



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate C - Quality of Life, Water & Air  
**ENV.C.3 - Air & Industrial Emissions**

**3<sup>RD</sup> MEETING OF THE COMMISSION EXPERT GROUP ON THE CONTROL OF MAJOR ACCIDENT HAZARDS INVOLVING DANGEROUS SUBSTANCES ("SEVESO EXPERT GROUP")**

**MONDAY 13 OCTOBER 2014 (14:30 – 18:00)**  
**CENTRE DE CONFERENCES ALBERT BORSCHETTE, ROOM 1B, RUE FROISSART 36,**  
**BRUSSELS**

## **Draft summary records**

### **1. ADMINISTRATIVE MATTERS**

The meeting was chaired by Aléxandros Kiriazis, Policy Officer in Unit C.3 in DG Environment.

All Member States, except EL and MT were represented. NO and IS attended the meeting as observers. Other observers present were UNECE, UNEP, OECD, EEB, CEFIC, EPSC and FECC.

The agenda for this meeting was adopted with the addition of a discussion on the status of digestate under agenda item 3.2 and accident reports under agenda item 3.3.

The minutes of the last meeting were adopted.

### **2. COMMISSION ACTIVITIES**

#### **2.1. Ongoing studies**

The Commission informed about the ongoing work on the study on the development of an assessment methodology under Article 4 of the Seveso III Directive and for further discussion referred to the workshop on this matter that would take place the following day.

#### **2.2. Outlook on Information Management Systems (eSPIRS, eMARS, MINERVA)**

The JRC informed on the state of play of various activities and gave an outlook on future projects.

An online and user-friendly version of ARIPAR is being developed. This will be renamed to GIS-ARA. eSPIRS has been launched in June 2014 and data migration was completed. Further development is ongoing. Also eMARS development is continued and beta-testing will start by summer 2015.

JRC will also re-launch the MAHB website under the name MINERVA in November 2014 which will include eSPIRS, eMARS and all risk assessment tools as well as all other relevant information ensuring easy knowledge management.

eMARS currently contains 933 reports, so far about 20 from 2013. The average number of reported accidents remains about 30 per year. Improvements will include more transparency as regards to the visibility of reports that have been received but were not yet published e.g. due to the lack of translation.

### **2.3. Current developments in technical and scientific activities**

The JRC informed that the next lessons learned bulletin would possibly be about ageing installations in view of the related OECD project. Another likely topic is the lessons learned from emergency response activities. A lot of related information is available in eMARS which would merit analysis as well as the data included in relevant non-EU databases. JRC will also start working on accent analysis benchmarking through expert collaboration. The land use planning scenario handbook will be tested in ADAM and likely be available during 2015. This will in particular be useful for those that have limited expertise in house. Upcoming publications are going to include the Assessment on Safety Management Systems and Common Inspection Criteria. Both publications may still be published in 2014.

JRC invited Member States to host future Mutual Joint Visits and to inform early on as this requires long-term planning. It was pointed out that only very limited administrative effort was required for the organisation.

New collaborations started with DG ECHO and UNECE in neighbourhood and south Mediterranean countries. International work in co-operation with UNEP (e.g. visits to Tanzania or China) and OECD continued.

### **2.4. Other activities**

There were no activities of other Commission services that had been reported.

## **3. GENERAL IMPLEMENTATION ISSUES**

### **3.1. Seveso II Implementation**

One Member State reported that during the transposition process from Seveso II to Seveso III many sites were found which believed that they would not be covered by Seveso II and would only fall under Seveso III although this turned out incorrect. One observer reported similar observations. This may be the case in other Member States as well.

## 3.2. Seveso III transposition

### 3.2.1. Interpretation of alternative fuels (proposal by Sweden)

The group discussed the Swedish proposal for an interpretation of the term "alternative fuels" in annex I to Seveso III.

SE argued that the terms "alternative" would need to relate to petroleum products and this would indicate that this cannot be applied to mixtures containing high concentrations of petroleum products. Furthermore, this category could only be applied to fuels, i.e. products used for combustion. As the alternative products need to have similar properties, Sweden outlined a number of properties that would not comply with this requirement, e.g. gases and solids cannot appear under this entry due to their different flammability properties. For the more detailed analysis SE referred to the classification recommendations made by CONCAWE. E.g. none of the petroleum products was classified more than hazardous to the aquatic environment chronic 2 and thus products with a stronger risk, could not classify as alternative fuels.

One Member State asked how fossil shale oils would need to be treated and whether it could be considered as alternative fuel. This was used in heating of houses in small tanks of e.g. 300 m<sup>3</sup> and if this was not covered by the petroleum product or alternative fuels entry this would bring many private houses under Seveso III. Another Member State replied that Seveso was only applicable to refined petroleum products and thus shale oil would never qualify for this category. It was found that the question was discussed before and not related to the SE proposal and the Member State was thus invited to bring up the item again in a future meeting as necessary. SE clarified that shale oil was not seen as alternative fuels in its proposal. This was supported by an observer.

One Member State referred to a legislative proposal on the deployment of alternative fuel infrastructure which is currently being negotiated and that contains a definition of alternative fuels. This would currently read: "*Alternative fuels means fuels which substitute fossil oil sources in energy supply and transport and which have a potential to contribute to its decarbonisation. They include electricity, hydrogen, bio fuels as defined by Directive 2009/28/EC, synthetic fuels and paraffin oils, natural gas, liquefied petroleum gas.*" It was argued that this would provide clear categories. However, some of those categories would need to be excluded because they would not fit

Some Member States pointed out that heavy fuel oils are often classified as chronic 1 for the aquatic environment and this would need to be taken into account. An observer suggested that the entry should not be interpreted too widely.

Member States pointed out that a Q&A text would need to indicate on how to deal with mixtures that still contain some amounts of petroleum products. One Member State highlighted that the term "alternative fuel" does not include any qualifications that the alternative needs to be biological or sustainable.

Following the discussion and the general agreement on the matter, the Commission would consult with Sweden and share the final text.

### 3.2.2. Interpretation issues Annex V (proposal by Ireland)

The group discussed the four questions raised by Ireland concerning the interpretation of certain aspects of Annex V and issues related to self-classification.

Ireland sought guidance from the other Member States on whether under Annex V part I point 4 providing generic names would be sufficient. Member States indicated that the word "or" would provide some flexibility. This was also representing a view expressed earlier by the Commission. This also offers the necessary flexibility for establishments that store many different chemicals with similar hazards.

Furthermore Ireland sought guidance for the meaning of "public concerned" in Annex V part I point 5. Ireland pointed out that Annex V was based on Article 14 which referred to "all persons likely to be affected" whereas the definition of "public concerned" in point 18 of Article 3 was referring to Article 15 on land-use planning. Ireland, therefore, concluded that the meaning of "public concerned" in Annex V cannot have the meaning as defined in Article 3(18) because after accidents happened the persons affected would be known compared to the situation in the land-use-planning stage when no determination of actually affected people could be made. In the ensuing discussion some Member States indicated that it might be useful understanding the term "public concerned" in Annex V in a more general way like it was done in Article 3(18) since rescue services would need some of the information whether or not a site is a Seveso establishment and whether or not it is an upper or lower tier establishment.

Article 17(e) includes a new requirement referring to "persons likely to be affected". Ireland asked if it was up to the competent authority to establish the persons likely to be affected. Some Member State raised the concern that such an interpretation could indirectly impose the obligation of making risk assessments also for lower-tier establishments. It was voiced that this requirement was about actions after an accident and then it would be known who was affected and that this was in view to providing assurance to the public that mitigation measures had been taken. On the other side it was pointed out that nevertheless for emergency services it may be useful to have some general idea on the potentially affected zone in advance. Under Article 8(5) also for lower tier establishments some level of emergency planning is already in place, although not the full planning as for upper-tier establishments.

Finally Ireland asked the Member States, how they were dealing with self-classifications that differ and thus result into different interpretations on whether or not Seveso is applicable. Member States pointed out self-classification was subject of extensive discussions in last year's workshop and agreed that self-classification was the obligation of the operators. Experience had shown that over time operators moved towards a common classification. The first step would need to be a discussion with the company concerned. Ultimately it would be matter of CLP implementation and not of Seveso.

Specific cases could be brought to the attention of the Commission and the Seveso Expert Group for discussion. It could also be part of such a discussion whether the substance in question should be proposed for harmonised classification under the relevant procedures. However, it would not be possible for the Seveso Expert Group to discuss the matter in general terms as these are horizontal problems resulting from the CLP Directive which does not fall under the responsibility of this group.

### 3.2.3. *Question on digestate by UK*

UK industry involved in anaerobic digestate is unsure on how to treat digestate which is normally considered as waste. However, there are suggestions that digestate may constitute an environmental hazard and sites may fall under Seveso. UK was putting the question to the Expert Group to ensure that there is a harmonised approach and is not putting industry in some Member State in a competitive disadvantage. The UK explained

that in their view digestate would need to be considered for classification even if waste due to note 5 in part 2 of Annex I to Seveso III. Several Member States, observers and the Commission confirmed the view of the UK. It was additionally pointed out that this may affect many establishments in the European Union and that the classification of digestate may depend on the feedstock and process used. Due to the clear legal situation and the common understanding that waste was covered by Seveso, it was, however, agreed that this would not merit inclusion in the Q&A document.

### **3.3. Reports by Member States on major accidents and developments**

BG informed that an accident happened on 01 October 2014 during the disassembly of ammunition resulting into 15 casualties. Due to the ongoing investigations it was not possible to provide details for the moment. The authorities have immediately suspended the activities of the company concerned and are currently discussing further actions. BG announced that it would like to ask other Member States for best practices at a later stage.

PL reported on an accident killing two workers and 13 were injured, nearby property was damaged. There was an emission of gas due to the rupture of a pipeline during building works. The emitted gas eventually ignited and caused a fire. The main cause of the accident was related to the contactor's deviation from the building and engineering design. This resulted into mistakes in performance of construction works which, among others, included wrong management of the excavated soil.

## **4. INTERNATIONAL ISSUES**

### **4.1. UNECE**

#### *4.1.1. General COP preparation issues*

The Commission informed about practical issues related to the preparation for the 8th Conference of the Parties of the UNECE convention on Transboundary Impacts of Industrial Accidents (TEIA).

Following a corresponding request from the last COP the Commission encouraged Member States to ensure their participation in the next COP.

#### *4.1.2. Information by the TEIA Secretariat*

The TEIA Secretariat informed the SEG about ongoing activities and key activities. This included in particular the adoption of an amended Annex I and potential future amendments. The Secretariat also informed about a number of publications including a document "Overview of methodologies for hazard rating of industrial sites" which was prepared together with the JRC. The COP will include a session celebrating the 10<sup>th</sup> anniversary of the assistance programme and a seminar on enhancing industrial safety in the UNECE. An important task would be the adoption of the 2015-2016 work plan.

### **4.1. Other international issues**

OECD and UNEP (presented by an expert of the JRC on behalf of UNEP) informed about activities carried out under their agenda.

**5. ANY OTHER BUSINESS**

The Commission informed that a tentative room reservation for the next meeting has been made for 3<sup>rd</sup> and 4<sup>th</sup> November 2015.

## 6. ANNEX: LIST OF PARTICIPANTS

### 6.1. European Commission

DG ENV.C.3
DG JRC.G.5
DG ECHO.A.5

### 6.2. Member States

Country	Organisation
Austria	Federal Ministry for Economics, Family and Youth
Austria	Federal Ministry for Agriculture, Environment and Water
Belgium	Federal Public Service - Employment, Labour and Social Dialogue
Belgium	Flemish Authorities – Environment, Nature and Energy Department
Belgium	Public Service of Wallonia
Bulgaria	Ministry of the Environment and Water
Cyprus	Labour Inspection Department
Croatia	Ministry of Environmental and Nature Protection
Czech Republic	Ministry of the Environment
Denmark	Danish Environment Protection Agency
Estonia	Estonian Rescue Board
Estonia	Technical Regulatory Authority
Finland	Finnish Safety and Chemicals Agency
Finland	Ministry of Employment and the Economy
France	Ministry of Ecology and Sustainable Development
France	Ministry of the Interior
Germany	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
Hungary	National Directorate General for Disaster Management
Italy	Ministry for the Environment, Land and Sea
Italy	National Institute for Environmental Protection and Research
Ireland	Health and Safety Authority
Latvia	Ministry of Environmental Protection and Regional Development
Lithuania	Ministry of the Interior
Luxembourg	Inspectorate for Work and Mining

<b>Country</b>	<b>Organisation</b>
Poland	Chief Inspectorate for Environmental Protection
Poland	Ministry of Economy
Poland	National Headquarters of State Fire Service
Portugal	National Authority for Civil Protection
Portugal	Portuguese Environment Agency
Romania	Ministry of Administration and Interior
Romania	Ministry of Environment and Forests
Slovakia	Ministry of Environment
Slovakia	Slovak Environmental Agency
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Interior
Sweden	Civil Contingencies Agency
The Netherlands	Ministry of Infrastructure and the Environment
The Netherlands	Ministry of Social Affairs and Employment
UK	Environment Agency
UK	Health & Safety Executive

### **6.3. Observers**

#### *6.3.1. Non-EU countries*

<b>Country</b>	<b>Organisation</b>
Norway	Norwegian Environment Agency
Norway	Norwegian Directorate for Civil Protection and Emergency Planning
Iceland	Administration of Occupational Safety and Health

#### *6.3.2. Institutions and organisations*

CEFIC	European Chemical Industry Council
EEB	European Environment Bureau
EPSC	European Process Security Centre
FECC	European Association of Chemical Distributors
OECD	Organisation for Economic Cooperation and Development
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme