**Case for Regulatory Intervention (CRI)**

**The National Transposition of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC**

**Proposed by: Pat Conneely. Date: 13 May 2014**

**Approved (ACE/PM): Sharon McGuinness Date:13 May 2014**

**Noted (Legislation Co-ordinator): Michael Walsh Date: 18 August 2014**

**Date approved by L&GSC: 29 August 2014**

**Case for Regulatory Intervention**

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| **Proposed by**: …Pat Conneely………. **Date**: 13 May 2014 |
| **Issue to be addressed:**  Council Directive 2012/18/EC (Seveso III) was agreed in 2012 and it needs to be transposed by 1 June 2015 when Directive 96/82/EC is repealed. One element of the Seveso III directive required transposition by 14 February 2014 and this was introduced by S.I. No. 571 of 2013 European Union (Control of Major Accident Hazards involving dangerous substances)(Amendment) Regulations 2013.  It is intended to transpose the Seveso III requirements by way of regulations under the Chemicals Act 2008, as amended by the Chemicals (Amendment) Act 2010, rather than by way of the European Communities Act 1972. |
| **Objectives:**  The specific objective is to fully transpose Council Directive 2012/18/EU into national legislation by the transposition date of 1 June 2015 by way of regulations under the Chemicals Act 2008 as amended by the Chemicals Amendment Act 2010. |
| **Need for Intervention**  As Central Competent Authority for Ireland, the Authority is responsible for the majority of the CA functions and national administrative provisions in the Directive. Therefore, the Authority is best placed to lead on the drafting of national legislation for the transposition of the Seveso III directive. This work will be done in close consultation and conjunction with DJEI. |

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| **Project Manager:**  Pat Conneely. |
| **Stakeholders:**   * Department of Jobs, Enterprise and Innovation (DJEI). * Department of the Environment and Local Government. * Department of Justice and Equality * Department of Health * Department of Communications, Energy and Natural Resources / Harbour Authorities * Environmental Protection Agency * CER * Local Authorities * Fire and Emergency Services * Chief Fire Officers Association * National Steering Group on Major Emergency Management * Cork Joint Emergency Planning Group * Gardai and HSE * An Bord Pleanala * Pharmachemical Ireland * IBEC * Current Seveso II operators (approximately 100 across a range of sectors). * IPIA * LPGIA * The Fertilizer Association of Ireland * NSAI * Employee representatives * Environmental NGOs * Consumer NGOs * Representative professional bodies – e.g. Engineers Ireland |
| **Consultation process envisaged**:  The development of the draft legislation will follow the Authority’s Legislation and Guidance development process which encompasses discussions by the Legislation and Guidance Sub-Committee of the Board as well as the Board. Also included will be a public consultation period of 4 weeks in line with the L&G process during which all interested parties and stakeholders can make submissions. Each submission will be reviewed and addressed by the Authority before a final draft of the legislation is prepared and resubmitted to the L&GSC for agreement and to the Board for approval and onward submission to the Minister of Jobs, Enterprise and Innovation.  In addition, there will be adhoc consultation and discussion with current Seveso operators and sectoral associations such as Pharmachemical Ireland during the initial drafting of the legislation.  Together with the Department, we will also consult and discuss with relevant Government departments and Authorities during development of the legislation.  Finally, specific consultation on technical or other similar areas may be needed with consultants in the area. |
| **Guidance:**  On line guidance to accompany the legislation will also be developed taking into account the legislative, technical and administrative requirements in the draft legislation and the Directive. In addition, where current technical requirements for specific sectors are available online, these will be modified and updated as necessary to reflect any changes. |