



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C - Quality of Life
ENV.C.4 - Industrial Emissions & Safety

Brussels, 23 March 2018

5TH MEETING OF THE COMMISSION EXPERT GROUP ON THE CONTROL OF MAJOR ACCIDENT HAZARDS INVOLVING DANGEROUS SUBSTANCES ("SEVESO EXPERT GROUP")

19TH JANUARY 2017 10:00H TO 18:00H
CENTRE DE CONFERENCES ALBERT BORSCHETTE (RUE FROISSART 36, 1040
BRUSSELS, BELGIUM), ROOM 4B

Minutes

1. ADMINISTRATIVE MATTERS

1.1. Welcome

The non-public meeting was attended by 63 participants. This included all Member States except EL, LU and RO. Following observers attended the meeting: Norway, Switzerland, Turkey, UNECE (TEIA secretariat), OECD (WGCA secretariat), CEFIC, EEB and FECC. Upon invitation by the Chair also representatives of AmecForsterWheeler, INERIS and Eu-VRi attended the meeting¹.

The meeting was chaired by Ms Aneta WILLEMS (Head of Unit ENV.C.4) who welcomed the participants and informed about the practical arrangements for the meeting (timing, translations, breaks) and other organisational issues (e.g. reimbursement of participants).

1.2. Adoption of the agenda

SE submitted questions related to waste mixtures and heavy fuel oils which were addressed under a new agenda item 3.2.4. Switzerland proposed a presentation on accident hazards in relation to transport of chlorine which was included under the agenda item 4.1.2. The Chair informed that DG ECHO was unfortunately unable to attend the meeting. Therefore, agenda item 2.2.3 was cancelled but would be partially addressed by agenda item 2.2.1. With those changes the agenda was adopted.

¹ For the full names and other abbreviations please see the glossary and the list of participants available in the annexes to this document.

1.3. Adoption of minutes of the last meeting

The minutes of the 4th meeting of the Seveso Expert Group (SEG) were adopted without changes.

1.4. New rules for Expert Groups

The Commission² informed about the new rules for expert groups adopted on 30 May 2016. Over the past months the Commission updated the SEG entry in the Expert Group Register accordingly.

2. COMMISSION ACTIVITIES

2.1. Activities of DG Environment

2.1.1. Feedback from coordination activities with other DGs in 2016

The Commission reported about its intensified co-ordination activities during 2016. This concerned in particular co-ordination with the JRC (new administrative agreement to cover the operation of eSPIRS and eMARS), DG ECHO (Sendai Action Plan), DG HOME (CBRN-E, Critical Infrastructure Protection, Community of User on Safe, Secure and Resilient Societies), and DG MOVE (on LNG bunkering). Furthermore, options for joint activities on land-use planning with other units of DG ENV and other relevant DGs were informally explored but those did not yield into tangible results. The Commission informed that it would continue working on land-use planning in the context of TEIA. The Commission had not been informed about related activities of Member States such as multinational meeting or workshops as follow-up to the discussion at the last SEG meeting.

2.1.2. Planned study on tools measuring progress and success of Seveso-III

In accordance with Article 29 of the Seveso-III Directive the Commission has to present in 2020 a report on the implementation of Seveso-III and its efficient functioning. The Commission informed that first ground work on the development of relevant indicators and benchmarking was currently carried out by the consultants working on the evaluation of the Seveso-II implementation report (see agenda item 3.1.1) in line with Better Regulation Principles. The outcome of this work would feed into a dedicated study on indicators and benchmarking. The Commission pointed out that the work would focus on policy related parameters and not on safety performance indicators.

2.1.3. TAIEX workshop on industrial accident prevention in South-Eastern Europe

The Commission informed that a TAIEX workshop on industrial accident prevention in Western Balkan countries would be conducted 21-23 February 2017 in Zagreb in cooperation with UNECE. The Commission and several representatives of EU MS would be presenting at the workshop.

² Unless explicitly mentioned differently the term "Commission" in this document refers to the Directorate General for Environment Unit C.4.

2.2. Activities involving other Directorate Generals

2.2.1. Chemicals legislation REFIT (ENV/GROW)

The Commission informed about the continued work on the REFIT of the Chemicals legislation continues. The work on the "Study on the regulatory fitness of the legislative framework governing the risk management of chemicals (excluding REACH), in particular the CLP Regulation and related legislation" had meanwhile been completed. This included a case study on the Seveso-III-Directive and how it interlinks with CLP. With regard to the Seveso-III-Directive it was found to be a positive example for risk management and there was relatively little criticism by individual stakeholders. The study found the links between Seveso and CLP to be coherent and relevant. The study also recognised the associated costs. It would be published shortly. The final result of the REFIT fitness check is expected to become available in April 2018.

One observer noted that in particular establishment in the galvanic sector would have fallen out of the scope of the Seveso Directive. Also the absence of good quality data for environmental classifications needed to be investigated urgently.

In response to a question the Commission clarified that several initiatives were ongoing to streamline reporting. This concerns the Industrial Emission and Safety legislation but also more globally all environmental reporting. At the moment a joint register on IED and EPRTR would be developed. The possibility to integrate Seveso reporting would remain a long-term option.

2.2.2. Activities of the MAHB (JRC)

The JRC reported on recent activities of the Major Accidents Hazard Bureau (MAHB). A new MINERVA community space would now be available online to support exchange of documents and information. Two lessons learned bulletins were published and the Technical Working Group on Seveso Inspections is working on a number of technical briefs on exchange of good practice (from the Mutual Joint Visit Workshop series) and Common Inspection Criteria. It is also creating a dedicated website for these tools. In the context of the DG ECHO project on capacity building, workshops were held in Moldova, Israel and Georgia.

There are currently about 1000 establishments more reported by Member States compared to the situation before the Seveso-III-Directive became applicable but it cannot be concluded what caused the increase. Some Member States were yet to provide the updated data. Ongoing work on accident analysis benchmarking aims at investigating methods that could be used to create good lessons learned without a huge investment into training of the personnel and services involved. The outcomes of this project will be used to create a handbook on accident analysis to support reporting of accidents to eMARS.

With regard to the update and development of tools the JRC reported that the upcoming transfer of eMARS to the MINERVA portal would introduce some functional improvements and align the look and feel to the already updated eSPIRS. An XML upload tool was also under development. In future EU Login would also be used for eMARS. The JRC outlined that AIDA would represent a simplified version of eMARS and was implementing some modification to currently problematic technical fields (e.g., equipment, environmental consequences) that could be adopted for eMARS as well as elements of the more streamlined approach of AIDA. The programming of the online version of ADAM was completed and roll-out would be mid to end 2017, once legal hurdles were cleared.

Furthermore, it was reported that the MAHB was currently working on two studies intended for publication in 2017 in the context of the EU's Sendai Action work. The first would be a contribution to the Science (and technology) for Disaster Risk Management report." The second would be a report on chemical accident disasters around the worlds 2012-2016.

Finally the JRC informed on the organisation of a Chemical Accident Risk Seminar for Competent Authorities of EU and EU-affiliated countries in June 2017. The agenda remained to be determined but topics could include land-use planning, risk assessment, self-classification, case exchanges or security and IT. The seminar would also offer back-to-back training on ADAM and Rapid-N for a limited audience.

The SEG in general welcomed the initiative of organising a seminar and highlighted the importance of networking. An increased frequency of SEG meetings had already been identified as need before and desire was expressed again to return to the pattern of two meetings per year, possible in conjunction with the Presidency and back-to-back with a work shop or site visits. The Commission clarified that the SEG was a Commission meeting and not linked to the Presidency. However, it would not oppose holding SEG meetings in Member States should there be a corresponding invitation. The rules for reimbursement of participants would be the same as in Brussels but the Commission would not be in a position to provide for translation services due to the lack of resources. Logistical arrangements would have to be provided by the host country.

2.2.3. *Sendai Framework Action Plan (ECHO)*

DG ECHO was unable to attend the meeting but would be invited again for the next SEG meeting.

2.2.4. *CBRN-E (HOME)*

DG HOME provided an update on the latest development on CBRN-E actions. The 2nd progress report on the CBRN action plan was drafted in 2015 and would be annexed to an upcoming communication later this year. Highlights of some actions taken on EU level included the development of a CBRN-E glossary (available in 20 languages, will also be translated into Arabic and Russian), a European Nuclear Security training Centre was opened at the JRC site in Karlsruhe (Germany) and a number of actions that focussed on detection of CBRN-E materials. The main guidance document for the policy is the European Agenda on Security. Recently action plans were adopted on firearms and explosives and a communication on the delivery of the European Agenda on Security was published. Another future communication would focus on better exchange of information, increased operational cooperation, stronger cooperation with third countries and supporting action (e.g. on training, funding, research and innovation). Better use of existing tools was the aim.

In response to questions HOME clarified that threat assessments were conducted by Member States and not centrally on EU level. However, there would be the EU Intelligence and Situation Centre (EU INTCEN), which – on the basis of information provided by Member States - produces updates on CBRN-E threats.

The SEG briefly exchanged views about the security implications of the public availability of some data and documents produced under the Seveso-III-Directive (e.g. the safety report). As this was handled differently in the MS the Commission pointed out that this could be further explored in a future meeting. The Commission also reminded

that there were several programmes available to conduct joint exercises but for those Member States would have to make proposals.

2.2.5. *Guidelines on LNG bunkering (MOVE)*

The Commission reported on recent discussions with DG MOVE, the European Maritime Safety Agency (EMSA) and the European Sustainable Shipping Forum. Liquefied Natural Gas (LNG) would be increasingly used on-board cruise and container ships to reduce their environmental impact. Consequently harbours needed to adapt their infrastructure and storage capacity for LNG to cater the increased demand. To facilitate the preparation of guidelines by EMSA, the Commission had prepared a document with various scenarios and questions. A generic conclusion was not possible and each case needed to be assessed individually. However several aspects could be pointed out, e.g. a) the applicability of Seveso-III is not limited to "land-based", b) "Direct fuelling" appears to be a similar situation to "unloading", c) Fixed LNG storage tanks in ports cannot be excluded if relevant thresholds are reached, and d) frequent or prolonged presence of LNG may need to be considered in neighbouring Seveso sites.

3. GENERAL IMPLEMENTATION ISSUES

3.1. Seveso II implementation

3.1.1. *Report of the consultant conducting the implementation assessment*

The Commission recalled that in line with usual practice a consultancy had been contracted to conduct the analysis of the Member States' reports on the implementation of the Seveso-II-Directive and related work. MS were thanked for their co-operation with the consultants. It would be important that MS clarify outstanding issues with the consultants as soon as possible to ensure that the subsequent Commission Report on the implementation of the Seveso-II-Directive would be accurate. Written comments should be provided by 31 January 2017 by e-mail to the consultants and the Commission.

The consultants presented the main outcomes of the report with regard to initial conclusions on implementation the Seveso-II-Directive, trends on major accidents and establishments, benchmarking and development of policy indicators. Overall, it was found that the Directive is well implemented across Member States. Common problem areas would remain to be inspections and emergency plans.

The SEG in general welcomed the report which provided useful information. In response to a question on the growth of the number of establishments the JRC pointed out that the increase could not necessarily be attributed to a particular year as for some MS data in eSPIRS had not been updated for many years. DE complemented that in DE a large portion of the increase was due to the increase in biogas plants falling under the Seveso Directive. One MS warned that some conclusions in the report may have been made to quickly, e.g. with regard to the criteria for the reporting of accidents. Accident data by Member State may be deceiving and should not be published as this may punish Member States that voluntarily report accidents that are not obligatory to report. This could be overcome by publishing not any data but only major accidents covered by the criteria in Annex VI to the Seveso-III-Directive.

Several SEG members and observers pointed out that work on safety performance indicators had been conducted before and that it was found difficult to establish generic safety indicators that are applicable across sectors. Also the potential undesired effects of indicators would have to be considered (e.g. non-reporting to avoid shaming). An

observer reported on the indicator system established in the chemical sector. The Commission clarified that the objective of the work would not be safety performance indicators but policy indicators to monitor implementation and measure progress in line with the Better Regulation policy. Nevertheless, a potential outcome of the work could also be that it might not be meaningful or possible to develop indicators. Several SEG members highlighted the need for a workshop and thorough stakeholder involvement to harvest experience when future work on indicators is being conducted.

3.2. Seveso III transposition & implementation

3.2.1. Status of transposition into national law

The Commission reported that infringement procedures for non-transposition of the Seveso-III-Directive were launched against 11 MS in early 2016. By 9 January 2017 six cases were still open. AT and PL indicated that the transposition had meanwhile been completed.

3.2.2. Storage of flammable substances at different conditions (Bulgaria case)

In June 2016 BG asked the Commission for guidance on how to handle cases where a flammable substance is stored or used in an establishment at different temperature or pressure conditions. The Commission launched a virtual discussion on CIRCABC which suggested that it would be appropriate to use different thresholds depending on the actual storage or use conditions and then use the summation rule to establish whether an establishment is upper- or lower tier.

The SEG welcomed the draft Q&A and agreed to it in principle. Some members suggested editorial improvements. However, the SEG was unable to agree during the meeting on the appropriate way to refer to the amount of substances potentially present. The Commission suggested continuing the discussion virtually as to present a final proposal at the next meeting.

3.2.3. Possible re-classification of sodium hypochlorite

The Commission provided an update on the state of play of the possible re-classification of sodium hypochlorite. While discussions on the final classification were ongoing, this would raise the questions whether the potential additional classification as aquatic chronic would mean that mixtures of sodium hypochlorite with less than 5% of active chlorine would no longer be covered by the specific entry 41 in part 2 of annex 1.

The Commission highlighted that a final assessment of the implication could not be provided before a final decision on a new classification has been taken. However, following a preliminary assessment the Commission took the view that mixtures of sodium hypochlorite currently only classified as Aquatic Acute Category 1 should continue to be covered by entry 41 in Part 2 of Annex I even if they were additionally to be classified as Aquatic Chronic Category 1. This view is based on a) the intention of the legislator to consider the specific situation of sodium hypochlorite mixtures, and b) the notion of "another category" would need to be understood as a category to which a different Seveso threshold applies because only then a different impact of an accident could be expected for the purpose of the Directive. However, aquatic acute and aquatic chronic would both fall into the category E1. Therefore, the proposed new classification of aquatic chronic in addition to the existing classification of aquatic acute would not suggest a fundamentally different risk that would warrant a re-consideration of the specific exemption provided for mixtures of sodium hypochlorite in entry 41.

The SEG in principle supported the concept that sodium hypochlorite should not be handled differently than already now. An industry representative pointed out that the current proposal for re-classification is already weaker than before and thus no longer a significant issue in the context of the Seveso-III-Directive. The Commission announced that it would prepare a corresponding text if necessary once a final decision was taken.

3.2.4. Questions from SE on waste mixtures and on HFO (15:50-16:05)

Ahead of the meeting SE had communicated two questions on the classification of waste mixtures and on heavy fuel oils which was uploaded on CIRCABC on 13 January 2017. Due to time restrictions during the meeting SE introduced the issue but the Commission proposed conducting the necessary discussion virtually.

3.2.5. Update of the Q&A

The Commission informed that it was unable to prepare the update of the Q&A document as discussed at the last meeting due to staff absences. It announced that work would continue during 2017 and invited the SEG to provide additional suggestions for the update as necessary.

4. ACTIVITIES OF MEMBER STATES, THIRD COUNTRIES AND OBSERVERS

4.1. Reports on major accidents and developments

4.1.1. Poland

PL reported on a project aiming at developing of a program for assessing risks in establishments posing major accidents hazards off-site, using risk analysis methods. This tool would amongst others allow users to determine safety zones, appropriate accident models, or the probability for events.

Furthermore, PL reported on a major accident that occurred in May 2016 at a medium sized producer of pharmaceuticals and organic peroxides. Although apparently all relevant safety measures were taken there was possibly an electrostatic discharge which may have caused the incident. Further investigations towards the actual cause were ongoing. The fire resulted into the complete destruction of the installation resulting into a damage of EUR 1 million. To date the production would still be interrupted.

4.1.2. Switzerland

Switzerland presented work that was conducted on the risk associated to the railway network. In 2011 a railway project resulted into an unacceptable risk from the transport of chlorine if potential future housing developments were considered. This resulted in an array of technical and organisation measures to reduce the risk. One result of the investigating was that it was necessary to impose technical measures on the railway equipment as measures in dwellings along the tracks were not feasible or cost-effective. Switzerland called upon MS to consider whether the current way how chlorine was transported would still be state of the art and whether new standards, e.g. for rolling stock might be necessary.

The Commission encouraged the SEG to communicate any guidance or similar documents or websites, even if not in English, so that it can be shared on CIRCABC or by other appropriate means.

4.2. Information exchange on international issues

4.2.1. TEIA

The TEIA Secretary reported on the proceedings of the 9th Conference of the Parties (COP) to the Convention. The COP included a seminar how the work of UNECE and OECD on industrial and chemical accidents prevention, preparedness and response could contribute to achieving the 2030 Agenda on Sustainable Development and the goals and priority actions set out in the Sendai Framework for Disaster Risk Reduction 2015–2030. The COP did not manage to agree on an amendment which would have strengthened the Convention and opened it to all UN member states. Other topics included guidance, e.g. on land-use planning. Planned activities for the next biennium were also presented.

4.2.2. OECD Working Group on Chemical Accidents

OECD reported that it recently published a Synthesis Report on Ownership Change in Hazardous Installations. Another report on Ageing of Hazardous Installations would be published shortly. OECD informed that the WGCA would continue working on an array of other reports and issues. The revision of the 2nd Edition of the OECD Guiding Principles on Chemical Accidents Prevention, Preparedness, and Response was due to be started. Provided that resources would be available in 2018 a revision of the acquis of the chemical accidents programme would also be due.

Whilst acknowledging that the SEG would not be the appropriate forum to discuss such issues, the Commission reminded the Member States that the review of the chemical acquis may have legal implications and that related discussions may require EU coordination in the relevant fora.

4.2.3. Interagency Group

Due to time constraints during the meeting, no update on the work of the Interagency Group was provided.

5. ANY OTHER BUSINESS

The Commission informed also that there might be a meeting of the Committee of Competent Authorities in the second half of 2017 back to back to the next SEG meeting as there was need to adopt a new Implementing Decision on reporting for the period 2019-2022.

6. CLOSURE OF THE MEETING

The meeting was closed at: 18:00h

7. NEXT STEPS / ACTIONS POINTS / NEXT MEETING

7.1. Action points

7.1.1. Commission

- To consider security implications of the public availability of some data and documents as a topic for discussion at a future SEG meeting (no deadline)
- To launch a virtual discussion on the questions raised by SE

- To update the Q&A document

7.1.2. SEG members

- MS to inform the Commission about activities on land-use planning (permanently, no deadline)
- MS to provide comments on policy indicators and benchmarking to facilitate the drafting of the terms of references (15 April 2017)
- MS to provide comments to the consultancy study on Seveso-II-implementation (31 January 2017)
- To provide additional suggestions for the update of the Q&A document if necessary (31 May 2017)
- To provide any guidance, similar documents, websites and other information on actions facilitating the implementation of the Seveso-III-Directive in view of their publication on CIRCABC, even if not in English (permanently, no deadline)

7.2. Next meeting

- 6th meeting of the SEG to be held in Brussels in autumn 2017, probably back-to-back with a meeting of the Committee of Competent Authorities
- 7th meeting of the SEG to be held in Bulgaria in spring 2018 (subject to confirmation)

8. ANNEX I: LIST OF PARTICIPANTS

8.1. European Commission

ECHO	Directorate General for Humanitarian Aid and Civil Protection (not present)
ENV	Directorate General for Environment, Unit C.4
GROW	Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, Unit D.2
HOME	Directorate General for Migration and Home Affairs, Unit D.2
JRC	Joint Research Centre, Unit E.2

8.2. Member States

Country	Organisation
Austria	Federal Ministry for Economics, Family and Youth
Belgium	Federal Public Service - Employment, Labour and Social Dialogue
Belgium	Federal Public Service Interior - Crisis Centre - Emergency Planning
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
Denmark	Danish Emergency Management Agency
Estonia	Estonian Rescue Board
Estonia	Technical Regulatory Authority
Finland	Finnish Safety and Chemicals Agency
Finland	Ministry of Economic Affairs and Employment of Finland
France	Ministry of Ecology and Sustainable Development
Germany	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
Germany	Federal Environmental Agency
Germany	Authority for Nature, Environment and Consumer Protection of North Rhine Westphalia
Greece	- (not present)
Hungary	National Directorate for Disaster Management
Ireland	Health and Safety Authority
Italy	Ministry for the Environment, Land and Sea
Italy	National Institute for Environmental Protection and Research
Latvia	Environment State Bureau
Lithuania	Ministry of Foreign Affairs
Luxembourg	- (not present)

Country	Organisation
Malta	Occupational Health and Safety Authority
Netherlands	Ministry of Infrastructure and the Environment
Netherlands	Ministry of Social Affairs and Employment
Poland	Chief Inspectorate for Environmental Protection
Poland	State Fire Service
Portugal	National Authority for Civil Protection
Portugal	Portuguese Environment Agency
Romania	- (not present)
Slovakia	Ministry of Environment
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Interior
Sweden	Civil Contingencies Agency
United Kingdom	Health & Safety Executive

8.3. Observers

8.3.1. Non-EU countries

Country	Organisation
Norway	Norwegian Directorate for Civil Protection and Emergency Planning
Norway	Norwegian Environment Agency
Switzerland	Federal Office for Environment
Turkey	Ministry of Environment and Urbanisation

8.3.1. International Organisations

OECD	Organisation for Economic Cooperation and Development
UNECE	United Nations Economic Commission for Europe

8.3.2. Non-governmental organisations

CEFIC	European Chemical Industry Council
EEB	European Environment Bureau
EPSC	European Process Security Centre
FECC	European Association of Chemical Distributors

8.3.3. Other

	Amec Foster Wheeler Environment & Infrastructure UK Limited
INERIS	L'Institut National de l'Environnement Industriel et des Risques
Eu-VRI	European Virtual Institute for Integrated Risk Management

9. ANNEX II: GLOSSARY

ADAM	Accident Damage Analysis Module
AIDA	Accident Information and Data Analysis tool
CBRN-E	Chemicals, Biological, Radiological, Nuclear and Explosives
CLP	Regulation on the Classification, Labelling and Packaging of dangerous substances
eMARS	Database containing information about accidents.
EMSA	European Maritime Safety Agency
eSPIRS	Database containing information about establishments covered by the Seveso Directive.
LNG	Liquefied Natural Gas
MAHB	Major Accident Hazards Bureau (within unit JRC.E.2)
MS	EU Member States
NaTech	Natural Events triggering technological accidents
OECD	Organisation for Economic Cooperation and Development
RAPID-N	Rapid Natech Risk Assessment Tool
SDG	Sustainable Development Goal
SEG	Seveso Expert Group
TEIA	Convention on the Transboundary Effects of Industrial Accidents
UNECE	United Nations Economic Commission for Europe
WGCA	Working Group on Chemical Accidents (under OECD)