



STATUTORY INSTRUMENTS.

S.I. No. 571 of 2013

EUROPEAN UNION (CONTROL OF MAJOR ACCIDENT HAZARDS
INVOLVING DANGEROUS SUBSTANCES) (AMENDMENT)
REGULATIONS 2013

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Article 30 of Council Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Control of Major Accident Hazards Involving Dangerous Substances) (Amendment) Regulations 2013.

2. The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006) are amended—

(a) in Regulation 3, by substituting the following for the definition of “Directive”:

“ ‘Directive’ means Council Directive 96/82/EC of 9 December 1996² on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003³ and Article 30 of Council Directive 2012/18/EU of 4 July 2012¹;”,

(b) by inserting the following after “Council Directive 2003/105/EC” in the heading of Schedule 1:

“and Article 30 of Council Directive 2012/18/EU”, and

(c) by inserting the following under the heading “Petroleum products:” in column 1 of Part 1 of Schedule 1:

“(d) heavy fuel oils”.

3. These Regulations come into operation on 15 February 2014.

¹OJ No. L 197, 24.7.2012, p.1.

²OJ No. L 10, 14.1.1997, p.13.

³OJ No. L 345, 31.12.2003, p.97.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*



GIVEN under my Official Seal,
20 December 2013.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

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

Due to a re-classification of heavy fuel oil as “Very Toxic to Aquatic Organisms”, under the EU Regulation (EC) No. 1272/2008 on the classification, labelling and packaging of chemicals, it now falls within the scope of the Seveso II Directive (Directive 96/82/EC, as amended by Directive 2003/105/EC).

The Seveso II Directive is transposed into Irish law by the “*European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006)*”. This Directive will be repealed and replaced in its entirety from 1 June 2015 by the Seveso III Directive 2012/18/EU. Heavy fuel oils are addressed in Annex I Part 2 of the Seveso III Directive.

In order to avoid the likely and unintended inclusion of certain establishments in the period leading up to repeal of the Seveso II Directive and its replacement by the Seveso III Directive, by virtue of the re-classification of heavy fuel oil, Article 30 of the Seveso III Directive provides for an amendment to the Seveso II Directive. This is to ensure that the thresholds for “Petroleum Products” (which will now include “heavy fuel oils”) that will come into effect on 1 June 2015, are introduced for “heavy fuel oils” at the earlier date of 15 February 2014 (as provided for in Article 31 of the Seveso III Directive).

These Regulations amend S.I. No. 74 of 2006 in order to transpose Article 30 of the Seveso III Directive.

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