EUROPEAN
COMMISSION

Brussels, 20.8.2021
COM(2021) 487 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts pursuant to Article 26 of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances

Report from the Commission to the European Parliament and to the Council on the exercise of the power to adopt delegated acts conferred on it pursuant to Article 26 of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances

1. INTRODUCTION

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 (the Seveso III Directive)[1] seeks to reduce the likelihood and consequences of industrial accidents in view of an increased protection of citizens, communities and the environment.

Article 25 of the Directive empowers the Commission to adopt delegated acts in view of adapting Annexes II to VI to technical progress. These annexes list information to be considered in the safety report, major-accident prevention policy and emergency plans of Seveso establishments, the information to be made publicly available as well as the criteria triggering the obligation of Member States to notify the Commission of a major accident.

2. LEGAL BASIS

This report is required under Article 26(2) of Directive 2012/18/EU. Pursuant to this provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 13 August 2012 and the Commission is required to prepare a report in respect of the delegation of power, at the latest 9 months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension in accordance with the rules set out Article 26. The last report was issued in 2017; therefore, this report covers the period 2017-2021.

3. EXERCISE OF THE DELEGATION

The exercise of the empowerment was deemed necessary for adapting several provisions foreseen by the Seveso-III Directive to technical progress.

Over the 2017-2021 period, the Commission has not exercised the conferred delegated power, as there was no evident technical progress requiring adaptation of the relevant annexes on the information to be addressed/included in safety reports, major-accident prevention policies, emergency plans, as well as on the information to be made publicly available and the criteria triggering an obligation for Member States to notify a major accident to the Commission.

4. CONCLUSION

The Commission has not exercised, over the past five years, the delegated powers conferred to it under Directive 2012/18/EU. It invites the European Parliament and the Council to take note of this report.

[1] OJ L 197, 24.7.2012, p. 1