



EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

2010/0377(COD)

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AMENDMENTS 201 - 332

Draft report

János Áder

(PE464.978v01-00)

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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United in diversity

EN

Amendment 201

Åsa Westlund

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public is *able* to *give its opinion* on the following matters:

Amendment

1. Member States shall ensure that the public is *given early and effective opportunities* to *contribute to the decision-making* on the following matters *and procedures*:

Or. en

Amendment 202

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public is *able* to *give its opinion on* the following matters:

Amendment

1. Member States shall ensure that the public is *given early and effective opportunities* to *participate in* the following matters *and procedures*:

Or. en

Justification

The standard wording should be used.

Amendment 203

Antonyia Parvanova, Vladko Todorov Panayotov, Corinne Lepage

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public is **able** to **give its opinion on** the following matters:

Amendment

1. Member States shall ensure that the public is **given early and effective opportunities** to **participate in** the following matters:

Or. en

Justification

In order to be consistent with the Aarhus Convention, the same wording used in Article 24 of the Industrial Emissions Directive is used.

Amendment 204

Holger Krahrmer

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public is able to give its opinion on the following matters:

Amendment

1. Member States shall ensure that, **in the case of upper-tier establishments**, the public is able to give its opinion on the following matters:

Or. de

Justification

The wide public participation proposed by the Commission should be confined to the area of upper-tier establishments, which is particularly relevant. Otherwise, the competent authorities in the Member States will be confronted with virtually insoluble challenges, without any expected gains in terms of increased knowledge or greater safety. Current practice for lower-tier establishments is tried and tested.

Amendment 205

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

Proposal for a directive

Article 14 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) safety report pursuant to Article 9

Or. en

Justification

As safety reports are a major element to demonstrate that major-accident hazards and possible major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents, it is essential that the general public is given the opportunity to be consulted on this matter.

Amendment 206

Sabine Wils

Proposal for a directive

Article 14 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the inspection reports provided by the competent authorities within four months after the conclusion of the inspection.

Or. en

Justification

In order to complete the information to the public and to allow their knowledge on the updated prescribed measures the issues of the inspection reports should be made available according to the recommendation of the EP and the Council 331 of 4.4.2001.

Amendment 207

Elisabetta Gardini, Oreste Rossi, Sergio Berlato

Proposal for a directive

Article 14 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) details of the arrangements for **public participation and** consultation made

(g) details of the arrangements for public consultation made pursuant to point 5.

pursuant to paragraph 5.

Or. it

Amendment 208
Holger Kraemer

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned: *deleted*

(a) in accordance with national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned was informed in accordance with paragraph 2;

(b) in accordance with the provisions of Directive 2003/4/EC information other than that referred to in paragraph 2 which is relevant for the decision in question and which only becomes available after the public concerned was informed in accordance with paragraph 2.

Or. de

Justification

Directive 2003/4/EC lays down detailed provisions on public access to environmental information. It also lays down provisions on the rights of those participating in the process. To avoid duplication, paragraphs 3 to 6 can therefore be dispensed with.

Amendment 209
Holger Kraemer

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that the public concerned is entitled to express comments and opinions to the competent authority before a decision is taken and that the results of the consultations held pursuant to paragraph 1 are duly taken into account in the taking of a decision.

deleted

Or. de

Justification

Directive 2003/4/EC lays down detailed provisions on public access to environmental information. It also lays down provisions on the rights of those participating in the process. To avoid duplication, paragraphs 3 to 6 can therefore be dispensed with.

Amendment 210

Pavel Poc

Proposal for a directive

Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that the public concerned is **entitled to express comments** and **opinions** to the **competent authority** before a decision is taken and that the results of the consultations held pursuant to paragraph 1 are duly taken into account in the taking of a decision.

4. Member States shall ensure that the public concerned is **given early and effective opportunities to participate in the procedures** before a decision is taken and that the results of the consultations held pursuant to paragraph 1 are duly taken into account in the taking of a decision.

Or. en

Amendment 211

Holger Krahmer

Proposal for a directive

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. The detailed arrangements for informing the public and consulting the public concerned shall be determined by the Member States.

deleted

Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Article.

Or. de

Justification

Directive 2003/4/EC lays down detailed provisions on public access to environmental information. It also lays down provisions on the rights of those participating in the process. To avoid duplication, paragraphs 3 to 6 can therefore be dispensed with.

Amendment 212

Elisabetta Gardini, Oreste Rossi, Sergio Berlato

Proposal for a directive

Article 14 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public **and for the public concerned to prepare and participate effectively in environmental decision-making** subject to the provisions of this Article.

Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public, subject to the provisions of this Article, **but without unduly prolonging or complicating the time-frames for decision-making and the associated implementing measures;**

Or. it

Amendment 213

Holger Krahmer

Proposal for a directive
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall ensure that when the relevant decisions are taken, the competent authority shall make available to the public:

deleted

(a) the content of the decision and the reasons on which it is based, including any subsequent updates;

(b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.

Or. de

Justification

Directive 2003/4/EC lays down detailed provisions on public access to environmental information. It also lays down provisions on the rights of those participating in the process. To avoid duplication, paragraphs 3 to 6 can therefore be dispensed with.

Amendment 214
Paolo Bartolozzi

Proposal for a directive
Article 14 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) the results of the consultations held before the decision was taken *and an explanation of how they were taken into account in that decision.*

(b) the results of the consultations held before the decision was taken.

Or. it

Amendment 215
Elisabetta Gardini, Oreste Rossi, Sergio Berlato

Proposal for a directive
Article 14 – paragraph 6 – point b

Text proposed by the Commission

(b) the results of the consultations held before the decision was taken **and an explanation of how they were taken into account in that decision.**

Amendment

(b) the results of the consultations held before the decision was taken.

Or. it

Justification

The ‘Aarhus Directive’ does not contain the provision which the present amendment seeks to remove. That being so, there is no evident need to introduce a system which carries a definite risk of transforming purely technical decision-making into political processes with no technical basis.

Amendment 216
Carl Schlyter, Michèle Rivasi

Proposal for a directive
Article 15 – title

Text proposed by the Commission

Information to be supplied by the operator following a major accident

Amendment

Information to be supplied by the operator **and actions to be taken** following a major accident

Or. en

Justification

This Article does not only concern information to be supplied by the operator (paragraph 1), but also actions and steps to be taken by the competent authority and the operator (paragraph 2).

Amendment 217
Sabine Wils

Proposal for a directive
Article 15 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) inform the public concerned on the relevant accident and on the measures undertaken by the operator and initiatives held by the competent authority.

Or. en

Justification

A relevant accident has to involve the concerned public giving the opportunity to know the consistency of measures undertaken both by the operator and by the competent authority.

Amendment 218

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 17 – title

Text proposed by the Commission

Amendment

Competent authority

Competent authority ***and forum***

Or. en

(Linked to the amendment to Article 17(2) by the same authors.)

Justification

The forum should not only consist of representatives of the competent authorities, therefore the title needs to be amended.

Amendment 219

Holger Krahmer

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall regularly convene a forum composed of representatives of the competent

deleted

authorities of the Member States. The competent authorities and the Commission shall cooperate in activities in support of implementation of this Directive.

Or. de

Justification

IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law) und CCA (Committee of Competent Authorities) already provide expert advice and assistance to the Commission in this area. Given the importance of managing budgets sparingly and efficiently, the involvement of a further body is counter-productive and unnecessary.

**Amendment 220
Corinne Lepage**

**Proposal for a directive
Article 17 – paragraph 2**

Text proposed by the Commission

2. The Commission shall ***regularly*** convene a forum composed of representatives of ***the competent authorities of the Member States. The competent authorities and the Commission*** shall cooperate in activities in support of implementation of this Directive.

Amendment

2. The Commission shall ***establish and at least annually*** convene a ***Seveso*** forum composed of representatives of Member States, and ***an equal representation between the industries concerned, representatives of workers and non-governmental organisations promoting health and environmental protection. That forum*** shall cooperate ***with the Commission*** in activities in support of implementation ***and technical adaptations*** of this Directive.

The Commission shall obtain the opinion of the Seveso forum on the practical arrangements and in particular on the following:

- (a) the rules of procedure of the forum;***
- (b) the mandate of the forum considering the points mentioned under paragraph 3.***

The Commission shall make publicly available the opinions of the forum and

shall take these into account for the procedures laid down under this Article.

Or. en

Amendment 221

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

2. The Commission shall regularly convene a forum composed of representatives of the competent authorities of the Member States. ***The competent authorities and the Commission shall cooperate in activities in*** support of implementation of this Directive.

Amendment

2. The Commission shall regularly convene a forum composed of representatives of the competent authorities of the Member States, ***representatives of industry, workers and non-governmental organisations promoting the protection of human health and/or the environment in*** support of ***the application, implementation and technical adaptation*** of this Directive.

Or. en

Justification

The forum should include other relevant stakeholders and be consulted for the application, implementation and technical adaptation of this Directive. There is no need to have an extra clause with regard to cooperation between the Commission and competent authorities, as this should be taken for granted.

Amendment 222

Åsa Westlund

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

The Commission shall establish, and regularly convene, a Seveso forum composed of representatives of Member States, representation of the industries concerned, representatives of workers and

non-governmental organisations promoting environmental and health protection. That forum shall cooperate with the Commission in activities in support of implementation, application and technical adaptations of this Directive.

Or. en

Amendment 223

Edite Estrela

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a

Committee procedure

1. The Commission shall be assisted by the Committee established by Directive 96/82/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. en

Justification

The criteria determining which lower-tier establishments should implement the MAPP by means of a SMS should be defined through a procedure that allows the committee to make a prior technical evaluation and emit an opinion.

Amendment 224

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are **seriously** deficient.

Amendment

Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are **clearly** deficient, **including where the operator has not taken the necessary actions identified in the inspection report and within the deadline set pursuant to Art 19(7).**

Or. en

Justification

Whether something is seriously deficient or not is a matter of appreciation, and thus risks to be controversial. Any clear deficiencies should lead to a prohibition of use. Failure to take the necessary action identified in the inspection report is a clear deficiency and should lead to a prohibition of use.

Amendment 225

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States **may** prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period.

Amendment

Member States **shall** prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period.

Or. en

Justification

Failure to provide the relevant information should have clear consequences and not be at the discretion of a Member State.

Amendment 226
Riikka Manner

Proposal for a directive
Article 19 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Based on the *inspections* plans referred to in paragraph 3, the competent authority shall regularly draw up programmes for routine inspections for all establishments including the frequency of *site visits* for different types of establishments.

Amendment

Based on the *inspection* plans referred to in paragraph 3, the competent authority shall regularly draw up programmes for routine inspections for all establishments including the frequency of *inspections* for different types of establishments.

Or. en

Amendment 227
Riikka Manner

Proposal for a directive
Article 19 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The period between two *site visits* shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned *and* shall not exceed one year for upper-tier establishments and three years for lower-tier establishments. If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Amendment

The period between two *inspections* shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned. ***The period between two inspections shall normally not exceed one year for upper-tier establishments and three years for lower-tier establishments. However the competent authority may shorten or lengthen the period between two inspections based on the systematic documented appraisal of the major-accident hazards and the record of compliance with the requirements of this directive.*** If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Or. en

Justification

Upper tier establishments are inspected according to the Seveso II directive at least yearly. In some Member States it has been possible to shorten or lengthen the period between two inspections based on the systematic appraisal of the major accident hazards and specially the record of compliance with the requirements of the Seveso II directive. Because resources for these Seveso inspections are limited in some Member States it is necessary to keep this flexibility possible also in the Seveso III directive in order to avoid unnecessary inspections.

Amendment 228 **Holger Kraemer**

Proposal for a directive **Article 19 – paragraph 4 – subparagraph 2**

Text proposed by the Commission

The period between two site visits shall **be based on a systematic appraisal of the major-accident hazards of the establishments concerned and shall** not exceed one year for upper-tier establishments and three years for lower-tier establishments. If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Amendment

The period between two site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, **unless the competent authority has elaborated an inspection programme based on a systematic appraisal of major-accident hazards of the establishments concerned.** If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Or. en

Justification

This tightening of legislation in the Commission proposal is unjustified in terms of safety technology. The existing system, which takes into account the inspection programme, has proven its worth and provides authorities with the necessary flexibility of a risk-oriented inspection programme. The proposed amendment would burden operators and authorities with extra costs without gain in safety.

Amendment 229 **Elisabetta Gardini, Sergio Berlato**

Proposal for a directive **Article 19 – paragraph 4 – subparagraph 2**

Text proposed by the Commission

The period between two site visits shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned and shall not exceed one year for upper-tier establishments and three years for lower-tier establishments. If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Amendment

The period between two site visits shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned and shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, ***unless the competent authority has drawn up a systematic programme of inspections on the basis of an appraisal of the major-accident hazards of the establishment concerned.*** If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out within six months.

Or. it

Justification

There is no justification on technical or safety grounds for tightening up the legislation in this way. The current system, which takes the inspection programme into account, has amply demonstrated its effectiveness and gives the authorities the flexibility required for an inspection programme based on actual risk.

Amendment 230

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 19 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The period between two site visits shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned and shall not exceed one year for upper-tier establishments and ***three*** years for lower-tier establishments. If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out

Amendment

The period between two site visits shall be based on a systematic appraisal of the major-accident hazards of the establishments concerned and shall not exceed one year for upper-tier establishments and ***two*** years for lower-tier establishments. If an inspection has identified an important case of non-compliance with this Directive, an additional site visit shall be carried out

within six months.

within six months.

Or. en

Justification

It is not appropriate to apply the same inspection frequency to lower-tier establishments as for the lowest risk installations under IED (three years). Lower-tier establishments should be inspected at least every two years, plus one non-routine inspection every two years (see amendment to Article 19(6) by the same authors).

Amendment 231
Gaston Franco

Proposal for a directive
Article 19 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

(c) participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009 of the European Parliament and of the Council.

Amendment

(c) participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009 of the European Parliament and of the Council¹⁵ ***or in a recognised equivalent environmental management system.***

Or. fr

Justification

Recognised environmental management systems other than EMAS should also be an option, for example the ISO systems, which are very often employed by multinational corporations. This is consistent with point a) of Annex III to this proposal for a directive.

Amendment 232
Carl Schlyter, Michèle Rivasi

Proposal for a directive
Article 19 – paragraph 6

Text proposed by the Commission

6. Non-routine inspections shall be carried out to investigate serious complaints,

Amendment

6. Non-routine inspections shall be carried out ***once a year for upper-tier***

serious accidents and near-misses, incidents and occurrences of non-compliance as soon as possible.

establishments and once every two years for lower-tier establishments, and to investigate serious complaints, serious accidents and near-misses, incidents and occurrences of non-compliance as soon as possible.

Or. en

Justification

Non-routine (or unannounced) inspections should also be a standard means of inspecting compliance of all installations.

Amendment 233
Holger Kraemer

Proposal for a directive
Article 19 – paragraph 7

Text proposed by the Commission

7. Within **two** months after each site visit, the competent authority shall communicate the conclusions of the visit and all the necessary actions identified to the operator. The competent authority shall ensure that the operator takes all these necessary actions within a reasonable period after receipt of the communication.

Amendment

7. Within **six** months after each site visit, the competent authority shall communicate the conclusions of the visit and all the necessary actions identified to the operator. The competent authority shall ensure that the operator takes all these necessary actions within a reasonable period after receipt of the communication.

Or. de

Justification

The authorities generally need to study the results of inspections and propose any necessary action. The proposed timeframe of two months is therefore inadequate.

Amendment 234
Pavel Poc

Proposal for a directive
Article 19 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The inspection report with the necessary actions identified together with clear deadlines for the operator to implement these actions shall be made publicly available within 4 months of the site visit taking place.

Or. en

Amendment 235

Vladko Todorov Panayotov

Proposal for a directive

Article 19 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where best available technology control systems are in place, inspections can be coordinated with the available data to facilitate the inspections.

Or. en

Justification

Article 19 of the draft Directive is geared towards strengthening the inspection criteria of industrial plants. Making use of best available ICT monitoring and control equipment could be a way to optimise the inspections and the results obtained on the plants in question.

Amendment 236

Holger Kraemer

Proposal for a directive

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the information referred to in Annex V, or a summary thereof in the case of the information referred to in part 2 of Annex V, is made available in an electronic format to the Commission, and updated

deleted

on a continuous basis.

Or. de

Justification

The information is already made available in an electronic format to all interested parties pursuant to Article 13(1). It is unclear what purpose a further database would serve.

Amendment 237
Holger Krahmer

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall set up and keep up to date an electronic database containing the information supplied by the Member States pursuant to paragraph 2. *deleted*

The Commission shall, in close cooperation with the Member States, establish automated data exchange systems and a reporting format to be used for communicating the information referred to in paragraph 2 by 1 January 2015.

Or. de

Justification

The information is already made available in an electronic format to all interested parties pursuant to Article 13(1). It is unclear what purpose a further database would serve.

Amendment 238
Richard Seeber

Proposal for a directive
Article 20 – paragraph 7

Text proposed by the Commission

Amendment

7. **The** Commission shall make the databases referred to in paragraphs 3 and 5 available to the public.

7. **Subject to Article 21, the** Commission shall make the databases referred to in paragraphs 3 and 5 available to the public.

Or. en

Justification

It should be clarified that the publication obligations as written in Article 20, Paragraph 7 is also subject to the principles of the Environmental Information Directive

Amendment 239
Holger Kraemer

Proposal for a directive
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Confidentiality

1. Member States shall ensure, in the interests of transparency, that the competent authorities are required to make information received pursuant to this Directive available to any natural or legal person who so requests.

2. Requests for information obtained by the competent authorities under this Directive may be refused where the conditions down in Article 4(2) of Directive 2003/4/EC are fulfilled.

Access to the complete information referred to in Article 13(2)(b) and (c) obtained by the competent authorities may be refused if the operator has requested not to disclose certain parts of the safety report or the inventory of dangerous substances for the reasons provided for in points (b), (d), (e) or (f) of Article 4(2) of Directive 2003/4/EC.

The competent authority may also decide for the same reasons that certain parts of the report or inventory shall not be disclosed. In such cases, and on approval of the competent authority, the operator shall supply to the authority, and make available to the public, an amended report or inventory excluding those parts.

Or. de

Justification

Existing directives already contain adequate provisions on the requirement to make information available and on access to justice. Including such provisions here therefore means duplication and is unnecessary.

Amendment 240
Miroslav Ouzký

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. Requests for information obtained by the competent authorities under this Directive may be refused where the conditions down in Article 4(2) of Directive 2003/4/EC are fulfilled.

Amendment

2. Requests for information obtained by the competent authorities under this Directive may be refused where the conditions down in Article 4 of Directive 2003/4/EC are fulfilled.

Or. en

Justification

It is not clear why only a limited number of exceptions to the far-reaching right to information should be allowed to be invoked where Article 4 paragraph 1 of Directive 2003/4 contains many more exceptions for example when requests are manifestly unreasonable, formulated in a too general manner or where the request concerns ongoing procedures. It is in the interest of a functioning administration that these requests can be refused.

Amendment 241
Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Access to the complete information referred to in Article 13(2)(b) and (c) obtained by the competent authorities may be refused if the operator has requested not to disclose certain parts of the safety report **or the inventory of dangerous substances** for the reasons provided for in points (b), (d), **(e)** or (f) of Article 4(2) of Directive 2003/4/EC.

Amendment

Without prejudice to Article 4(2) second subparagraph of Directive 2003/4/EC, access to the complete information referred to in Article 13(2)(b) and (c) obtained by the competent authorities may be refused if the operator has requested not to disclose certain parts of the safety report for the reasons provided for in points (b), (d), or (f) of Article 4(2) of Directive 2003/4/EC.

Or. en

Justification

It needs to be clear that a mere request for confidentiality alone does not entitle a Member State to refuse access, but always needs to be weighed against the public interest served by disclosure in line with Article 4(2) second subparagraph of Directive 2003/4/EC. The inventory should always be available (linked to corresponding amendment to Annex V). It is difficult to see why intellectual property rights (point e) could be used to request confidentiality for the safety report.

Amendment 242

Sabine Wils

Proposal for a directive

Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Access to the complete information referred to in Article 13(2)(b) and (c) obtained by the competent authorities may be refused if the operator has requested not to disclose certain parts of the safety report **or the inventory of dangerous substances** for the reasons provided for in points (b), (d), (e) or (f) of Article 4(2) of Directive 2003/4/EC.

Amendment

Access to the complete information referred to in Article 13(2)(b) and (c) obtained by the competent authorities may be refused if the operator has requested not to disclose certain parts of the safety report for the reasons provided for in points (b), (d), (e) or (f) of Article 4(2) of Directive 2003/4/EC.

Or. en

Justification

The simple inventory of dangerous substances should be disclosed in order to allow the competent authorities and the concerned public to verify in a precautionary way the consistency of emergency plans according to the risk linked to storage or production of such substances.

Amendment 243

Sabine Wils

Proposal for a directive

Article 21 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The competent authority shall decide giving its opinion on the operator's request of confidentiality.

Or. en

Justification

Accepting a not disclosure clause, if claimed by an operator, should be considered and evaluated by the competent authority allowing if necessary the concerned bodies or public to apply to its decision according to provisions laid down in article 22.

Amendment 244

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 21 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority may also decide for the same reasons that certain parts of the report ***or inventory*** shall not be disclosed. In such cases, and on approval of the competent authority, the operator shall supply to the authority, and make available to the public, an amended report ***or inventory*** excluding those parts.

The competent authority may also decide for the same reasons that certain parts of the report shall not be disclosed. In such cases, and on approval of the competent authority, the operator shall supply to the authority, and make available to the public, an amended report excluding those parts.

Or. en

Justification

The inventory should always be available (linked to corresponding amendment to Annex V).

Amendment 245

Holger Kraemer

Proposal for a directive

Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Access to justice

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

- (a) they have sufficient interest;***
- (b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.***

Member States shall determine at what stage the decisions, acts or omissions may be challenged.

2. What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to

justice. To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 2(a).

The organisations referred to in the first subparagraph shall also be deemed to have rights capable of being impaired for the purpose of paragraph 2(b).

3. Paragraph 2 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

4. The procedures provided for in paragraphs 1 and 2 shall be fair, equitable, timely and not prohibitively expensive. Injunctive relief shall be provided where appropriate.

Member States shall ensure that practical information is made available to the public on access to those procedures.

Or. de

Justification

Existing directives already contain adequate provisions on the requirement to make information available and on access to justice. Including such provisions here therefore means duplication and is unnecessary.

Amendment 246

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

Proposal for a directive

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that, members

Member States shall ensure that, members

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of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to **Article 13 or Article 21(1)** of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions relating to cases subject to **Article 14** where:

of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions relating to cases subject to **the provisions of this Directive** where:

Or. en

Justification

In line with the Aarhus convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the public shall be able to have access to justice and legally review procedural and substantive legality of acts and omissions by private persons or public authorities. Access to justice with regard to other requirements such as general obligations of the operators, inspections and safety reports should therefore also be possible for the public.

Amendment 247

Elisabetta Gardini, Sergio Berlato

Proposal for a directive

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the

Amendment

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the

public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the *substantive or* procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

Or. it

Amendment 248
Holger Krahmer

Proposal for a directive
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the *substantive or* procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

Amendment

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

Or. en

Justification

Article 6 of Directive 2003/4/EC only lays down that the public can enforce the right of access to information before law courts, but it does not say that points determined under substantive law can be contested. This amendment is an incomprehensible tightening of legislation.

Amendment 249
Miroslav Ouzký

Proposal for a directive
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the *substantive or* procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

Amendment

Member States shall ensure that, members of the public concerned are able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to any request for information pursuant to Article 13 or Article 21(1) of this Directive. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the procedural legality of decisions, acts or omissions relating to cases subject to Article 14 where:

Or. en

Justification

Article 6 (access to justice) of Directive 2003/4/ only lays down that the public can enforce the right of access to information before law courts, but it does not say that points determined under substantive law can be contested. The related Directive 2003/35/EC only gives the right to contest procedural errors of the authorities. Here, no right is given to fight points determined under substantive law, either. The proposed amendment is an understandable tightening of legislation.

Amendment 250
Elisabetta Gardini, Oreste Rossi, Sergio Berlato

Proposal for a directive
Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes a sufficient interest and impairment of a right shall be determined

Amendment

What constitutes a sufficient interest and impairment of a right shall be determined

by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental protection **and meeting any requirements under national law** shall be deemed sufficient for the purpose of **paragraph 2(a)**.

by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental protection shall be deemed sufficient for the purpose of **paragraph 1(a) provided the organisation:**

(a) has an office based in the territory affected by the decisions, acts or omissions subject to the provisions of Article 14, and

(b) meets the requirements of national law.

Or. it

Amendment 251
Antonia Parvanova

Proposal for a directive
Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 2(a).

Amendment

What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental **or public health** protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 2(a).

Or. en

Amendment 252
Åsa Westlund

Proposal for a directive
Article 23– paragraph 1

Text proposed by the Commission

Without prejudice to Article 4, in order to adapt Annexes I to *VII* to technical progress, the Commission shall adopt delegated acts in accordance with Article 24.

Amendment

Without prejudice to Article 4, in order to adapt *part 3 of* Annexes I *and Annexes II* to *VI* to technical *and scientific* progress, the Commission shall adopt delegated acts in accordance with Article 24 *and Article 17, paragraph 2*.

Or. en

Amendment 253
Cristian Silviu Buşoi

Proposal for a directive
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Within six months of an adaptation to technical progress being adopted as provided for in Regulation (EC) No 1272/2008, the Commission shall assess whether Annex I needs to be adapted, taking into account the potential for major accidents linked to a substance and the criteria adopted for the purposes of applying Article 4.

Or. fr

Justification

Adapting the scope of the Seveso Directive to Regulation (EC) No 1272/2008 (CLP) needs to become an ongoing process, as CLP by its very nature indicates.

Amendment 254
Julie Girling

Proposal for a directive
Article 23– paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. Within six months of adoption of an Adaptation to Technical Progress to Regulation (EC) No 1272/2008, the Commission shall assess whether Annex I needs to be adapted, taking into account the major accident hazard potential of a substance and the criteria for application of Article 4.

Or. en

Justification

The alignment of the scope of the Seveso Directive to Regulation (EC) No 1272/2008 (CLP) and its adaptations should become an on-going process, as CLP is by nature a dynamic process.

Amendment 255

Carl Schlyter, Michèle Rivasi

**Proposal for a directive
Article 27 a (new)**

Text proposed by the Commission

Amendment

Article 27 a

Review

By [*], the Commission shall review whether further substances meeting the criteria for classification as carcinogenic, mutagenic or toxic to reproduction category 1A or 1B pursuant to Regulation (EC) No 1272/2008 and mixtures containing such substances shall be added to Annex I, and if necessary, make a legislative proposal to the European Parliament and to the Council, accordingly.

By [*], the Commission shall review whether certain nanomaterials shall be added to Annex I, and if necessary, make a legislative proposal to the European

**Parliament and to the Council,
accordingly.**

Or. en

Justification

The Commission proposal currently has a separate entry for 17 carcinogens in Annex I, Part 2. However, there are many more carcinogenic substances, as well as substances that are mutagenic or toxic to reproduction, that are normally treated in the same way as carcinogens. Moreover, nanomaterials may well provide special accident hazards. Both these issues should be reviewed by the Commission in due time and be included in the legislation, if justified.

Amendment 256

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Fund

1. Each Member State shall establish by [*] a fund to provide for the prevention of major accidents involving dangerous substances, and to cover costs of competent authorities arising from the implementation of this Directive.

2. The contributions to the national fund should be borne by the operators, and be proportional to the quantities of dangerous substances present at the establishment. It shall take account of the work required by the competent authorities in relation to this Directive and shall ensure that the revenue derived is sufficient to cover the cost of the services delivered.

The exact amount shall be specified in a Commission Regulation adopted in accordance with the procedure referred to in Article 24.

*** OJ: please insert 3 years after entry into force of this Directive.**

Or. en

Justification

A fund should be created to stimulate operators to invest in measures for the prevention of major accidents involving dangerous substances. The fund should also cover costs relating to the implementation of this Directive by competent authorities, therefore contributing to better implementation. In order to provide for a level playing field for industry, general criteria should be fixed at EU level.

Amendment 257

Sabine Wils

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H1 – Column 1

Text proposed by the Commission

Amendment

H1 ACUTE TOXIC Category 1, all exposure routes

H1 ACUTE TOXIC Category 1, all exposure routes

ACUTE TOXIC Category 2, dermal and inhalation exposure routes (dust and mists, vapour)

Or. en

Justification

The aim is to modify too high threshold, giving the high dangerous risk for Category H2 and STOT 3 and to include other harmful characteristics; note 7 to the Annexe I is consequently deleted by another amendment.

Amendment 258

Sabine Wils

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H2– Column 1

Text proposed by the Commission

Amendment

H2 ACUTE TOXIC

- Category 2, **all** exposure routes
- Category 3, **dermal and inhalation** exposure routes (*see note 7*)

H2 ACUTE TOXIC

- Category 2, **other** exposure routes (**gas**)
- Category 3, **all** exposure routes

Or. en

Justification

The aim is to modify too high threshold, giving the high dangerous risk for Category H2 and STOT 3 and to include other harmful characteristics; note 7 to the Annexe I is consequently deleted by another amendment.

Amendment 259

Holger Kraemer

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H2– Column 1

Text proposed by the Commission

Amendment

H2 ACUTE TOXIC

- Category 2, all exposure routes
- Category 3, **dermal and inhalation exposure routes** (see note 7)

H2 ACUTE TOXIC

- Category 2, all exposure routes
- Category 3, **inhalation aerosols** (see note 7)

Or. en

Justification

Currently, only half of the substances assigned to category 3 (dermal and inhalation, gases and vapours) are classified as harmful to health. This amendment prevents a widening to a large number of substances and preparations/mixtures. Otherwise, downstream users and small and medium-sized enterprises (SMEs) would be particularly impacted. Gases with an

existing classification as toxic – classified in category 3 under GHS – are already listed under "Named substances".

Amendment 260

Oreste Rossi

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H2– Column 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
HH2 ACUTE TOXIC Category 2, all exposure routes Category 3, dermal and inhalation exposure routes (see note 7)	H2 ACUTE TOXIC Category 2, all exposure routes Category 3, aerosol inhalation exposure route (see note 7)

Or. it

Justification

At present only half the substances included in Category 3 (dermal exposure and inhalation of gases and vapours) are classified as hazardous to health. The amendment seeks to limit its extension to cover a greater number of substances and mixtures, which would particularly affect downstream users of such substances, and SMEs. Gases classified as toxic – and included in Category 3 under the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) – are already listed in Part 2.

Amendment 261

Åsa Westlund

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H3

<i>Text proposed by the Commission</i>		
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT Category 1	50	200
<i>Amendment</i>		
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT Category 1	5	20

Or. en

Amendment 262
Sabine Wils

Proposal for a directive
Annex I – Part 1 – Table – Section 'H' – row H3

Text proposed by the Commission

H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT Category 1	50	200
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Amendment

H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT Category 1	5	20
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Or. en

Justification

The aim is to modify too high threshold, giving the high dangerous risk for Category H2 and STOT 3 and to include other harmful characteristics; note 7 to the Annexe I is consequently deleted by another amendment.

Amendment 263
Carl Schlyter, Michèle Rivasi

Proposal for a directive
Annex I – Part 1 – Table – Section 'H' – row H3a (new)

Text proposed by the Commission

Amendment

<i>H3a Substances or mixtures that are corrosive to the skin or irritating to the skin corrosion, Category 1 with hazard statement EUH314</i>	20000	20000
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Or. en

Justification

The red mud disaster in Kolontár, Hungary, is one of the most recent demonstrations that spills of extremely basic substances stored in great quantities clearly constitute a major-accident risk. Such sites should fall under this Directive to avoid that such disasters happen again.

Amendment 264

Åsa Westlund

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H3 a (new)

Text proposed by the Commission

Amendment

<i>H3a STOT SPECIFIC TARGET ORGAN TOXICITY – REPEATED EXPOSURE STOT Category 1</i>	50	200
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Or. en

Amendment 265

Sabine Wils

Proposal for a directive

Annex I – Part 1 – Table – Section 'H' – row H3 a (new)

Text proposed by the Commission

Amendment

<i>H3a STOT SPECIFIC TARGET ORGAN TOXICITY – REPEATED EXPOSURE STOT Category 1</i>	50	200
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Or. en

Justification

The aim is to modify too high threshold, giving the high dangerous risk for Category H2 and STOT 3 and to include other harmful characteristics; note 7 to the Annexe I is consequently

deleted by another amendment.

Amendment 266
Sabine Wils

Proposal for a directive
Annex I – Part 1 – Table – Section 'H' – row H3 b (new)

Text proposed by the Commission

<i>Amendment</i>		
H3b CARCINOGENS		
Category 1A	0,5	2
CARCINOGENS		
Category 1B	5	20

Or. en

Justification

The Carcinogens substances have to be inserted not only as harmful and dangerous for human health but also because in the definition of relevant accident this directive include the long term effects on human health too.

Amendment 267
Gaston Franco

Proposal for a directive
Annex I – Part 1 – Table – Section 'P' – row P1a – Column 1

Text proposed by the Commission

Amendment

P1a EXPLOSIVES (see note 8)
- Unstable explosives or
- Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or
- Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures

P1a EXPLOSIVES (see note 8)
- Unstable explosives or
- Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or
- ***For substances and mixtures that have not been subject to classification in accordance with recommendations on the transport of dangerous goods, UN Manual of Tests and Criteria (Class 1 Transport):*** substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9)

and do not belong to the hazard classes **Oxidizers**, Organic peroxides or Self-reactive substances and mixtures

Or. fr

Justification

This category includes products classified as explosives under CLP but also substances or mixtures with explosive properties determined under method A.14 of Regulation (EC) No 440/2008. For the sake of coherence and clarity, it would be advisable to restrict this to CLP classification criteria for explosives, as with the other categories, and not take into account other classification methods.

Amendment 268
Sabine Wils

Proposal for a directive
Annex I – Part 1 – Table – Section 'P' – row P3a

Text proposed by the Commission

P3a FLAMMABLE AEROSOLS (see note 11.1) “Extremely flammable” or “Flammable” aerosols, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150	500
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Amendment

P3a FLAMMABLE AEROSOLS (see note 11.1) “Extremely flammable” or “Flammable” aerosols, containing flammable gases Category 1 or 2 or flammable liquids Category 1	50	200
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Or. en

Justification

It's worthwhile to have a lower threshold for category P3a Flammable aerosols

Amendment 269
Holger Krahmer

Proposal for a directive
Annex I – Part 1 – Table – Section 'P' – row P7 – Column 1

Text proposed by the Commission

Amendment

P7 PYROPHORIC LIQUIDS AND SOLIDS Pyrophoric liquids, Category 1	P7 PYROPHORIC LIQUIDS Pyrophoric liquids, Category 1
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Pyrophoric solids, Category 1

Or. en

Justification

Pyrophoric solids were not covered by the existing Seveso Directive. This amendment prevents a widening of the scope of the Directive.

**Amendment 270
Holger Kraemer**

**Proposal for a directive
Annex I – Part 1 – Table – Section 'P' – Row P8 – Column 1**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
P8 OXIDIZING LIQUIDS AND SOLIDS Oxidizing Liquids, Category 1, 2 or 3 , or Oxidizing Solids, Category 1, 2 or 3	P8 OXIDIZING LIQUIDS AND SOLIDS Oxidizing Liquids, Category 1, 2, or Oxidizing Solids, Category 1, 2

Or. en

Justification

Due to the tightening of classification criteria, large-volume substances - which are currently not classified as oxidizing, were labelled with R8 and, consequently, did not fall under the Seveso Directive – will fall in category 3 in the future. Therefore, thresholds should be raised for category 3, in order to prevent an unnecessary tightening of rules especially for downstream users.

**Amendment 271
Holger Kraemer**

**Proposal for a directive
Annex I – Part 1 – Table – Section 'P' – Row P8a (new)**

Text proposed by the Commission

Amendment

P8a (new) OXIDIZING

LIQUIDS AND SOLIDS

Oxidizing Liquids, Category 3	500	2000
Oxidizing Solids, Category 3	500	2000

Or. en

Justification

Due to the tightening of classification criteria, large-volume substances - which are currently not classified as oxidizing, were labelled with R8 and, consequently, did not fall under the Seveso Directive – will fall in category 3 in the future. Therefore, thresholds should be raised for category 3, in order to prevent an unnecessary tightening of rules especially for downstream users.

Amendment 272**Cristian Silviu Busoi****Proposal for a directive****Annex I – Part 1 – Table – Section 'E'***Text proposed by the Commission*

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500

Amendment

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1 (substances with $M \geq 10$)	100	200
E2 Hazardous to the Aquatic Environment in Category Acute 1 and Chronic 1 (substances with $M = 1$ and mixture)	500	1000
E2a Hazardous to the Aquatic Environment in Category Chronic 2	1000	2500

Or. fr

Justification

The classification changes in the CLP Regulation concerning environmental hazards are not adequately reflected in the Commission proposal. More establishments will come artificially into its scope, although they do not present any new risks of major accidents, because certain changes in the prescribed thresholds have not been altered in accordance with changes to the classification rules, in particular the 2nd APT of CLP. This will lead to additional costs and

workload for both the industry and the authorities.

Amendment 273

Gaston Franco, Amalia Sartori, Julie Girling

Proposal for a directive

Annex I – Part 1 – Table – Section 'E'

Text proposed by the Commission

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500

Amendment

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1 (substances with $M \geq 10$)	100	200
E2 Hazardous to the Aquatic Environment in Category Acute 1 and Chronic 1 (substances with $M = 1$ and mixture)	500	1000
E2a Hazardous to the Aquatic Environment in Category Chronic 2	1000	2500

Or. fr

Justification

The classification changes in Regulation (EC) No 1272/2008 (CLP) concerning environmental hazards are not adequately reflected in the Commission proposal. More establishments will, as a result, come artificially under the scope of Seveso although they do not present any new risks of major accidents. Certain changes to the prescribed thresholds for environmental dangers have not been altered in accordance with the changes in classification rules, in particular the 2nd APT to the CLP.

Amendment 274

Sabine Wils

Proposal for a directive

Annex I – Part 1 – Table – Section 'E'

Text proposed by the Commission

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500

Amendment

Section 'E' – ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	5	20
E2 Hazardous to the Aquatic Environment in Category Chronic 2	50	200

Or. en

Justification

It's worthwhile to have a lower threshold for hazardous risk concerning the aquatic environment.

Amendment 275

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex I – Part 1 – Table – Section 'O'– row O3a (new)

Text proposed by the Commission

Amendment

<i>O3a Substances meeting the criteria for classification as persistent, bioaccumulative and toxic in accordance with the criteria set out in Annex XIII of Regulation (EC) No 1907/2007 [*]</i>	0,5	2
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****OJ L 396, 30.12.2006, p. 1***

Or. en

Justification

PBT substances are amongst the substances of very high concern under REACH and are prioritised for substitution under REACH. Once released, they will create lasting damage. So far, only a very limited number of substances are deemed to be PBT. They should be included in the scope of this Directive, with the same thresholds as applicable for carcinogens, which

are also substances of very high concern under REACH.

Amendment 276

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex I – Part 1 – Table – Section 'O'– row O3b (new)

Text proposed by the Commission

Amendment

O3b Substances meeting the criteria for classification as very persistent or very bioaccumulative in accordance with the criteria set out in Annex XIII of Regulation (EC) No 1907/2007 [*] 0,5 2

****OJ L 396, 30.12.2006, p. 1***

Or. en

Justification

Substances that are very persistent and very bioaccumulative (vPvB) are amongst the substances of very high concern under REACH and are prioritised for substitution under REACH. Once released, they are likely to create lasting damage. So far, only a very limited number of substances are deemed to be vPvB. They should be included in the scope of this Directive, with the same thresholds as applicable for carcinogens, which are also substances of very high concern under REACH.

Amendment 277

Sabine Wils

Proposal for a directive

Annex I – Part 1 – Table – Section 'O'– row O3a (new)

Text proposed by the Commission

Amendment

O3a (new) Chemicals included in Annex XIV of the REACH Regulation but not included in other parts of this annex 5 20

Or. en

Justification

Chemical substances as included in annexe XIV of REACH, but not foreseen in this annexe should be included with a precautionary lower threshold..

Amendment 278

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex I – Part 2 – Table – row 32 – Column 3

Text proposed by the Commission

Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (note 19)

0,001

Amendment

Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (note 19)

**0,000000001 (=1mg)
in combination with
a concentration
threshold of 1ppb**

Or. en

Justification

A threshold of 1 kg of dioxin is completely inadequate: nobody will ever hold 1 kg of dioxin. The threshold should be set at 1 mg, with all substances and mixtures containing dioxin in concentrations above 1 ppb contributing to that calculation.

Amendment 279

Cristina Gutiérrez-Cortines

Proposal for a directive

Annex I – Part 2 – Table – Row 34 – Column 1

Text proposed by the Commission

Amendment

Petroleum products

Petroleum products ***and their waste***

(a)gasolines and naphthas,

(a)gasolines and naphthas,

(b)kerosenes (including jet fuels),

(b)kerosenes (including jet fuels),

(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)

(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)

(d) heavy fuel oil

(d) heavy fuel oil

Or. en

Justification

Petroleum wastes (including used oils) have the same properties in terms of hazard and of major accident potential as the petroleum products which are included in Annex I - Part 2-named substances. By including them under Annex I- Part 2 will allow to treat petroleum wastes in the same way as petroleum products; and to ensure that they are treated in the same across all Member States, this amendment is proposed.

Amendment 280

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex I – Part 2 – Table – row 37 a (new)

Text proposed by the Commission

Amendment

Carbon dioxide

124-38-9

20

1000

Or. en

Justification

CO2 has already created major accidents in the past in fire extinguishing plants. The same may happen with carbon capture and storage (CCS). The Commission decided not to include CO2 under this Directive as CCS schemes are only at an early stage, and as it would be “premature to judge on whether a major accident hazard would emerge should the technology be widely used in the future”. However there is a major-accident potential when

CO2 is used in high quantities. According to the impact assessment only 10-100 sites may be potentially affected.

Amendment 281
Holger Krahmer

Proposal for a directive
Annex I – Part 2 – Table – new rows after row 37

Text proposed by the Commission

<i>Amendment</i>			
<i>Piperidin</i>	<i>110-889-4</i>	<i>50</i>	<i>200</i>
<i>Bis(2-dimethylaminoethyl)(methyl)amin</i>	<i>3030-47-5</i>	<i>50</i>	<i>200</i>
<i>3-(2-Ethylhexyloxy)propylamin</i>	<i>5397-31-9</i>	<i>50</i>	<i>200</i>
<i>Chrom-VI-Verbindungen</i>		<i>5</i>	<i>20</i>
<i>2-(Dimethylamino)ethylacrylat</i>	<i>2439-35-2</i>	<i>5</i>	<i>20</i>
<i>Methansulphonylchlorid</i>	<i>124-63-0</i>	<i>5</i>	<i>20</i>
<i>Dihexylamin</i>	<i>143-16-8</i>	<i>5</i>	<i>20</i>

Or. en

Justification

These substances were included within the Seveso-II-Directive with the proposed quantities and should not be cancelled by the adaption of the CLP-Regulation.

Amendment 282
Gaston Franco, Amalia Sartori, Françoise Grossetête, Julie Girling

Proposal for a directive
Annex I – Part 2 – Table – row 37 a (new)

Text proposed by the Commission

Amendment

Sodium hypochlorite

200

500

Or. en

Amendment 287

Gaston Franco, Amalia Sartori

Proposal for a directive

Annex I – Part 2 – Table – row 37 a (new)

Text proposed by the Commission

Amendment

Essential oils and similar substances (note 19a)

1000

5000

Or. fr

Justification

The thresholds for aquatic environment hazards do not take into account the classification changes in Regulation 1272/2008. Thresholds of 1000 / 5000 T would be better suited to these products, which are agricultural in origin and are packed and stocked in 180 kg net drums, without risk of a domino effect, provided they are stocked in a sealed and collected holding area. A great many firms, often SMEs specialising in the production, storage, distribution or mixing of essential oils would then be Seveso-classified without presenting any new risks of major accidents.

Amendment 288

Oreste Rossi, Paolo Bartolozzi

Proposal for a directive

Annex I – Part 2 – Table – row 37 a (new)

Text proposed by the Commission

Amendment

Mineral products

(a) crude oil

5000

50000

Justification

Petroleum products are listed in Part 2 of Annex I. Crude oil, a form of petroleum which is not a petroleum product, as it is a raw material, is not included in the list of named substances and falls within the scope of the directive (under Annex I, Part 1) because of its characteristics . This differentiated approach to substances with similar characteristics results in very different ‘Seveso’ ceilings being applied to crude oil and petroleum products respectively. The amendments seeks to harmonise the application of the directive to these substances.

Amendment 289
Sabine Wils

Proposal for a directive
Notes to Annex I – paragraph 3 – introductory part

Text proposed by the Commission

3. The qualifying quantities set out below relate to each establishment.

Amendment

3. The qualifying quantities set out below relate to each establishment. ***When a group of establishments are in the condition of a domino effect (art.8.1) the quantities set out below relate to the sum of all establishments***

Justification

In order to consider the situation of establishments under a domino effect.

Amendment 290
Sabine Wils

Proposal for a directive
Notes to Annex I – paragraph 3 - subparagraph 2

Text proposed by the Commission

The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time.

Amendment

The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time

Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere on the site.

included the installed or authorized temporary or permanent storage capacity.
Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere on the site.

Or. en

Justification

Storage installed capacity has to be considered.

Amendment 291

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Notes to Annex I – paragraph 3 - subparagraph 2

Text proposed by the Commission

The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere on the site.

Amendment

The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 1 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere on the site.

Or. en

Justification

Only quantities below 1% of the relevant qualifying quantity should be ignored, otherwise the risk potential risks to be underestimated in a significant manner.

Amendment 292
Sabine Wils

Proposal for a directive
Notes to Annex I – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Concerning the pipelines outside the establishment border the lower and upper thresholds are referred to the annual transport average. For the permanent or intermediate storage sites the reference quantity to be considered is the maximum storable quantity or that deliverable within two working days.

Or. en

Justification

Giving references to establish quantities concerning pipelines lower and upper thresholds.

Amendment 293
Sabine Wils

Proposal for a directive
Notes to Annex I – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) for the addition of substances and mixtures named in Part 2 that are classified as acute toxicity category 1,2 or 3, together with substances and mixtures falling into section H: H1 to **H3**.

(a) for the addition of substances and mixtures named in Part 2 that are classified as acute toxicity category 1,2 or 3, together with substances and mixtures falling into section H: H1 to **H6**.

Or. en

Justification

Consistent with the proposal to include under the Health Hazards the H6 Carcinogens Category 1A and 1B

Amendment 294
Julie Girling

Proposal for a directive
Notes to Annex I – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When determining the qualifying quantities, mixtures classified as hazardous to the environment under sections E1 and E2 in Part 2 shall not be taken into account when they are packaged in limited quantities (inner pack up to 5 litres/5kg and combination pack up to 30 kg) as specified in the Regulation on the Transport of Dangerous Goods.

Or. en

Justification

As in the case of transport, packaging is a means of mitigating the risk of accidental release into the environment which applies equally for transport and storage. Since packaged products in limited quantities do not pose a significant hazard of a major accident, they shall not be taken into account when determining the qualifying quantities.

Amendment 295
Cristian Silviu Buşoi

Proposal for a directive
Notes to Annex I – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Mixtures classified as environmental hazards in Sections E1 and E2, part 2, are not taken into account in the determination of prescribed thresholds when they are packaged in limited quantities (inner packaging up to 5 litres/5 kg and combined packaging up to 30 kg) as provided for in the Regulation on the transportation of dangerous goods.

Justification

As in the case of transport, packaging is a means of reducing the risks of accidental discharge into the environment and applies both to transport and to storage. Given that there is no significant danger of a major accident with products packaged in limited quantities, they ought not to be taken into account when determining the thresholds.

Amendment 296**Patrice Tirolien, Gilles Pargneaux****Proposal for a directive****Notes to Annex I – paragraph 6 a (new)***Text proposed by the Commission**Amendment*

6a. In the case of heavy fuel oil, the thresholds given in Part 2 for ‘Petroleum products’ apply solely to power stations commissioned on or after 1 January 2023.

Amendment 297**Sabine Wils****Proposal for a directive****Notes to Annex I – paragraph 7***Text proposed by the Commission**Amendment*

7. In the case of substances and mixtures falling within the hazard class H2 ACUTE TOXIC, Category 3, dermal and inhalation exposure routes, where data for these route(s) are not available, extrapolation from other route(s) shall be performed based on the approach outlined in Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (in particular point 3.1.3.6.2.1. (a) and table 3.1.2 in Annex I) and Regulation (EC) No 1907/2006 concerning the Registration, ***deleted***

Evaluation, Authorisation and Restriction of Chemicals (REACH) (in particular Annex I, section 5.2 (exposure estimation)), as well as the related guidance, available at:

http://guidance.echa.europa.eu/docs/guidance_document/clp_en.pdf (as of page 204).

Or. en

Justification

As in the Annexe I part 1 H2 Acute Toxic - Category is extended to all exposure routes the captioned note is unnecessary.

Amendment 298

Gaston Franco, Amalia Sartori

Proposal for a directive

Notes to Annex I – paragraph 19 a (new)

Text proposed by the Commission

Amendment

19a. Essential oils and similar substances (1000/5000)

This applies to essential oils and similar substances as defined by ISO 9235 standard with the exception of those falling within the hazard classes acute toxicity, category 1, all exposure routes, category 2, all exposure routes and category 3 exposure by dermal and inhalation routes (see note 7), as well as those falling within the hazard class STOT specific target organ toxicity - single Exposure, category 1.

Or. fr

Justification

The thresholds for aquatic environment hazards do not take into account the classification changes in Regulation 1272/2008. Thresholds of 1000 / 5000 T would be better suited to these

products, which are agricultural in origin and are packed and stocked in 180 kg net drums, without risk of a domino effect, provided they are stocked in a impermeable and collected holding area. A great many firms, often SMEs specialising in the production, storage, distribution or mixing of essential oils would then be Seveso-classified without presenting any new risks of major accidents.

Amendment 299
Holger Kraemer

Proposal for a directive
Annex II – paragraph 2 – point c

Text proposed by the Commission

(c) identification of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects;

Amendment

(c) *On the basis of information provided or made available by the competent authorities, the* identification of neighbouring establishments, 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 information, as required in the Commission proposal, are not available to the operator and can be provided only by the competent authority.

Amendment 300
Karl-Heinz Florenz

Proposal for a directive
Annex II – paragraph 2 – point c

Text proposed by the Commission

(c) identification of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects;

Amendment

(c) identification of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects, ***including on the basis of information provided by the authorities;***

Justification

In line with Article 6(1)(g) on ‘Notification’, it should be recognised that operators do not always have the legal means to obtain information and that, if necessary, the authorities should provide the information or see to it that it is provided.

Amendment 301**Oreste Rossi****Proposal for a directive****Annex II – paragraph 2 – point c***Text proposed by the Commission*

(c) identification of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects;

Amendment

(c) identification, ***on the basis of information provided or made available by the competent authority***, of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects;

Or. it

Justification

Operators do not have at their disposal the information required under the Commission proposal, which can be provided only by the competent authority.

Amendment 302**Carl Schlyter, Michèle Rivasi****Proposal for a directive****Annex II – paragraph 2 – point c***Text proposed by the Commission*

(c) identification of neighbouring establishments, as well as other sites, areas and developments that could increase the risk or consequences of a major accident and of domino effects;

Amendment

(c) identification of neighbouring establishments, 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;

Justification

Other sites may also be the source of the risk.

Amendment 303

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex II – paragraph 3 – point b

Text proposed by the Commission

(b) description of processes, in particular the operating methods;

Amendment

(b) description of processes, in particular the operating methods ***according to Best Available Techniques pursuant to Directive 2010/75/EU on industrial emissions***;

Or. en

Justification

Compliance with BAT should be part of the description of the process.

Amendment 304

Sabine Wils

Proposal for a directive

Annex II – paragraph 3 – point b

Text proposed by the Commission

(b) description of processes, in particular the operating methods;

Amendment

(b) description of processes, in particular the operating methods, ***including the equipment characteristics and chemical-physical process parameters***;

Or. en

Justification

Completing the definition and description references of a process.

Amendment 305
Carl Schlyter, Michèle Rivasi

Proposal for a directive
Annex II – paragraph 4 – point a – subpoint ii

Text proposed by the Commission

(ii) external risks and hazard sources, from domino effects and from other sites, areas and developments that could increase the risk or consequences of a major accident;

Amendment

(ii) external risks and hazard sources, from domino effects and from other sites, areas and developments that could ***be the source of, or*** increase the risk or consequences of a major accident;

Or. en

Justification

Other sites may also be the source of the risk.

Amendment 306
Edite Estrela

Proposal for a directive
Annex III – paragraph 1 – point b – subpoint i

Text proposed by the Commission

(i) organisation and personnel „ the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation. The identification of training needs of such personnel and the provision of the training so identified. The involvement of employees and of subcontracted personnel working in the establishment;

Amendment

(i) organisation and personnel „ the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation. The identification of training needs of such personnel and the provision of the training so identified. The involvement of employees and of subcontracted personnel working in the establishment. ***The continuous improvement of the safety culture by raising the awareness of the organization on the control of major-accident hazards;***

Or. en

Justification

Safety culture is a cross-cutting issue and it is assessed through other requisites, namely «organisation and personnel», in order to include the need to raise awareness of employees on control of major-accident hazards.

Amendment 307

Edite Estrela

Proposal for a directive

Annex III – paragraph 1 – point b – subpoint v

Text proposed by the Commission

Amendment

(v) safety culture - measures to assess and improve safety culture; **deleted**

Or. en

Justification

Safety culture is a cross-cutting issue and it is assessed through other requisites, namely «organisation and personnel».

Amendment 308

Gaston Franco

Proposal for a directive

Annex III – paragraph 1 – point b – subpoint v

Text proposed by the Commission

Amendment

(v) safety culture: measures to assess and improve safety culture;

(v) control of hazards linked to ageing of equipment: identification of the establishment's equipment; description of the equipment's condition on 1 June 2015 or on the day of its commissioning where this is a later date; presentation of a strategy implemented to inspect the condition of equipment (arrangements, frequency, methods, etc.) and to determine the follow-up to these inspections (methodology for analysing results, criteria triggering corrective repair or replacement actions, etc.);

justification for these aspects of the strategy shall be based on conceivable forms of degradation; on the presentation of a methodology to monitor the results of the inspections and the follow-up to these inspections, and a methodology for any interventions carried out in the light of these results;

Or. fr

Justification

The proposal of a new part in the safety management systems given over to safety culture seems weak. Europe's industry is ageing and is not really being renewed. Practices in force when the factories were new now need to be adapted in everyday operations to ensure safety (increased surveillance, replacement of the most worn parts, etc.).

Amendment 309

Vladko Todorov Panayotov

Proposal for a directive

Annex III – paragraph 1 – point b – subpoint vii a (new)

Text proposed by the Commission

Amendment

(viiia) Operators' safety management systems shall consider the potential of best available monitoring and control technology to reduce the risk of system failure and to prevent major-accidents.

Or. en

Justification

Annex III of the draft proposal lists safety requirements as well as safety performance indicators and makes reference to monitoring of plants. Best available technology should be considered as a way to optimise the operators' safety management system.

Amendment 310

Vladko Todorov Panayotov

Proposal for a directive

Annex III – paragraph 1 – point b – subpoint viii a (new)

Text proposed by the Commission

Amendment

(viii) Competent authorities shall consider the information on best available technologies for control of emission in industrial plants established in Best Available Technology Reference Documents under Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) to the extent possible.

Or. en

Amendment 311

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5a. Non-technical summaries of the safety report

Or. en

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 online.

Amendment 312

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 1 – point 5 b (new)

Text proposed by the Commission

Amendment

5b. External emergency plans

Or. en

(Linked to the deletion of Point 5 of Part 2 of Annex V (to be voted together))

Justification

The public should have direct access to the external emergency plan for all establishments, and not just to some information thereof for upper-tier establishments only. According to the impact assessment by the Commission, the protection level can be increased strongly at comparatively low costs by making the external emergency plan available to the public online.

Amendment 313

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 1 – point 5 c (new)

Text proposed by the Commission

Amendment

5c. Adequate information on how the population concerned will be warned and kept informed in the event of a major accident.

Or. en

(Linked to the deletion of the same provisions in Part 2 of Annex V (to be voted together).)

Justification

This information should be freely available for all establishments, and not just for upper-tier establishments.

Amendment 314

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 1 – point 5 d (new)

Text proposed by the Commission

Amendment

5d. Adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident.

Or. en

(Linked to the deletion of the same provision in Point 3 of Part 2 of this Annex (to be voted together))

Justification

This information should be freely available for all establishments, and not just for upper-tier establishments.

Amendment 315
Gaston Franco

Proposal for a directive
Annex V – Part 1 – point 6

Text proposed by the Commission

Amendment

6. Summary details of the inspections carried out pursuant to Article 19 and of the main findings from the latest inspection conclusions, together with a reference or /link to the related inspection plan. ***deleted***

Or. fr

Justification

This provision must be deleted in view of the high risks involved in publishing weaknesses found on Seveso sites, due to their potential use in terrorism and economic intelligence risks.

Amendment 316
Holger Krahmer

Proposal for a directive
Annex V – Part 1 – point 6

Text proposed by the Commission

Amendment

6. Summary details of the inspections carried out pursuant to Article 19 and of the main findings from the latest inspection conclusions, together with a reference or /link to the related inspection plan. *deleted*

Or. en

Justification

An inclusion of information, as demanded here, in a brochure for the general public would rather cause uncertainty among the public. Details of inspection issues would be overly technical for members of the public. Therefore, information should be limited to really important items. In particular, it is important for members of the public to know how to conduct themselves in case of an occurrence. Too much information would dilute what is essential.

Amendment 317

Daciana Octavia Sârbu, Rovana Plumb

Proposal for a directive

Annex V – Part 1 – point 6

Text proposed by the Commission

Amendment

6. Summary details of the inspections carried out pursuant to Article 19 and of the main findings from the latest inspection conclusions, together with a reference or /link to the related inspection plan.

6. The conclusions of the inspections carried out pursuant to Article 19.

Or. en

Amendment 318

Gaston Franco

Proposal for a directive

Annex V – Part 2 – point 1

Text proposed by the Commission

Amendment

1. Summary details of the main types of major-accident scenarios and the main types of events which may play a role in triggering each of these scenarios. ***deleted***

Or. fr

Justification

As in Part I of this annex, it is vital that details of the main major-accident scenarios are not be published, with this applying even more to the events that could trigger such scenarios. The only information that could be published would be the non-technical summary of the risk study.

Amendment 319
Holger Krahmer

Proposal for a directive
Annex V – Part 2 – point 1

Text proposed by the Commission

Amendment

1. Summary details of the main types of major-accident scenarios and the main types of events which may play a role in triggering each of these scenarios. ***deleted***

Or. en

Justification

Such detailed information about major-accident scenarios would only cause fear uncertainty among the public, for whom such details would be overly technical. Therefore, information should be limited to really important items. In particular, it is important for members of the public to know how to conduct themselves in case of an occurrence. Too much information would dilute what is essential.

Amendment 320
Carl Schlyter, Michèle Rivasi

Proposal for a directive
Annex V – Part 2 – point 2

Text proposed by the Commission

Amendment

2. Adequate information on how the population concerned will be warned and kept informed in the event of a major accident.

deleted

Or. en

(Linked to the new amendment to Part I of Annex V by the same authors.)

Justification

This information should be freely available for all establishments, and not just for upper-tier establishments.

Amendment 321

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 2 – point 3

Text proposed by the Commission

Amendment

3. Adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident.

deleted

Or. en

(Linked to the new amendment to Part I of Annex V by the same authors.)

Justification

This information should be freely available for all establishments, and not just for upper-tier establishments.

Amendment 322

Carl Schlyter, Michèle Rivasi

Proposal for a directive

Annex V – Part 1 – point 5

Text proposed by the Commission

Amendment

5. Appropriate information from the external emergency plan drawn up to cope with any off-site effects from an accident. This should include advice to cooperate with any instructions or requests from the emergency services at the time of an accident. *deleted*

Or. en

(Linked to the new amendment to Part I of Annex V by the same authors.)

Justification

The public should have direct access to the external emergency plan for all establishments, and not just to some information thereof for upper-tier establishments only. According to the impact assessment by the Commission, the protection level can be increased strongly at comparatively low costs by making the external emergency plan available to the public online.

Amendment 323
Åsa Westlund

Proposal for a directive
Annex V – Part 1 – point 7a (new)

Text proposed by the Commission

Amendment

7a. Adequate information on how the population concerned will be warned and kept informed in the event of a major accident.

Or. en

Amendment 324
Åsa Westlund

Proposal for a directive
Annex V – Part 1 – point 7b (new)

Text proposed by the Commission

Amendment

7b. Adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident.

Or. en

**Amendment 325
Holger Krahmer**

**Proposal for a directive
Annex VI – Part I - point 1**

Text proposed by the Commission

Amendment

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least **1** % of the qualifying quantity laid down in column 3 of Annex I.

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least **5** % of the qualifying quantity laid down in column 3 of Annex I.

Or. en

Justification

The proposed tightening would not lead to any gain in safety. Practice has shown that notification according to the 5% threshold is perfectly sufficient. By contrast, the Commission proposal would mean a disproportionately high amount of documentation for both operators and authorities.

**Amendment 326
Sergio Berlato**

**Proposal for a directive
Annex VI – Part I - point 1**

Text proposed by the Commission

Amendment

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least **1** % of the qualifying quantity laid down in column 3

Any fire or explosion or accidental discharge of a dangerous substance involving, a quantity of at least **5** % of the qualifying quantity laid down in column 3

of Annex I.

of Annex I.

Or. it

Justification

Current legislation sets the threshold at 5 % of the qualifying quantity. By reducing that threshold to 1%, the proposal risks generating a disproportionate increase in the number of incidents which operators are obliged to report.

Amendment 327

Oreste Rossi

**Proposal for a directive
Annex VI – Part I - point 1**

Text proposed by the Commission

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least **1** % of the qualifying quantity laid down in column 3 of Annex I.

Amendment

Any fire or explosion or accidental discharge of a dangerous substance involving, a quantity of at least **3** % of the qualifying quantity laid down in column 3 of Annex I.

Or. it

Justification

The quantitative threshold proposed by the Commission would produce a disproportionate increase in red tape, both for operators and for the competent authorities.

Amendment 328

Sabine Wils

**Proposal for a directive
Annex VI – Part I - point 1**

Text proposed by the Commission

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least 1 % of the qualifying quantity laid down in column 3 of Annex I.

Amendment

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least 1 % of the qualifying quantity laid down in column 2 of Annex I.

Justification

The definition of a relevant accident referred to a percentage of an upper threshold is not consistent for the lower tier establishment therefore reference to threshold in column 2 instead of column 3 is more appropriate.

Amendment 329

Sabine Wils

Proposal for a directive

Annex VII

Text proposed by the Commission

Amendment

[...]

deleted

Justification

New criteria are to be adopted only by a co-decision procedure

Amendment 330

Sabine Wils

Proposal for a directive

Annex VII – heading 1

Text proposed by the Commission

Amendment

***CRITERIA FOR DEROGATIONS
PURSUANT TO ARTICLE 4***

deleted

Justification

New criteria are to be adopted only by a co-decision procedure.

Amendment 331

Gaston Franco, Françoise Grossetête, Amalia Sartori

**Proposal for a directive
Annex VII**

Text proposed by the Commission

CRITERIA FOR DEROGATIONS
PURSUANT TO ARTICLE 4

Amendment

CRITERIA FOR DEROGATIONS

Any substance or mixture that is toxic or very toxic for aquatic organisms, packaged in a storage unit (drum, etc.) equal to or less than 0.2 % of the tonnage given in Annex I, Part 1, Column 2 (i.e. 400 kg and 200 kg respectively for substances or mixtures toxic/very toxic for aquatic organisms) shall not be recorded in the total quantity present if the location in the interior of the establishment where they are stored is such that an accidental discharge of said substances or mixtures is not able to trigger a major accident elsewhere on the site via a domino effect, and provided that the storage location is in a sealed and collected holding area.

Or. fr

Justification

The storage of a small stock of an environmentally toxic substance should not be taken into account, in view of the amount discharged: the discharge of an environmentally toxic substance from a small stock does not have the same consequences for the environment as a discharge from a storage tanker.

**Amendment 332
Edite Estrela**

**Proposal for a directive
Annex VII a (new)**

Text proposed by the Commission

Amendment

**CRITERIA FOR SELECTION OF
LOWER TIER ESTABLISHMENTS
COVERED BY THE OBLIGATION TO
IMPLEMENT SAFETY
MANAGEMENT SYSTEMS,
PURSUANT TO PARAGRAPHS 4A**

AND 4B OF ARTICLE 7

Or. en

Justification

This provision concerns the inclusion of criteria to select lower tier establishments covered by safety management systems, pursuant to paragraph 1a of article 7.