COUNCIL DIRECTIVE

of 24 November 1988

amending Directive 82/501/EEC on the major-accident hazards of certain industrial activities

(88/610/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Comittee (3),

Whereas the protection of man and the environment calls for the provisions of Directive 82/501/EEC (4), as last amended by Directive 87/216/EEC (5), to be strengthened with regard to the storage of dangerous substances or preparations;

Whereas the present amendment to Directive 82/501/EEC extends and strengthens Annex II of that Directive concerning the storage of dangerous substances or preparations, whether in bulk or in packaged form;

Whereas the storage of dangerous substances or preparations may present a major-accident hazard both when the storage is associated with an industrial operation and when the storage is isolated or located within an installation, without being associated with an industrial operation;

Whereas the storage of dangerous substances or preparations to which Directive 82/501/EEC must be applied can be identified by a list of chemical names or by a list of categories of danger according to the classification and labelling requirements laid down in other relevant Community Directives, together with their respective threshold quantities; whereas such categories of substances or preparations should be the ones classified as 'very toxic', 'toxic', 'explosive', 'oxidizing', 'extremely flammable' and 'highly flammable';

Whereas the provisions with regard to information to the public laid down in Article 8 of Directive 82/501/EEC need to be strengthened and better defined in order to ensure that any person liable to be affected by a major accident originating in a notified industrial activity within the meaning of Article 5 of that Directive is appropriately and effectively informed, in a harmonized way throughout the whole Community, on all matters relating to safety; whereas area and persons liable to be affected are defined by reference to the nature, extent and likely effects of possible major accidents occuring in the industrial activities;

Whereas it is necessary that the content of the information referred to in Article 8 of Directive 82/501/EEC shall be clearly specified; whereas, in order to mitigate the consequences of a major accident, the persons concerned need to know the potential hazards and the measures to be taken; whereas it is necessary that such information has to be communicated on an active basis to the persons concerned, without a request being made, through some kind of public information media, such as leaflets or information boards;

Whereas, in its Resolution adopted on 24 November 1986, the Council invited the Commission to review the Community measures for the prevention of major accidents and the limitation of their consequences and, if necessary, to present appropriate proposals;

Whereas the Commission will present a proposal for a complete and systematic revision of the Annexes of Directive 82/501/EEC once further experience has been obtained;

Whereas the Advisory Committee on Safety, Hygiene and Health Protection at Work, set up by Decision 74/325/EEC (6), has been consulted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 82/501/EEC is hereby amended as follows:

1. Article 8 (1) shall be replaced by the following:

'1. Member States shall ensure that information on safety measures and on the correct behaviour to adopt

(1) OJ No. C 119, 6. 5. 1988, p. 2.
(2) OJ No C 290, 14. 11. 1988.
(3) OJ No C 208, 8. 8. 1988, p. 5.
(4) OJ No L 230, 5. 8. 1982, p. 1.
(5) OJ No L 85, 28. 3. 1987, p. 36.
(6) OJ No L 185, 9. 7. 1974, p. 15.

in the case of an accident is supplied in an appropriate manner, and without their having to request it, to persons liable to be affected by a major accident originating in a notified industrial activity within the meaning of Article 5. The information shall be repeated and updated at appropriate intervals. It shall also be made publicly available.

Such information shall contain that laid down in Annex VII.'

2. Annex II shall be replaced by that in Annex A to this Directive.

3. The following shall be added to Annex IV:

'e) **Oxidizing substances:**

Substances which give rise to highly exothermic reaction when in contact with other substances, particularly flammable substances'.

4. Annex VII, which appears in Annex B to this Directive, shall be added.

Article 2

1. In the case of existing industrial activities which will be subject to the provisions of Directive 82/501/EEC for the first time following adoption of this Directive, this Directive shall apply at the latest on 1 June 1991.

2. In the case provided for in paragraph 1, the declaration provided for in Article 9 (3) of Directive 82/501/EEC shall be submitted to the competent authority at the latest on 1 June 1991 and the supplementary declaration provided for in Article 9 (4) of the said Directive shall be submitted to the competent authority at the latest on 1 June 1994.

Article 3

1. Member States shall take the measures necessary to comply with this Directive at the latest on 1 June 1990. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 November 1988.

For the Council

The President

V. KEDIKOGLOU