



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

Brussels, 05 March 2020

**7TH MEETING OF THE COMMISSION EXPERT GROUP ON THE CONTROL OF MAJOR
ACCIDENT HAZARDS INVOLVING DANGEROUS SUBSTANCES ("SEVESO EXPERT GROUP")**

14TH MAY 2019 - SIBIU, ROMANIA

FINAL Draft Minutes

1. ADMINISTRATIVE MATTERS

1.1. Welcome

The non-public meeting of the Seveso Expert Group (SEG) was attended by participants from all Member States except: LT. The following observers attended the meeting: Norway, Serbia, Switzerland, UNECE, CEFIC and CONCAWE. Also, the following Commission Services (partly) attended: JRC.E.2, ECHO.B.2 and HOME.B.4

The meeting was chaired by Ms Aneta WILLEMS (Head of Unit ENV.C.4) who welcomed the participants and the host Mr. Francisc SENZACONI. The latter informed participants about the practical arrangements and other organisational issues.

1.2. Adoption of the Agenda

The agenda was adopted without any changes.

1.3. Adoption of the minutes of the last meeting

Comments to the draft minutes of the 6th SEG meeting were received from IT, DE and HR and incorporated. The minutes were adopted with these changes.

2. COMMISSION ACTIVITIES

2.1. Activities of DG Environment

The Commission informed about its (coordination) activities since the last meeting. This included the following issues:

2.1.1. EU General Data Protection Regulation (GDPR)

On 25 May 2018 the EU GDPR entered into force. Following GDPR requirements, the Commission requested active consent of all participants to register and update their

contact details where necessary, and include their details in mailing lists. The active consent to register and store personal data is valid until revoked. Prompted by requests from SEG participants, the Commission sought permission to share data with other participants. Finally, the Commission informed that it is developing a general privacy statement covering the processing of personal data from all DG ENV expert groups and committees. This statement was finalised in September 2019 and is attached.

2.1.2. Compliance with EU INSPIRE Directive and its relation with Seveso

ENV C.4 (on behalf of ENV E.4), informed about letters of formal notice (LFN) sent to BG, LT, LV and PL in relation to the non-creation, non (public) disclosure of metadata, and non-downloadability of 87 unique core environment reporting datasets with (geo)spatial information under the Infrastructure for Spatial Information in the European Union (INSPIRE) Directive. Article 5, requires Member States to ensure metadata are created and disclosed via the EU-geoportal for the spatial datasets and services corresponding to the themes listed in Annexes I, II, and III. Priority data set n°79 relates to the location of establishments under Directive 2012/18/EU. The Commission provided a Member State specific overview of compliance with the requirements. The following four compliance groups are distinguished: ‘Infringements’, ‘Laggards’, ‘Middle ground’ & ‘Front runners’. Following a lack of response to two earlier letters in 2018, encouraging the ‘laggards’ to take action, LFNs were sent. The Commission also informed the Member States that eSPIRS is INSPIRE compliant.

PL will formally reply to the LFN, stressing it will make available various sets of metadata. In their view, Seveso geospatial data are (indirectly) linked to critical infrastructure and might therefore only be partially disclosed. PL encouraged the Commission to investigate if eSPIRS information could be disclosed directly via the EU geoportal. Finally, PL encouraged the Commission to monitor the activities of the EU working group on INSPIRE related to the Seveso data set and provide feedback to the SEG. The Commission replied it had internal discussions with INSPIRE colleagues on extracting geospatial data from eSPIRS and inserting it into the EU Geoportal. Although this is technically possible, the outcome of these discussion was that the legal responsibility for disclosing information via the EU Geoportal lies with the Member States, and the Commission cannot do that for them. Therefore, Member States are encouraged to establish bilateral contacts between Seveso and INSPIRE colleagues at national level. The reporting status of the Seveso priority data set on the EU Geoportal is available via: <https://inspire-geoportal.ec.europa.eu/overview.html?view=legislationOverview&legislation=dir-2012-18>.

DE and NL echoed the issues mentioned by PL. Also, DE encouraged the Commission to clarify the inclusion of the ‘INSPIRE identifier’ in eSPIRS. DE plans to submit written feedback in this respect. NL requests the Commission to inform them about a point of contact within the Commission for technical issues related to eSPIRS and/or INSPIRE¹.

The Commission confirmed it is aware of these confidentiality issues and clarified that under Seveso and INSPIRE the same confidentiality rules apply. Currently, Member States can already motivate that certain data sets are considered to be confidential, and only to publicly disclose the non-confidential part of the data. These rules are considered sufficient. The MAHB (JRC E.2) noted that the XML-files used by eSPIRS include an

¹ The contact point for INSPIRE in DG ENV is Unit E.4. Secretariat: ENV-INSPIRE@ec.europa.eu

option to flag certain fields as ‘confidential’. Some Member States however use this option by default, although the option is only meant for motivated special cases. The point of contact for INSPIRE is ENV E.4 and JRC-MAHB for eSPIRS. Member States encourage the Commission to engage in renewed discussions on confidentiality.

The Commission elucidated that the INSPIRE identifier in eSPIRS ensured future interoperability of the reported data with information from the Industrial Emissions Directive (IED) and the European Pollutant Release and Transfer Register (E-PRTR). The Commission also noted that the EU geoportal facilitates the streamlining of environmental reporting as it collects the metadata of the 87 priority core data in one location. The Commission noted that coordination issues exist in many Member States and urged remediating them by ensuring cooperation between national Seveso authorities and national INSPIRE experts <https://inspire.ec.europa.eu/INSPIRE-in-your-Country>.

BE confirmed, internal coordination issues exist between INSPIRE and Seveso Competent Authorities (CAs). Due to this, the eSPIRS data set differs from the one available via the Geoportal. BE encouraged further investigation of possibilities to make eSPIRS data-sets directly available via the EU Geoportal. The Commission will flag these issues with INSPIRE colleagues. The Commission stated it continuously searches, jointly with the JRC and the EEA, for possibilities to further streamline electronic reporting. Finally, Member States were invited to express their concerns in writing by 14 June 2019.

2.1.3. Seveso-III Directive Implementation Status - Update & Completion electronic Seveso Plants Information Retrieval System (eSPIRS) data

The Commission explained its request to SEG Members to:

- a) Update data on Seveso establishments in (eSPIRS) and;
- b) Insert missing mandatory links to the public websites of Seveso establishments.

Member States provided status updates showing sizable progress. NL noted that, instead of providing links to the individual establishment websites, they provide summarised information on the Dutch ‘risk map’ website² for all establishments collectively. The MAHB clarified that is allowed but that direct links to the websites of individual establishments are more preferable than general websites. The Commission also noted that NL still has to fulfil its obligation to upgrade Seveso-II information to Seveso-III. NL and the MAHB will follow-up bilaterally. Member States have until 1 September 2019 to bring their affairs in order. After that date, the Commission might initiate enforcement action. The SEG agreed to this date.

2.1.4. Seveso Monitoring Study (SMS)

The Commission outlined the results of the Seveso Monitoring Study, including the development of indicators. The study concluded that the monitoring system is largely still adequate but also that the current questionnaire template does not cover all provisions. Consequently, changes to the questionnaire are recommended to introduce more standardised and numerical responses. The following elements should be addressed in a second more essential revision step: a) deficiencies identified during testing of emergency plans and steps taken to remedy these; b) deficiencies identified during

² <https://www.risicokaart.nl/>

inspections and remedial steps taken; c) safety management systems; d) impacts on land use planning; e) socioeconomic & environmental impacts of major accidents.

Also, new (policy) developments need to be addressed. The Monitoring System e.g. does not provide insights into the Directive's effects on aspects like safety costs and benefits, or comparisons with other non-EU areas. Finally, reporting on near misses and accidents in non-Seveso establishments would be useful.

2.1.5. Template for MS reporting on Seveso implementation for the period 1 June 2015 – 31 December 2018

In line with the recommendations of the SMS study, the commission has started reflecting on possible changes for the reporting questionnaire established by Commission Implementing Decision (CID) 2014/896/EU. It concluded the current decision is largely fit for purpose. Instead of revising the implementing decision now (shortly before the end of the reporting period 1 June 2015 to 31 December 2018) a step-wise approach is suggested.

In a first step the Commission suggested using the harmonised Excel-based reporting template, distributed prior to the SEG Meeting. It is based on the implementing decision, but enriched with suggested standardised answers and some supplementary questions. This to increase the added value of the answers and facilitate subsequent processing of the responses. Member States are invited to submit observations and feedback related to the template. The use of the template is not mandatory.

In a second step, after having received feedback and having analysed the responses of this reporting exercise, the Commission will decide if the current CID needs revising.

SI and UK supported the standardised reporting template. MT believed some questions direct the respondent towards providing multiple answers, whereas a single answer could be sufficient. BE noted that the draft template insufficiently accommodates possible regional implementation differences. Some Member States question the added value of the clarifying questions supplementing the mandatory questions.

The Commission clarified that the supplementary questions solely facilitate obtaining unequivocal answers to the mandatory questions and are therefore marked as 'optional'. Moreover, the Commission believes answering standardised questions by 'ticking boxes' is less time consuming compared to providing textual replies. The Commission reaffirmed its intention to move away from descriptive reporting towards standardised and quantitative reporting for the next reporting period. Follow-up actions will take into account the current state of implementation (including strengths, weaknesses and suggestions for improvements), and will include consulting the Member States. NL and DE noted that changing national (annual) electronic reporting systems can be quite time consuming. They encouraged the Commission to undertake timely consultations with Member States. The Commission acknowledged these observations and suggested it could maybe facilitate an ad-hoc meeting with dedicated Member States.

2.2. Activities of DG JRC-MAHB

The Commission (DG JRC-MAHB) updated the SEG on the following activities:

- a) Supportive work for revising eMARS. Aim is to increase the added value of reporting while at the same time streamlining and simplifying reporting where possible. So far this resulted in proposals to: a) change the typologies for causes, equipment etc; b)

include an eMARS statistics dashboard; c) make administrative improvements; and d) facilitate (voluntary) accident reporting for non-Seveso establishments to increase lessons learning. The current 2009 decision is based on Seveso-II. New IT developments and lessons learnt from reporting for over 10 years, caused the need to revise Commission Decision 2009/10/EC³. Work is scheduled to start in 2020.

- b) In line with the outcomes under a), the MAHB will prepare a report summarising suggested changes to Commission Decision 2009/10/EC. Changes will be grouped in two categories: i) main priorities (necessary) and ii) secondary priorities (desirable). Highlighted priorities for revision are embedding the EU Gravity Scale of Industrial Accidents and correcting various errors and unclear provisions e.g. related to: 'major' & 'initiating' events'; 'unknown' & 'inapplicable' event; and 'inadequate, inappropriate event'. The report will be the basis for bilateral discussions between DG ENV and the MAHB. After this DG ENV will come forward with a proposal and initiate follow-up contacts with MS. Aim is to present a complete proposal for revision by early 2021.

SI supported revising the eMARS implementing decision to increase the value of 'lessons learnt' information for policymakers and considers the information more valuable than the official Member State implementation reports. NL confirmed the importance of registering 'near misses' for the purpose of exchanging information and lessons learning and suggested creating a separate reporting format. RO suggested organising a workshop on electronic reporting in eMARS and eSPIRS as part of the revision process.

2.3. Activities of DG ECHO

ECHO B.2 provided information on Commission activities under the UN 'Sendai Framework'. Information was provided on risk-informed finance for prevention and preparedness in relation to the Union Civil Protection Mechanism (UCPM). Finance priorities are: i) investment planning for disaster risk management; ii) strengthening resilience to climate change impacts; iii) strengthening preparedness to multi-sector emergencies (health, Chemicals, Biological, Radiological, Nuclear and Explosives (CBRN-E), environment and marine pollution). Finally, information was made available on two new UCPM specific objectives: i) increasing the availability and use of scientific knowledge on disasters; ii) stepping up cross-border coordination and cooperation.

2.4. Activities of DG HOME

HOME B.4 informed about the Community of Users (CoU) on Secure, Safe and Resilient societies and its relevance to chemical accident policies. Also, information was provided about a governance mechanism currently under development. As soon as more information is available it can be distributed to the SEG via DG ENV.

3. GENERAL IMPLEMENTATION AND RELATED ISSUES

3.1. MAHB activities related to eSPIRS and eMARS findings

MAHB presented eSPIRS and eMARS related statistics and findings. For eSPIRS this included an overview of the number of registered establishments and commonly used

³ Commission Decision 2009/10/EC of 2 December 2008 establishing a major accident report form pursuant to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances

industry type characterisations numbers (NACE vs Seveso). For eMARS, it included an overview of the numbers of published and open records and the status of open accidents.

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

DG ENV presented proposed answers for the following new questions:

- i. Q050: on the purpose of ECHA's C&L inventory in relation to 'harmonised classification' versus 'non-harmonised'/'self-classification';

SE announced that it will submit editorial suggestions in writing. BE and PL believe that the harmonised CLP classification provides a 'minimum' classification and information from Safety Data Sheets (SDSs) might result in stricter classifications. They consider that information from self-classifications is less decisive for implementation decisions made by Seveso CA's. RO noted that the information from ECHA Material Safety Data Sheets (MSDS) occasionally deviates from information provided under the harmonised classification. This creates confusion among Seveso CA's on which information is leading.

- ii. Q051: related to entry 45 of Annex i-Part2 for the named substance Dazomet.

UK and PL supported the answer drafted by the Commission. PL suggested adding a clarification note stating that the reply applies to Dazomet in its solid physical state.

HU stated it would like to submit written feedback to Q046. The Commission confirmed that some questions, including Q046, could not be formally closed, since the last SEG meeting and repeated its earlier invitation for SEG members to submit written feedback to all open questions, preferably by 14 June 2019.

4. ACTIVITIES OF MEMBER STATES AND OBSERVERS ON IMPLEMENTATION ISSUES

EL presented the findings of the IMPEL project "Environmental incident and emergency response". This project, led by IT, UK, PT and EL, aimed at identifying gaps and promoting good implementation practices with a partial focus on Seveso. Preliminary findings indicated: i) an unclear division of roles between CA's hampers an effective response to incidents/accidents, ii) permit requirements to prevent incidents are generally weak, iii) identifying potential impacts of natural hazards for establishments has a low priority, iv) monitoring incident related emissions to air and water are prioritised over those to soil, and v) 'waste sites' are most prone to incidents. The final report is expected to be validated by the IMPEL General Assembly, before the end of 2019.

FI has revised national Seveso legislation to embed 'security' risk aspects (physical and cyber related risks). Also, the Finnish technical research centre (VTT) started a 2-year project on 'integrated safety and security management' in Seveso establishments.

UK has investigated links between 'safety' and 'security' in their Seveso sites. Recently a tool for inspectors was launched to carry out 'major hazards leadership inspections', with the aim of assessing if (lack of) leadership causes accidents in companies.

IE has published guidance for operators (available via: www.hse.ie) on the implementation of Article 11 (on significant) modifications to an establishment. This includes involving other CA's in decisions related to Articles 13 (land-use planning) and 15 (public consultation and participation in decision making).

The Commissions invited Member States interested in sharing information, to disseminate this information via CircABC, either directly or via the Commission.

5. NATECH ACTIVITIES OF JRC, MEMBER STATES AND OBSERVERS

5.1. ‘Lessons learned from storm-triggered NATECH accidents and recommendations for risk reduction’

The JRC analysed the accident databases MIDAS, ARIA, eMARS and TAD to identify NATECH hazards causing accidents. They concluded that lightning strikes are the most important hazard, followed by rainfall/flooding hazards and strong winds. Common consequences are damage to storage equipment; process equipment and/or electrical equipment. Results indicate that storage equipment is most vulnerable and flood triggered events cause the highest damage. Finally, climate change magnifies worst case scenarios and operators must be encouraged to take additional precautionary measures.

5.2. Information on OECD NATECH related activities

The OECD reported on a two-phase project on NATECH risk management practices. The 1st phase (2009-2015) resulted in an addendum on NATECH Risk Management to the OECD Guiding principles on chemical accidents prevention, preparedness and response. The 2nd phase (2017-2019) will result in a compilation of good practices. Publication is expected by the end of 2019.

6. INTERNATIONAL ISSUES

6.1. OECD Working Group on Chemical Accidents (WGCA)

The secretariat of the OECD Working Group on Chemical Accidents presented:

- i. the guidance document on the ‘Change ownership in hazardous facilities’;
- ii. ongoing work to update the ‘Guiding Principles for Chemical Accidents Prevention, Preparedness and Response’ (publication expected in 2021);
- iii. efforts to compile Good Practices NATECH Risk Management;
- iv. work on guidance on the Benefits of Regulations for Chemical Accidents Prevention, Preparedness and Response.

6.2. UNECE Convention on Transboundary Effects of Industrial Accidents (TEIA)

The TEIA secretariat presented the outcomes of i) a risk-assessment (RA) seminar and ii) the 10th Conference of the Parties (CoP) in December 2018.

- i. During the RA-seminar an inventory of existing RA methodologies per industry type was presented which also included an overview of available software tools.
- ii. The 10th CoP resulted in: i) the adoption of new long-term and communication strategies; ii) linkages between work under the TEIA and Sendai conventions and the Sustainable Development Goals (SDGs); iii) projects strengthening the implementation of the convention in Central Asia via the ‘Assistance and Cooperation Programme’.

The work plan of activities was presented, including activities on: a) Land-use planning and the siting of hazardous activities, b) Guidance on Land-Use Planning, and c) Projects on mining / tailings safety in Central Asia.

Finally, SEG members were reminded that reporting under Seveso and the TEIA convention was aligned. Implementation reports for the TEIA convention are due by 31 October 2019. Also, the secretariat informed the members on the results of a testing exercise of Industrial Accidents Notification (IAN) System conducted on 14 November 2018. Responses were tested to a fictitious, unannounced, major accident warning. Of 43 parties, 20 acknowledged receipt (46%). Only 13 of those reacted within the recommended 1-hour response time. Compared to 2016, the response rate was lower but the 2016 test was pre-announced. In light of these outcomes, some countries announced willingness to organise sub-regional testing to address the findings.

In reply, the Commission mentioned that the Environmental Implementation Review (EIR)⁴ tool might be helpful to address the findings and to improve the implementation of EU environmental law in general. The EIR already mapped the main implementation challenges, good practices and points of excellence per Member State. The new tool helps exploit this potential by facilitating peer-to-peer learning between environmental authorities. Funds are available to participate in EIR activities. This covers per-diems, travel & participation costs for expert meetings, and study visits /workshops.

SI noted that EU-based industries operate in and outside the EU, making it paramount for CA's to cooperate across borders as well.

6.3. Inter-Agency coordination Group (IAG)

The IAG facilitates information sharing, lessons learning and international coordination in the area of industrial accidents. Organisations involved are: European Commission, ILO, OPCW, UNEP/OCHA Joint Environment Unit, UNISDR, UNIDO, WHO, IMPEL, SAICM and the EPSC. Since the last meeting in 2018, the IAG published the "Words in Action Guidelines: Man-made and technological hazards⁵", and the "Interagency Brochure⁶". The next meeting is organised by ILO and scheduled for May 2020.

The UK noted that the IAG brochure provides a good overview of how all the different areas of work of the various international organisations and agencies fit together.

7. ANY OTHER BUSINESS AND CLOSURE OF THE MEETING

7.1. Next Meeting

All Member States are encouraged to reflect on the possibilities for hosting the next SEG meeting in 2020, possibly in combination with a seminar/site visit. As a fall-back option, a one-day SEG meeting can always be organised in Brussels but without seminar /site visit. DG ENV will reserve a meeting room probably around May-June 2020.

⁴ The EIR is part of Technical Assistance and Information EXchange instrument (TAIEX).

⁵ <https://www.unisdr.org/we/inform/publications/54012>

⁶ https://www.unisdr.org/files/62198_interagencycoordinationgroupbrochure.pdf

7.2. Actions

SEG members and observers were invited to:

- Submit comments to the proposed update of the Q&A by 14 June 2019;
- Update their national eSPIRS data by 1 September 2019;
- Submit their 4-yearly Seveso implementation reports by 30 September 2019.

The Commission will draft minutes of the meeting and circulates them for comments.

Attchment(s):

- Annex I: List of participants and observers;
- Annex II: [Privacy Statement Seveso Expert Group](#).

ANNEX I - LIST OF PARTICIPANTS

European Commission

ENV	Directorate General for Environment - Unit C.4
JRC	Joint Research Centre - Unit E.2
ECHO	Directorate General European Civil Protection and Humanitarian Aid Operations – Unit B.2
HOME	Directorate General for Migration and Home Affairs - Unit B.4

Member States

Country	Organisation
Austria (AT)	Federal Ministry for Sustainability and Tourism
Austria (AT)	Federal Ministry for Digital, Business and Enterprise
Austria (AT)	Regional Authority of Styria
Belgium (BE)	Federal Public Service - Employment, Labour and Social Dialogue
Belgium (BE)	Federal Public Service Home Affairs
Bulgaria (BG)	Ministry of the Environment and Water
Croatia (HR)	Ministry of Environment and Energy
Cyprus (CY)	Department of Labour Inspection
Czechia (CZ)	Ministry of the Environment
Denmark (DK)	Danish Emergency Management Agency
Denmark (DK)	Ministry of Environment and Food of Denmark
Estonia (EE)	Estonian Rescue Board
Estonia (EE)	Consumer Protection and Technical Regulatory Authority
Finland (FI)	Finnish Safety and Chemicals Agency
Finland (FI)	Ministry of Economic Affairs and Employment
France (FR)	Federal Ministry of Ecological and Solidarity Transition
Germany (DE)	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
Germany (DE)	Federal Environmental Agency
Germany (DE)	Authority for Nature, Environment and Consumer Protection of North Rhine Westphalia
Greece (GR)	Ministry of Environment and Energy
Hungary (HU)	National Directorate General for Disaster Management
Ireland (IE)	Health and Safety Authority
Italy (IT)	Ministry for the Environment, Land and Sea
Italy (IT)	Italian National Institute for Environmental Protection and Research
Italy (IT)	Regional Agency for Environmental Protection and Energy of Emilia Romana
Latvia (LV)	State Environmental Bureau
Latvia (LV)	Ministry of Environmental Protection and Regional Development
Luxembourg (LU)	Inspectorate of Labour and Mines
Malta (MT)	Occupational Health and Safety Authority
Malta (MT)	Ministry for Home Affairs and National Security - Civil Protection Department
Netherlands (NL)	Ministry of Infrastructure and Water Management

Country	Organisation
Netherlands (NL)	Ministry of Social Affairs and Employment
Poland (PL)	Chief Inspectorate for Environmental Protection
Poland (PL)	National Headquarters of the State Fire Service
Portugal (PT)	National Authority for Emergencies and Civil Protection
Portugal (PT)	Portuguese Environment Agency
Romania (RO)	Ministry of Environment
Romania (RO)	General Inspectorate for Emergency Situations
Romania (RO)	National Environmental Protection Agency
Romania (RO)	National Environmental Guard
Slovakia (SK)	Ministry of Environment
Slovenia (SI)	Ministry of the Environment and Spatial Planning
Spain (ES)	Ministry of Interior - Directorate General for Civil Protection and Emergencies
Sweden (SE)	Civil Contingencies Agency
United Kingdom (UK)	Health & Safety Executive

Observers

Non-EU countries

Country	Organisation
Norway	Norwegian Directorate for Civil Protection
Switzerland	Federal Office for Environment
Serbia	Ministry of Environmental Protection

International Organisations

OECD	Working Group on Chemical Accidents (via remote connection)
UNECE	United Nations Economic Commission for Europe, TEIA secretariat

Non-governmental organisations

CEFIC	European Chemical Industry Council
CONCAWE	European Petroleum Refiners Association