



Brussels, 23.10.2014
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2014/0301 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, at the Eighth Conference of the Parties to the Helsinki Convention on Transboundary Effects of Industrial Accidents with regard to the proposal for an amendment of Annex I

Explanatory Memorandum

1. CONTEXT OF THE PROPOSAL

The European Union and most of its Member States are Parties to the UNECE Convention on the Transboundary Effects of Industrial Accidents¹. The Convention applies to the prevention of, preparedness for and response to industrial accidents at sites where hazardous activities take place capable of causing transboundary effects.

The Seveso II Directive² is the legal instrument to fulfill the obligations of the European Union arising out of the Convention. Annex I to the Convention and Annex I to the Seveso II Directive list categories of and individual hazardous substances for the purpose of defining hazardous activities. In June 2015 the Seveso II Directive will be replaced by the Seveso III Directive³, which amongst others, modifies Annex I.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

At its 7th meeting in 2012, the Conference of the Parties (CoP) to the UNECE Convention on the Transboundary Effects of Industrial Accidents mandated the Working Group on the Development of the Convention (WGD) to draft a revised Annex I to the Convention to bring it in line with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and to maintain consistency with the corresponding European Union legislation (i.e. the Seveso III Directive).

The Working Group finalised a proposal for the amendment of Annex I to the Convention. EU Member States' experts and the Commission participated in the discussions. The proposal was endorsed by the Bureau of the Convention at its meeting in July 2014 and will be submitted in the CoP for adoption at its December 2014 meeting.

As this proposal aligns Annex I to the Convention with Annex I to the Seveso III Directive, it would not cause any environmental or social-economic impacts in the EU.

3. LEGAL ELEMENTS OF THE PROPOSAL

The draft text adjusts the content of Annex I to the Convention to that of Annex I to the Seveso III Directive. Consequently it is fully in line with existing European Union legislation and all relevant reservations expressed by the European Union regarding the current Annex I to the Convention can be lifted once the proposed amendment is adopted by the Conference of the Parties and has become effective.

4. BUDGETARY IMPLICATION

The proposed decision does not have budgetary implications for the Union.

In view of the above, at the eighth meeting of the UNECE Convention on the Transboundary Effects of Industrial Accidents, the European Union should support the adoption of the draft

¹ Council Decision 98/685/EC of 23 March 1998 on the conclusion by the European Community of the Convention on the Transboundary Effects of Industrial Accidents (OJ L 326 of 3.12.1998, p. 5).

² Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ L 10 of 14.01.1997, p. 13).

³ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

revised Annex I.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union is a Party to the UNECE Convention on the Transboundary Effects of Industrial Accidents¹ (hereinafter referred to as "the Convention").
- (2) Annex I to the Convention contains categories and named hazardous substances for the purpose of defining hazardous activities.
- (3) In accordance with Article 26 paragraph 4 of the Convention any amendment to Annex I shall become effective, for those Parties to the Convention which have not notified their objection, twelve months after its communication to the Parties by the Executive Secretary upon its adoption at the Conference of the Parties by a nine-tenths majority of the Parties present and voting at the meeting, provided at least sixteen Parties have not notified objections.
- (4) The text of the proposal for an amendment to Annex I was agreed within the Working Group on the Development of the Convention, endorsed by the Bureau of the Convention and will be proposed for adoption at the next Conference of the Parties, taking place in Geneva from 3 to 5 December 2014.
- (5) The amendment to Annex I would fully align it to Annex I to Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012³.
- (6) The amendment to Annex I to the Convention should therefore be approved.
- (7) The reservation introduced by the European Union at the time of adoption of the first amendment to Annex I of the Convention was based on current discrepancies between Annex I and the EU legislation in force, which will no longer exist after Annex I has been amended. This reservation should be lifted once the amendment to Annex I of the Convention has become effective.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union at the Eighth Conference of the Parties to the Convention shall be to support the proposed amendment of Annex I to the Convention as contained in the Annex to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to withdraw on behalf of the Union the remaining reservations contained in Annex I to Council Decision 98/685/EC subject to the amendment to Annex I to the Convention referred to in Article 1 becoming effective pursuant to Article 26 (4) of the Convention.

Done at Brussels,

*For the Council
The President*