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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (PE-CONS 3665/2003 – C5-0435/2003 – 2001/0257(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Giorgio Lisi

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At its sitting of 3 July 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (COM(2001) 624 – 2001/0257(COD)).

At the sitting of 13 March 2003 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (14054/1/2002 – C5-0085/2003).

At the sitting of 19 June 2003 Parliament adopted amendments to the common position.

By letter of 22 July 2003 the Council stated that it was unable to approve all Parliament's amendments.

By letter of 22 July 2003 the President of the Council informed the Parliament that it was necessary to extend the deadline for convening the Conciliation Committee, as laid down in Article 251(7) of the EC Treaty.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 9 September 2003.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

At its meeting of 9 September 2003 the Parliament delegation approved the results of the conciliation by eight votes with three abstentions.

The following took part in the vote: Giorgos Dimitrakopoulos (Vice-President and chairman of the delegation), Giorgio Lisi (rapporteur), David Robert Bowie, Dorette Corbey, Anne Ferreira, Karl-Heinz Florenz, Pernille Frahm, Robert Goodwill (for Charlotte Cederschiöld), Françoise Grossetête, Cristina Gutiérrez Cortines (for Caroline F. Jackson) and Marie Anne Isler Béguin.

On 22 October 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure¹, and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 4 November 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the joint text by the Conciliation Committee for a European Parliament and Council directive on amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances
(PE-CONS 3665/2003 – C5-0435/2003 – 2001/0257(COD))**

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3665/2003 – C5-0435/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 624)²,
 - having regard to the amended proposal (COM(2002) 540)³,
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 460 - C5-0352/2003)⁶,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0365/2003),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ Texts Adopted, 3.7.2002, P5_TA(2002)0355.

² OJ C 75 (E), 26.3.2002, p. 357.

³ OJ C 20 (E), 28.1.2003, p. 255.

⁴ Texts Adopted, 19.6.2003, P5_TA(2003)0285.

⁵ OJ C 102 (E), 29.4.2003, p. 1.

⁶ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

1. On 10 December 2001, the Commission presented a proposal to amend and update Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (the so-called SEVESO II Directive). The aim of this revision is to react to recent large-scale accidents involving dangerous substances, in particular by enlarging the scope of the Directive to mining waste and pyrotechnics.
2. On 3 July 2002, Parliament adopted 47 amendments at first reading. The Council adopted its common position on 20 February 2003. At second reading on 19 June 2003, Parliament adopted 11 amendments to the common position relating, in particular, to the following issues:
 - extension of the scope of the Directive to all mining activities
 - potassium nitrate for industrial purposes
 - obligation to report substantial modifications of installations
 - creation of a database for land-use planning
 - incentives for relocation of establishments
 - staff training for prevention and emergency measures
 - enhanced information to the public by maps showing risk areas

Conciliation

3. Parliament's delegation to the conciliation committee held its constituent meeting on 1 July 2003 and its members instructed the chairman, Mr Dimitrakopoulos, the chair of the committee responsible, Ms Jackson, the rapporteur, Mr Lisi, and Ms Ferreira to enter into informal negotiations with the Council.
4. Following a first trialogue on 2 September 2003, the meeting of the conciliation committee was held in the evening of 9 September 2003 under the joint chairmanship of Mr Dimitrakopoulos, vice-chairman, and Mr Matteoli, Italian Minister for the Environment. At this meeting a compromise was reached covering all the unresolved issues.
5. The following components of the agreement deserve particular mention:
 - Mining activities

Parliament's key amendments called for an extension of the scope of this Directive to all mining activities, irrespective of how the substances are processed and prepared. In contrast, Council and Commission preferred to distinguish on the basis of the processing method: *chemical* and *thermal* processing of minerals should be covered by the Directive, but *mechanical* and *physical* processing should be excluded. In this context, the Commission also referred to a proposal for a Directive on the management of waste from the extractive industries (COM (2003) 319) which is currently awaiting its first reading in the European Parliament. In the Conciliation Committee the European Parliament was successful in obtaining some extension of the scope of the

Directive. Under the agreement reached, the Directive will cover operational tailings disposal facilities containing dangerous substances, when used in connection with the chemical and thermal as well as mechanical and physical processing of minerals.

- Potassium nitrate

Potassium nitrate is used mainly as fertilizer in the agricultural sector and to a lesser extent in the industrial sector. The European Parliament proposed in its second reading new entries for potassium nitrate including their definitions and qualifying quantities. In the Conciliation Committee, the Council accepted these amendments with the effect that the Directive will cover major potassium nitrate processing plants in accordance with the agreed thresholds.

- Training of staff

The European Parliament considers the issue of staff training to be crucial for the prevention of accidents. Its amendments seek to reinforce the necessity for training for initial emergency measures in the event of accidents. The compromise reached provides that such training will be given not only to all staff working in an potentially dangerous establishment but also to relevant sub-contracted staff.

- Database for land-use planning

One of Parliament's main concerns referred to enhanced information to the public. In its second reading, Parliament called for a strict deadline for the establishment of a harmonised technical database in the area of land-use planning. This database will also contain risk data and risk scenarios and will be used to assess the compatibility of dangerous sites with sensitive areas. It was agreed that the Commission would draw up guidelines for a technical database within three years after the entry into force of this Directive.

- Maps showing risk areas

Parliament considers that pictorial representation of potential risk areas constitutes an efficient method of informing the public. In this respect the European Parliament proposed to use maps to inform citizens of potential risk areas likely to be affected by the consequences of an industrial accident. The compromise reached in the Conciliation Committee provides that maps, images or, as appropriate, equivalent descriptions will be included in the safety reports. These safety reports need to be provided by operators of dangerous plants and to be accessible to the public.

Conclusions

The European Parliament delegation is satisfied with the agreement reached, as it goes far beyond what was possible before the second reading. In particular, the extension of the scope of the Directive and the improved provisions regarding staff training and public information represent a substantial improvement on the common position. The delegation wishes to thank the Italian Council Presidency and the Commission for their constructive cooperation. It recommends that Parliament should adopt the attached joint text.