemer**

**Proposal for a directive**  
**Article 11 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment ***within one year following receipt of the information from the operator pursuant to point (b).***

*Amendment*

(c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment.

Or. de

*Justification*

*Given that the initial situation can be complex, requiring as it does not only inspections of the premises but also extensive agreements between the authorities concerned and the operator, it is not possible to keep to the one-year deadline for authorities to draw up the external emergency plan.*

**Amendment 169**  
**Richard Seeber**

**Proposal for a directive**  
**Article 11 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) for existing establishments, ***one year*** from the date laid down in the second subparagraph of Article 28(1) unless the internal emergency plan drawn up under the requirements of national law at that date, and the information contained therein, complies with this Article and remains unchanged.

*Amendment*

(b) for existing establishments, ***18 months*** from the date laid down in the second subparagraph of Article 28(1) unless the internal emergency plan drawn up under the requirements of national law at that date, and the information contained therein, complies with this Article and remains unchanged.

Or. en

*Justification*

*If the classification of a dangerous substance is changed, operators should be given sufficient time to draw up or revise their emergency plan.*

**Amendment 170**

**Richard Seeber**

**Proposal for a directive**

**Article 11 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) for subsequent establishments, **one year** from the date on which this Directive applies to the establishment concerned.

*Amendment*

(c) for subsequent establishments, **18 months** from the date on which this Directive applies to the establishment concerned.

Or. en

*Justification*

*If the classification of a dangerous substance is changed, operators should be given sufficient time to draw up or revise their emergency plan.*

**Amendment 171**

**Gaston Franco, Sophie Auconie**

**Proposal for a directive**

**Article 11 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

Member States shall ensure that internal and external emergency plans are reviewed, tested, **and where necessary revised and updated by the operators and designated authorities respectively** at suitable intervals of no longer than three years. **The review shall take into account changes occurring in the establishments concerned or within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.**

*Amendment*

Member States shall ensure that internal and external emergency plans are reviewed **and** tested at suitable intervals of no longer than three years. **Where necessary the plans shall be revised and updated by the operators and designated authorities.**

*Justification*

*The current wording gives the impression that updating and revision might be required every three years, whereas this must be decided by the conclusions of the review and on the basis of practical experience.*

**Amendment 172****Carl Schlyter, Michèle Rivasi****Proposal for a directive****Article 12 – paragraph 1 – introductory part***Text proposed by the Commission*

Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are ***taken into account*** in their land-use policies or other relevant policies. They shall pursue those objectives through controls on:

*Amendment*

Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are ***implemented*** in their land-use policies or other relevant policies. They shall pursue those objectives through controls on:

*Justification*

*Land-use planning is key to prevent major accidents. The need to prevent major accidents should thus not merely be taken into account by Member States, but properly implemented in land-use policies or other relevant policies.*

**Amendment 173****Carl Schlyter, Michèle Rivasi****Proposal for a directive****Article 12 – paragraph 1 – point c***Text proposed by the Commission*

(c) new developments including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or

*Amendment*

(c) new developments including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or

developments may increase the risk or consequences of a major accident.

developments may ***be the source of or*** increase the risk or consequences of a major accident.

Or. en

*Justification*

*Non-Sevso sites may also be the source of a major accident.*

**Amendment 174**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 12 – paragraph 2 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that their land-use or other relevant policies and the procedures for implementing those policies ***take account of the need, in the long term:***

*Amendment*

Member States shall ensure ***by 1 June 2018*** that their land-use or other relevant policies and the procedures for implementing those policies ***deliver the following:***

Or. en

*Justification*

*Appropriate safety distances to e.g. residential areas, the protection of areas of particular sensitivity, or technical measures to control the risk cannot merely be something to be taken account of sometime in the distant future. These are key deliverables for which a clear deadline needs to be set. Member States should either create the necessary distances, or where this is not possible, ensure that operators scale down their operations or take the technical measures needed to ensure safety.*

**Amendment 175**

**Sergio Berlato**

**Proposal for a directive**

**Article 12 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) to maintain appropriate safety distances between establishments covered by this

*Amendment*

(a) to maintain appropriate safety distances, ***where necessary,*** between

Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, and recreational areas;

establishments covered by this Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, and recreational areas;

Or. it

*Justification*

*The references to ‘appropriate safety differences’ and ‘additional technical measures’ are ambiguous and may impose excessive obligations on operators. Accordingly, the words ‘where necessary’ should be inserted in both cases.*

**Amendment 176**  
**Holger Krahmer**

**Proposal for a directive**  
**Article 12 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) *to protect* areas of particular natural sensitivity or interest *in the vicinity of establishments covered by this Directive, through appropriate safety distances or other appropriate measures where necessary;*

*Amendment*

(b) *To maintain appropriate safety distances between establishments covered by this directive and* areas of particular natural sensitivity or interest;

Or. en

*Justification*

*It is already said under (c) that there must be no increase in the risk to human health and the environment. Extending this requirement to "appropriate safety distances" without making reference to existing safety distances ( through the wording "to maintain") is not necessary as regard safety technical aspects and would mean a severe tightening of legislation.*

**Amendment 177**  
**Cristina Gutiérrez-Cortines**

**Proposal for a directive**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. With the aim of protecting human health, the Commission shall lay down, by 31 December 2012, obligatory minimum distances between the establishments covered by this Directive and the zones listed in paragraph 1. The Commission is invited also to update the guidelines published in 2006, on compatibility between the establishments covered by Directive 96/82/EC and the zones listed in paragraph 1, with a view to adapting them to technical progress and the new legislation in force in the EU.***

Or. es

*Justification*

*Clear and unequivocal criteria should be established to prevent accidents causing damage to housing, public spaces and recreational areas.*

#### **Amendment 178**

**Oreste Rossi**

#### **Proposal for a directive**

#### **Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once a year.***

***1. The information referred to in Annex V shall be reviewed every three years and, where necessary, repeated and updated, at least if there is any modification within the meaning of Article 10. It shall be permanently available to the public, including in an electronic format. The maximum period between the repetition of the information to the public shall, in any case, be no longer than five years.***

Or. it



*Justification*

*See Article 13(1) of Directive 96/82/EEC ('Seveso II').*

**Amendment 179**

**Paolo Bartolozzi**

**Proposal for a directive**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. **Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format.** The information shall be reviewed and where necessary updated at least once a year.

*Amendment*

1. The information shall be reviewed **every three years** and, where necessary, **repeated and** updated, at least **if there is any modification within the meaning of Article 10. It shall also be permanently available to the public. The maximum period between the repetition of the information to the public shall, in any case, be no longer than five years. Such information shall contain, at least, the information listed in Annex V.**

Or. it

**Amendment 180**

**Miroslav Ouzký**

**Proposal for a directive**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall **ensure that** the information referred to in Annex V **is permanently available** to the public, **including in an electronic format.** The information shall be reviewed and where necessary updated at least **once a year.**

*Amendment*

1. Member States shall **organise** the information referred to in Annex V **with a view to its active and systematic dissemination** to the public. The information shall be reviewed and where necessary updated at least **every three years.**

Or. en

### *Justification*

*The Aarhus legislation and the Transparency Regulation aim the active dissemination of information but none of them requests to make the information permanently available. The yearly review and update would mean an extra burden on operators – without benefitting the concerned public as regards safety technology. The amendment reflects existing regulation, is aligned to the 5-years-period suggested for the updating of the same information when establishments serving the public are concerned.*

#### **Amendment 181**

**Pavel Poc**

#### **Proposal for a directive**

#### **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once a year.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format, ***without any restrictions***. The information shall be reviewed and where necessary updated at least once a year.

Or. en

#### **Amendment 182**

**Elisabetta Gardini, Sergio Berlato**

#### **Proposal for a directive**

#### **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once ***a year***.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once ***every five years***.

Or. it

### *Justification*

*Both the Aarhus Convention concerning access to environmental information and the Transparency Regulation (No 1049/2001) call for the active dissemination of information, but neither goes so far as to require it to be permanently available. The proposed amendment is in line with the existing rules, recommending that this information be updated every five years.*

#### **Amendment 183** **Holger Kraemer**

#### **Proposal for a directive** **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated ***at least once a year***.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated ***every three years***.

Or. en

### *Justification*

*The yearly review and update would mean an enormous extra burden on operators, without really benefitting the concerned public as regards safety technology. This amendment reflects existing regulation.*

#### **Amendment 184** **Sophie Auconie**

#### **Proposal for a directive** **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once ***a year***.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once ***every three***

*years.*

Or. fr

## **Amendment 185**

**Richard Seeber**

### **Proposal for a directive**

#### **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least ***once a year***.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least ***every two years***.

Or. en

##### *Justification*

*In order to avoid an unnecessary administrative burden for the competent authorities, but also indirectly for operators, the review frequency compared to Article 13, Paragraph 1, Subparagraph 2 of the existing "Seveso" Directive should not be lowered too far. The Commission has not given convincing arguments to raise the frequency to one year, so two years would be a good compromise*

## **Amendment 186**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

### **Proposal for a directive**

#### **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once a year.

##### *Amendment*

1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including in an electronic format. The information shall be reviewed and where necessary updated at least once a year.  
***Upon request from any natural or legal person, Member States shall ensure that***

*more detailed and additional information going beyond that referred to in Annex V, and in accordance with Article 21 of this Directive, is made available to that person.*

Or. en

*Justification*

*While respecting confidentiality provisions as laid down in Article 21, access to additional documents other than the ones referred to in Annex V, such as the full inspection reports carried out pursuant to Article 19, should be possible upon request from any natural or legal person.*

**Amendment 187**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**

**Article 13 – paragraph 2 – introductory part**

*Text proposed by the Commission*

For **upper-tier** establishments, Member States shall also ensure that:

*Amendment*

For **all** establishments, Member States shall also ensure that **as a minimum**:

Or. en

*Justification*

*The information referred to in Article 13(2) is of key importance to the public. There is no justifiable reason to distinguish between upper-tier and lower-tier establishments for such information.*

**Amendment 188**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive**

**Article 13 – paragraph 2 – introductory part**

*Text proposed by the Commission*

For **upper-tier** establishments, Member States shall also ensure that:

*Amendment*

For **all** establishments, Member States shall also ensure that:

*Justification*

*The information referred to in Article 13 is of key importance to the public and therefore all establishments should be required to provide such information.*

**Amendment 189**

**Åsa Westlund**

**Proposal for a directive**

**Article 13 – paragraph 2 – introductory part**

*Text proposed by the Commission*

For ***upper-tier*** establishments, Member States shall also ensure that:

*Amendment*

For ***all*** establishments, Member States shall also ensure that:

Or. en

**Amendment 190**

**Sabine Wils**

**Proposal for a directive**

**Article 13 – paragraph 2 – introductory part**

*Text proposed by the Commission*

For upper-tier establishments, Member States shall also ensure that:

*Amendment*

For upper-tier ***and lower-tier*** establishments, Member States shall also ensure that:

Or. en

*Justification*

*The information to the public should not exclude when available the inventory of dangerous substances for lower-tier establishments too.*

**Amendment 191**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 13 – paragraph 2 – point b**

*Text proposed by the Commission*

b) the safety report is made available to the public upon request subject to Article 21(3); **where Article 21(3) applies, an amended report in the form of a non-technical summary, which shall include at least general information on major-accident hazards, potential effects and the requisite behaviour in the event of an accident, shall be made available;**

*Amendment*

b) the safety report is made available to the public upon request subject to Article 21(3);

Or. en

*(Linked to the amendment by the same authors inserting a non-technical summary of the safety report to Part 1 of Annex V (needs to be voted together).)*

*Justification*

*According to the impact assessment by the Commission, the protection level can be increased strongly at comparatively low costs by making non-technical summaries of the safety report available to the public on line.*

**Amendment 192**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage**

**Proposal for a directive**  
**Article 13 – paragraph 2 – point c**

*Text proposed by the Commission*

c) the inventory of dangerous substances is made available to the public **concerned upon request subject to Article 21(3).**

*Amendment*

c) the inventory of dangerous substances is made available to the public.

Or. en

*Justification*

*As the information referred to in Article 13 is of key importance to the public, the inventory of dangerous substances should be actively disseminated to the public.*

**Amendment 193**  
**Sabine Wils**

**Proposal for a directive**  
**Article 13 – paragraph 2 – point c**

*Text proposed by the Commission*

c) the inventory of dangerous substances is made available to the public ***concerned upon request subject to Article 21(3).***

*Amendment*

c) the inventory of dangerous substances is made available to the public ***in a specific part of the inventory provided for in the CLP Regulation.***

Or. en

*Justification*

*The information should be available to the public and not be subjected to restrictions: according to REACH and CLP regulations inventories should be available in any case through the ECHA database.*

**Amendment 194**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 13 – paragraph 2 – point c**

*Text proposed by the Commission*

c) the inventory of dangerous substances is made available to the public ***concerned upon request subject to Article 21(3).***

*Amendment*

c) the inventory of dangerous substances is made available to the public.

Or. en

*Justification*

*The inventory of dangerous substances should be available online.*

**Amendment 195**  
**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive**  
**Article 13 – paragraph 2 – subparagraph 2**



*Text proposed by the Commission*

*Amendment*

The information to be supplied under point (a) of this paragraph shall include at least the information referred to in Annex V. That information shall likewise be supplied to all **establishments** serving the public, including schools and hospitals, and to all neighbouring **establishments in the case of** establishments covered by Article 8. Member States shall ensure that the information is supplied and that it is periodically reviewed and updated at least every **five years**.

The information to be supplied under point (a) of this paragraph shall include at least the information referred to in Annex V. That information shall likewise be supplied to all **entities** serving the public, including schools and hospitals, and to all neighbouring establishments **or sites** covered by Article 8. Member States shall ensure that the information is supplied and that it is periodically reviewed and updated at least every **year**.

Or. en

*Justification*

*The term "establishment" has a specific meaning in the context of this Directive and should not be used for other entities. Updates should happen on a yearly basis, not just every five years, otherwise the information risks to be seriously outdated.*

**Amendment 196**

**Carl Schlyter, Michèle Rivasi**

**Proposal for a directive  
Article 13 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Requests for access to the information referred to in paragraph 2(a), (b) and (c) shall be handled in accordance with Articles 3 and 5 of Directive 2003/4/EC of the European Parliament and of the Council.**

**deleted**

Or. en

*Justification*

*According to the Commission proposal, the information referred to in 2(a) should explicitly be provided without specific request, so it is not correct to use "Requests for access" in this paragraph. Amendment 17 by the rapporteur adds extra confusion, as it also refers to*

*paragraph 1, which is to be made permanently available to the public. There is no need for this paragraph in the first place, as the relevant provisions with regard to confidentiality are covered in Article 21.*

**Amendment 197**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**

**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Requests for access to the information referred to in paragraph 2(a), (b) and (c) shall be handled in accordance with Articles 3 and 5 of Directive 2003/4/EC of the European Parliament and of the Council.

*Amendment*

3. Requests for access to the information referred to in paragraph 2(a), (b) and (c) shall be handled in accordance with Articles 3, **4** and 5 of Directive 2003/4/EC of the European Parliament and of the Council.

Or. it

**Amendment 198**

**Miroslav Ouzký**

**Proposal for a directive**

**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Requests for access to the information referred to in paragraph 2(a), (b) and (c) shall be handled in accordance with Articles 3 **and** 5 of Directive 2003/4/EC of the European Parliament and of the Council.

*Amendment*

3. Requests for access to the information referred to in paragraph 2(a), (b) and (c) shall be handled in accordance with Articles 3 **to** 5 of Directive 2003/4/EC of the European Parliament and of the Council.

Or. en

*Justification*

*Article 4 of Directive 2003/4 contains exceptions to the right to obtain environmental information and is crucial as it shows the limitations of this right. Not to mention the exceptions to a right gives the impression that the right is unlimited which is not the case as a balance has to be struck between access to information and confidentiality or data privacy for example.*

**Amendment 199**

**Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage, Åsa Westlund**

**Proposal for a directive**

**Article 13 – paragraph 5**

*Text proposed by the Commission*

5. Where the Member State concerned has decided that an establishment close to the territory of another Member State is incapable of creating a major-accident hazard beyond its boundary for the purposes of Article 11(6) and is not therefore required to produce an external emergency plan under Article 11(1), it shall so inform the other Member State.

*Amendment*

5. Where the Member State concerned has decided that an establishment close to the territory of another Member State is incapable of creating a major-accident hazard beyond its boundary for the purposes of Article 11(6) and is not therefore required to produce an external emergency plan under Article 11(1), it shall so inform the other Member State *of that decision and of its reasons for taking that decision.*

Or. en

**Amendment 200**

**Elisabetta Gardini, Oreste Rossi, Sergio Berlato**

**Proposal for a directive**

**Article 14 – title**

*Text proposed by the Commission*

Public consultation *and participation in decision-making*

*Amendment*

Public consultation

Or. it