



**COUNCIL OF
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COVER NOTE

from :	General Secretariat
to :	Council
Subject :	Directive 96/82/EC(SEVESO II)
	– Toulouse accident

= Memorandum from the French delegation

1. The disaster at the site of the GRANDE PAROISSE factory in Toulouse on 21 September 2001 in which 30 people died and 2000 were injured, dozens very seriously, causing material damage provisionally estimated at between euro 1.5 and 2.3 billion reminded us how vulnerable our society is to industrial risk.

It highlighted the twofold need for more effective measures to be taken to prevent major industrial accidents and for thought to be given to the conditions in which high-risk industrial activities co-exist alongside other economic and social activities.

2. The factory involved in this disaster was covered by the provisions of "SEVESO" Directive 82/501/EEC of 24 June 1982 , and subsequently the provisions of "SEVESO" 2 Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances.

Built in 1924 away from the main urban development, the establishment is today surrounded by a residential area, public buildings, other companies, some of which are engaged in at-risk activities, and transport links. Restrictions on urban development around the site have been in place since 1989.

3. The installation that caused the disaster was a storage facility for ammonium nitrates(ammonium nitrate fertilizers) with a capacity of 300 tonnes.

SEVESO directive safety reports had been submitted by the operator since the application of SEVESO Directive I. A number of scenarios involving accidents with toxic substances had been taken into account. The scenario involving an explosion of ammonium nitrates however had never been considered. This deficiency highlights the importance of a proper risk assessment and available expertise.

4. Another consequence of the disaster was that it affected two neighbouring chemical establishments belonging to the SNPE Group, which underlines the relevance of an assessment of possible domino effects, which, under the SEVESO 2 Directive, must be taken into account.
5. Following the TOULOUSE disaster, the French Government announced a series of measures on 28 September 2001, notably to ensure that more effective action is taken to prevent the risk of an industrial accident and to improve planning of land-use around sites at risk.
6. On 3 October 2001 the European Parliament adopted a resolution on the TOULOUSE accident that emphasises how important and necessary it is for the Community to work together on this.
7. In a letter sent on 9 October 2001 by the French Minister for the Environment to the Commissioner for the Environment, the President of the Council and her counterparts, the French Government expressed the hope that the circumstances and lessons to be drawn from the TOULOUSE disaster would be discussed at the Environment Council on 29 October 2001.

The purpose of this memorandum is to present measures which the French authorities feel should be examined at European level to improve the prevention of industrial risks.

8. These proposals for community action are detailed in the attached sheets.

Their purpose is to:

- launch a discussion on modification of the scope of the SEVESO 2 Directive to encompass establishments presenting a risk associated with the presence of ammonium nitrates(sheet 1)
- launch a discussion on the possibility of attenuating the danger presented by ammonium nitrate fertilizers by means of technical specifications applicable to these products (sheet 2)
- step up the exchange of information between Member States on the risks associated with ammonium nitrates (fertilizer and industrial)(sheet 3)
- relaunch the discussion on the measures to be adopted to prevent major accident hazards in ports and marshalling yards (sheet 4)
- step up exchanges of information between Member States on the co-existence of high-risk activities with other economic activities, residential areas and transport links (sheet 5)
- launch a discussion on increased harmonisation of methods and means used by public authorities to monitor high-risk plants (sheet 6)
- enhance cooperation between research and consultancy bodies in the European Union (sheet 7).

9. In the light of the exceptionally serious nature of the TOULOUSE accident of 21 September 2001, the French authorities would like the Commission to quickly look into the question of changing the scope of the Directive, as a first measure, so that it can be entered at an early stage on the agenda of a forthcoming Environment Council meeting.

10. The French authorities will support the Commission's efforts to ensure that States applying for membership of the European Union will apply the Community legislation applicable to industrial risks as quickly as possible and participate in the joint exchange and cooperation actions to be initiated by the Commission.

Sheet 1

Modification of the scope of Directive 96/82/EC of 9 December 1996

"SEVESO 2"

The scope of the SEVESO 2 Directive is defined by a system of thresholds applicable to the quantities of dangerous substances present in these establishments.

These thresholds are set at levels that ensure that major-risk establishments are subject to the Directive's obligations.

The quantity of ammonium nitrate involved in the TOULOUSE disaster is probably (subject to the conclusions of the official enquiry) less than the thresholds laid down in notes 1 and 2 of Annex I, Part I of the Directive relating respectively to ammonium nitrates which do not comply with Directive 80/876/EEC and those which do.

The French authorities would like consideration given to lowering the thresholds applicable to these two categories of ammonium nitrate, on the basis of the information provided by the expert's report on the TOULOUSE disaster, with particular reference to the nature of the products implicated in this disaster as was done following the ENSCHEDE disaster in May 2000 which involved explosives or pyrotechnic substances.

Sheet 2

Adjustment of the specifications applicable to ammonium nitrate fertilisers

The TOULOUSE disaster highlights the intrinsic dangers associated with ammonium nitrate fertilisers. These dangers concern detonability and thermal decomposition.

The detonability of these fertilisers depends on several physicochemical parameters, including chemical composition, crystallography, porosity.

A reduction in the specified nitrogen content for example helps reduce this risk although it is not the only parameter to be taken into account.

The nitrogen contents currently allowed for these fertilisers differs according to Member States.

The specifications relating to these fertilisers are the subject of Community legislation under Directive 80/879/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilisers of high nitrogen content.

The French authorities would like discussions to start with a view to adjusting these specifications as far as possible to reduce the intrinsic detonability of these fertilisers.

Sheet 3

Stepping up the exchange of information between Member States on the risks associated with ammonium nitrate

The disaster highlights the need for a thorough assessment of the risks associated with ammonium-nitrate based fertilisers and industrial ammonium nitrates.

The French authorities would like an early exchange of information on the nature of risk associated with these products, previous accidents, the standards and rules in force, and the scenarios and accidents to which consideration has been given in the Member States.

To that end, the expertise of the Commission's Joint Research Centre might prove particularly useful as was already the case in the area of explosive or pyrotechnic substances following the accident at ENSCHEDE in the Netherlands in May 2000.

Study of the measures to be developed in the area of ports and marshalling yards

In accordance with recital 12 of the SEVESO 2 Directive, with due regard for the Treaty and in compliance with the relevant Community legislation, Member States may retain or adopt appropriate measures for transport-related activities at docks, wharves and marshalling yards (where dangerous substances are present) in order to ensure a level of safety equivalent to that established by the Directive.

In the Member States, accidents regularly take place in these infrastructures, in particular in marshalling yards.

The Commission recently coordinated work involving the Member States and the European railway companies to draw up emergency plans for the vicinity of marshalling yards.

The French authorities are most anxious that, under the general policy for the prevention of industrial risks, the Commission should launch a study of the measures to be adopted to ensure this equivalent level of safety on the basis of the national measures the Member States have already informed it of.

**Stepping up exchanges of information between Member States
on land-use planning provisions in the vicinity of risk sites**

The TOULOUSE disaster raises the issue of the coexistence of high-risk activities with other economic activities, residential areas and transport links.

Following this accident, the French Government has decided to strengthen the land-use planning tools by introducing, by legislative means, plans for the prevention of technological hazards. A nation-wide debate has been launched and will continue until the end of the year to determine the exact procedures.

Given that these problems are common to all Member States, the French authorities suggest that the rules and tools applicable to land-use planning in the Member States should form the subject of reciprocal exchanges of information.

A study of the appropriateness of the existing land-use planning provisions, in accordance with Article 12 of SEVESO 2, should take place at Community level. France will organise a European seminar on this topic early in the new year.

Sheet 6

Stepping up exchanges of information on methods of monitoring risk plants

The TOULOUSE disaster raises the issue of whether both the qualitative and the quantitative methods for the monitoring of high-risk plants by the public authorities are adequate to the task.

The French Government has decided significantly to increase the human resources available to the authorities monitoring polluting or dangerous undertakings.

At Community level, in the framework of the IMPEL network (European Union Network for the implementation and Enforcement of Environmental Law), minimal inspection criteria were recently defined applicable to establishments which are sources of significant pollution or are at-risk sites.

Such establishments are not confined to the SEVESO establishments.

With more specific reference to the latter, for some years now the Commission has been promoting a useful system for the exchange of experience and methodology based on "mutual joint visits" hosted in turn by the various Member States.

The French authorities consider it advisable that, in the Community context, this system of mutual joint visits be stepped up while at the same time a joint reflection is initiated on the organisation, methods and means of control of SEVESO plant in the Member States, with the possible aim of issuing recommendations to the Member States in this area.

**Enhancing cooperation between research and consultancy bodies in the area of
accident risk**

The TOULOUSE disaster highlighted the importance of a proper risk assessment being made by those who are primarily responsible for safety, namely the industrial operators, and of sound preparation of the safety reports submitted by the authorities under SEVESO II.

This subject is a matter for research and consultancy.

Improved capabilities in this area hinge in particular on the possibility of distributing research activities among various sources of financing and of exchanging technical information and participating in joint work programmes beyond national borders.

Accordingly, the French authorities have asked for the help of the Netherlands TNO (Organisation for Applied Scientific Research) to carry out a survey on the effects of the TOULOUSE disaster on neighbouring industries in addition to the surveys being conducted by French bodies (INERIS - National Institute for Study of Industrial Environments and Risks, IPSN – Nuclear Protection and Safety Institute, in particular).

The French authorities wish to strengthen cooperation and exchanges among the various public and private bodies carrying out research activities and surveys on accident risks, an area in which the Commission's Joint Research Centre could play a particularly useful role.

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