



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, D(2010) 24 SEP. 2010

Opinion

Title

Impact assessment on the Proposal for a Directive on the control of major-accident hazards involving dangerous substances (amending Seveso II Directive 96/82/EC) (draft version of 8 September 2010)

(A) Context

The current Seveso II Directive was adopted in 1996 and amended by Directive 2003/105/EC. Its main objective - to prevent major accidents involving large quantities of dangerous substances (or mixtures thereof) and to limit the consequences of such accidents for human health and the environment – appears to have been met, as the frequency of major accidents has fallen by some 20% between 2000 and 2008.

The Directive has to be amended due to the transition of the EU system of classification of dangerous substances towards the Globalised Harmonised System, after the adoption of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP), which will become effective on 1 June 2015. Given the occasion to amend the Directive, a wider review was undertaken and a number of areas were identified where limited amendments would be appropriate to clarify and update certain provisions.

(B) Overall assessment

The report provides a lot of information to support the need for action, but the overall structure of the presentation and certain elements in the analysis should be improved. The problem definition should differentiate more clearly between implementation problems with the current directive and the issues related to the reclassification of substances. It should provide a clearer explanation of the current deficiencies related to land use planning and information to the public. For these two specific issues, the report should present more clearly the operational implications of the options. It should provide a more detailed and transparent presentation of costs and benefits of the proposed policy options, with particular attention to the impact on establishments that will be directly affected by changes in the scope of the directive, and provide a better analysis and presentation of social impacts in terms of human health and employment.

During the meeting DG Environment agreed to revise the report in line with the recommendations of the Board.

(C) Main recommendations for improvements

(1) Strengthen the problem definition and provide a clearer explanation of current deficiencies in implementation. The report should better explain the relevant regulatory context, especially the interactions between REACH and CLP Regulations and the existing Seveso II Directive, and give an overview of the various Seveso requirements. It should make a clearer distinction between purely technical adaptations and elements of the proposal that extend the scope or introduce new requirements. It should provide a clearer overview of compliance and implementation issues that necessitate amendment of the legislation on information to the public and land use planning. It should make clearer references to the outcomes of the evaluation and review carried out. The report should present a clear baseline scenario that summarises and assesses the risks associated with continuation of the existing regime with regard to information to the public and land use planning.

(2) Provide a more transparent presentation of the practical implications of the options related to land use planning and information to the public The report should clarify for each of the options presented on information to the public what concrete compliance actions they would entail for operators and competent authorities. It should also indicate more clearly in the main text what the practical implications of the proposed definitions with regard to the issue of land planning will be.

(3) Provide a more detailed analysis of costs and benefits of the proposed policy options, especially with regard to compliance costs and possible simplification benefits. The report should provide a better explanation of the consequences of the different policy options on reclassification of chemicals (substances and mixtures) for the scope of application of the Directive. It should clarify the estimates of how many firms that are currently covered by the Directive will no longer have to comply, and how many will be newly included in the scope of the amended Directive, rather than giving a net figure. On that basis the report should provide more detail on the magnitude of the compliance costs (including necessary physical compliance measures) in particular for newly covered firms. The report should also systematically assess the expected simplification benefits of the relevant options, and explain what reductions in administrative costs are to be expected. It should improve the presentation and strengthen the analysis of social impacts in terms of human health and employment for each proposed policy option. Finally, the report would benefit from illustrating (for instance using examples) how SMEs will be affected and from providing any available data on this in the relevant section.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

To improve the accessibility of the document, information that is necessary to understand the analysis should be moved from the Annexes to the main report (e.g. description of the options, in particular for policy issues 3 and 4). It would be useful to include one Annex for each of the policy issues with all analytical detail and background information while retaining the overview table in Annex XII. The report should give clearer references to the relevant elements of the underlying studies that were used as a basis for the quantification of costs.

The executive summary should include an overview of the (quantified) costs for each of the policy options.

(E) IAB scrutiny process

Reference number	2010/ENV/006
External expertise used	No
Date of Board Meeting	22 September 2010