

Draft Regs of 05/02/2015 for public consultation

**S.I. No. XX/2015- CHEMICALS ACT (CONTROL OF MAJOR ACCIDENT
HAZARDS INVOLVING DANGEROUS SUBSTANCES) REGULATIONS 2015**

STATUTORY INSTRUMENTS

S.I. No. [...] of 2015

Contents

Contents.....	1
Citation.....	2
Commencement.....	13
Revocations, savings and amendments.....	13
Implementation of emergency plans.....	25
Internal emergency plans.....	25
Review, testing and reporting of external emergency plans.....	30
Notification of major accidents.....	34
Inspections and investigations.....	40
List of Schedules.....	48
SCHEDULE 1.....	49
SCHEDULE 2.....	57
SCHEDULE 3.....	58
SCHEDULE 4.....	60
SCHEDULE 5.....	61
SCHEDULE 6.....	62
SCHEDULE 7.....	63
EXPLANATORY NOTE.....	65

**CHEMICALS ACT (CONTROL OF MAJOR ACCIDENT HAZARDS
INVOLVING DANGEROUS SUBSTANCES) REGULATIONS 2015**

I, _____, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by Section 5(2)(b) of the Chemicals Act 2008 (No. 13 of 2008), with the consent of the Minister for the Environment, Heritage and Local Government, the Minister for Justice, Equality and Law Reform and the Minister for Transport, Tourism and Sport, and for the purpose of giving effect to Directive 2012/18/EU of 4 July 2012¹, hereby make the following regulations:

Preliminary and General

Citation.

1. These Regulations may be cited as the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015.

Interpretation.

¹ O.J. L 197, 24.7.2012, p. 1.

2. (1) In these Regulations, unless the context otherwise requires—

“An Bord Pleanála” means the body referred to in section 102 of the Planning and Development Act 2000 (No. 30 of 2000);

“Authorised officer” means an officer appointed by a local competent authority under regulation 15(8)

“Authority” means the Health and Safety Authority;

“Central Competent Authority” shall be construed in accordance with Regulation 4(1) (a);

“competent authority” means an authority referred to in Regulation 4 and to which Article 6 of the Directive relates and which is responsible for carrying out the duties laid down in the Directive and under the Chemicals Acts 2008 and 2010;

“consultation distance” means a distance or area relating to an establishment, within which there are potentially significant consequences to human health or the environment from a major accident at the establishment, including to developments such as residential areas, buildings and areas of public use, recreational areas and major transport routes.

“dangerous substance” means a substance or mixture—

(a) covered by Schedule 1, Part 1, or

(b) listed in Schedule 1, Part 2,

including in the form of a raw material, product, by-product, residue or intermediate;

“Directive” means Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012¹ on the control of major accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC;

“domino effects” and “domino group” have the meaning attributed to those terms in

Regulation 9;

“Environmental Protection Agency” means the body established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“establishment” means the whole location under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities, and an establishment may be either —

(a) an upper-tier establishment; or

(b) a lower-tier establishment;

“existing establishment” means an establishment which, on 31 May 2015, is subject to the provisions of the 2006 Regulations, and which from 1 June 2015 is an establishment falling within the scope of these Regulations but without changing its classification as a lower-tier or upper-tier establishment;

“European Commission” means the institution of the European Union to which reference is made in Article 13 of the Treaty on European Union;

“external emergency plan” has the meaning assigned to it by Regulation 15;

“functional area” means—

(a) in relation to a planning authority, the functional area of that planning authority as defined in section 2 of the Planning and Development Act 2000, and

(b) in relation to a local competent authority, the area in respect of which a public authority has been designated under Regulation 4(2) to be a local competent authority;

“functions”, in relation to the Central Competent Authority, competent authorities and local competent authorities, includes powers and duties, and a reference to the performance of a function includes, with respect to powers, a reference to the exercise of a power;

“hazard” means the intrinsic property of a dangerous substance or physical situation,

with a potential for creating damage to human health or the environment;

“health service executive” means the Health Service Executive established under section 6 of the Health Act 2004 (No. 42 of 2004);

“inspection” means all actions, including —

- (a) site visits;
- (b) checks of internal measures, systems and reports and follow-up documents; and
- (c) any necessary follow-up,

undertaken by or on behalf of the Central Competent Authority to check and promote compliance of establishments with the requirements of these Regulations;

“inspector” has the meaning given to in regulation 24

“installation” means a technical unit within an establishment and whether at or below ground level, in which dangerous substances are produced, used, handled or stored, and it includes —

- (a) all equipment, structures, pipework, machinery and tools;
- (b) private railway sidings, docks and unloading quays serving the installation;
- and
- (c) jetties, warehouses or similar structures, whether floating or otherwise, which are necessary for the operation of the installation;

“internal emergency plan” shall be construed in accordance with Regulation 15;

“land” includes any land covered with water;

“local authority”, as defined in section 2(1) of the Local Government Act (2001 (No. 37

of 2001), as amended by section 5(1) of, and Part 1 of Schedule 1 to, the Local Government Reform Act 2014 (No. 1 of 2014), means—

(a) in relation to a municipal district, the county council or the city and county

council in which the municipal district is situated, and

(b) in every other case—

(i) a county council,

(ii) a city council,

(iii) a city and county council;

“local competent authority” shall be construed in accordance with Regulation 5(2);

“lower-tier establishment” means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Schedule 1, but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Schedule 1, where applicable using the summation rule laid down in note 4 to Schedule 1;

“major accident” means an occurrence, such as a major emission, fire, or explosion, resulting from uncontrolled developments in the course of the operation of any establishment covered by the Regulations and leading to serious danger—

(a) to human health, or

(b) to the environment,

immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;

“Minister” means the Minister for Jobs, Enterprise and Innovation;

“mixture” means a mixture or solution composed of two or more substances;

“neighbouring establishment” means an establishment that is located in such proximity to another establishment so as to increase the risk or consequences of a major accident;

“new establishment” means —

(a) an establishment that enters into operation or is constructed on or after 1 June 2015; or

(b) a site of operation that falls within the scope of these Regulations, or a lower-tier establishment that becomes an upper-tier establishment, or vice versa, on or after 1 June 2015 due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances;

“notifiable incident” has the meaning given to it by Regulation 20;

“notification” has the meaning given to it by Regulation 8;

“operator” means any person who operates or controls an establishment or installation, or to whom the decisive economic or decision-making power over the technical functioning of the establishment or installation has been delegated;

“other establishment” means a site of operation that falls within the scope of these Regulations, or a lower-tier establishment that becomes an upper-tier establishment, or vice versa, on or after 1 June 2015 for reasons other than those pursuant to which an establishment becomes a new establishment as defined above;

“planning authority” has the meaning given to it by the Planning and Development Act 2000;

“presence of dangerous substances” means the actual or anticipated presence of dangerous substances in the establishment, or of dangerous substances which it is reasonable to foresee may be generated during loss of control of the processes, including storage activities, in any installation within the establishment in quantities equal to or exceeding the qualifying quantities set out in Part 1 or 2 of Schedule 1;

“the public” means one or more persons, and includes their associations, organisations

or groups;

“risk” means the likelihood of a specific effect occurring within a specified period or in specified circumstances;

“safety report” has the meaning given to it by Regulation 11;

“significant change” means any significant increase or decrease in the quantity, or a significant change in the nature or physical form, of a dangerous substance present at an establishment, as indicated in the notification provided pursuant to Regulation 8, or any significant change in the processes employing the dangerous substances or any modification of an establishment or an installation which could have significant consequences in terms of major accident hazards, including a change in tier status;

“storage” means the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock;

“upper-tier establishment” means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Schedule 1, where applicable using the summation rule laid down laid down in note 4 to Schedule 1;

“2006 Regulations” means the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006), as amended by the European Union (Control of Major Accident Hazards Involving Dangerous Substances) (Amendment) Regulations 2013 (S.I. No. 571 of 2013);

(2) Any reference in these Regulations to “writing” includes writing which is communicated or kept in electronic form and can be printed.

(3) A word or expression that is used in these Regulations and is also used in the

Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

(4) In these Regulations —

- (a) a reference to a Regulation or a Schedule is to a Regulation of or a Schedule to these Regulations unless it is indicated that a reference to some other enactment is intended,
- (b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended or adapted by any subsequent enactment.

Application.

3. (1) These Regulations lay down rules for the prevention of major accidents involving dangerous substances, and the limitation of their consequences for human health and the environment.

(2) Subject to paragraph (3), these Regulations shall apply to establishments as defined in Regulation 2(1).

(3) These Regulations shall not apply to—

(a) any establishment, installation or storage facility premises referred to in Section 268(1) of the Defence Act 1954 (No. 7 of 1954);

(b) hazards created by ionising radiation originating from substances;

(c) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air outside establishments defined in Regulation 2(1), including loading and unloading and transport to and from another means of transport at docks, wharves or

marshalling yards;

(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments defined in Regulation 2(1);

(e) the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;

(f) the offshore exploration and exploitation of minerals, including hydrocarbons;

(g) the storage of gas at underground offshore sites including dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons, are carried out;

(h) waste land-fill sites, including underground waste storage.

(4) Notwithstanding paragraph 3(e) and (h), these Regulations shall apply to onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as to operational tailings disposal facilities, including tailings ponds or dams, containing dangerous substances.

Establishment of the competent authorities.

4. (1) For the purpose of these Regulations and Article 6 of the Directive, each of the following shall be a competent authority to the extent specified—

(a) the Authority (in these Regulations referred to as the Central Competent Authority) shall be responsible, in addition to its functions under the Chemicals Acts 2008 and 2010 as a national authority, for carrying out the duties laid down for the competent authority in the Directive and as

prescribed in these Regulations, with the exception of those reserved for a public authority under subparagraph (b) but inclusive, with regard to such reserved functions, of the role of ensuring that the procedures for carrying out their duties of any public authority designated under subparagraph (b) are fully coordinated with its own procedures;

(b) a public authority which the appropriate Minister has designated under paragraph (2) (in these Regulations referred to as a local competent authority) for the purpose of drawing up, implementing, testing and reviewing external emergency plans pursuant to Article 12 of the Directive and as prescribed in Regulations 15 and 16;

(c) Competent authorities appointed under 4(1)(a) shall co-operate with the Central Competent Authority to the extent that is required to allow it to fulfil its functions.

(2)(a) Where the appropriate Minister is of the opinion that the services of a public authority are required for the implementation of any of the functions of a local competent authority under these Regulations in respect of a geographical area, then that Minister shall, subject to subparagraph (b), designate that public authority to be a local competent authority for that area as respects the matters referred to in the designation.

(b) Except in the case of a designation by the Minister, the Minister for the Environment, Heritage and Local Government, the Minister for Health, the Minister for Justice, Equality and Law Reform or the Minister for Transport, Tourism and Sport, a designation of a public authority under this paragraph shall not be made until all of the Ministers aforesaid have been consulted by the appropriate Minister who intends to make the designation.

(3) In this Regulation—

“appropriate Minister” means—

(a) in relation to the exercise by a Minister of the Government of any powers, functions or duties vested in him or her by virtue of any enactment in respect of a public authority, that Minister, and

(b) in relation to the administration and business of the public service by virtue of any enactment by a Department of State in respect of a public authority, the Minister of the Government having charge of that Department;

“public authority” means any person or body exercising powers or performing duties for the benefit of the public by virtue of any enactment or otherwise under law and includes—

(a) An Garda Síochána.

(b) A local authority,

(c) The Environmental Protection Agency,

(d) The Health Service Executive,

(e) a harbour authority within the meaning of the Harbours Act 1946 (No. 9 of 1946),

(f) a company established pursuant to Section 7 of the Harbours Act 1996 (No. 11 of 1996), including the Dún Laoghaire Harbour Company and the Drogheda Port Company.

Commencement.

5. These Regulations shall, with the exception of Regulation 6(1), come into operation on 1 June 2015.

Revocations, savings and amendments

6. (1) The 2006 Regulations are revoked with effect from midnight on 31 May 2015.
- (2) The provisions of these Regulations are, except where otherwise provided, in addition to and not in substitution for any other enactment, including—
 - (a) the Environmental Protection Agency Act 1992 (No. 7 of 1992),
 - (b) the Explosives Act 1875 (No. 18 of 1875),
 - (c) the Dangerous Substances Acts 1972 and 1979,
 - (d) the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005).
- (3) Part 2 of Schedule 2 to the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) is amended, with effect from 1 June 2015, as follows: –
 - (a) by deleting the following from column (2) where it appears opposite “2006” in column (i), as inserted at the end of the Part by the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006:

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

and

(b) by inserting a new line in replacement of the line deleted by paragraph (a) containing -

(i) in column (1), “2015”, and

(ii) in column (2), “Chemicals Act (Control Of Major Accident Hazards Involving Dangerous Substances) Regulations (S.I. No. XXof 2015)”.

Major Accident Hazards

General duties of operators.

7. (1) Every operator shall take all necessary measures —

(a) to prevent major accidents occurring, and to limit the consequences of any such major accidents for human health and the environment; and

(b) to comply with these Regulations.

(2) Without prejudice to the generality of paragraph (1), the matters in respect of which all necessary measures shall be taken by every operator shall include —

(a) the identification of all major accident hazards in the establishment including an assessment of the extent and severity of the consequences of such accidents;

(b) the provision and maintenance of installations and systems of work and of the means of entry to and exit from the establishment or any part thereof that are, so far as is reasonably practicable, without risk to human health or the environment;

(c) the making of arrangements to ensure that the use, handling, storage and

transport of dangerous substances in the establishment are, so far as is reasonably practicable, without risk to human health and the environment;

(d) the provision of such information, instruction, equipment, training and supervision as is necessary to ensure, so far as is reasonably practicable, the safety and health of the persons working in the establishment;

(e) the use of the best practicable means—

(i) to prevent a major emission into the environment from any part of the establishment of dangerous substances resulting from uncontrolled developments in that establishment, and

(ii) for rendering harmless and inoffensive such substances as may be so emitted.

(3) Every operator shall provide the Central Competent Authority with all assistance necessary, and gather any information necessary, to enable that Authority perform its functions under these Regulations, including in particular with regard to the carrying out of inspections and investigations.

(4) Every operator shall, whenever requested by the Central Competent Authority or by an inspector of that Authority, provide or cause to be provided to that Authority or to that person such evidence (including documents) to prove that the operator has —

(a) identified the major accident hazards and taken all necessary measures to prevent major accidents and to limit their consequences for human health and the environment;

(b) provided sufficient information to enable the Central Competent Authority to fully assess the possibility of a major accident and to determine the scope of possible increased probability or aggravation of major accidents;

(c) taken all necessary measures to comply with the operator's obligations under these Regulations.

Notification.

8. (1) Every operator shall send to the Central Competent Authority a notification in writing containing the following information —

(a) the name and/or trade name of the operator and the full address of the establishment concerned;

(b) the registered place of business of the operator, with the full address;

(c) the name and position of the person in charge of the establishment, if different from point (a);

(d) information sufficient to identify the dangerous substances and category of substances involved, as set out in Schedule 1 hereto, or likely to be present;

(e) the quantity and physical form of the dangerous substance or substances concerned;

(f) the activity or proposed activity of the installation or storage facility;

(g) a description regarding the immediate environment of the establishment, and factors likely to cause a major accident or to aggravate the consequences thereof, including, where available, details of —

(i) neighbouring establishments; and

(ii) sites that fall outside the scope of these Regulations, as well as areas or developments, which could be a source of, or increase the risk or consequences of, a major accident and of domino effects.

(2) The notification referred to in paragraph (1), or any update thereof, shall be sent to the competent authority within the following time-limits —

(a) for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to any modifications leading to a change in the inventory of dangerous substances and, in any event, no later than three months prior thereto;

(b) for all other cases, one year from the date from which these Regulations apply to the establishment concerned.

(b) notwithstanding any other notification in the interim, an operator shall, every five years following the submission of the notification referred to in paragraph 1, prepare and submit an updated notification to the Central Competent Authority.

(3) Paragraphs (1) and (2) shall not apply if the operator has already sent a notification to the Central Competent Authority under the 2006 Regulations before 1 June 2015, and the information contained therein complies with paragraph (1) and has remained unchanged.

(4) An operator shall inform the Central Competent Authority in writing in advance of the following events —

(a) any significant change;

(b) permanent closure of the establishment or its decommissioning, or

(c) changes in the information referred to in points (a), (b) or (c) of paragraph 1.

(5) Where an operator proposes to make a modification under Regulation 4(a) or 4(b) the operator shall also —

(i) update the major accident prevention policy, the safety management system and the safety report in respect of the establishment;

(ii) notify the Central Competent Authority in writing of the proposed modification no later than one month prior to the planned implementation date of the modification

(6) The Central Competent Authority shall review all proposed modifications covered by regulation 8(5) and shall inform the operator without delay if the proposed modification is considered to be significant and which therefore should

(a) not proceed until it can be demonstrated to the satisfaction of the Central Competent Authority that it does not significantly increase the risk to human health or the environment, or

(b) go through the formal planning process, covered by the Planning & Development Acts 2000 to 2010, for permission,

which decision shall be at the discretion of the Central Competent Authority.

Domino effects.

9. (1) The Central Competent Authority shall, using the information received from the operators in accordance with Regulations 8 or 11, or following a request for additional information made by it, or through inspection, identify all lower-tier and upper-tier establishments, or groups of establishments (in these Regulations referred to as domino groups), where the risk or consequences of a major accident

may be increased because of the geographical position and the proximity of such establishments, and their inventories of dangerous substances (in these Regulations referred to as domino effects).

(2) An operator of an establishment, on being notified in writing by the Central Competent Authority that the establishment has been identified as part of a domino group of establishments, shall—

(a) provide suitable information in writing, or in another manner deemed appropriate by the Central Competent Authority, about the establishment to the operators of other establishments in the group so as to enable them to take account of the nature and extent of the overall hazard of a major accident arising from the group,

(i) in the case of every operator, in its —

(a) major accident prevention policy;

(b) safety management system,

(ii) in the case of an operator of an upper-tier establishment, in its —

(a) safety report;

(b) internal emergency plan; and

(c) the provision of information to persons likely to be affected by a major accident pursuant to Regulation 17.

(b) take account in the manner outlined in sub-paragraph (2)(a) of information provided to the operator by each establishment in the group, and

(c) co-operate with those establishments to enable them to carry out any obligations they have under these Regulations.

(3) Operators of upper-tier establishments shall co-operate with each other in informing the public and neighbouring sites that fall outside of the scope of these Regulations, under Regulation 17(3), and informing the competent authorities under Regulation 15(3).

(4) Where the Central Competent Authority has additional information to that provided by an operator pursuant to point (g) of Regulation 8(1), it shall make this information available to that operator, if it is necessary for the proper application of these Regulations.

Major accident prevention policy.

10. (1) Every operator shall draw up a document in writing setting out the major accident prevention policy (in these Regulations referred to as the MAPP) for its establishment and shall submit this MAPP to the Central Competent Authority.

(2) Without prejudice to regulation 8(5) every operator shall periodically, and at least once every five years, review and update this MAPP.

(3) The MAPP shall —

(a) be designed to guarantee a high level of protection for human health and the environment,

(b) include the operator's overall aims and principles of action, including a commitment to ensure a high level of protection for human health and the environment,

(c) include the role and responsibility of management in ensuring its implementation,

(d) include a commitment towards continuously improving the control of

major-accident hazards, and

(e) take account of the principles specified in Schedule 2.

(4) Operators of existing establishments shall, where necessary to comply with paragraphs (1) and (2), amend existing major accident prevention policy documents drawn up pursuant to the 2006 Regulations no later than 1 June 2016.

(5) Paragraph (4) shall not apply where a MAPP has already been prepared prior to 01 June 2015 and where the information contained therein complies with paragraph 1 and remains unchanged and the operator has sent it to the Central Competent Authority.

(6) (a) Subject to subparagraph (b), operators of new establishments shall prepare a major accident prevention policy document without delay and, in any event, no later than one month prior to the date on which these Regulations first apply to the establishment concerned.

(b) For all other cases, operators shall prepare a major accident prevention policy document one year from the date from which these Regulations apply to the establishment concerned.

(7) An operator shall, subject to paragraph (8), ensure that the policy set out in its MAPP is implemented by appropriate means, structures and by a safety management system, in accordance with Schedule 2, proportionate to the major accident hazards, and the complexity of the organisation or the activities of the establishment.

(8) An operator of a lower-tier establishment may implement its MAPP by means other than by way of a safety management systems, provided the means chosen are appropriate and proportionate to the major accident hazards and take into account the principles set of in Schedule 2.

(9) An operator shall ensure that the MAPP, and any subsequent modification or

updates to it, is sent without delay to the Central Competent Authority.

Safety reports.

11. (1) Every operator of an upper-tier establishment shall prepare and submit to the Central Competent Authority in writing, in whatever format the competent authority may specify, a safety report for the purposes of —

(a) demonstrating that a MAPP and a safety management system for implementing it have been put into effect in accordance with the information set out in Schedule 2;

(b) demonstrating that major-accident hazards and possible major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;

(c) demonstrating that adequate safety and reliability have been taken into account in the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked to major-accident hazards inside the establishment;

(d) demonstrating that internal emergency plans have been drawn up and supplying information to enable the external emergency plan to be drawn up; and

(e) providing sufficient information to the competent authority to enable decisions to be made regarding the siting of new activities or developments around existing establishments.

(2) The safety report shall -

(a) contain at least the data and information specified in Schedule 3, and

(b) name the relevant organisations involved in the drawing up of the report.

(3) The safety report shall be sent to the Central Competent Authority within the following time-limits:

(a) for new establishments, a reasonable period of time and no later than four months prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances;

(b) for existing upper-tier establishments, by 1 June 2016;

(c) for all other establishments, two years from the date from which these Regulations apply to the establishment concerned.

(4) Paragraphs (1), (2) and (3) shall not apply if the operator has already sent, before 1 June 2015, the safety report to the Central Competent Authority pursuant to the requirements of the 2006 Regulations, provided the information contained therein complies with paragraphs (1) and (2) and has remained unchanged. In order to comply with paragraphs (1) and (2), the operator shall submit any changed parts of the safety report in the format agreed by the Central Competent Authority, subject to the time-limits referred to in paragraph (3).

(5) A safety report prepared by an operator pursuant to the provisions of this Regulation shall include the MAPP document required by Regulation 10 as an integral part thereof.

(6) An operator shall provide to the Central Competent Authority any information requested by it during or following an examination of a safety report required by this Regulation within one month from the date of the request or within such

longer period as the Central Competent Authority may specify in writing.

- (7) An operator shall not begin construction, operation or implement modifications leading to a change in the inventory of dangerous substances, as the case may be, until it has received the conclusions from the central competent authority from the examination of the safety report under regulation 21(5).
- (8) An operator shall periodically, and at least every five years following the submission of a previous report, review, and where necessary following such review shall update the said report and submit it to the Central Competent Authority.
- (9) An operator shall also review the safety report following a major accident at its establishment and, at any other time, at the initiative of the operator or at the request of the competent authority, where justified by new facts or by new technological knowledge about safety matters, including knowledge arising from analysis of accidents or, as far as possible, 'near misses', and by developments in knowledge concerning the assessment of hazards and shall send such revised safety report to the Central Competent Authority without delay.

Objectives of emergency plans.

12. Every emergency plan which is produced by virtue of a requirement in these Regulations shall have the objectives of —

- (a) containing and controlling incidents so as to minimise the effects, and to limit damage to human health, the environment and property;
- (b) implementing the necessary measures to protect human health and the environment from the effects of major accidents;
- (c) communicating the necessary information to the public and to the services

or authorities concerned in the area that may be affected by a major accident;

(d) providing for the restoration and clean-up of the environment following a major accident,

and shall contain the information specified in Schedule 4.

Implementation of emergency plans

13. Every emergency plan drawn up pursuant to a duty imposed by these Regulations shall be put into effect without delay when —

(a) a major accident occurs, or

(b) an uncontrolled event occurs which by its nature could reasonably be expected to lead to a major accident.

Internal emergency plans

14. (1) The operator of an upper-tier establishment shall prepare an emergency plan (in these Regulations referred to as an “internal emergency plan”) for the measures to be taken inside the establishment in relation to potential major accidents at the establishment.

(2) The operator shall draw up the internal emergency plan pursuant to paragraph (1) in consultation with the personnel working inside the establishment, including long-term subcontracted personnel, relevant local competent authorities in whose functional area the establishment is situated and such other persons as appear to be appropriate.

(3)(a) Operators of existing upper-tier establishments shall, by 1st June 2016, amend existing internal emergency plans so as to comply with these Regulations, unless the information contained in the existing notified plan complies with this regulation and remains unchanged.

(b) Operators of new establishments shall comply with the obligations set out in paragraphs (1) and (2) within a reasonable period of time but no later than one month prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances.

(c) Operators of other establishments shall comply with the obligations set out in paragraphs (1) and (2) within one year from the date from which these Regulations apply to the establishment concerned.

(4) An operator who has prepared an internal emergency plan pursuant to this Regulation shall periodically and as often as the circumstances require it, but in any event at intervals not exceeding 3 years —

(a) review and, where necessary, revise and update the plan, and

(b) ensure that the plan is tested,

and any such review shall take into account changes occurring in the establishment concerned or within the emergency services concerned, new technical knowledge and knowledge concerning the response to major accidents.

External emergency plans.

15. (1) It shall be the function of every local competent authority, whether separately or collectively, upon being notified by the Central Competent Authority that -

(a) in its functional area an upper-tier establishment is in operation or is proposed to be in operation, or

(b) outside its functional area (whether within the State and its internal waters or otherwise) an upper-tier establishment is in operation or is likely to be in operation, which, in the opinion of the notifying operator or the the Central Competent Authority, could cause a major accident leading to a serious danger to human health or to the environment within its functional area,

to prepare an emergency plan (in these Regulations referred to as an 'external emergency plan') for the measures to be taken outside the establishment following possible major accidents at the establishment.

(2). The operator of an upper-tier establishment shall supply the necessary information to a local competent authority to enable the latter to draw up an external emergency plan within the following timeframes -

(a) For new establishments a reasonable period of time and in any case no later than one month prior to operation or the change in inventory of dangerous substances;(b) For existing establishments by June 1st 2016 unless the emergency plan drawn up under the 2006 regulations and the information contained therein remains unchanged and complies with this regulation and regulation 12;

(c) For other establishments six months from the date from which these regulations apply to the establishment concerned.

(3) A local competent authority shall provide such information from the external emergency plan to the operator concerned to enable the latter to draw up an internal emergency plan

(4) Where a person is responsible for, or proposes to be responsible for, an establishment outside the State or in its internal waters in respect of which a notification has been given to a local competent authority by virtue of paragraph (1)(b), the local

competent authority shall provide to the said person such information from the external emergency plan as it considers appropriate.

(5) A local competent authority shall, in preparing, substantially modifying or revising an external emergency plan, consult with and have regard to any observations received from-

(a) other local competent authorities in whose functional area the establishment to which the plan relates is or is to be situated or whose functional area might be affected by a major accident at the establishment,

(b) such persons or authorities outside the State as have responsibility for the preparation and implementation of external emergency plans in respect of such establishments as are referred to in paragraph (1)(b);

(c) the operator of the establishment to which the plan relates,

(d) the Central Competent Authority,

(e) the public, and afford the public an early and effective opportunity to submit observations on the proposed plan, modifications or revisions thereto, in advance of the adoption, modification or revision of the plan in a manner approved by the Central Competent Authority, and

(f) in relation to possible risks of environmental pollution from a major accident, the Environmental Protection Agency.

(6) An establishment identified by the Central Competent Authority pursuant to Regulation 9 as being part of a domino group shall -

(a) co-operate with the other establishments in the domino group in supplying information to the local competent authority for the preparation of external emergency plans, and

(b) provide any information requested by a local competent authority, not later than one month after having been so requested, or within such longer period as the local competent authority may specify, in writing.

(7) An external emergency plan shall be prepared by the relevant local competent authority, using such information as is available to it, within six months following the date for the receipt of the necessary information from the operator pursuant to paragraph 2.

(8) (a) A local competent authority may authorise in writing, either generally or specifically, any of its officers (hereinafter referred to as an “authorised officer”) to—

(i) enter at all reasonable times any establishment within its functional area, and

(ii) require and receive from the operator concerned such information as the local competent authority may reasonably require for the purpose of preparing or amending the external emergency plan.

(b) An authorised officer shall be furnished with a warrant of the officer's appointment and, when exercising any power conferred on an authorised officer under these Regulations, shall, if requested by any person affected, produce the warrant to that person.

(9) Where in preparing, modifying or revising an external emergency plan for an establishment a local competent authority is satisfied that a major accident may have an effect outside the State or its internal waters, such authority shall provide sufficient information to the persons specified in paragraph (5)(b) in the potentially affected State to allow the preparation of such emergency plans as may be necessary.

(10) Where the Central Competent Authority, or such persons or authorities referred to in Regulation 15(5), brings to the attention of a local authority, which is

designated as a local competent authority by virtue of Regulation 4, that a major accident at an establishment outside the State or its internal waters may potentially affect persons within its functional area, the local authority shall—

- (a) consult with the persons and authorities laid down in Regulation 15(5);
- (b) fulfil the obligations referred to in Regulation 17(1)(a) and (2)(a) in so far as the information required is available, and
- (c) ensure that the information provided takes into consideration any relevant provisions in the external emergency plan prepared by virtue of Regulation 15(1); and
- (d) where there is a possibility of a major accident with transboundary effects with regard to upper-tier establishments, to the competent authorities of the other potentially affected Member States.

(11) Following a major accident, the local competent authorities shall inform the persons likely to have been affected of the accident which has occurred and, if relevant, of the measures undertaken to mitigate its consequences.

Review, testing and reporting of external emergency plans

16. (1) A local competent authority that has prepared an external emergency plan shall periodically and as often as the circumstances require it, but in any event at intervals not exceeding 3 years -

- (a) review and, where necessary, revise the plan,

(b) test the plan,

and any such review shall take into account changes occurring in the establishment concerned or within the emergency services concerned, new technical knowledge and knowledge concerning the response to major accidents.

(2) Where a local competent authority is of the opinion that in order to test adequately the external emergency plan the cooperation of one or more designated authorities under Regulation 4 is necessary, it may in writing request such cooperation from those authorities.

(3) Where a local competent authority has received a request in accordance with paragraph (2), it shall cooperate with the requesting local competent authority in the testing of the external emergency plan to which the request relates.

(4) Where it is proposed substantially to modify the emergency plan the local competent authority shall consult with the persons referred to in Regulation 15(5).

(5) A local competent authority shall, individually or collectively with other relevant local competent authorities, submit to the central competent authority, within 2 months of the end of each calendar year, an annual report of its activities under regulations 15 and 16 during that year, in accordance with such guidelines (if any) as may be given by the Central Competent Authority.

Provision of information to the public.

17. (1) The operator of an establishment shall provide the Central Competent Authority with the information to be made available to the public, including by electronic means, specified in Part 1 of Schedule 5.

(2) The operator of an upper-tier establishment shall provide the Central Competent

Authority with the information to be made available to the public, including by electronic means, specified in Schedule 5 Part 2.

(3) The Central Competent Authority shall ensure that—

(a) the information referred to in paragraph (1), and in the case of upper-tier establishments the additional information referred to in paragraph (2) becomes available to the public, including by electronic means, within a reasonable period of time from when the establishment becomes subject to these Regulations;

(b) the safety report shall be made available to the public on request (subject to regulation 25);

(c) for an upper-tier establishment, the inventory of dangerous substances shall be made available to the public on request (subject to regulation 25);

and that all such information is kept updated.

(4) Where the provisions of Regulation 25 apply, amended versions of the safety report and inventory of dangerous substances may be made available under Regulation 17(3).

(5) The operator of an upper-tier establishment shall ensure that all persons likely to be affected by a major accident originating at that establishment receive regularly and in the most appropriate form, without having to request it, clear and intelligible information on the safety measures and requisite behaviour in the event of a major accident

(6) The information in paragraph (5) shall include at least the information referred to in Schedule 5 and shall be supplied to all buildings and areas of public use, including schools and hospitals, and in the case of establishments covered by

Regulation 9, to all neighbouring establishments.

(7) the information in paragraph (5) shall be supplied at least every five years and be periodically reviewed and where necessary, updated, including in the event of significant changes.

(8) Operators of establishments referred to in Regulation 9 shall co-operate to the greatest extent possible in providing the information referred to in paragraph (5) to the persons likely to be affected and to neighbouring sites outside the scope of these Regulations;

(9) The operator of an establishment shall —

(a) without having to receive a request, provide the Central Competent Authority with the information specified in paragraphs (1) and (2), and subsequently update the Central Competent Authority with revised information, including relevant information subsequent to the modifications referred to in Regulation 8(5), without delay;

(b) comply with any reasonable request for information from the Central Competent Authority, within such period specified in the request, in connection with the preparation of the information referred to in paragraph (1) or, as regards an upper-tier establishment, the information specified in paragraph (2).

(10) The Central Competent authority shall specify in advance in writing —

(a) the means by which operators shall send the information or revised information referred to in paragraphs (1) or (2); and

(b) the format in which such information or revised information is to be provided.

(11) Where pursuant to regulation 15(10), it is established that a major accident

may have an effect outside the State, then the operator shall provide the information referred to in paragraph (1), in such reasonable quantities as may be requested, to the persons specified in Regulation 15(5)(b).

Reporting of Major Accidents

Notification of major accidents.

18. (1) Following a major accident, the operator of the establishment where the accident occurred shall as soon as practicable —
- (a) inform the Central Competent Authority and the relevant local competent authority of the accident which has occurred;
 - (b) provide the Central Competent Authority with the following information as soon as it becomes available –
 - (i) the circumstances of the accident;
 - (ii) the dangerous substances involved;
 - (iii) the data available for assessing the effects of the accident on human health, the environment and property; and
 - (iv) the emergency measures taken;
 - (c) inform the Central Competent Authority of the steps it envisages are required in order to –
 - (i) mitigate the medium-term and long-term effects of the accident; and
 - (ii) prevent any recurrence of such an accident;
 - (d) update the information provided if further investigation reveals additional facts which alter the information or the conclusions drawn.

Action to be taken by the central competent authority following a major accident

19. (1) Following a major accident, the Central Competent Authority shall —

- (a) ensure that any urgent, medium-term and long-term measures which may prove necessary are taken;
- (b) collect, by inspection, investigation or other appropriate means, the information necessary for a full analysis of the technical, organisational and managerial aspects of the accident;
- (c) take appropriate action to ensure that the operator takes any necessary remedial measures;
- (d) make recommendations on future preventive measures.

(2) Where the accident meets the criteria in Schedule 6, the Central Competent Authority shall, as soon as practicable, and at the latest within one year of the date of the accident, using the European Commission database referred to in Article 21(4) of the Directive as required by Article 18(2) of the Directive, provide the European Commission with the following information -

- (a) the Member State where the accident occurred, the name and address of the Central Competent Authority and contact person thereat responsible for the report;
- (b) the date, time and place of the accident, including the full name of the operator and the address of the establishment involved;
- (c) a brief description of the circumstances of the accident, including the dangerous substances involved, and the immediate effects on human health and the environment;
- (d) a brief description of the emergency measures taken and of the immediate precautions necessary to prevent recurrence;
- (e) the results of the Central Competent Authority's analysis and recommendations.

(3) In relation to paragraph (2)(e) —

(a) where the Central Competent Authority is able only to provide preliminary information within the applicable time-limit, it shall provide updated information once the results of further analysis and recommendations are available;

(b) the provision of information to the European Commission may be delayed where, in the opinion of the Central Competent Authority, to report such information risks prejudicing the conduct of pending legal proceedings arising from or concerning the accident under report.

Notifiable incidents

20. (1) Whenever an incident (in these Regulations referred to as a “notifiable incident”) of the type specified in Schedule 7 occurs at an establishment, the operator concerned shall immediately inform the Central Competent Authority in writing of that incident in the format specified by the said Authority.

Enforcement and Regulation

Functions of Central Competent Authority.

21. (1) Without prejudice to such other functions or powers assigned to it by these Regulations and by the Chemicals Acts 2008 and 2010, the Central Competent Authority shall—

- (a) supply such information as is required by Article 14(4) of the Directive to the other Member State of the European Union concerned,
- (b) fulfil the requirements laid down in Article 17 of the Directive in relation to action to be taken following a major accident,
- (c) prohibit, pursuant to section 16 of the Chemicals Act 2008 and 2010 and Article 19 of the Directive, the use or bringing into use of any establishment, installation or storage facility, or any part thereof, where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient, including where there are serious failures to take the necessary actions identified in an inspection report,
- (d) ensure that all establishments are subject to regular routine inspections pursuant to a national inspection plan which the Authority shall devise, and to non-routine inspections following serious complaints, accidents, ‘near-misses’ or incidents or occurrences of non-compliance, as well as to additional inspections within a maximum period of six months wherever an inspection identifies an important case or incidence of non-compliance with these Regulations,
- (e) exchange information with the European Commission and the competent authorities of other Member States on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences, with regard in particular to the functioning of the measures for which the Directive provides, and
- (f) by 30 September 2018, and every four years thereafter, provide the report to the European Commission on the implementation of the Directive as required by Article 21(2) and Article 21(3) of the Directive.

(2) The Central Competent Authority shall, using the information received from an operator in a notification submitted by virtue of Regulation 8 or a safety report submitted pursuant to Regulation 11, or from other sources of information available to it, identify establishments or domino groups of establishments and, upon such identification, shall inform each operator in writing for the purpose of Regulation 9.

(3) The Central Competent Authority, in relation to the safety report submitted pursuant to Regulation 11 shall examine the safety report or revised details submitted.

(4) The Central Competent Authority, in relation to the safety report submitted pursuant to Regulation 11 shall within 4 months of receiving a safety report or revised details -

- (a) communicate its conclusions to the operator, or
- (b) request the operator to supply further information, if necessary, under Regulation 11(7) to enable the Central Competent Authority to fully assess the safety report, which request shall be set out in writing.

(5) Where information is supplied to the Central Competent Authority under paragraph (4)(b), the Central Competent Authority shall communicate the conclusions of its examination of the safety report or revised details to the operator within a reasonable period of time but in any case no later than two months from the date of the receipt of the requested information.

(6) The Central Competent Authority may prohibit the bringing into operation, or continued operation of the establishment concerned, or any part of it, by way of prohibition notice issued pursuant to section 16 of the Chemicals Act 2008 if the operator has not submitted the notification, reports or other information required by these Regulations within the periods specified in these Regulations.

(7) The Central Competent Authority shall notify in writing the relevant local competent authorities of the Authority's conclusions in relation to a safety report submitted under regulation 11.

(8) The Central Competent Authority may, in view of the information contained in a safety report –

(a) decide that the requirement for a local competent authority to prepare an external emergency plan shall not apply, and, in that event, shall notify the local competent authority in writing of that decision, giving reasons for that decision when so notifying the said authority;

(b) withdraw (such withdrawal to be in writing) an exemption given pursuant to subparagraph (a) by stating the date upon which the exemption shall end and the date by which the emergency plan must be prepared.

(9) The Central Competent Authority shall consult as appropriate with the Environmental Protection Agency on the information contained in a safety report concerning the risks of a major accident to the environment and the Environmental Protection Agency shall advise the Central Competent Authority in writing on the major accidents to the environment that are relevant within one month of such a request.

(10) The Central Competent Authority may submit a report to the European Commission under Article 4 of the Directive where an operator has submitted to it the information specified in Article 4.3.

(11) The Central Competent Authority shall accept documents submitted by operators under other relevant Union legislation provided it fulfils any of the requirements of these Regulations.

(12) The Central Competent Authority shall cooperate with the European Commission in support of the implementation of the Directive, involving stakeholders as appropriate.

Inspections and investigations

22. (1) The Central Competent Authority shall, pursuant to its powers under Part 4 of the Chemicals Act 2008 and 2010, devise and organise a national system of inspections of establishments, covering all establishments, and it shall ensure that this plan is kept under regular review and, where appropriate, updated.

(2) Inspections shall be appropriate to the type of establishment concerned, not be dependent upon the receipt of the safety report or any other report submitted but shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular that —

- (a) the operator can demonstrate that appropriate measures have been taken, in connection with the various activities of the establishment, to prevent major accidents;
- (b) the operator can demonstrate that appropriate means for limiting the consequences of major accidents, on-site and off-site, have been provided;
- (c) the data and information contained in the safety report, or any other report submitted, adequately reflects the conditions in the establishment;
- (d) information has been supplied to the public pursuant to Regulation 17.

(3) Each inspection plan shall include the following —

- (a) a general assessment of relevant safety issues;
- (b) the geographical area covered by the inspection plan;
- (c) a list of the establishments covered by the plan;
- (d) a list of groups of establishments with possible domino effects pursuant to Regulation 9;

- (e) a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;
- (f) procedures for routine inspections, including the programmes for such inspections pursuant to paragraph (4);
- (g) procedures for non-routine inspections pursuant to paragraph (6);
- (h) provisions on the co-operation between different inspection authorities.

(4) The Central Competent Authority shall, based on the inspection plans referred to in paragraph (3), regularly draw up programmes for routine inspections for all establishments and such programmes shall -

- (a) include the frequency of site visits for different types of establishments, and
- (b) ensure the period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, unless the Central Competent Authority has drawn up an inspection programme based on a systematic appraisal of major-accident hazards of the establishments concerned.

(5) Where the national inspection programme is based on the systematic appraisal of the hazards of the establishments concerned, the Central Competent Authority shall base it on at least the following criteria —

- (a) the potential impacts of the establishments concerned on human health and the environment;
- (b) the record of compliance with the requirements of these Regulations.

Where appropriate, the Central Competent Authority may take into account relevant findings of inspections carried out by it pursuant to other Union legislation.

(6) Non-routine inspections shall be carried out to investigate serious complaints, serious accidents and ‘near misses’, incidents and occurrences of non-compliance as soon as possible.

(7) The Central Competent Authority shall communicate the conclusions of the inspection and all the necessary actions identified to the operator within four months after each inspection and ensure that the operator takes all those necessary actions within a reasonable period after receipt of the communication.

(8) Where an inspection has identified an important case of non-compliance with these Regulations, an additional inspection shall be carried out within six months.

Technical advice on land-use planning.

23. (1) The Central Competent Authority shall advise a consultation distance to a planning authority for each establishment within its functional area or which could affect its functional area.

(2) The Central Competent Authority shall provide technical advice at the formal request of a planning authority under Regulation (*Reference to be made here to the relevant regulation in the Planning and Development Regulations that implement the land-use planning requirements of the Seveso III Directive*) in relation to the following developments within the consultation distance notified in paragraph (1) —

(a) the siting of new establishments;

(b) modifications to establishments of the type described in regulation 8(4)

(a);

(c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or developments may be the source of, or increase the risk or consequences of, a major accident.

(3) The technical advice provided to a planning authority pursuant to paragraph (2) by the Central Competent Authority may be generic or case specific in nature and shall be so formulated that it will assist the planning authority to take into account the need, in the long term -

(a) to maintain appropriate safety distances between establishments covered by these Regulations and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;

(b) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;

(c) to take additional technical measures, in the case of existing establishments, in accordance with Regulation 7 so as not to increase the risks to human health and the environment.

(4) Where the Central Competent Authority requires additional information in order to provide the requested technical advice to the planning authority under paragraph (2), the following shall apply -

(a) In the case of paragraph 2(a), 2(b) or 2(c), the Central Competent Authority shall request the information from the planning authority within two weeks of the receipt of the request for technical advice;

(b) The planning authority shall provide the additional information requested by the Central Competent Authority, if necessary after requesting it from the planning applicant;

(c) The Central Competent Authority shall provide technical advice to the planning authority within four weeks of receiving the requested additional information;

(d) In the case of paragraph 2(c), the planning authority shall allow the Central Competent Authority sufficient time to obtain additional information from the relevant operator, if appropriate.

(5) Operators of establishments shall provide sufficient information to the Central Competent Authority on the risks arising from an establishment, necessary for the fulfilment of the Authority's functions under this Regulation.

Inspectors.

24. (1) Such of its officers, consultants, advisers or other persons as the Central Competent Authority has appointed to be inspectors pursuant to section 11 of the Chemicals Act 2008 shall, by virtue of that appointment and unless otherwise specified by the Central Competent Authority, be deemed to be inspectors of the Central Competent Authority for the purposes of these Regulations.

(2) For avoidance of doubt, all of the powers and obligations of the Central Competent Authority and its inspectors under the Chemicals Acts 2008 and 2010, and in particular under Parts Four to Six thereof, shall apply with regard to the carrying out by the Central Competent Authority, and its inspectors, of their duties under these Regulations.

Restrictions on disclosure of information.

25. (1) Subject to paragraph (2), any information received by the Central Competent Authority by virtue of a requirement of these Regulations shall be treated as being information relating to the environment and subject to the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133/2007), as amended by the European Communities (Access to Information on the Environment) (Amendment) Regulations 2011 (S.I. No. 662/2011)

(2) Paragraph (1) shall not apply to information involving—

(a) the disclosure of information to a Competent Authority or a Department of State for the purposes of these Regulations,

(b) without prejudice to subparagraph (a), the disclosure by the recipient of information to—

(i) any person for the purposes of any function conferred on the recipient by virtue of these Regulations,

(ii) an inspector of the Central Competent Authority,

(iii) an officer of a local competent authority who is authorised under Regulation 15(8) to receive it.

(3) A person to whom information is disclosed pursuant to paragraph (2) shall not use or disclose that information otherwise than in accordance with these Regulations.

(4) Where an operator is of the opinion that information it is required to supply to the Central Competent Authority under a duty imposed by these Regulations should not

be released to the public under the legislation referred to in paragraph (1), the operator shall inform the competent authority in writing of this opinion at the time the information is sent, which opinion shall be taken account of by the Central Competent Authority in addressing requests for information under paragraph (1).

Charges for services

Charges for services.

26. (1) A competent authority, including the Central Competent Authority, may charge fees and shall be entitled to be paid such fees by operators for the provision by it of a service, or for the performance of a duty imposed on any such Authority pursuant to these Regulations, including —

- (a) the examination of notifications, MAPPs, safety reports and any revisions of same;
- (b) the performance of inspection under Regulation 22;
- (c) the provision of technical land-use planning advice under Regulation 23;
- (d) provision of information to the public under Regulation 17(3)(a)
- (e) the preparation and revision of external emergency plans;
- (f) the testing and putting into effect of external emergency plans;
- (g) attendance at external emergency plan tests.

(2) A fee charged by a competent authority to which paragraph (1) refers shall be made only in accordance with such scale of fees as is approved by the Minister and the Minister for Finance, and in consultation with any other relevant Minister, pursuant to

section 10 of the Chemicals Act 2008 and 2010, which scale of charges may include particulars of the person by whom the fee is payable.

(3) A competent authority shall make available in accordance with section 10(2) of the Chemicals Act details of any such scale of fees, including by way of publication on its internet website.

(4) A Competent Authority may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable, any amount due and owing to it under this Regulation.

Public Consultation Feb 2015

List of Schedules

Schedule 1 – Dangerous Substances

Schedule 2 — Information referred to in Regulation 11 (6) and Regulation 10 on the safety management system and the organisation of the establishment with a view to the prevention of major accidents

Schedule 3 — Minimum data and information to be included in a safety report referred to in Regulation 11

Schedule 4 — Data and information to be included in the emergency plans referred to in Regulation 12

Schedule 5 — Items of information to the public as provided for in Regulation 17

Schedule 6 — Criteria for the notification of a major accident to the Commission as provided for in Regulation 19

Schedule 7 — Criteria for the notifiable incidents in Regulation 20

SCHEDULE 1

DA NGEROUS SUBSTANCES

Dangerous substances covered by the hazard categories listed in Column 1 of Part 1 of this Schedule are subject to the qualifying quantities set out in Columns 2 and 3 of Part 1.

Where a dangerous substance is covered by Part 1 of this Schedule and is also listed in [Part 2](#), the qualifying quantities set out in Columns 2 and 3 of Part 2 apply.

PART 1

Categories of dangerous substances

This Part covers all dangerous substances falling under the hazard categories listed in Column 1:

Column 1	Column 2	Column 3
Hazard categories in accordance with Regulation (EC) No 1272/2008	Qualifying quantity (tonnes) of dangerous substances as referred to in Regulation 2 for the application of	
	Lower-tier requirements	Upper-tier requirements
Section 'H' – HEALTH HAZARDS		
H1 ACUTE TOXIC Category 1, all exposure routes	5	20
H2 ACUTE TOXIC — Category 2, all exposure routes — Category 3, inhalation exposure route (see note 7)	50	200
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT SE Category 1	50	200
Section 'P' – PHYSICAL HAZARDS		
P1a EXPLOSIVES (see note 8) — Unstable explosives or — Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or — Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures	10	50
P1b EXPLOSIVES (see note 8) Explosives, Division 1.4 (see note 10)	50	200
P2 FLAMMABLE GASES Flammable gases, Category 1 or 2	10	50
P3a FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols Category 1 or 2, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150 (<i>net</i>)	500 (<i>net</i>)
P3b FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols Category 1 or 2, not containing flammable gases Category 1 or 2 nor flammable liquids category 1 (see note 11.2)	5,000 (<i>net</i>)	50,000 (<i>net</i>)

Column 1	Column 2	Column 3
Hazard categories in accordance with Regulation (EC) No 1272/2008	Qualifying quantity (tonnes) of dangerous substances as referred to in Article 3(10) for the application of	
	Lower-tier requirements	Upper-tier requirements
P4 OXIDISING GASES Oxidising gases, Category 1	50	200
P5a FLAMMABLE LIQUIDS — Flammable liquids, Category 1, or — Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or — Other liquids with a flash point ≤ 60 °C, maintained at a temperature above their boiling point (see note 12)	10	50
P5b FLAMMABLE LIQUIDS — Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards, or — Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards (see note 12)	50	200
P5c FLAMMABLE LIQUIDS Flammable liquids, Categories 2 or 3 not covered by P5a and P5b	5,000	50,000
P6a SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B	10	50
P6b SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F	50	200
P7 PYROPHORIC LIQUIDS AND SOLIDS Pyrophoric liquids, Category 1 Pyrophoric solids, Category 1	50	200
P8 OXIDISING LIQUIDS AND SOLIDS Oxidising Liquids, Category 1, 2 or 3, or Oxidising Solids, Category 1,	50	200
Section 'E' – ENVIRONMENTAL HAZARDS		
E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500
Section 'O' – OTHER HAZARDS		
O1 Substances or mixtures with hazard statement EUH014	100	500
O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100	500
O3 Substances or mixtures with hazard statement EUH029	50	200

PART 2

Named dangerous substances

Column 1	CAS number ⁽¹⁾	Column 2	Column 3
Dangerous substances		Qualifying quantity (tonnes) for the application of	
		Lower-tier	Upper-tier
1. Ammonium nitrate (see note 13)	—	5,000	10,000
2. Ammonium nitrate (see note 14)	—	1,250	5,000
3. Ammonium nitrate (see note 15)	—	350	2,500
4. Ammonium nitrate (see note 16)	—	10	50
5. Potassium nitrate (see note 17)	—	5,000	10,000
6. Potassium nitrate (see note 18)	—	1,250	5,000
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1	2
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3		0,1
9. Bromine	7726-95-6	20	100
10. Chlorine	7782-50-5	10	25
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	—		1
12. Ethyleneimine	151-56-4	10	20
13. Fluorine	7782-41-4	10	20
14. Formaldehyde (concentration \geq 90 %)	50-00-0	5	50
15. Hydrogen	1333-74-0	5	50
16. Hydrogen chloride (liquefied gas)	7647-01-0	25	250
17. Lead alkyls	—	5	50
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (see note 19)	—	50	200
19. Acetylene	74-86-2	5	50
20. Ethylene oxide	75-21-8	5	50
21. Propylene oxide	75-56-9	5	50
22. Methanol	67-56-1	500	5,000
23. 4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4		0,01
24. Methylisocyanate	624-83-9		0,15
25. Oxygen	7782-44-7	200	2,000
26. 2,4 -Toluene diisocyanate	584-84-9	10	100
2,6 -Toluene diisocyanate	91-08-7		

Column 1	Column 2	Column 3	
Dangerous substances	Qualifying quantity (tonnes) for the application of		
CAS Number (1)	Lower-tier	Upper-tier	
27. Carbonyl dichloride (phosgene)	75-44-5	0.3	0.75
28. Arsine (arsenic trihydride)	7784-42-1	0.2	1
29. Phosphine (phosphorus trihydride)	7803-51-2	0.2	1
30. Sulphur dichloride	10545-99-0		1
31. Sulphur trioxide	7446-11-9	15	75
32. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 20)	—		0.001
33. The following CARCINOGENS or the mixtures containing the following carcinogens at concentrations above 5 % by weight: 4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloro methyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3-chloropropane, 1,2-Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2- Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone	—	0.5	2
34. Petroleum products and alternative fuels (a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) (d) heavy fuel oils (e) alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in points (a) to (d)	—	2,500	25,000
35. Anhydrous Ammonia	7664-41-7	50	200
36. Boron trifluoride	7637-07-2	5	20
37. Hydrogen sulphide	7783-06-4	5	20
38. Piperidine	110-89-4	50	200
39. Bis(2-dimethylaminoethyl) (methyl)amin	3030-47-5	50	200
40. 3-(2-Ethylhexyloxy)propylamin	5397-31-9	50	200
41. Mixtures (*) of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of Schedule I.		200	500

(*) Provided that the mixture in the absence of sodium hypochlorite would not be classified as Aquatic Acute Category 1 [H400].

Column 1	CAS number ⁽¹⁾	Column 2	Column 3
Dangerous substances		Qualifying quantity (tonnes) for the application of	
		Lower-tier	Upper-tier
42. Propylamine (see note 21)	107-10-8	500	2,000
43. Tert-butyl acrylate (see note 21)	1663-39-4	200	500
44. 2-Methyl-3-butenitrile (see note 21)	16529-56-9	500	2,000
45. Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 21)	533-74-4	100	200
46. Methyl acrylate (see note 21)	96-33-3	500	2 000
47. 3-Methylpyridine (see note 21)	108-99-6	500	2 000
48. 1-Bromo-3-chloropropane (see note 21)	109-70-6	500	2 000

NOTES TO SCHEDULE 1

- Substances and mixtures are classified in accordance with Regulation (EC) No 1272/2008.
- Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under Regulation (EC) No 1272/2008, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.
- The qualifying quantities set out above relate to each establishment.

The quantities to be considered for the application of the relevant regulations are the maximum quantities which are present or are likely to be present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere at that establishment.

- The following rules governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate:

In the case of an establishment where no individual dangerous substance is present in a quantity above or equal to the relevant qualifying quantities, the following rule shall be applied to determine whether the establishment is covered by the relevant requirements of these Regulations.

These Regulations shall apply to upper-tier establishments if the sum:

$$q_1/Q_{U1} + q_2/Q_{U2} + q_3/Q_{U3} + q_4/Q_{U4} + q_5/Q_{U5} + \dots \text{ is greater than or equal to } 1,$$

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Schedule,

and Q_{UX} = the relevant qualifying quantity for dangerous substance or category x from Column 3 of Part 1 or from

Column 3 of Part 2 of this Schedule.

These Regulations shall apply to lower-tier establishments if the sum:

$$q_1/Q_{L1} + q_2/Q_{L2} + q_3/Q_{L3} + q_4/Q_{L4} + q_5/Q_{L5} + \dots \text{ is greater than or equal to } 1,$$

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Schedule,

and QLX = the relevant qualifying quantity for dangerous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2 of this Schedule

This rule shall be used to assess the health hazards, physical hazards and environmental hazards. It must therefore be applied three times:

- (a) for the addition of dangerous substances listed in Part 2 that fall within acute toxicity category 1, 2 or 3 (inhalation route) or STOT SE category 1, together with dangerous substances falling within section H, entries H1 to H3 of Part 1;
- (b) for the addition of dangerous substances listed in Part 2 that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids, together with dangerous substances falling within section P, entries P1 to P8 of Part 1;
- (c) for the addition of dangerous substances listed in Part 2 that fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2, together with dangerous substances falling within section E, entries E1 and E2 of Part 1.

The relevant provisions of these Regulations apply where any of the sums obtained by (a), (b) or (c) is greater than or equal to 1.

5. In the case of dangerous substances which are not covered by Regulation (EC) No 1272/2008, including waste, but which nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major-accident potential, these shall be provisionally assigned to the most analogous category or named dangerous substance falling within the scope of these Regulations.
6. In the case of dangerous substances with properties giving rise to more than one classification, for the purposes of these Regulations the lowest qualifying quantities shall apply. However, for the application of the rule in Note 4, the lowest qualifying quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned shall be used.
7. Dangerous substances that fall within Acute Toxic Category 3 via the oral route (H 301) shall fall under entry H2 ACUTE TOXIC in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.
8. The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to Regulation (EC) No 1272/2008). If the quantity of the explosive substance or mixture contained in the article is known, that quantity shall be considered for the purposes of these Regulations. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of these Regulations, the whole article shall be treated as explosive.
9. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria) ⁽¹⁾ identifies the substance or mixture as potentially having explosive properties.
10. If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry P1a, unless the hazard is shown to still correspond to Division 1.4, in accordance with Regulation (EC) No 1272/2008.
- 11.1. Flammable aerosols are classified in accordance with the Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers ⁽²⁾ (Aerosol Dispensers Directive).
'Extremely flammable' and 'Flammable' aerosols of Directive 75/324/EEC correspond to Flammable Aerosols Category 1 or 2 respectively of Regulation (EC) No 1272/2008.
- 11.2. In order to use this entry, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.

⁽¹⁾ More guidance on waiving of the test can be found in the A.14 method description, see Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

⁽²⁾ OJ L 147, 9.6.1975, p. 40.

12. According to paragraph 2.6.4.5 in Annex I to Regulation (EC) No 1272/2008, liquids with a flash point of more than 35 °C need not be classified in Category 3 if negative results have been obtained in the sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This is however not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.
13. Ammonium nitrate (5,000 / 10,000): fertilisers capable of self-sustaining decomposition
This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is
- between 15.75 % ⁽¹⁾ and 24.5 % ⁽²⁾ by weight, and either with not more than 0.4 % total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ⁽³⁾,
 - 15.75 % by weight or less and unrestricted combustible materials.
14. Ammonium nitrate (1,250 / 5,000): fertiliser grade
This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is
- more than 24.5 % by weight, except for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %,
 - more than 15.75 % by weight for mixtures of ammonium nitrate and ammonium sulphate,
 - more than 28 % ⁽⁴⁾ by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %.
15. Ammonium nitrate (350 / 2,500): technical grade
This applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is
- between 24.5 % and 28 % by weight, and which contain not more than 0.4 % combustible substances,
 - more than 28 % by weight, and which contain not more than 0.2 % combustible substances.
- It also applies to aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80 % by weight.
16. Ammonium nitrate (10 / 50): 'off-specs' material and fertilisers not fulfilling the detonation test
This applies to
- material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Notes 14 and 15, that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Notes 14 and 15,
 - fertilisers referred to in first indent of Note 13, and Note 14 to this Schedule which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003.
17. Potassium nitrate (5,000 / 10,000)
This applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.

⁽¹⁾ 15,75 % nitrogen content by weight as a result of ammonium nitrate corresponds to 45 % ammonium nitrate. ⁽²⁾ 24,5 % nitrogen content by weight as a result of ammonium nitrate corresponds to 70 % ammonium nitrate. ⁽³⁾ OJ L 304, 21.11.2003, p. 1.

⁽⁴⁾ 28 % nitrogen content by weight as a result of ammonium nitrate corresponds to 80 % ammonium nitrate.

18. Potassium nitrate (1,250 / 5,000)

This applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

19. Upgraded biogas

For the purpose of the implementation of these Regulations, upgraded biogas may be classified under entry 18 of Part 2 of Schedule 1 where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1 % Oxygen.

20. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following factors:

WHO 2005 TEF			
2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0.3
		1,2,3,7,8-PeCDF	0.03
1,2,3,4,7,8-HxCDD	0.1		
1,2,3,6,7,8-HxCDD	0.1	1,2,3,4,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDD	0.1	1,2,3,7,8,9-HxCDF	0.1
		1,2,3,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDD	0.01	2,3,4,6,7,8-HxCDF	0.1
OCDD	0.0003	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,7,8,9-HpCDF	0.01
		OCDF	0.0003

(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)

Reference — Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds

21. In cases where this dangerous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of these Regulations the lowest qualifying quantities shall apply.

SCHEDULE 2

Information referred to in Regulation 10(5) and Regulation 11 on the safety management system and the organisation of the establishment with a view to the prevention of major accidents

For the purpose of implementing the operator's safety management system, account shall be taken of the following elements:

- (a) the safety management system shall be proportionate to the hazards, industrial activities and complexity of the organisation in the establishment and be based on assessment of the risks; it should include the part of the general management system which includes the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention policy (MAPP);
 - (b) the following issues shall be addressed by the safety management system:
 - (i) organisation and personnel — the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation, together with the measures taken to raise awareness of the need for continuous improvement. The identification of training needs of such personnel and the provision of the training so identified. The involvement of employees and of subcontracted personnel working in the establishment which are important from the point of view of safety;
 - (ii) identification and evaluation of major hazards — adoption and implementation of procedures for systematically identifying major hazards arising from normal and abnormal operation including subcontracted activities where applicable and the assessment of their likelihood and severity;
 - (iii) operational control — adoption and implementation of procedures and instructions for safe operation, including maintenance, of plant, processes and equipment, and for alarm management and temporary stoppages; taking into account available information on best practices for monitoring and control, with a view to reducing the risk of system failure; management and control of the risks associated with ageing equipment installed in the establishment and corrosion; inventory of the establishment's equipment, strategy and methodology for monitoring and control of the condition of the equipment; appropriate follow-up actions and any necessary countermeasures;
 - (iv) management of change — adoption and implementation of procedures for planning modifications to, or the design of new installations, processes or storage facilities;
 - (v) planning for emergencies — adoption and implementation of procedures to identify foreseeable emergencies by systematic analysis, to prepare, test and review emergency plans to respond to such emergencies and to provide specific training for the staff concerned. Such training shall be given to all personnel working in the establishment, including relevant subcontracted personnel;
 - (vi) monitoring performance — adoption and implementation of procedures for the ongoing assessment of compliance with the objectives set by the operator's MAPP and safety management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures shall cover the operator's system for reporting major accidents or 'near misses', particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learnt. The procedures could also include performance indicators such as safety performance indicators (SPIs) and/or other relevant indicators;
 - (vii) audit and review — adoption and implementation of procedures for periodic systematic assessment of the MAPP and the effectiveness and suitability of the safety management system; the documented review of performance of the policy and safety management system and its updating by senior management, including consideration and incorporation of necessary changes indicated by the audit and review.
-

SCHEDULE 3

Minimum data and information to be considered in the safety report referred to in Regulation 11

1. Information on the management system and on the organisation of the establishment with a view to major-accident prevention.

This information shall contain the elements indicated in Schedule 2

2. Presentation of the environment of the establishment:
 - (a) description of the establishment and its environment including the geographical location, meteorological, geological, hydrographic conditions and, if necessary, its history;
 - (b) identification of installations and other activities of the establishment which could present a major-accident hazard;
 - (c) on the basis of available information, identification of neighbouring establishments, as well as sites that fall outside the scope of these Regulations, areas and developments that could be the source of, or increase the risk or consequences of a major accident and of domino effects;
 - (d) description of areas where a major accident may occur.
3. Description of the installation:
 - (a) description of the main activities and products of the parts of the establishment which are important from the point of view of safety, sources of major-accident risks and conditions under which such a major accident could happen, together with a description of proposed preventive measures;
 - (b) description of processes, in particular the operating methods; where applicable, taking into account available information on best practices;
 - (c) description of dangerous substances:
 - (i) inventory of dangerous substances including:
 - the identification of dangerous substances: chemical name, CAS number, name according to IUPAC nomenclature,
 - the maximum quantity of dangerous substances present or likely to be present;
 - (ii) physical, chemical, toxicological characteristics and indication of the hazards, both immediate and delayed for human health and the environment;
 - (iii) physical and chemical behaviour under normal conditions of use or under foreseeable accidental conditions.
4. Identification and accidental risks analysis and prevention methods:
 - (a) detailed description of the possible major-accident scenarios and their probability or the conditions under which they occur including a summary of the events which may play a role in triggering each of these scenarios, the causes being internal or external to the installation; including in particular:
 - (i) operational causes;
 - (ii) external causes, such as those related to domino effects, sites that fall outside the scope of these Regulations, areas and developments that could be the source of, or increase the risk or consequences of a major accident;
 - (iii) natural causes, for example earthquakes or floods;
 - (b) assessment of the extent and severity of the consequences of identified major accidents including maps, images or, as appropriate, equivalent descriptions, showing areas which are likely to be affected by such accidents arising from the

establishment; (c) review of past accidents and incidents with the same substances and processes used, consideration of lessons learned from these, and explicit reference to specific measures taken to prevent such accidents;

(d) description of technical parameters and equipment used for the safety of installations.

5. Measures of protection and intervention to limit the consequences of a major accident:

(a) description of the equipment installed in the plant to limit the consequences of major accidents for human health and environment, including for example detection/protection systems, technical devices for limiting the size of accidental releases, including water spray; vapour screens; emergency catch pots or collection vessels; shut-off- valves; inerting systems; fire water retention;

(b) organisation of alert and intervention;

(c) description of mobilisable resources, internal or external;

(d) description of any technical and non-technical measures relevant for the reduction of the impact of a major accident.

—

Public Consultation Feb 2015

SCHEDULE 4

Data and information to be included in the emergency plans referred to in Regulation 12

1. Internal emergency plans:

- (a) Names or positions of persons authorised to set emergency procedures in motion and the person in charge of and coordinating the on-site mitigatory action;
- (b) Name or position of the person with responsibility for liaising with the authority responsible for the external emergency plan;
- (c) For foreseeable conditions or events which could be significant in bringing about a major accident, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and the resources available;
- (d) Arrangements for limiting the risks to persons on site including how warnings are to be given and the actions persons are expected to take on receipt of a warning;
- (e) Arrangements for providing early warning of the incident to the authority responsible for setting the external emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- (f) where necessary, arrangements for training staff in the duties they will be expected to perform and, as appropriate, coordinating this with off-site emergency services;
- (g) Arrangements for providing assistance with off-site mitigatory action.

2. External emergency plans:

- (a) Names or positions of persons authorised to set emergency procedures in motion and of persons authorised to take charge of and coordinate off-site action;
 - (b) Arrangements for receiving early warning of incidents, and alert and call-out procedures;
 - (c) Arrangements for coordinating resources necessary to implement the external emergency plan;
 - (d) Arrangements for providing assistance with on-site mitigatory action;
 - (e) Arrangements for off-site mitigatory action, including responses to major-accident scenarios as set out in the safety report and considering possible domino effects, including those having an impact on the environment;
 - (f) Arrangements for providing the public and any neighbouring establishments or sites that fall outside the scope of these Regulations in accordance with Regulation 9 with specific information relating to the accident and the behaviour which should be adopted;
 - (g) Arrangements for the provision of information to the emergency services of other Member States in the event of a major accident with possible transboundary consequences.
-

SCHEDULE 5

Items of information to the public as provided for in Regulation 17

PART 1

For all establishments covered by these Regulations:

1. Name or trade name of the operator and the full address of the establishment concerned.
2. Confirmation that the establishment is subject to the regulations and/or administrative provisions implementing these Regulations and that the notification referred to in Regulation 8(1) or the safety report referred to in [Regulation 11\(1\)](#) has been submitted to the competent authority.
3. An explanation in simple terms of the activity or activities undertaken at the establishment.
4. The common names or, in the case of dangerous substances covered by Part 1 of Schedule 1, the generic names or the hazard classification of the relevant dangerous substances involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics in simple terms.
5. General information about how the public concerned will be warned, if necessary; adequate information about the appropriate behaviour in the event of a major accident or indication of where that information can be accessed electronically.
6. The date of the last site visit in accordance with Regulation 22 (4) or reference to where that information can be accessed electronically; information on where more detailed information about the inspection and the related inspection plan can be obtained upon request, subject to the requirements of Regulation 25.
7. Details of where further relevant information can be obtained, subject to the requirements of Regulation 25.

PART 2

For upper-tier establishments, in addition to the information referred to in Part 1 of this Schedule:

1. General information relating to the nature of the major-accident hazards, including their potential effects on human health and the environment and summary details of the main types of major-accident scenarios and the control measures to address them.
 2. Confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects.
 3. Appropriate information from the external emergency plan drawn up to cope with any off-site effects from an accident. This should include advice to cooperate with any instructions or requests from the emergency services at the time of an accident.
 4. Where applicable, indication whether the establishment is close to the territory of another Member State with the possibility of a major accident with transboundary effects under the Convention of the United Nations Economic Commission for Europe on the Transboundary Effects of Industrial Accidents.
-

SCHEDULE 6

Criteria for the notification of a major accident to the Commission as provided for in Regulation 19(2)

- I. Any major accident covered by paragraph 1 or having at least one of the consequences described in paragraphs 2, 3, 4 and 5 must be notified to the Commission.
 1. Dangerous substances involved

Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least 5 % of the qualifying quantity laid down in Column 3 of Part 1 or in Column 3 of Part 2 of Schedule 1.
 2. Injury to persons and damage to real estate:
 - (a) a death;
 - (b) six persons injured within the establishment and hospitalised for at least 24 hours;
 - (c) one person outside the establishment hospitalised for at least 24 hours;
 - (d) dwelling(s) outside the establishment damaged and unusable as a result of the accident;
 - (e) the evacuation or confinement of persons for more than 2 hours (persons × hours): the value is at least 500;
 - (f) the interruption of drinking water, electricity, gas or telephone services for more than 2 hours (persons × hours): the value is at least 1,000.
 3. Immediate damage to the environment:
 - (a) permanent or long-term damage to terrestrial habitats:
 - (i) 0.5 ha or more of a habitat of environmental or conservation importance protected by legislation;
 - (ii) 10 or more hectares of more widespread habitat, including agricultural land;
 - (b) significant or long-term damage to freshwater and marine habitats:
 - (i) 10 km or more of river or canal;
 - (ii) 1 ha or more of a lake or pond;
 - (iii) 2 ha or more of delta;
 - (iv) 2 ha or more of a coastline or open sea;
 - (c) significant damage to an aquifer or underground water:

1 ha or more.
 4. Damage to property:
 - (a) damage to property in the establishment: at least EUR 2,000,000;
 - (b) damage to property outside the establishment: at least EUR 500,000.
 5. Cross-border damage

Any major accident directly involving a dangerous substance giving rise to effects outside the territory of the Member State concerned.
- II. Accidents or 'near misses' which Member States regard as being of particular technical interest for preventing major accidents and limiting their consequences and which do not meet the quantitative criteria above should be notified to the Commission.

SCHEDULE 7

Notifiable incidents referred to in Regulation 20

1. An explosion or fire occurring in any installation or place which resulted in the stoppage of any part of the installation or suspension of normal work in that place for more than 24 hours, where such explosion or fire was due to the ignition of process materials, their by-products (including waste) or finished products.
2. The uncontrolled or accidental release or the escape of any dangerous substance from any apparatus, equipment, pipework, pipe-line, process plant, storage vessel, tank or tanker, which, having regard to the nature of the substance and the extent and location of the release or escape, might have been liable to cause serious injury consequences to human health or serious damage to the environment.
4. Any unintentional ignition or explosion of explosives.
5. In relation to a pipe-line containing a dangerous substance:—
 - (a) the bursting, explosion or collapse of a pipe-line or any part thereof or
 - (b) the unintentional ignition of any dangerous substance in a pipe-line,

Public Consultation Feb 2015

GIVEN under my Official Seal,

[...] [...] 2015.

Ministerfor..... Jobs, Enterprise and Innovation.

Public Consultation Feb 2015

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to transpose 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 Regulations revoke and replace with effect from 1 June 2015-

- (i) the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2013 (S.I. No. No. 74 of 2006)

Public Consultation Feb 2015