



**SECOND MEETING OF THE SEVESO EXPERT GROUP RESPONSIBLE FOR THE IMPLEMENTATION
OF DIRECTIVE 96/82/EC
OF 9 DECEMBER 1996 ON THE CONTROL OF MAJOR-ACCIDENT HAZARDS
INVOLVING DANGEROUS SUBSTANCES (SEVESO II DIRECTIVE)**

DRAFT SUMMARY RECORD

Seveso expert meeting, Vilnius, 24 October 2013 (11h00-18h00)

1. INTRODUCTION

1.1. Adoption of the Draft Annotated Agenda

The meeting was chaired by Christopher Allen, Deputy Head of Unit ENV.C.3 in DG Environment.

All Member States, except EL and LU, were represented. Representatives from IS, NO, TR, OECD, UNEP, EEB, CEFIC, FECC attended the meeting as observers.

1.2. Adoption of the Draft Summary Record of first Seveso expert meeting (held on 25 September 2012 in Nicosia, Cyprus)

The draft summary record was adopted.

1.3. Summary of conclusions of the seminar on self-classification of chemical substances under Seveso, held on 23 October 2013.

The Lithuanian Presidency, who organised the seminar, summarized its results. It follows from the presentations in the morning (by DG ENV, ECHA, FR, IE and LT) and the discussions during the three parallel workshops in the afternoon that the issue of self-classification calls for a bottom-up approach, the operators being responsible, under CLP, for the correct classification of their chemicals and appropriate implementation of Seveso. Nevertheless, both Member State authorities and Commission/ECHA may contribute to facilitate a better exchange of information between relevant parties (manufacturers, importers, downstream users, Seveso authorities and inspectors, CLP authorities, EC services), which may lead to a more correct classification. FR, IE and LT presented good practice in this regard, demonstrating that various tools can be used, including workshops, training, discussion fora, penalties, relevant procurement criteria etc. The Commission should identify with ECHA the most appropriate way to include links to Seveso III classes in the C&L

Inventory, and for keeping Seveso authorities informed of relevant adaptations to technical progress under CLP.

2. TRANSPOSITION OF SEVESO III

2.1. Update on transposition

Member States were asked to send before the end of November 2013 to the Commission a short update in writing of the expected timeline for adoption of national legislation transposing Seveso III.

2.2. Note on Q&As and FAQs:

The Commission presented a note explaining the difference between Q&As and FAQs.

Q&As are technical implementation questions calling for a harmonised approach, which are discussed at the level of the Seveso expert group and result in a proposed solution which is then included in a list published on the CIRCABC website with restricted access to Seveso national and international experts and representatives of industry and civil society. The existing Q&A list has been recently updated to take into account Seveso III.

As regards Question 13 on fuel additives, it was agreed to simply update the text to mirror the Seveso III definitions. Regarding Question 14 on petroleum products/alternative fuel/shale oil, EE presented the question as to whether shale oil could be considered as an alternative fuel hence benefiting from the same higher thresholds as petroleum products. The Commission held that one would need to consider the use that would be made of the shale oil, and verify whether its properties as regards flammability and environmental hazards could be considered similar to those of petroleum products. It followed from the discussion that the question has only arisen in EE, and hence a bilateral solution would be sought, subject to studying the purpose and properties in more detail. Several Member States and EEB pointed at the fact that the purpose of the legislator, when including "alternative fuels", would have been to avoid discrimination of more environmental friendly products than petroleum products. This would not be the case for shale oil. One Member State would send the Commission a note regarding this issue. One Member State indicated that shale oil may rather fall under the category "heavy fuel oil", because of its properties being seemingly closer to crude oil.

The Commission asked Member States to submit any further comments in writing before the end of November 2013.

FAQs are general questions of legal interpretation, for which the Commission proposes answers which are published on its website. The Commission has recently introduced 5 FAQs on its website and will regularly update the Seveso expert group of additions.

2.3. Questions regarding the new provision on inspections

The Commission informed that these questions had been usefully discussed in the framework of the Technical Working Group on Inspections and that the proposed draft answers were included in the draft minutes of the TWG2 meeting and posted on CIRCABC.

2.4. Other questions raised by Member States (alternative fuels, upgraded biogas, gas storage in natural strata, hazardous waste)

The Commission invited the Member States who had raised these questions at the previous meeting to provide detailed background notes before the next Seveso expert meeting, in order to allow useful discussions.

2.5. Storage of dangerous substances on mining sites

The Commission presented the note on storage of explosives on mining sites, which had also triggered further questions regarding the storage of dangerous substances used in drilling operations and the storage of ores on mining sites. The aim of the Commission was to gather information on ways in which this issue was dealt with in the Member States, further to addressing the question in the framework of a pilot case.

Five Member States indicated that such storage would not be covered by national Seveso-like legislation, but by other relevant legislation regarding explosives or mining. In three Member States, it would be covered nationally by Seveso-like legislation.

The Chair concluded that it would further study this question and inform the group subsequently of its conclusions.

3. ROAD MAP FOR IMPLEMENTATION

The Major Accident Hazards Bureau of the Commission (MAHB) presented its road map for implementation, as posted on CIRCABC, its main objective consisting in presenting an institutional memory of all initiatives which could be usefully implemented under Seveso, depending on resources and priorities to be set by the Commission together with the Member States.

OECD expressed its gratitude to the Commission for the excellent cooperation regarding various implementation issues and invited all Member States to take part in OECD discussions and projects.

4. IMPLEMENTATION OF SEVESO II

4.1. Summary report on implementation for years 2009-2011

The Commission presented the summary report which shows an overall satisfactory level of implementation of provisions on safety reports, emergency planning, inspections and information. Some Member States however show a very low level of performance on certain aspects. The Commission invited those Member States to make an additional effort to improve the situation. If the next report would show a lack of improvement, the Commission would undertake additional measures to ensure correct implementation.

4.2. Environmental risk/consequence assessment in the UK

The UK presented assessment methodologies currently used: the MATTE (Major Accident To The Environment) guidance 1999, the COMAH Environmental Risk assessment 1999, and the SRAM section 13 (Safety Report Assessment Manual) 2010.

The UK has recently developed guidelines for environmental risk tolerability, addressing quantitative risk assessment with examples of warehouse fires and secondary and tertiary containment to demonstrate compliance with the containment policy. The guidelines have defined 4 levels of environmental harm (from "sub-MATTE" to "catastrophic MATTE") and 4 durations of environmental harm (from short term to very long term) which are combined to produce an environmental risk tolerability matrix. This approach is equivalent to an assessment of Societal Risk for harm to people (which would provide a consequence scale for multiple fatality incidents - rather than just working with an acceptable risk of death to an individual (typically 1×10^{-6} /yr)).

5. INFORMATION ON RESULTS OF STUDIES/ON-GOING STUDIES

5.1. Study on the potential risks of accidents involving acute toxic 3 dermal substances.

The objective of the study was to provide a clear understanding of whether, alike for oral, the risk level for accidents involving dermal substances is significantly lower than for inhalation. The Commission presented the following results:

- A limited number of substances have been identified that are classified only due to dermal toxicity (often they are also classified also for other exposure routes such as inhalation).
- Dermal toxicity is much less often concerned in accidents than inhalation. Between 2000 and 2012 out of 55,000 accidents 8,00 accidents involved toxic substances. 57.5% of these involved inhalation toxicity and 3.6% involved dermal toxicity.
- No accidents were identified where dermal toxicity caused consequences outside of the workplace whilst 65 accidents involving inhalation toxicity had consequences outside of the workplace. Legislation on occupational safety is the primary tool to address accident prevention and mitigation in the workplace.
- The cost benefit analysis confirms that costs exceed very significantly potential social benefits.

5.2. Study on assessment methodology under Article 4 of the Seveso III Directive

The Commission presented the main tasks to be undertaken in the framework of an on-going study aimed at developing a methodology for assessing possible requests for exclusion under article 4 of the Seveso III Directive, recalling also the conclusions of the February 2013 meeting on which the terms of reference of the contract were based. The Commission invited Member States to participate in the recently launched survey questioning stakeholders on consequence assessment models/instruments, methods for defining worst case scenarios, approaches towards defining major accidents and examples of potential candidate substances. Member States and other relevant stakeholders would be kept informed of draft outcomes of the study at an expert meeting/seminar which may be held back-to-back with the next Seveso CCA/expert meeting in autumn 2014.

5.3. eMARS statistics

The Commission presented current eMARS statistics and informed the Member States also on new accidents in eMARS. It addressed the translation matters of the reports, and emphasised possible improvements in the quality of the reports by demonstrating how lessons can be derived from the reported information. The presentation highlighted the voluntary reporting by OECD countries, especially the contribution of Canada. The Commission thanked Member States for their effective participation to improve the quality of the reports during the year.

5.4. SPIRS statistics and the development of e-SPIRS

The Commission presented various statistics on establishments, addressing also some difficulties in reporting and highlighting the need for correct SPIRS data. This was followed by a presentation on the new electronic eSPIRS database. The Commission thanked Member States which have recently contributed to the beta-testing or are in the process of doing so and called upon the other Member States to contact the Commission in view of proceeding to beta-testing.

5.5. Update on recent activities, including inspections, environmental criteria, land-use planning

The Commission called upon Member States to ensure that the information submitted to eSPIRS and eMARS is correct and up-to-date, considering also the fact that much of the information would be made publicly available.

The Commission noted that the main aim of its activities was to create excellence in a limited number of areas, i.e. accident analysis and lessons learned, risk assessment and training and best practice exchange. It informed on recent activities in the area of inspections (TWG2 meeting and MJV in Stockholm), next steps regarding the Land-use planning scenarios handbook, the new MINERVA knowledge base/website under development ('one-stop-shop'), lessons learned from accidents and future eMARS improvements. The Commission also summarized the conclusions of its study in reply to a question raised at the previous Seveso expert meeting on environmental criteria for reporting accidents, which seem to call for some changes in the current eMARS reporting format.

6. REPORTS FROM MEMBER STATES ON MAJOR ACCIDENTS AND RECENT DEVELOPMENTS

PL reported on several accidents: (1) leakage of heavy fuel oil and contamination of the soil (upper tier site, activity type: petrochemical / Oil Refineries), (2) nitric acid vapour intoxication resulting in the hospitalisation of seven workers (lower tier site, activity type: chemical installations - nitrogen oxides), (3) asphyxiation incident which did not involve dangerous substances but led to death of two workers due to very low oxygen concentration in the reactor they worked in (lower tier site, activity type: general chemical manufacture).

DE reported on the development of two sets of guidelines:

- The first guideline „Leitfaden ‚Einstufung von Abfällen gemäß Anhang I der Störfall-Verordnung‘ (Guideline ‚Classification of waste according to Annex I of the Major Accidents Ordinance“; note that Annex I of the German Major Accidents Ordinance

is identical to Annex I of the Seveso II Directive). It dates from October 2012 and is currently in a testing phase http://www.kas-bmu.de/publikationen/kas/KAS_25.pdf).

- The second guideline is still under development. The aim is to address ways to systematically determine appropriate safety distances between Seveso establishments and areas of particular natural sensitivity or interest. Member States have been asked to provide any useful background information they may have on this. DE will report of the (provisional) results at the next Seveso expert meeting.

7. INTERNATIONAL DEVELOPMENTS

7.1. UNEP updated the group on the recent activities carried out under the Flexible Framework for addressing Chemical Accident Prevention and Preparedness, highlighting its main tools and projects, and the opportunities for Member States to participate in these activities.

7.2. The OECD informed on past guidance and guidance under development, focusing on ageing of installations and shift of ownership, and on nanomaterials and Natech accidents (technological accidents triggered by a natural hazard). Member State representatives were invited to attend the upcoming 25 years celebration of the Working Group on chemical accidents on 5/11/2013 in Paris.

7.3. The Commission reported on the on-going procedure for modifying Annex I of the Convention on Transboundary Effects of Industrial Accidents (TEIA). It reminded the Member States of a note which it had prepared and which had been addressed by the Presidency to the Council Working Party on International Environmental Issues and which the Commission had also made available to the Seveso CCA/expert group, raising several questions on the need to modify some other provisions of the Convention. The Commission would welcome any comments before the end of November, in order to allow it to prepare a draft position paper to be discussed at the next meeting of the Working Group on Development of the Convention, which will take place end of April 2014.

8. ANY OTHER BUSINESS – POINTS OF INFORMATION

The Commission announced that, depending on the written comments regarding the two draft implementing acts, it would decide upon the timing for the next CCA/Seveso expert meeting, which could either take place in spring 2014 or autumn 2014. IT indicated that it would look into the possibility of hosting such meeting, and would get back to the Commission in due time.

The Commission also informed that all presentations would be posted on CIRCABC.

9. CLOSURE OF THE MEETING

The Chair invited Member States to formulate written comments on the draft implementing measures, on the note on confidentiality, on the issue of shale oil and on the note raising questions regarding the modification of several provisions of the TEIA Convention, before the end of November.

The Chair thanked the Presidency for the excellent organisation and closed the meeting,