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Committee on the Environment, Public Health and Food Safety

2010/0377(COD)

29.9.2011

CONSOLIDATED / COMPROMISE AMENDMENTS

Draft report

János Áder

(PE464.978v01-00)

on control of major-accident hazards involving dangerous substances

Proposal for a directive

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

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United in diversity

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Consolidated package 1 on the Scope by

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on behalf of the PPE Group

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on behalf of the S&D Group

Vladko Todorov Panayotov

on behalf of the ALDE Group

Michèle Rivasi, Carl Schlyter

on behalf of the Verts/ALE Group

Sabine Wils

on behalf of the GUE/NGL Group

Oreste Rossi

on behalf of the EFD Group

Amendments that will be covered by this package:

54, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 84, 85, 86, 87, 88, 89, 255

Consolidated amendment 1a

Proposal for a directive

Recital 8

Text proposed by the Commission

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

Amendment

(8) Certain industrial activities should be excluded from the scope of this Directive, ***provided they*** are subject to other legislation at Union or national level providing an equivalent level of safety. The Commission should continue to ***examine whether*** there are significant gaps in the existing regulatory framework, in particular as regards new and emerging risks from other activities ***as well as from specific dangerous substances, and certain nanomaterials that do not yet fall within the scope of this Directive, and if appropriate present a legislative proposal to address these gaps.***

Consolidated amendment 1b

Proposal for a directive

Article 2 - paragraph 2 - point c

Text proposed by the Commission

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

Amendment

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

Consolidated amendment 1c

Proposal for a directive
Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Review

By 1 June 2013, the Commission shall examine whether offshore exploration and exploitation of minerals (including hydrocarbons) should be included in the scope of this Directive and, if appropriate, present to this effect a legislative proposal to the European Parliament and to the Council.

By 1 June 2015, the Commission shall examine whether transport of dangerous substances in pipelines (including pumping stations) should be included in the scope of this Directive and, if appropriate, present to this effect a legislative proposal to the European Parliament and to the Council.

By 1 June 2015, the Commission shall

examine 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, mixtures containing such substances, and certain nanomaterials should be added to Annex I, and if appropriate, present to this effect a legislative proposal to the European Parliament and to the Council.

Compromise package 2 on Neighbouring Establishments by

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Anna Rosbach

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Sabine Wils

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Oreste Rossi

on behalf of the EFD Group

Amendments that will be covered by this package:

16, 21, 22, 126, 127, 128, 129, 150, 151

Compromise amendment 2a

Proposal for a directive

Article 6 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) the immediate environment of the establishment, elements liable to cause a major accident or to aggravate the consequences thereof, including the details of neighbouring establishments, as well as of 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, ***provided that this information is available to the operator.***

Compromise amendment 2b

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the

Amendment

1. Member States shall ensure that the

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

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

Compromise amendment 2c

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

Text proposed by the Commission

Amendment

1a. For the purpose of paragraph 1, where the information provided by the operators pursuant to point (g) of Article 6(1) is not sufficient or available, the Member State shall ensure that the competent authority obtains information directly from the neighbouring establishments or sites, and makes it available to the operators.

Compromise amendment 2d

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

Text proposed by the Commission

Amendment

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

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

Compromise package 3 on MAPPs by

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Anna Rosbach

on behalf of the ECR Group

Sabine Wils

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Oreste Rossi

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Amendments that will be covered by this amendment:

18, 20, 24, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 306, 307, 308

Compromise amendment 3a

Proposal for a directive

Article 7 - paragraph 1

Text proposed by the Commission

Amendment

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

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

Compromise amendment 3b

Proposal for a directive

Article 7 - paragraph 2 - introductory part

Text proposed by the Commission

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

Amendment

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

Compromise amendment 3c

Proposal for a directive

Article 7 - paragraph 4 - introductory part

Text proposed by the Commission

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

Amendment

4. The operator shall periodically review and where necessary update the MAPP, at least every five years. The updated **document setting out the** MAPP shall be sent to the competent authority without delay **and made publicly available upon request.**

Compromise amendment 3d

Proposal for a directive

Article 7 - paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The MAPP shall be implemented by appropriate means, structures and management systems. For upper-tier establishments, it shall be implemented by safety management systems in accordance with Annex III. Member States shall require lower-tier establishments to

implement the MAPP by means of a safety management system proportionate to the major-accident hazards, and to the complexity of the organisation or activities of the establishment, unless they consider it unnecessary.

Compromise amendment 3e

Proposal for a directive Article 9 – paragraph 7

Text proposed by the Commission

Amendment

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

deleted

Compromise amendment 3f

Proposal for a directive Annex III – point b – point v

Text proposed by the Commission

Amendment

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

(v) continuously high level of protection — measures to continuously ensure a high level of protection with respect to major-accident hazards;

Compromise package 4 on Land Use Planning by

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Vladko Todorov Panayotov

on behalf of the ALDE Group

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on behalf of the Verts/ALE Group

Anna Rosbach

on behalf of the ECR Group

Sabine Wils

on behalf of the GUE/NGL Group

Oreste Rossi

on behalf of the EFD Group

Amendments that will be covered by this package:

60, 61, 172, 173, 174, 175, 176, 177

Compromise amendment 4a

Proposal for a directive

Recital 15

Text proposed by the Commission

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

Amendment

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

under other Union legislation.

be integrated with those under other Union legislation.

Compromise amendment 4b

Proposal for a directive

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Compromise amendment 4c

Proposal for a directive

Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) new developments including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments may increase the risk or consequences of a major accident.

Amendment

(c) new developments including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments may **be the source of or** increase the risk or consequences of a major accident.

Compromise amendment 4d

Proposal for a directive

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

Member States shall **ensure** that their land-use or other relevant policies and the procedures for implementing those policies

Amendment

Member States shall **pursue in** their land-use or other relevant policies and the procedures for implementing those

take account of the need, in the long term: policies:

Compromise package 5 on Public Information by

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Anna Rosbach

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Sabine Wils

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Oreste Rossi

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Amendments that will be covered by this amendment:

26, 27, 30, 43, 44, 45, 46, 47, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 194, 195, 196, 197, 198, 234, 239, 240, 241, 242, 243, 244, 311, 313, 314, 317, 320, 321, 323, 324

Compromise amendment 5a

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that the information referred to in **Part 1 and 2 of** Annex V is permanently available to the public, including in an electronic format **and that the information referred to in Part 2a of Annex V is at least made available to the public upon request**. The information shall be **kept up to date, and reviewed at least every three years**.

Compromise amendment 5b

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Compromise amendment 5c

Proposal for a directive Article 21

Text proposed by the Commission

Amendment

Article 21

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.

3. 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

Article 21

Access to information

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. Access to information granted by the competent authorities under this Directive shall be handled in accordance with Directive 2003/4/EC.

3. If the operator has requested not to disclose certain parts of the safety report or the inventory of dangerous substances the competent authorities may refuse access in accordance with Article 4 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 inventory excluding those parts.

Compromise amendment 5d

Proposal for a directive Annex V – Part 1 – point 4

Text proposed by the Commission

4. The common names **or**, in the case of dangerous substances covered by Part 1 of Annex 1, the generic names **or** the hazard classification of the substances and mixtures involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics.

Amendment

4. The common names **and**, in the case of dangerous substances covered by Part 1 of Annex 1, the generic names **and** the hazard classification of the substances and mixtures involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics ***in simple terms***.

Compromise amendment 5e

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 by the competent authorities or by their local offices in the event of a major accident.

Compromise amendment 5f

Proposal for a directive Annex V – Part 1 – point 5 d (new)

Text proposed by the Commission

Amendment

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

Compromise amendment 5g

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. ***Information on when the last inspections have been carried out pursuant to Article 19, and information on where the main findings from the inspections and the related inspection plan can be requested.***

Compromise amendment 5h

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

Compromise amendment 5i

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

Compromise amendment 5j

**Proposal for a directive
Annex V – Part 2 – point 6 a (new)**

Text proposed by the Commission

Amendment

6a. Non-technical summaries of the safety report

Compromise amendment 5k

**Proposal for a directive
Annex V – Part 2 a (new) - Title**

Text proposed by the Commission

Amendment

**Part 2a
Information to be made available at least upon request for all establishments covered by this Directive:**

Compromise amendment 5l

**Proposal for a directive
Annex V – Part 2 a (new) - paragraph 2**

Text proposed by the Commission

Amendment

2. Summary details of the inspections carried out pursuant to Article 19 and of the main findings from the latest

*inspection conclusions and the related
inspection plan.*

Compromise amendment 6 by

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Anna Rosbach

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Oreste Rossi

on behalf of the EFD Group

Proposal for a directive

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

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

Amendment

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

Justification

To cover amendments 6, 93, 94, 95, 96.

Consolidated amendment 7 by

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on behalf of the ALDE Group

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Oreste Rossi

on behalf of the EFD Group

Proposal for a directive

Article 2 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Justification

To cover amendments 81-83.

Consolidated amendment 8 by

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Michèle Rivasi

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Proposal for a directive

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Review

By 1 June 2015, the Commission shall examine whether any substances meeting the criteria for classification as persistent, bioaccumulative and toxic, or as very persistent or very bioaccumulative in accordance with the criteria set out in Annex XIII of Regulation (EC) No 1907/2007 should be added to Annex I, and if appropriate, present to this effect a legislative proposal to the European Parliament and to the Council.

Justification

To cover amendments 275 and 276.