



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C - Sustainable Resources Management, Industry & Air

ENV.C.3 - Industrial Emissions, Air Quality & Noise

NOTE on Q&A (circabc) and FAQs (web)

Q&A – update to take account of Seveso III

The Seveso Directives have raised, over the years, various issues of technical and/or legal interpretation.

Where these questions concerned specific technical aspects, and where it was considered necessary/appropriate to agree on a common interpretation for a harmonised and correct implementation of the Directive, the Commission (DG ENV and MAHB) has, in cooperation with Member State experts, suggested answers and listed these in a Q&A document. This document is accessible in Circabc and reflects the interpretation of the Directive, as agreed by the European Commission and the Member States. The Q&A is a voluntary activity undertaken by the Commission with the support of Member States to assist in implementation of the Seveso Directives. Moreover, it does not represent an official position of the Commission and cannot be invoked as such in the context of legal proceedings. Final judgements concerning the interpretation of the Directive can only be made by the European Court of Justice.

The Commission services have now reconsidered the Q&As in the light of the Seveso III Directive. Several questions were deemed no longer relevant, because of clarifications in Seveso III. Most questions have been updated to ensure inclusion of correct references to the Seveso III Directive and the new chemicals classification. The former list of Q&A remains fully applicable until Seveso III becomes applicable in Member States (i.e. 1 June 2015, and, for the provisions on heavy fuel oil, 15 February 2014).

Regarding some questions (highlighted in the revised Q&A), the Commission would welcome further discussion and clarification with Member States.

In the future, new technical questions may be raised by Member States and included in the document, further to discussion/clarification and agreement with Member States. Questions (and related answers) would only be considered as "Q&A" if they are of a sufficiently general nature and require a harmonised solution. When submitting a question, Member States should be prepared to provide the necessary background information and justification, so as to allow for clarification and discussion and subsequent solution. This would be in particular the case for those Q&As that have a strong technical basis (e.g., relating to specific types of activities, equipment or substances).

FAQs

Some questions raise purely legal aspects: the Commission replies without a need for further consultation of Member State experts. The current version of the FAQ includes

questions of interpretation of Seveso III raised at, or after, the Seveso expert meeting which took place in Cyprus (September 2012). These will be posted on the Seveso website. The list of FAQs will be gradually expanded, taking into account questions that will be raised by Member States in the course of transposition and implementation of the Seveso III Directive.

These FAQ are intended to assist stakeholders by further explaining the wording and intent of the Seveso III Directive 2012/18/EU so that Member States transpose and implement the Directive in a consistent manner. Note that the FAQ:

- only concern interpretation of the English language version of the Seveso III Directive.
- do not represent an official position of the Commission and cannot be invoked as such in the context of legal proceedings. Final judgements concerning the interpretation of the Directive can only be made by the European Court of Justice.