



Brussels, 26 March 2018

**6TH MEETING OF THE COMMISSION EXPERT GROUP ON THE CONTROL OF MAJOR
ACCIDENT HAZARDS INVOLVING DANGEROUS SUBSTANCES ("SEVESO EXPERT GROUP")**

7TH MARCH 2018 - 09:30 TO 17:30H

**COMMITTEE OF THE REGIONS, BÂTIMENT JACQUES DELORS, RUE BELLIARD 99-101,
B 1040 BRUSSELS, ROOM JDE 53**

Minutes

1. ADMINISTRATIVE MATTERS

1.1. Welcome

The non-public meeting of the Seveso Expert Group (SEG) was attended by 71 participants. This included representatives of all Member States. Following observers attended the meeting: Norway, Switzerland, UNECE (TEIA secretariat), CEFIC, EEB and FECC. Furthermore, the following Commission Services attended at least in parts: ENER.B.2, ENV.C.1, HOME.D.2, GROW.D.2 and JRC.E.2.

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

Sweden informed ahead of the meeting that there was no longer a need to discuss the question on waste mixtures and on heavy fuel oils under former agenda item 3.1.2. With this change the agenda was adopted.

1.3. Adoption of the minutes of the last meeting

Comments to the draft minutes of the 5th SEG meeting were received from FI, PL and the JRC and incorporated. With these changes the minutes were adopted.

2. COMMISSION ACTIVITIES

2.1. Activities of DG Environment

The Commission informed about its coordination activities since the last meeting. This included in particular its work in context of the Community of Users (DG HOME), the Task Force Security Union (DG HOME), the Administrative Agreement with the JRC, and the development of guidelines on LNG bunkering (EMSA).

Furthermore, the Commission informed about:

- (1) The adoption and publication of the report on the application of the Seveso-II-Directive in November 2017.
- (2) 2 TAIEX workshops on industrial accident prevention that took place in South Eastern Europe in February and July 2017.
- (3) The development of a Newsletter on chemical accidents within the MediSys tool. The SEG was invited to test the tool.
- (4) The state of play on the Chemicals legislation REFIT. The Staff Working Document is currently being prepared but not expected to address the Seveso-III-Directive in a noteworthy manner.
- (5) The start of the first evaluation of the Strategic Environmental Assessment Directive and the planned timeline. In this context one Member State asked the SEG whether information has been gained in the implementation of Directive 2014/52/EU. A more detailed request will be prepared in writing and put up for virtual discussion in CIRCABC.

Issues related to the Seveso Monitoring Study were addressed under Agenda item 3.2.

2.2. Activities of other Directorate Generals

2.2.1. Activities of the MAHB (JRC)

The JRC reported on its continued activities in the area of risk analysis, risk management and capacity building. After informing about key developments in 2017, the modernisation of eMARS was addressed indicating that discussions on possible structural improvements are expected to commence in 2019. For eSPIRS options are explored to transfer its operation to another body such as e.g. the European Environment Agency which also manages the databases on industrial installations and facilities under the Industrial Emissions Directive and E-PRTR, respectively. Finally, the JRC also reported about a recent re-organisation. One MS pointed out that the continued use of pre-CLP classifications in eMARS causes difficulties in reporting accidents. After the Commission clarified that there was no legal obstacle to use CLP classifications, the JRC announced that it would work on shifting to CLP soon.

2.2.2. Evaluation of the Directive on Critical Infrastructure Protection (HOME)

HOME.D.2 informed about the European Programme for Critical Infrastructure Protection (CIP) and the upcoming evaluation of the CIP Directive. Recent developments in the nature of threats require a different approach. New focus areas also include cyber

security, insider threats, hybrid threats and drones. The Directive is likely to change from an instrument that only identifies critical infrastructures to a tool that also address resilience, protection and a focus on maintaining the essential services. The SEG noted the information with interest. Following a Member State question, HOME considered it likely that the future Directive would also include the chemical sector. Several Member States highlighted the need to coordinate across the services and policies.

2.2.3. Review of the Directive on the safety of offshore oil and gas operations (ENER)

ENER informed about the background and state of play of the review on the Offshore Safety Directive. Some Member States asked whether the issue of decommissioning would be addressed in the review. ENER acknowledged that the issue of decommissioning would become even more relevant in future but also pointed out that MS would normally address this other international agreements such as the Ospar convention on the protection of the marine environment of the North-East Atlantic.

3. GENERAL IMPLEMENTATION ISSUES

3.1. Seveso III transposition & implementation

3.1.1. Status of transposition into national law

The Commission informed that all but two of the infringement cases on the late transposition of the Seveso-III-Directive have been closed and that conformity checks are ongoing. It also alerted Member States that in line with the latest practice, by default infringement procedures will be launched in case the conformity checks identify any issues. There no longer is a preceding PILOT phase. Therefore, the infringement procedure does not automatically mean that there would be a severe problem.

3.1.2. Question from IT on non-hazardous waste

Italy outlined its proposal for a Q&A arguing that waste that is classified as non-hazardous under waste legislation should be excluded from the scope of the Seveso-III-Directive. Some SEG members and observers cautioned that a full exclusion may go too far and that a case by case assessment would be more prudent. However, the issue would merit further investigations. The SEG was invited to provide written comments by 31 March 2018, including, if any, experiences with major accidents involving non-hazardous waste.

3.1.3. Update of the Q&A (Exchange of views)

The SEG agreed to the changes in the following Q&A (order as they appear in the document): 037, 035 (with minor modification), 001, 002, 003, 017 (with minor modification), 022, 048, 010b, 013, 020 (will require further work in future), 010a (will require further work in future), 010c, 011, 012, 024.

The SEG considered that the following Q&A would require further discussion and should not yet be included in the next update of the document: 045, 046, 047. The SEG was invited to submit comments by 31 March 2018.

3.2. Upcoming Implementing Decisions on Reporting

The Commission informed about the ongoing study on the monitoring under the Seveso-III-Directive (Seveso Monitoring Study). The SEG was invited to contribute to the ongoing survey by 28 March 2018 and where relevant in the subsequent targeted consultation. The outcome of the study would feed into the discussions on upcoming implementing decisions on reporting.

- (1) Member States Reporting on Implementation for the period 2019-2022: a draft will be prepared on the basis of the interim report and subsequently presented to the CCA for discussion and adoption before end 2018. At this point it cannot be estimated whether or not there will be substantial changes already in the upcoming decision. The Commission plans to prepare a draft by end July for discussion by the CCA. A first round of discussions will be held electronically. If necessary a modified draft will then be presented for discussion and adoption by the CCA in autumn 2018. If only minor changes are suggested the vote could also be held by written procedure. Else a physical CCA meeting will be organised.
- (2) Reporting of accidents to eMARS: some needs for changes were already identified and discussion will be started in 2019 after the final report of the study will be available. The objective is to update the implementing decision considering also the subsequent need for technical changes in eMARS.
- (3) Reporting on establishments to eSPIRS: no technical need for an update but the study may reveal improvements and changes may also be necessary as a result of a potential move of the hosting to another body. Any discussions will be held together with the discussions on accident reporting.

The study and subsequent discussion will also consider finding of the REFIT Fitness Check on environmental reporting, Better Regulation monitoring guidelines (including indicators) and increasing knowledge on drivers for improvement including socio-economic impacts of accidents.

The Commission highlighted that the Seveso Monitoring Study also serves as the consultation process prior to the development on the draft implementing decisions. The SEG was, therefore, invited to communicate any relevant information to the consultants.

3.3. Floods and Natech risk analysis

The SEG discussed the consideration of flood risks in the risk assessment for Seveso establishments. In this context ENV.C.1 presented recent developments in the context of the Floods Directive 2007/60/EC. The Netherlands reported about practical experiences made in implementation and Germany informed about guidelines developed to address floods, wind, snow & ice loads, and earthquakes. Finally, JRC.E.2 presented its Natech risk assessment tool and work conducted in other fora such as OECD. It also presented its intention to set up a technical group of Natech specialists.

4. ACTIVITIES OF MEMBER STATES AND OBSERVERS

4.1. Reports on major accidents, developments and events

Poland reported on the development of draft legislation on safety distances in land-use planning. The draft legislation includes definitions, a national concept, relevant parameters and a methodology for the determination of the safety distance.

France informed about the evolution of practices in the dissemination of information following two malicious acts against Seveso establishments in 2015. A new approach was developed to balance the right of access to environmental information against the need to protect information that could be abused. The information to be provided under Annex V of the Seveso-III-Directive is considered as non-sensitive but more detailed information such as detailed maps describing the effects of a particular scenario or security measures to prevent intrusions are considered to be sensitive. In this context it was also established which documents may or may not contain sensitive data.

Belgium informed about the upcoming seminar on land-use planning and industrial safety on 16-17 May 2018 in Mechelen. The Seminar is organised by the UNECE Industrial Accidents Convention, the European Investment Bank and the Government of Flanders.

4.2. Information exchange on international issues

4.2.1. New classification of explosives under GHS Chapter 2.1

The 'Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals' is currently discussing changes in the classification system and criteria for explosives. The Commission informed that it assessed the suggested changes and found that there are no apparent conflicts and impacts on the implementation of the Seveso-III-Directive. However, the SEG was invited to report any differing assessment by 31 March 2018.

4.2.2. UNECE Convention on Transboundary Effects of Industrial Accidents

UNECE highlighted a number of implementation activities in the context of the Industrial Accidents Convention. This included sub-regional workshops and their conclusions, an upcoming high-level mission to Ukraine, and a project to strengthen the implementation of the Convention in Central Asia. Finally, an outlook was provided on the 10th meeting of the Parties in December 2018 which will include a seminar on risk-assessment methodologies.

4.2.3. OECD Working Group on Chemical Accidents

The guidance on ownership change is going to be released in May 2018 and work continues on the guidance on the benefits of regulations for chemical accidents. A Natech seminar will be held in September 2018 and the next meeting of the Working Group on Chemical Accidents will take place 23-25 October 2018.

4.2.4. *Interagency Group*

The next meeting of the Interagency Group will take place in May or June 2018 and will be organised by the World Health Organisation in the Collaborating Centre on Public Health Management of Chemical Emergencies in Cardiff.

5. ANY OTHER BUSINESS

None.

6. CLOSURE OF THE MEETING

Romania informed that it plans to invite the SEG to hold a meeting in Romania in the first half of 2019. The meeting would be accompanied by a full day workshop and a site visit. The workshop could address mining issues or underground storage of natural gas. The SEG was invited to provide additional suggestions.

The meeting was closed at: 18:00h

7. NEXT STEPS / ACTIONS POINTS / NEXT MEETING

7.1. Action points

7.1.1. Commission

Action points for the Commission are:

- (1) To update the Q&A document as agreed and publish it.
- (2) By end July 2019 to prepare a draft decision on the reporting on implementation by Member States and launch a first round of exchanges of the CCA on CIRCABC.
- (3) 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, carry over from SEG-05).
- (4) To consider as agenda items for an upcoming meeting discussions on the notion of "temporary intermediate storage" and "presence of a dangerous substance".

7.1.2. SEG members and observers

SEG members and observers were invited by 31 March 2018 to:

- (1) Provide suggestions for improving the questions of the Q&A document that were not agreed (Q&A 045, 046 and 047) and those for which it was considered that they could be further improved (Q&A 010a and 020).
- (2) Provide comments on the IT proposal for a Q&A on non-hazardous waste, including, if any, experiences with major accidents involving non-hazardous waste.

- (3) Reply to the online survey on the Seveso Monitoring Study and where relevant contribute to the subsequent targeted consultation.
- (4) Communicate any possible conflict with the new proposal for the classification of explosives in GHS

Provide suggestions to Romania for topics of a workshop in spring 2019.

Communicate any guidance, similar documents, websites and other information on actions or events 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

Should a physical meeting of the CCA be held in autumn 2018, this will likely be complemented by a half-day SEG meeting. Else the 7th meeting of the SEG is likely to be held in spring 2019 in Romania.

8. ANNEX I: LIST OF PARTICIPANTS

8.1. European Commission

ENER	Directorate General for Energy, Unit B.4
ENV	Directorate General for Environment, Unit C.4 and Unit C.1
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 Sustainability and Tourism
Austria	Federal Ministry for Digital, Business and Enterprise
Austria	Regional Authority of Styria
Belgium	Federal Public Service - Employment, Labour and Social Dialogue
Belgium	Federal Public Service Interior - Crisis Centre - Emergency Planning
Belgium	Government of Flanders – Environment, Nature and Energy Department
Belgium	Public Service of Wallonia
Bulgaria	Ministry of the Environment and Water
Croatia	Ministry of Environmental and Energy
Cyprus	Labour Inspection Department
Czech Republic	Ministry of the Environment
Denmark	Danish Environmental 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
France	Ministry of Ecological Transition and Solidarity
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	Ministry of Environment and Energy
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	Fire and Rescue Department under the Ministry of Interior

Country	Organisation
Luxembourg	Inspectorate for work and mining
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	General Inspectorate for Emergency Situations
Slovakia	Ministry of Environment
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Interior - Directorate General for Civil Protection and Emergencies
Spain	Regional Government of Navarra
Sweden	Civil Contingencies Agency
United Kingdom	Health & Safety Executive

8.3. Observers

8.3.1. *Non-EU countries*

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

8.3.2. *International Organisations*

OECD	--- (not present)
UNECE	United Nations Economic Commission for Europe

8.3.3. *Non-governmental organisations*

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

9. ANNEX II: GLOSSARY

ADAM	Accident Damage Analysis Module
AIDA	Accident Information and Data Analysis tool
CBRN-E	Chemicals, Biological, Radiological, Nuclear and Explosives
CCA	Committee of Competent Authorities established under Article 27 of the Seveso-III-Directive.
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.
FAQ	Frequently Asked Question
LNG	Liquefied Natural Gas
MAHB	Major Accident Hazards Bureau (within unit JRC.E.2)
MS	EU Member States
NaTech	Natural Events triggering technological accidents
Q&A	Question and answer
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)