

# Synthesis of the replies to the questionnaire on progress made with the implementation of the Directive 96/82/EC (Seveso II Directive)

## 1 Introduction

Early 2004, the European Commission sent to all Acceding and Candidate countries delegations a questionnaire, with a view to monitoring the progress made with the implementation of the Seveso II Directive. The ten new Member States and Bulgaria replied to the questionnaire.

The individual replies, received in April 2004, give valuable information on the way the Seveso II Directive is applied in practice in these countries and gives a picture of the situation to the end of 2003. The individual contributions contain in particular general information on strategies for testing external emergency plans, for implementing the land use planning requirements, for public information and inspections as well as indicative associated costs.

With a view to comparing the situation between the different countries, this synthesis focuses on the “numerical” answers provided in the frame of this exercise. The individual contributions, as well as this synthesis, will be posted on the Commission’s web site<sup>1</sup>.

## 2 General information

### 2.1 Deadline for notification submission

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
01.06 <sup>2</sup>	05/03	07/00	07/99 <sup>3</sup>	06/02	02/02	08/00 <sup>4</sup>	10/03	03/02	07/03	12/02

### 2.2 Number of lower tier establishments by the end of year 2003

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
32 <sup>5</sup>	1	76	16	60	24	12	4	181	31	28

### 2.3 Number of upper tier establishments

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
35	14	74	13	46	19	14	9	146	38	26

In total, 434 upper tier establishments had been identified in the 11 countries that replied to the survey. In December 2002, 3278 upper tier establishments were reported from the 15 Member States.

<sup>1</sup> <http://www.europa.eu.int/comm/environment/seveso/index.htm>

<sup>2</sup> For new establishments, as from 01.01.04, the notification has to be sent immediately

<sup>3</sup> Due to amendments to legal acts in May 2003, new notification was required by the end of June 2003.

<sup>4</sup> Due to amendments to legal acts scheduled for May 2004, new notification will be required three months after adoption of the Provisions.

<sup>5</sup> Data based on a inventory of potential Seveso sites prepared in 2001 in the frame of the PHARE project

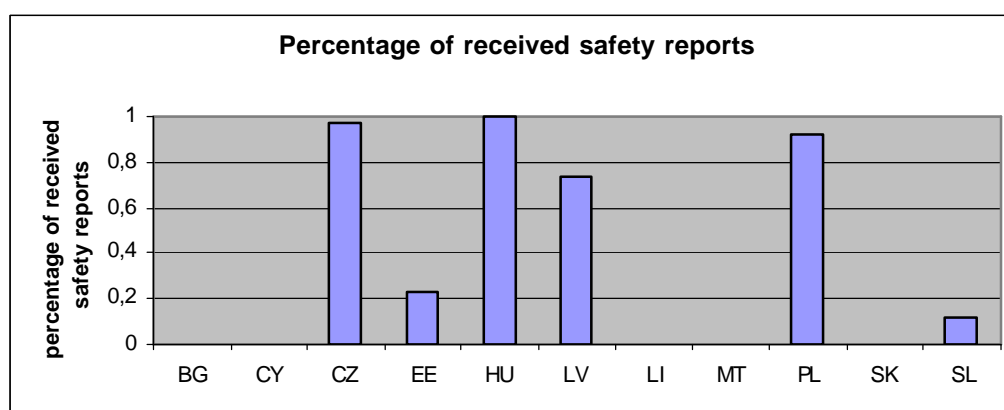
### 3 Safety reports

#### 3.1 Deadline for submitting the safety reports

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
01.06 <sup>6</sup>	05/05	01/02	01/04	12/02	02/03	05/05	07/04	12/03	07/05	05/04

#### 3.2 Safety reports received by 31/12/2003

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
0	0	72	3	46	14	0 <sup>7</sup>	0	134	0	3 <sup>8</sup>



As regards the submission of the safety reports, the new Member States can be grouped into three main categories:

- In the Czech Republic, Poland, Hungary and Latvia, the legal deadline for sending safety reports was already over by the end of 2003 and, therefore, most safety reports had already been received by the end of 2003.
- In Estonia, Slovenia and Malta, the legal deadline for submission of safety reports is respectively January, May and July 2004. It is therefore expected that nearly all safety reports will be received in the course of the year 2004.
- For Cyprus, Lithuania and Slovakia the legal deadline for the safety reports submission being around mid-2005, it is unlikely that significant progress with regards to the number of safety reports drawn up according to the Seveso II criteria could be achieved in 2004.

By the end of 2002, approximately 90% of the EU-15 establishments had submitted their safety reports.

<sup>6</sup> For new establishments, as from 01.01.04, the notification has to be sent immediately

<sup>7</sup> Most operators have already presented Risk Analysis.

<sup>8</sup> Three pre-construction safety reports were received from existing upper tier establishments due to planned modifications for which the construction permit was needed.

### 3.3 Mean or expected mean period of time for communicating conclusions

*In months:*

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
4	6	3-6	2	6	2 <sup>9</sup>	-	4	3	-	3-4

The directive states that the competent authorities shall communicate their conclusions to the operator within a reasonable period of receipt of the report but does not specify any time limit.

## 4 Internal Emergency Plans

### 4.1 Deadline for having an internal emergency plan

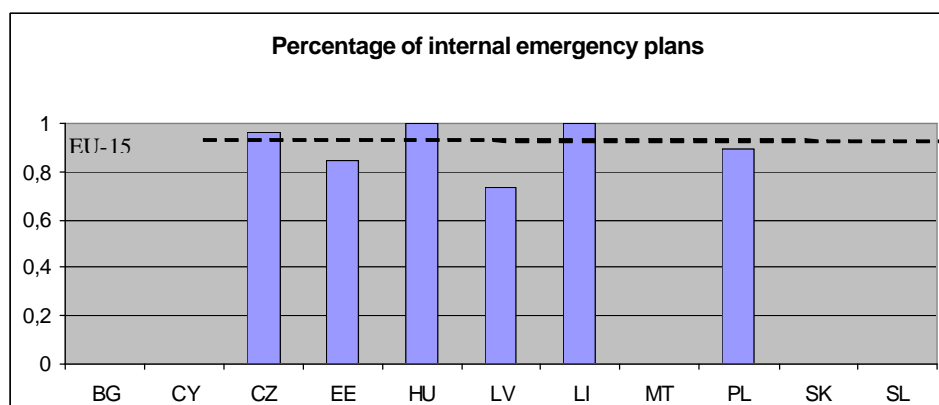
BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
01.06 <sup>10</sup>	05/05	01/02	07/01 <sup>11</sup>	12/02	07/03	1999	10/04	06/03	07/05	01/05

### 4.2 Upper tier establishments with no internal emergency plans

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
35	14 <sup>12</sup>	3	2	0	5	0	9	16	38	26

### 4.3 Upper tier establishments with internal emergency plans

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
0	0	71	11	46	14	14	0	130	0	0



The patterns are similar to those related to safety reports, as usually internal emergency plans are part of the safety reports. Nevertheless Estonia had introduced a first legal deadline for sending internal emergency plans and has therefore already internal emergency plans in place, even if they are under review. By the end of 2002, around 90% of the EU-15 establishments had internal emergency plans in place, according to the Seveso II criteria.

<sup>9</sup> The period of time between the reception of a safety report and the communication of conclusions is 2 months and 2 weeks according to the regulation, but this period of time could be prolonged till four month and one year.

<sup>10</sup> For new establishments, as from 01.01.04, the notification has to be sent immediately

<sup>11</sup> Due to amendments to legal acts in May 2003, operators must review internal emergency plans by May 2004.

<sup>12</sup> 14 upper tier establishments did not have an internal emergency plan as required under article 11.1 (a) of the Directive. However they all did have an internal emergency plan not completely in compliance with article 11.1 (a) of the Directive.

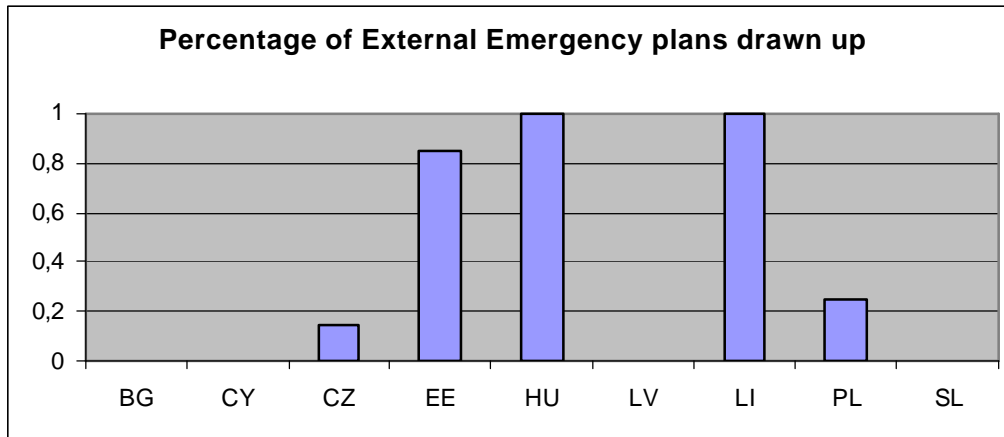
## 5 External Emergency Plans

### 5.1 Deadline for having an external emergency plan

BG	CY	CZ	EE	HU	LV	LI	MT	PL	RO	SK	SL
-	No <sup>13</sup>	09/04	No	12/03	01/04	1999	01/04	12/03	-	07/05	01/05

### 5.2 Upper tier establishments with external emergency plans

BG	CY	CZ	EE	HU	LV	LI	MT	PL	RO	SK	SL
-	0	11 <sup>14</sup>	11	46 <sup>15</sup>	0 <sup>16</sup>	14	0	36		0	0



The figures provided by the ten new Member States show that emergency plans exist for all upper tier establishments in Hungary and Lithuania and for most Estonian upper tier establishments.

The Czech Republic, Latvia, Malta, Poland and Slovenia have introduced a legal deadline in their legislation for the drawing up of external emergency plans and it can therefore be expected that, by the end of year 2004, external emergency plans will have been drawn up for most upper tier establishments in those countries.

For Cyprus and the Slovak Republic, similar improvement is expected for 2005.

In the EU-15, by the end of 2002, approximately 35% of the upper tier establishments had an external emergency plan drawn up by the designated authorities.

<sup>13</sup> Expected deadline: November 2005

<sup>14</sup> 38 zones of emergency planning have been established.

<sup>15</sup> 36 external emergency plans cover 46 establishments, as several establishments can be covered by the same plan.

<sup>16</sup> There are no new external emergency plans drawn up by December 31, 2003 but improved existing external fire fighting plans and civil protection plans have been used.

## 6 Information on safety measures

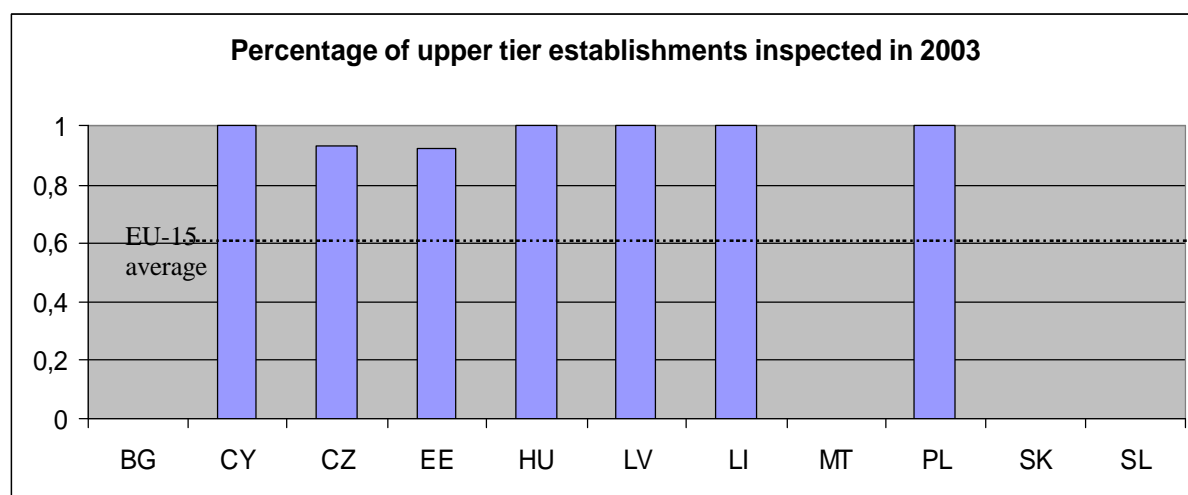
BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
-	0 <sup>17</sup>	5	0 <sup>18</sup>	0 <sup>19</sup>	0 <sup>20</sup>	26	0	200	0 <sup>21</sup>	0 <sup>22</sup>

The information provided by Lithuania and Poland shows that, in both countries, information has also been provided for lower tier establishments. In the other countries, the process of informing the persons liable to be affected by the consequences of an accident of the requisite behaviour in the event of an accident had not really started by the end of 2003.

## 7 Information on inspections

### 7.1 Upper tier establishments inspected at least once in 2003

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
-	14	69	12	46	19	14	0	146	0	0



In Cyprus, Hungary, Latvia, Lithuania and Poland all upper tier establishments had been inspected in 2003. In the Czech Republic and in Estonia, the percentage of inspected upper tier establishments will further increase in 2004. Slovenia and Slovakia reported that in the years 2004 and 2005 all their upper tier establishments will be inspected. Malta is not in a position to give indicative figures for the number of establishments that will be inspected in the coming years.

<sup>17</sup> Information shall be provided in 2006.

<sup>18</sup> Deadline for submitting information to the public is May 2004.

<sup>19</sup> The information has been finalised in published before 30 April 2004.

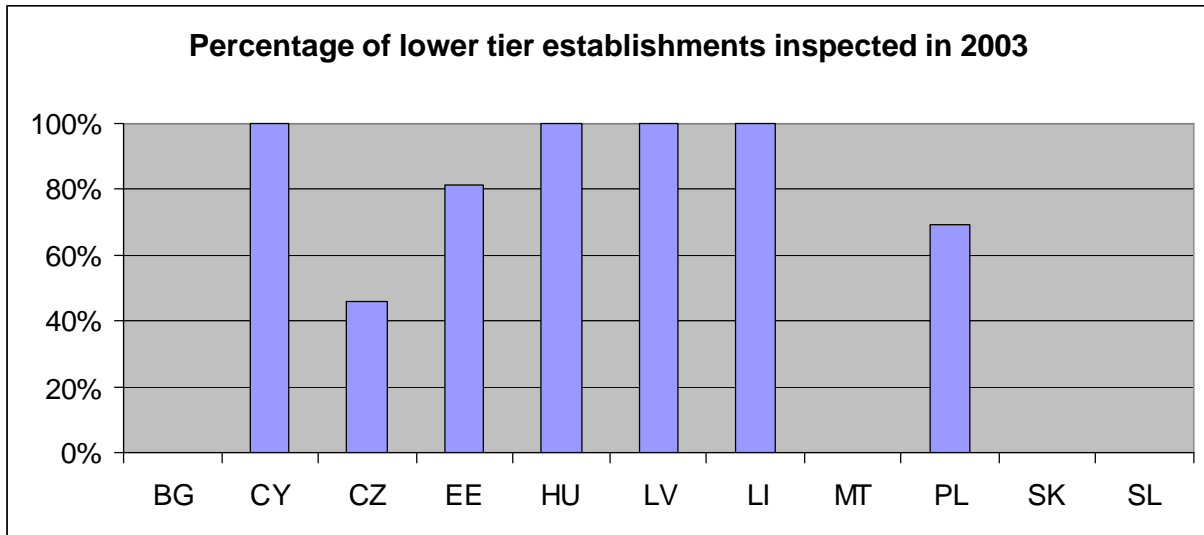
<sup>20</sup> 12 public consultations about safety reports had been carried out for 13 establishments before 31 December of 2003

<sup>21</sup> Deadline for submitting information to the public is 1 July 2005.

<sup>22</sup> Deadline for public information is 01/06/2004

## 7.2 Lower tier establishments inspected at least once in 2003

BG	CY	CZ	EE	HU	LV	LI	MT	PL	SK	SL
-	1	35	13	60	30	12	0	125	0	0



## 8 Summary Conclusions

All new Member States and Bulgaria could reply to the questionnaire within a relative short time delay. The quantitative data they delivered show that they are progressing with the implementation of the Seveso II requirements. Moreover, the information<sup>23</sup> they have delivered on a number of issues such as strategy for public information, inspections, land use planning etc. is also a useful source of information.

The ten new Member States contributions indicate that the operators of Seveso establishments have already sent their notification to the competent authorities, usually in 2002 or early 2003.

This notification contains the quantity of dangerous substances present in the establishments and allows identifying the so called “upper tier establishments”, where the largest quantity of dangerous substance is present. The operators of upper tier establishments shall draw up a Safety Report and an Internal Emergency Plan. This process is almost achieved in four new Member States, and is ongoing in three others. The last three Member States (Cyprus, Lithuania and Slovakia), have set a legal deadline for safety reports submission to 2005.

The safety reports shall also contain an internal emergency plan for response measures to be taken inside establishments and it usually contains the necessary information that has to be supplied to the local authorities to enable them to draw up External Emergency Plans.

The figures provided show that Estonia, Hungary and Lithuania are already well advanced with the process of drawing up external emergency plans. Nevertheless, as most safety reports have not yet been received in Estonia and Lithuania, it is likely that these emergency plans will have to be revised, once the safety reports available.

Member States shall also ensure that their land-use planning policies take account of the need to maintain appropriate distances between hazardous establishments and residential areas. They shall in particular control the siting of new establishments, modifications to existing establishments, and new developments in the vicinity of existing establishments. All new Member States have provided a short overview on the concrete measures they have in place with a view to fulfilling the objectives of article 12.

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. Public information is already effective in two countries and shall be implemented gradually between 2004 and 2006 in the remaining countries. The data provided indicate that frequency of inspections was already compatible with the Seveso criteria in 2003 in seven countries. As far as the remaining ones are concerned, Malta is not yet in a position to give figures for the coming years but Slovenia and the Slovak Republic have indicated that all establishments should be inspected in 2004.

The safety report is probably the cornerstone of the “Seveso safety system” and it is a vital input to the drawing up of external emergency plans, to the implementation of the land use planning policy, to the information to the public process and to the inspection system. It is therefore crucial that all safety reports are received within the shorted time span.

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<sup>23</sup> This information can be downloaded from the Seveso web site  
<http://www.europa.eu.int/comm/environment/seveso/index.htm>