NOTICE TO MEMBERS

Subject: Petition 0410/2014 by Roberta Metsola (Maltese) on the installation of a floating storage facility for liquefied natural gas in Marsaxlokk Bay (Malta) and the risks posed to residents

1. Summary of petition

The petitioner reports that the Maltese Government has proposed installing a floating storage facility for liquefied natural gas (LNG) in Marsaxlokk Bay in Malta. The unit would have a capacity of 140,000 cubic meters and would supply the natural gas-fired power plant being built in the bay. The petitioner believes that this facility may be in breach of the Seveso II Directive (Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances), particularly Articles 7 and 17, since it would be sited very close to a heavily populated residential area. The petitioner believes that the risks associated with the implementation of the project could be significantly reduced if the liquefied natural gas storage unit was moved to a more secure location, at a safe distance from residential areas.

The petitioner urges the European Parliament to call on the European Commission to investigate the possible risks to public health.

2. Admissibility

Declared admissible on 30 January 2015. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 29 May 2015

The petitioner claims that the planned floating storage facility for LNG may be in breach of Articles 7 (obligation for operators to establish a Major Accident Prevention Policy) and 17 (obligation for competent authorities to prohibit any project where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient) of the Seveso II Directive 96/82/EC on the prevention of major-accident hazards involving
dangerous substances. The main concern is that it would not respect the necessary safety distance from the nearby residential areas.

The Commission’s observations

The Commission has assessed compliance of the project with the Seveso II Directive in the framework of a pilot investigation, registered in the year 2014 under number 6299/14, and has come to the conclusion that no breach could be established. The pilot investigation focussed on the obligation for the operator to submit a safety report and the obligation for competent authorities to take into account safety distances where appropriate and address potential domino effects (the notion of domino effect refers to the existence of 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).

The current petition is likewise mainly concerned with the need for the project to be moved to a secure location at a safe distance from residential areas, and the obligation for the operator to establish a major accident prevention policy, as demonstrated in the safety report.

The Commission can therefore provide the following information resulting from a letter of 5 June 2014 from the Maltese authorities in this respect.

In terms of general land-use planning policies, the site proposed for the development in question is designated in the Marsaxlokk Bay Local Plan as part of the existing Enemalta facilities, which are located in an area which is mainly dedicated to agricultural use, with a few isolated buildings. When the Marsaxlokk Bay Local Plan was first drafted in 1994, comments of the public were taken into account. In 2003, a public consultation was held in the framework of the policy for implementing the land use planning objectives of the Seveso II Directive, and specific areas were listed in which developments would not be permitted due to presence of Seveso establishments. In formulating this policy, the competent authority took account of the need to maintain appropriate distances between Seveso establishments and residential areas, buildings and areas of public use among others.

With regard to the planned storage facility, the Maltese authorities have noted that the obligation for the operator to submit a safety report, demonstrating the implementation of a Major Accident Prevention Policy, must be complied with within reasonable time prior to commencement of operation of the establishment and not necessarily prior to its construction. The competent authority has requested for the safety report to be submitted at least 6 months prior to the commencement of operations. The approval of the operating permit will depend on compliance with the obligations laid down in the Seveso II Directive.

On the basis of the information provided in the safety report, the competent authority will address potential domino effects, identifying establishments where the likelihood or consequence of a major accident may be increased because of their location and proximity to the planned storage facility. These establishments will be provided with the necessary information enabling them to take account of the nature and extent of the overall hazard of a major accident in their major accident prevention policy documents, safety reports and on-site emergency plans, and also to co-operate with those other establishments to enable them to carry out any other obligations they may have in relation to preparing and reviewing emergency plans and providing information to the public.
This said, the domino effect has already been considered to some extent by the competent authority. First, as part of the development consent procedure, and in order to fulfil the environment permitting requirements, the operator had to submit a quantitative risk assessment report, with the aim of comparing the risk level of the proposed options for the population in the surroundings. Even though this risk assessment was preliminary, since the information available to the operator was still quite limited at this stage, it became clear that there will not be any overlap between the domino effect zones of the existing Delimara power station and the proposed LNG facilities. Second, the competent authorities have ordered a preliminary study to identify the risks and evaluate the consequences of major accidents resulting from the loss of containment of dangerous substances from any of the Seveso establishments within the area. In relation specifically to the LNG storage and regasification facilities, the worst case scenarios were selected for large releases of LNG and Natural Gas. The physical effects involved were modelled and the adverse consequences of such scenarios were assessed.

Throughout the development consent process, any reports and studies in which these risks were assessed were all made available to the public before the public hearing on 24 March 2014. As noted, the information available to the technical experts at this stage was quite limited and therefore the results of these studies are relatively conservative. Following the submission of the safety report by the operator, the operational risks will be re-assessed. However, given that the results of the previous studies are based on the worst case scenarios, the results in terms of level of risk can only be improved once all the information, particularly in relation to the safety measures and precautions, is computed into the evaluation.

Finally, following the preparation of the emergency plans, the operator will provide all persons and all establishments serving the public (such as schools) who are likely to be affected by a major accident with information on safety measures and on the requisite behaviour in the event of a major accident at the establishment. This information will be regularly reviewed and updated where necessary.

Conclusions

On the basis of the above information provided by the Maltese authorities in mid-2014, the Commission has no reason to assume that EU legislation is not being correctly applied. In the absence of any further more up-to-date information indicating that the situation might not be compliant with EU legislation, the Commission will not give further follow-up to this petition.