



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, le 13.9.2006
COM(2006) 493 final

Proposal for a

COUNCIL DECISION

**relating to a proposal for an amendment to Annex I to the UNECE Convention on the
Transboundary Effects of Industrial Accidents**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The European Community and 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 considered as the legal and technical instrument to fulfill the obligations of the European Community arising out of the Convention. Annex I to the Convention and to the Seveso II Directive contain categories and named hazardous substances for the purpose of defining hazardous activities respectively establishments.

A Working Group on the Development of the Convention, mandated by the Conference of the Parties in 2004, reviewed Annex I to the Convention in the light of corresponding legal requirements of the Seveso II Directive as amended in 2003 following the major accidents in Baia Mare, Enschede and Toulouse.

The Working Group has finalised after its second meeting in March 2006 a proposal for the amendment of Annex I to the Convention. The draft text adjusts successfully the contents of Annex I to the Seveso II Directive and largely diminishes the existing differences. The document presented for adoption has been discussed during several meetings of the Working Group on the development of the Convention. EU Member States' experts and the Commission participated in the discussions. The proposal has been endorsed by the Bureau of the Convention at its 9th meeting on 22-23 May 2006.

The reviewed Annex I is to be adopted by the Conference of the Parties to the Convention. Its fourth meeting will take place in Rome on 15-17 November 2006. In accordance with Article 26 paragraph 4 of the Convention, any amendment to Annex I enters into force twelve months after its communication to the Parties by the Executive Secretary upon its adoption at the Conference of the Parties by a nine-tenth majority of the Parties, unless at least sixteen Parties have notified objections.

During the meeting the Community should support the adoption of the reviewed Annex I.

¹ Council decision on the conclusion by the European Community of the CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS, OJ L 326/5 of 3.12.1998, <http://www.unece.org/env/teia/welcome.htm>

² Seveso II Directive 96/82/EC amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC., OJ L 10 of 14.01.1997; OJ L345, 31.12.2003

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the second subparagraph of Article 300(2),

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community is a Party to the UNECE Convention on the Transboundary Effects of Industrial Accidents³ (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 enters into force twelve months after its communication to the Parties by the Executive Secretary upon its adoption at the Conference of the Parties by a nine-tenth majority of the Parties, unless at least sixteen Parties have 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 subject to adoption at the next Conference of the Parties.
- (5) At the Conference of the Parties, the Community and the Member States should cooperate closely to ensure that any amendments to Annex I are compatible with Community law in force.
- (6) The amendment to Annex I would diminish differences with Community legislation, which has arisen mainly from Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances⁴

³ Council decision of 23 March 1998 concerning the conclusion by the Community of the Convention on the Transboundary Effects of Industrial Accidents (98/685/EC), OJ L 326/1 of 3.12.1998

⁴ OJ L 345, 31.12.2003, p.97

- (7) The reservation introduced by the Community at the time of ratification of the Convention should be updated because it will become partly obsolete further to the proposed amendment.
- (8) The amendment to Annex I to the Convention should be approved.

HAS DECIDED AS FOLLOWS:

Article 1

At the fourth Conference of the Parties to the UNECE Convention on the Transboundary Effects of Industrial Accidents, the Commission shall support the adoption of the amendment to Annex I to the Convention containing categories and named hazardous substances for the purpose of defining hazardous activities.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered, subject to the adoption of the amendment to Annex I to the Convention, to withdraw on behalf of the Community the reservations contained in Annex I to Council Decision 98/685/EC and replace them with the reservation appearing in the Annex hereto.

Done at Brussels

*For the Council
The President*

ANNEX

RESERVATION

The Member States of the European Community, in their mutual relations, will apply the Convention in accordance with the Community's internal rules. The Community therefore reserves the right as concerns the threshold quantities mentioned in Annex I, Part I, Nos 4, 5 and 6 to the Convention, to apply threshold quantities of 100 tonnes for bromine (very toxic substance), 5 000 tonnes for methanol (toxic substance) and 2000 tonnes for oxygen (oxidising substance).