Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1430 (2005)[1]

Industrial hazards

Parliamentary Assembly

1. Some industrial plants, by the nature of their activities and the substances they use, constitute hazards which are all the greater when they are located close to residential areas, for these and their residents are particularly at risk in the event of an accident.

2. The Parliamentary Assembly believes that appropriate legislation on the siting of industrial plants is a vital precondition for an effective major accident prevention and limitation policy. In 1976, the chemical release after the accident at Seveso (Italy) prompted the European Communities to adopt their first directive in this field. Gradually, the scope of this directive was extended. It should be remembered here that subsequent industrial accidents occurred at Baia Mare, Romania (2000), Enschede, Netherlands (2000) and Toulouse, France (2001). Even more recently, the July 2004 disaster at Ghislenghien, Belgium, gave another indication of the need for legislation which is both appropriate and strictly applied.

3. There are currently two international legal instruments relating to major non-nuclear industrial hazards : International Labour Organization (ILO) Convention N°. 174 concerning the Prevention of Major Industrial Accidents (Geneva, 1993) and the United Nations Economic Commission for Europe (Unece) Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 1992), with its Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Kyiv, 2003).

4. At European Union level, Directive 96/82/EC of the Council of 9 December 1996 (the Seveso II Directive) relates to the control of the dangers connected with major accidents involving hazardous substances, particularly where potentially dangerous industries are sited close to residential areas. Its objectives include a better exchange of information among member states and it devotes much attention to the potential transfrontier effects of serious accidents and to compliance with regulations, especially through systematic inspections.

5. The Assembly is aware of the significant differences in Europe between national legislation on industrial accidents and it urges Council of Europe member states which are not members of the European Union to draw on the provisions of this directive when preparing or updating their own legislation.

6. Furthermore, spatial planning policies are particularly important for the prevention of disasters caused by industrial accidents. The Toulouse explosion of 2001 tragically demonstrated the need to leave sufficient distance between any site used for potentially dangerous activities and residential areas.

7. The Assembly also notes the importance of the activities of the EUR-OPA Major Hazards Open Partial Agreement of the Council of Europe which offers a unique platform for co-operation in the field of technological hazards, particularly in respect of knowledge, prevention, crisis management, post-crisis analysis and rehabilitation.

8. The Assembly therefore urges member states:

to sign and/or ratify, if they have not already done so, the ILO's Prevention of Major Industrial Accidents Convention (N°. 174);

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 2005 (see Doc. 10457, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur : Ms Smirnova).

to sign and/or ratify, if they have not already done so, the Unece Convention on the Transboundary Effects of Industrial Accidents;

to draft or rapidly update national legislation on the prevention and limitation of major accidents in certain industrial activities, in accordance with the aforementioned international conventions, and drawing on European Union Directive 96/82/EC;

to improve the dissemination of information about good practices in the prevention and limitation of major accidents already pursued by certain member states;

to develop a major accident risk limitation policy in respect of activities not covered by the aforementioned international and European regulations, particularly in the context of industrial activities involving the presence of dangerous substances in quantities below the thresholds set by regulations or where dangerous substances are transported through pipelines;

to define clearly the responsibilities of the various authorities concerned by spatial planning policy, especially in respect of industrial hazard prevention and management;

to develop appropriate regulations, especially in respect of:

a. the granting of permission to build new homes near existing industrial establishments;

b. the granting of planning permission for new hazardous establishments or for significant extensions to such establishments, especially when there are homes nearby;

c. the monitoring of industrial activities in hazardous establishments, where the organisation of regular and thorough inspections is concerned;

d. the prohibition of operations if serious deficiencies are found;

to step up efforts rapidly to catch up the considerable delay noted in the preparation and testing of emergency plans for the establishments concerned;

to encourage their local and regional authorities to conclude transfrontier co-operation agreements on the prevention of industrial hazards and on collaboration in the event of an accident, drawing on the model agreements set out in the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106).

9. The Assembly also invites:

the member states of the EUR-OPA Major Hazards Open Partial Agreement of the Council of Europe to take further their work and co-operation in respect of the study, prevention and management of major industrial hazards;

the European Conference of Ministers responsible for Regional Planning (Cemat) to study in depth the siting of hazardous industrial establishments in relation to residential areas and to make proposals with a view to a harmonisation of the relevant European spatial planning policies.

10. The Assembly also invites the European Commission and the member states of the European Union:

to work for the rapid setting up of the technical databank referred to in Article 19 of Directive 96/82/EC;

to make all the knowledge accumulated at Community level available to the other Council of Europe member states.