

(98/C 304/05)

WRITTEN QUESTION E-3913/97**by Hiltrud Breyer (V) to the Commission***(11 December 1997)**Subject:* Seveso directive

For requirements relating to the protection of the environment and the safety of establishments the directives

- of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) ⁽¹⁾,
- of 24 September 1996 concerning integrated pollution prevention and control (96/61/EC) ⁽²⁾ and
- of 9 December 1996 on the control of major-accident hazards involving dangerous substances (96/82/EC) ⁽³⁾

are of fundamental importance.

The last two of these directives must be implemented by the Member States by 1999 at the latest. During the discussions this has prompted a number of views giving rise to the following questions to the Commission have been put forward.

Article 12(2) of Directive 96/61/EC requires the Member States to ensure that no substantial change is made to an installation governed by the directive unless an authorization procedure is first completed. Articles 3 and 6 to 10 of the directive apply to the procedure for the issue of permits.

Is this provision to be so implemented by the Member States that, because of Article 3(e) of Directive 96/61/EC, the safety report revised pursuant to Article 10 of Directive 96/82/EC is also to be submitted to the competent authority before a permit is issued if it concerns an installation within the meaning of Directive 96/61/EC?

⁽¹⁾ OJ L 175, 5.7.1985, p. 40.

⁽²⁾ OJ L 257, 10.10.1996, p. 26.

⁽³⁾ OJ L 10, 14.1.1997, p. 13.

Answer given by Mrs Bjerregaard on behalf of the Commission*(29 January 1998)*

Article 12(2) of the IPPC Directive stipulates that no substantial change to an installation planned by the operator may be made without a permit issued in accordance with the Directive.

For installations to which the provisions of both the IPPC Directive and Seveso II Directive (Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances) apply, Article 10 of the Seveso II Directive specifies the cases in which the operator must act (when modifying an installation, a plant, a process or the type and quantity of the hazardous substances which may have important implications for the major-accident hazards) and describes the operator's specific obligations (to review or modify the concept for the prevention of major accidents, the management systems and the procedures with regard to Articles 7 and 9 and to review or modify the safety report and notify the competent authority before making the changes).

A permit pursuant to the IPPC Directive therefore cannot be issued before any major alteration is made for installations which are also covered by the Seveso II Directive unless the obligations of that Directive are also met.