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- having regard to the Commission's amended proposal (COM(2001) 142) ⁽¹⁾,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 78 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0298/2001),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 5. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 180 E, 26.6.2001, p. 262.

6. Accident at AZF, Toulouse, and environmental protection policy

B5-0611, 0612, 0614 and 0615/2001

European Parliament resolution on the explosion at a factory in Toulouse (France)

The European Parliament,

- having regard to Articles 174 and 308 of the EC Treaty,
- having regard to Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽¹⁾ and in particular Article 11 on emergency plans and Article 12 on land-use planning,
- having regard to the related Commission Decision 1999/314/EC of 9 April 1999 ⁽²⁾ imposing an obligation on the Member States to draw up a report covering the period 2000 to 2002, and having regard to the previous reports on the application of Directive 96/82/EC,
- having regard to the Council Resolution of 16 October 1989 on guidelines to reduce technological and natural hazards ⁽³⁾,
- having regard to the Council Resolution of 8 July 1991 on improving mutual aid between Member States in the event of natural or technological disaster ⁽⁴⁾,
- having regard to its resolution of 4 September 2001 on the Commission's seventeenth annual report on monitoring the application of Community law (1999) (COM(2000) 92 — C5-0381/2000 — 2000/2197(COS)) ⁽⁵⁾,

⁽¹⁾ OJ L 10, 14.1.1997, p. 13.

⁽²⁾ OJ L 120, 8.5.1999, p. 43.

⁽³⁾ OJ C 273, 26.10.1989, p. 1.

⁽⁴⁾ OJ C 198, 27.7.1991, p. 1.

⁽⁵⁾ 'Texts Adopted', Item 6.

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- having regard to the Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection⁽¹⁾,
 - having regard to its position of 14 June 2001 on the proposal for a Council decision establishing a Community mechanism for the coordination of civil protection intervention in the event of emergencies (COM(2000) 593 — C5-0543/2000 — 2000/0248(CNS))⁽²⁾,
- A. mindful of the huge explosion which rocked the AZF factory at Toulouse, devastating the site and several surrounding residential areas (hospitals, schools, universities, etc.) and killing 29 people and injuring several hundred others,
- B. whereas the consequences of the Toulouse disaster were made more dramatic because the factory was close to residential areas; whereas its proximity to other at-risk industrial sites could have set off a domino effect,
- C. mindful of the long list of dramatic industrial and chemical accidents which have occurred since Seveso in 1976, in particular in Basel (Switzerland), Bhopal (India), Baia Mare (Romania) and Enschede (Netherlands), and the sad procession of mourning and tremendous destruction which followed in their wake,
- D. whereas these accidents, owing to their scale, repeated occurrence and the feeling that they are incapable, have broken the pact of trust between the public and the legislative and regulatory framework which is supposed to protect it from industrial risks,
- E. whereas the Seveso directives have enhanced the safety of the industrial sites concerned but have also revealed, as accidents have occurred, their shortcomings and the limits to the protection which they can offer, given that some of these tragedies, particularly that in Toulouse, took place at sites which are covered by the scope of the Seveso directives,
- F. whereas this plant, which was built in 1924, had been listed as being in a 'Seveso' area since 1982,
- G. bearing in mind that the chemical sector employs several million people in the European Union, and in particular 900 000 people in France,
- H. whereas classified industrial sites represent enormous potential dangers, particularly if they are used as targets by people with malicious intent, above all since our society now finds itself increasingly exposed to abominable terrorist threats,
1. Deeply shocked by the terrible accident in the AZF factory in Toulouse, expresses its sympathy and solidarity to the victims, families and populations affected;
 2. Calls on the national governments facing this type of disaster to ensure full transparency with regard to the criminal or accidental causes of such appalling damage to people and property in order to determine who or what is responsible for it;
 3. Congratulates the French authorities on the way in which appropriate aid has been provided to the populations affected, the smooth functioning of aid and the decisions already announced, in particular as regards emergency accommodation;
 4. Calls, in order to express its solidarity with those affected, for the reinstatement of the emergency budget heading enabling EU financial aid to be provided in the event of natural, technological and environmental disasters, to supplement the aid provided by national, regional and local authorities;
 5. Calls for great efforts to be made at the European Union level to step up coordination of existing European civil protection measures, so that in emergencies there is information on the resources in the Member States that can be mobilised, in order to allow rapid intervention, facilitate the work of experts from different Member States and improve communications and notification of the public; to this end calls for sufficient financial and human resources to be allocated;

⁽¹⁾ OJ L 327, 21.12.1999, p. 53.

⁽²⁾ 'Texts Adopted', Item 26.

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6. Notes the impossibility of 'zero risk' in the case of close proximity between an urban population and such petro-chemical industrial complexes and takes the view that the current approach to 'risk management' dating from the time of the Seveso accident, which has prevailed up to now, has been overtaken by events and that it is now necessary and urgent to adopt an approach based on 'risk removal'; asks, consequently, that the lessons learned from the Toulouse disaster should provide the basis for proposals to be made by the Commission to the European Parliament as soon as possible;
7. Calls urgently on the Member States to initiate an in-depth review of policies on regional and urban planning in the vicinity of risk sites, including as regards the fiscal aspects, in order to prevent any repetition of such disasters; considers that, in the case of high-risk industrial sites, consultation procedures between public authorities and elected representatives, local residents, industry and staff representatives should make it possible to restructure these sites with a view to sustainable development reconciling concerns relating to safety, employment and the environment;
8. Takes the view that everything possible should be done to safeguard jobs at the sites concerned so as not to add social tragedy to the environmental threat, and that any solution concerning the future of the sites and the jobs must be sought in close cooperation with the employees and the elected representatives;
9. Strongly opposes, in the context of the solidarity which has always been affirmed by the European Union in its cooperation and development policy, any attempt to relocate dangerous sites to countries where environmental and social standards are lower than those in force in EU territory; urges the Member States and the Union to implement all possible technical and financial measures, and take all political steps, to achieve this objective;
10. Wishes the legal liability of industry and the authorities responsible for regional planning and land use to be better defined and strengthened in the event of an accident; furthermore, industry should play a more substantial part in compensating those affected and repairing damage; calls on the Commission to submit as soon as possible its proposal for a directive on environmental liability;
11. Hopes that the opportunity offered by the necessary evolution of European legislation relating to industrial risks will be seized to prompt the Union, in the context of sustainable development, to question the usefulness or purpose of certain chemical products and of certain now obsolete production processes;
12. Is greatly concerned by the fact that not one of the 15 Member States had fully complied with the provisions of the Seveso II Directive by its transposition date and notes in this respect that the Commission has initiated 6 infringement proceedings against Member States for failure to implement the directive or incomplete implementation thereof;
13. Calls on the Commission to encourage compliance with the directive by publishing, within three months, a list of sites throughout the European Union which are of concern or which, in the event of an accident, have the potential to cause damage on a scale similar to that brought about by the explosion in Toulouse;
14. Calls urgently on the Commission to take full account, as soon as possible, of the lessons which must be drawn from this tragedy so as to respond to the needs to strengthen the regulation and control of high-risk establishments when the Seveso II Directive is revised, on the basis of the following elements in particular:
- strengthening of safety and control standards in order to prevent major accidents and limit the consequences for people and the environment,
 - extension of the scope of the directive,
 - strengthening of standards to reduce industrial discharges into the water and the atmosphere,
 - extension of safety areas, including retroactively,
 - improved information to the public on the risks faced and the measures to be taken in the event of a disaster,

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- organisation of epidemiological studies in areas close to dangerous establishments,
- strengthening of the role of health and safety committees in the firms concerned and more account taken of the opinion of employees and trade union organisations,
- consideration of the role of the office responsible at European level for monitoring implementation of the Seveso II Directive, the Major Accident Hazards Bureau (MAHB) ⁽¹⁾;

15. Regrets that the Member States, despite repeated warnings, do not provide themselves with sufficient numbers of competent and specialised inspectors and calls, consequently, for such staff to be recruited and suitably trained, and for minimum qualification criteria for inspectors to be updated in order to guarantee the same level of safety on classified sites in the EU;

16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, and to the local authorities of the Toulouse conurbation.

⁽¹⁾ <http://mahbsrv.jrc.it>.

7. Common asylum procedure

A5-0304/2001

European Parliament resolution on the Commission communication entitled 'Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum' (COM(2000) 755 – C5-0101/2001 – 2001/2048(COS))

The European Parliament,

- having regard to the Commission communication (COM(2000) 755 – C5-0101/2001),
- having regard to Title IV of the Treaty establishing the European Community on visas, asylum, immigration and other policies related to the free movement of persons,
- having regard to the Treaty on European Union, in particular Articles 2 and 6 thereof,
- having regard to Articles 18 and 19(2) of the European Charter of Fundamental Rights,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted on 4 November 1950,
- having regard to the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984,
- having regard to the UN Convention on the Rights of the Child adopted on 20 November 1989,
- having regard to the Council resolution of 20 June 1995 on minimum guarantees for asylum procedures ⁽¹⁾,
- having regard to the Dublin Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities ⁽²⁾,

⁽¹⁾ OJ C 274, 19.9.1996, p. 13.

⁽²⁾ OJ C 254, 19.8.1997, p. 1.