



An Roinn Fiontar, Trádála agus Fostaíochta
Department of Enterprise, Trade and Employment

Public Consultation

Draft Chemicals (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2009

1. Background

The Chemicals Act 2008 (No. 13 of 2008) came into effect on 15 July 2008. The Act, in addition to making provision for the enforcement of several directly applicable EU Regulations, including the ‘REACH’ Regulation, provides in Section 5(2)(b) for the making of Regulations to cover the so called “Seveso” Directive¹. The Seveso Directive is aimed at preventing major accidents involving dangerous substances and limiting the consequences in the event of such a major accident. The draft Chemicals (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2009 would replace the current Regulations² which transpose the Seveso Directive into Irish law. This should facilitate more streamlined enforcement. It would also mean that the levels of penalties set out in the Chemicals Act would apply.

2. Content of the Draft Regulations

The Draft Regulations reflect the requirements of the Seveso Directive, and, with some provisions clarified and simplified, reflect the content of the current Regulations. The main changes to the current Regulations are as follows:

a) Competent Authorities for External Emergency Plans

The Seveso Directive sets out the requirements for External Emergency Plans in Article 11 and Annex IV. The relevant provisions in the current Regulations are Regulations 16 & 17, and Schedule 5.

The draft Regulations set down the main provisions in relation to External Emergency Plans in Regulations 15, 17, 18, 19 & 20, and Schedule 6. Draft Regulation 4 designates local authorities, an Garda Síochána, the Health Service Executive and Harbour Authorities as the competent authorities for External Emergency Plans, reflecting designations currently made by the relevant Minister. Draft Regulation 4 further provides that the local authorities would act as an administrative co-ordinator for External Emergency Plans, which is intended to

¹ Council Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003.

² European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006).

support the co-operation between national authorities that is required under the Chemicals Act 2008.

b) Time allowed to prepare External Emergency Plans

Draft Regulation 17 extends the period of time allowed currently under the 2006 Regulations for the preparation of External Emergency Plans from 4 months to 6 months.

c) Advice on Land Use Planning

Article 12 of the Seveso Directive sets out the requirements for land use planning². Draft Regulation 6 is aimed at reflecting the arrangements in place under the current Regulations but in a simpler fashion.

d) Advance notice of operation

The requirements of Articles 9 and 11 of the Seveso Directive in respect of upper tier sites as regards advance notice of operation to competent authorities including submission of safety reports and preparation of External Emergency Plans is reflected in Draft Regulation 11 through a duty on the operator not to commence operation.

3. Deadline for submissions

The Department of Enterprise, Trade and Employment invites views on the draft Regulations. Submissions should be sent by email to chemicals@entemp.ie to arrive no later than 31 December 2009. Please note that all submissions will be published.

**Department of Enterprise, Trade and Employment
26 November 2009**

² The Seveso Directive requires that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in the land use policies and/or other relevant policies of the Member States. Certain provisions of the Seveso Directive relating to land-use planning were transposed by changes made to the Planning and Development Act 2000 and the Planning and Development Regulations 2001. S.I. No. 74 of 2006 currently covers the provision of technical advice to planning authorities by the Health and Safety Authority.