

Questionnaire on progress made with the implementation of the Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (SEVESO II)

Background

The Directive imposes general and specific obligations on both operators and the Member States' authorities. The present questionnaire aims at checking the progress made with practical implementation of the basic principles of the Directive.

All operators of establishments coming under the scope of the Directive need to send a **notification** to the competent authority. In addition, operators of upper tier establishments need to establish a **Safety Report**, and an **Internal Emergency Plan**.

Internal Emergency Plans for response measures to be taken inside establishments have to be drawn up by the operator and to be supplied to the local authorities to enable them to **draw up External Emergency Plans**.

Member States shall ensure that their **land-use planning policies** take account of the need to maintain appropriate distances between hazardous establishments and residential areas and shall in particular control the siting of new establishments, modifications to existing establishments, and new developments in the vicinity of existing establishments.

Member States shall also ensure that **information** is supplied to persons liable to be affected by a major accident and shall organize a **system of inspections**.

(1) General Information

- a) What was or will be the legal deadline for notification submission?
- b) At the end of year 2003:
 - i) How many establishments were subject to the provisions transposing Article 6 and not to the provisions transposing Article 9? (so called *lower tier establishments*)
 - ii) How many establishments were subject to the provisions transposing Article 9? (so called *upper tier establishments*).

(2) Safety Reports

- a) What was or will be the legal deadline for submitting the safety reports to the competent authorities?
- b) How many safety reports were received by 31/12/2003?
- c) What is the mean period of time (or expected mean period of time) between the reception of a safety report and the communication of conclusions to the operator?

(3) Internal Emergency Plans

- a) For the upper tier establishments, what was or will be the legal deadline for having an internal emergency plan?
- b) By 31/12/2003, how many *upper tier* establishments **did not have**¹ an **internal emergency plan**, as required under Article 11.1 (a) of the Directive?
- c) By 31/12/2003, how many *upper tier* establishments did have an **internal emergency plan**, as required under Article 11.1 (a) of the Directive?
- d) By 31/12/2003, for how many *upper tier* establishments was the situation **under assessment** with regard to the existence of an **internal emergency plan**?

(4) External Emergency Plans

- a) For the upper tier establishments, what was or will be the legal deadline for having external emergency plans drawn up by the designated Authorities? If there is no legal deadline, please explain what is the expected time frame with regard to the drawing up of external emergency plans.
- b) How many *upper tier* establishments had an **external emergency plans** drawn up by the designated Authorities, as referred to in Article 11.1 (c) of the Directive by 31/12/2003?
- c) Give a brief explanation on the strategy for testing external emergency plans: Is it envisaged to carry out part test, full test, involving emergency services, desk top etc. What will be the criteria used for considering that an external emergency plan has been tested. How many plans were tested in 2003? Is there any planning on the plans to be tested in the next year? If so, what is the envisaged planning?

(5) Land-use Planning

Provide general background information on the concrete measures for fulfilling the objectives of Article 12 in general and, in particular, for ensuring the control of new developments around existing sites as well as the siting of new sites.

(6) Information on safety measures

- a) According to the national enforcement measures, when shall persons liable to be affected by an accident receive the information referred to in Article 13?
- b) For how many establishments was information to the public issued at least once before 31/12/2003, as referred to in Article 13?
- c) Describe briefly the strategy for informing the public: Who is responsible for informing the public? What means are used for informing the public? Who shoulders the cost for such information? Is there any evaluation of the cost for informing the

¹ It can be assumed that an establishment has an internal emergency plan, when the Competent Authorities, on the basis of the examination of the safety report, have proof that an internal emergency plan exists. Unless other elements indicate otherwise, it will be assumed that an establishment has no internal emergency plan if the safety report has not been sent, or if the safety report has been examined and does not prove the existence of an internal emergency plan. In the cases where the safety report has been received but not yet examined, the situation has to be qualified as “*under assessment*”.

public? Is the information really made available to the public and how is it monitored? Is the quality and accuracy of the public information strategy checked on a regular basis and how?

(7) Inspection

- a) Give an overview of the strategy and means for inspection, including rough estimate of the total man-hours of the inspectorate, fulfilling the requirements laid down by the Directive, tasks of the inspectors and their minimum qualifications.
- b) During the year 2003, how many *upper tier* establishments **were inspected at least once**². Can you give an indicative figure for years 2004 and 2005?
- c) During the year 2003, how many *lower tier* establishments **were inspected at least once**. Can you give an indicative figure for years 2004 and 2005?

²

In questions 8b, 8c, 8d & 8e, the wording “inspected” relates to inspections that have led to the preparation of a report as requested in article 18.2(b).