

Major accidents (risks) decree 1999

Decree of 27 May 1999 enacting the Major Accidents (Risks) Decree 1999 and amending various other Decrees in connection with the implementation of Directive 96/82/EC of the Council of the European Union of 9 December 1996 on the control of major-accident hazards involving dangerous substances

We, Beatrix, by the Grace of God, Queen of the Netherlands, Princess of Oranje-Nassau, etc. etc. etc.

At the recommendation of Our Minister of Housing, Spatial Planning and the Environment of 23 July 1998, no. MJZ 98.0655984, Central Legal Affairs Directorate, Legislation Department, also on behalf of Our Minister of the Interior and the State Secretary of Social Affairs and Employment;

Having regard to Articles 8.5, 8.22, paragraph three, 8.44, 19.3, paragraph one, and 21.8 of the Environmental Management Act, 5, paragraph one, and 5a, paragraph one, of the Working Conditions Act, 13 of the Fire Brigade Act 1985, and 2c, 25a and 25b of the Disasters and Major Accidents Act, as well as Directive 96/82/EC of the Council of the European Union of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ EC L 10);

Having heard the Council of State (advice of 28 August 1998 no. W08.98.0384);

In view of the further report of Our Minister of Housing, Spatial Planning and the Environment of 19 May 1999, no. MJZ99167397, Central Legal Affairs Directorate, Legislation Department, also on behalf of the State Secretary of the Interior and Kingdom Relations and the State Secretary of Social Affairs and Employment, J.F. Hoogervorst;

Have approved and understood:

Division 1. Definitions and scope

Article 1

In this Decree and the provisions based on it the following concepts have the following meaning:

- a. establishment: establishment belonging to a category designated under Article 1.1, paragraph three, of the Environmental Management Act;
- b. dangerous substances: substances, mixtures or preparations named in Annex I, Part 1, or belonging to a category specified in Annex I, Part 2, and present as a raw material, product, by-product, residue or intermediate product, including those substances, mixtures or preparations which it is reasonable to suppose may be generated during loss of control of an industrial chemical process;
- c. storage related to the transport of dangerous substances: storage of packaged dangerous substances for short periods while awaiting onward transport to a predetermined recipient, including loading and unloading of the said substances and their transport to or from another means of transport, in so far as connecting transport has actually been arranged and the dangerous substances concerned remain in their original packaging;
- d. employer: employer as referred to in Article 1, paragraphs one and two, of the Working Conditions Act;
- e. employee: employee as referred to in Article 1, paragraphs one and two, of the Working Conditions Act;
- f. major accident: an occurrence resulting from uncontrolled developments in the course of the operation of an establishment and leading to serious danger to human health and/or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;

- g. Our Ministers: Our Ministers of Housing, Spatial Planning and the Environment, of the Interior and Kingdom Relations and of Social Affairs and Employment;
- h. competent authority: administrative authority which is competent to grant a licence by virtue of Article 8.1 of the Environmental Management Act for an establishment to which this Decree applies;
- i. inspector: Inspector as referred to in Article 1.1, paragraph one, of the Environmental Management Act;
- j. safety report: safety report as referred to in Article 10;
- k. annex: Annex appended to this Decree;
- l. installation: technical unit within an establishment in which dangerous substances are produced, used, handled, processed or stored; this shall include all the equipment, structures, piping, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation.
- m. the ADR: The European Agreement Concerning the International Carriage of Dangerous Goods by Road, done at Geneva on 30 September 1957 (Trb. 1959, 171);
- n. individual risk contour: a risk in a place outside an establishment, expressed as the likelihood per year of a person remaining in this place uninterruptedly and without protection dying as a direct result of an unusual occurrence within the establishment involving one or more dangerous substances;
- o. supervisor: the supervisor referred to in Article 1, paragraph three, paragraph d of the Working Conditions Act.

Article 2

This Decree shall not apply to:

- a. establishments used by the armed forces;
- b. establishments designated as mines under Article 1 paragraph n of the Mining Act, with the exception of establishments where chemical or thermal processing activities and the associated storage of dangerous substances take place;
- c. establishments for the permanent deposition of waste on or in the ground, with the exception of establishments operated for the disposal of residues, including tailing ponds or dams, containing dangerous substances, particularly those used in connection with chemical and thermal processing of minerals;
- d. establishments devoted entirely or almost entirely to storage related to the transport of dangerous substances whether or not in combination with other substances and products;
- e. marshalling yards, not being a part of an establishment to which this Decree applies;
- f. establishments designated pursuant to Article 1, item n, of the Mining Act as mines for prospecting for and extracting minerals as referred to in Article 1, paragraph a, of this Act, to the extent that the minerals are prospected for and mined on the Continental Shelf as referred to in Article 1, item c, of this Act.

Article 3

1. If the employer is someone other than the operator of the establishment the provisions laid down by or pursuant to this Decree shall apply *mutatis mutandis* to the employer in so far as these relate to

the protection of the safety and health of the employees working in the undertaking, establishment or part thereof.

2. The employer and the operator of the establishment shall, without prejudice to their individual responsibility, see jointly and in consultation with one another to the implementation of the provisions laid down by or pursuant to this Decree relating to the protection of the safety and health of the employees referred to in paragraph one.

Division 2. General provisions

Article 4

1. The regulations in this Division shall apply in regard to establishments in which dangerous substances may be present under licence or may be generated as a result of loss of control of an industrial chemical process:
 - a. in a quantity equal to or greater than the quantity set forth in Annex I, Part 1, second column, or Annex I, Part 2, second column, for the substance or category concerned;
 - b. in quantities smaller than those referred to at a, but where the sum obtained by applying the formula shown in Annex I, Part 3, is equal to or greater than the value there mentioned.
2. If a dangerous substance or group of dangerous substances listed in Annex I, Part 1, also belongs to a category specified in Annex I, Part 2, the qualifying quantity applying for the purposes of paragraph one shall be that shown in Part 1 for the substance or group of substances.

Article 5

1. The operator of an establishment shall take all measures necessary to prevent major accidents and to limit their consequences for man and the environment.
2. The operator of an establishment shall have available within the establishment a document which sets forth the policy he pursues to prevent major accidents, having regard to the existence and magnitude of the hazards. This document shall state the general objectives and principles of the policy for controlling the hazards of major accidents. The operator of an establishment as referred to in Article 8 may include the document in the safety report.
3. The operator of an establishment shall introduce a safety management system to determine and implement the policy referred to in paragraph two. This safety management system shall address the issues listed in Annex II.
4. If a change is made to an establishment or a part thereof or to the operation of the establishment or that part thereof which could have significant repercussions on major-accident hazards, the operator of the establishment shall ensure that the major accident prevention policy and the safety management system are reviewed and where necessary revised and that the document referred to in paragraph two is amended accordingly. Such a review or revision will also be carried out if there is a change in the assessment of the hazards involved.
5. Our Ministers can draw up additional rules in relation to paragraphs two to four.

Article 6

1. The operator of an establishment shall notify the competent authority in writing without delay of:
 - a. any significant modification of the establishment which relates to one or more matters about which data as referred to in Article 5.15a, paragraph one, at a to f, of the Environmental Management Act Establishments and Licences Decree were provided in or with the application, or about which data were provided in the notification referred to in Article 26, paragraph one;
 - b. any significant modification of the processes in which a dangerous substance is used;

- c. any significant modification of the establishment which may seriously affect the risk of major accidents;
 - d. the closure of an installation.
2. The competent authority shall send as soon as possible, but in any case within two weeks after receipt of the notification referred to in paragraph one, a copy thereof to:
 - a. Our Minister of Housing, Spatial Planning and the Environment;
 - b. the Inspector;
 - c. the supervisor designated by Our Minister of Social Affairs and Employment;
 - d. the provincial executive of the province in which the establishment is wholly or partly situated, unless the provincial executive is the competent authority;
 - e. the municipal executive of the municipality in which the establishment is wholly or partly situated, unless the municipal executive is the competent authority, and the mayor of the said municipality, and
 - f. the executive board of the regional fire service within whose jurisdiction the establishment is wholly or partly situated.
3. If the data referred to in paragraph one have already been provided to the competent authority by virtue of another statutory regulation, it shall be sufficient for the notification to refer to the said data.

Article 7

1. The competent authority shall identify, using the information referred to in Articles 6, paragraph one, 10, paragraph one, and 26, paragraph one, of this Decree and Article 5.15a, paragraph one, of the Environmental Management Act Establishments and Licences Decree, establishments or groups of establishments where the risks or consequences of a major accident may on account of the location and the proximity of such establishments to each other and the presence of dangerous substances therein, be greater than could be expected on account of the quantities present in those separate establishments.
2. The competent authority shall inform the operators of the establishments concerned of the fact that they have been identified under paragraph one. The competent authority shall send a copy of this identification to:
 - a. the supervisor designated by Our Minister of Social Affairs and Employment;
 - b. the municipal executive of the municipality or municipalities in which the establishments are wholly or partly situated, and
 - c. the executive board of the regional fire service or boards of the regional fire services within whose jurisdiction the establishments are wholly or partly situated.
3. The operator of an establishment as referred to in paragraph one shall exchange with the operators of the other establishments identified by virtue of paragraph one the information necessary to enable them to assess the hazard referred to in that paragraph. He shall take account of the nature and extent of the hazard of a major accident in the neighbouring establishments in his major accident prevention policy referred to in Article 5, paragraph two, in so far as applicable in his internal emergency plan referred to in Article 22, and in the safety report.
4. The competent authority shall identify establishments as referred to in paragraph one for the first time no more than four years after the entry into force of this Decree and subsequently at least once every five years.

5. Our Ministers can draw up additional rules in relation to paragraphs one and three.

Division 3. Safety report and internal emergency plan

Article 8

1. The regulations in this Division shall apply in regard to establishments in which dangerous substances may be present under licence or may be generated as a result of loss of control of an industrial chemical process:
 - a. in a quantity equal to or greater than the quantity set forth in Annex I, Part 1, third column, or Annex I, Part 2, third column, for the substance or category concerned;
 - b. in quantities smaller than those referred to at a, but where the sum obtained by applying the formula shown in Annex I, Part 3, is equal to or greater than the value there mentioned.
2. If a dangerous substance or group of dangerous substances listed in Annex I, Part 1, also belongs to a category specified in Annex I, Part 2, the qualifying quantity applying for the purposes of paragraph one shall be that shown in Part 1 for the substance or group of substances.

Article 9

The operator of an establishment shall ensure that there is a safety report in the establishment which describes the current situation with regard to safety in the establishment concerned.

Article 10

1. A safety report shall contain the data and descriptions referred to in Annex III such that it can be demonstrated that:
 - a. a major accident prevention policy and a safety management system for implementing it have been put into effect;
 - b. the major-accident hazards have been identified and the necessary measures have been taken to prevent such accidents and to limit their consequences for man and the environment;
 - c. adequate safety and reliability have been incorporated into the design, construction, operation and maintenance of all installations, storage facilities, equipment and infrastructure connected with the operation of the establishment which are linked to major-accident hazards inside the establishment;
 - d. an internal emergency plan as referred to in Article 22 has been drawn up.
2. Our Ministers can draw up additional rules in relation to the data and descriptions referred to in paragraph one.
3. The competent authority can be given the power by rules set by Our Ministers to decide, subject to conditions specified therein, that where the operator has demonstrated to the satisfaction of the competent authority that a particular substance present in the establishment or a part thereof is in a state such as to render it incapable of creating a major-accident hazard, the safety report need not consider that substance.
4. The competent authority shall take its decision in agreement with:
 - a. the supervisor designated by Our Minister of Social Affairs and Employment;
 - b. the municipal executive of the municipality in which the establishment is wholly or partly situated, unless the municipal executive is the competent authority, and the mayor of the said municipality;
 - c. the executive board of the regional fire service within whose jurisdiction the establishment is

wholly or partly situated.

5. The competent authority shall send a copy of the decision referred to in paragraph four to our Minister of Housing, Spatial Planning and the Environment.

Article 11

1. The employer shall ensure that the employees, the experts referred to in Article 13 of the Working Conditions Act, and the experts or health and safety services referred to in Articles 14 and 14a of the Working Conditions Act can, if they so desire, inspect the safety report and any modifications thereof which relate to items a, c, d, e, at 1°, f, h, i, j, k, l, n, p and q in Annex III, at 1, in so far as these items relate to the protection of the safety and health of the employees working in the undertaking, establishment or part thereof.
2. In the absence of a Works Council or staff representation, the employer shall consult with interested employees on the parts of the safety report referred to in paragraph 1 and any modifications thereof prior to its submission to the competent authority.

Article 12

Articles 15, 16 and 18 shall not apply to the parts of a safety report which are submitted with an application for a licence as referred to in Articles 5.15, 5.17 or 5.18 of the Environmental Management Act Establishments and Licences Decree.

Article 13

1. If an application as referred to in Article 12 is submitted, the safety report shall include the data referred to in Annex III, at 1, at e, 3°, and at r. Article 5.15, paragraphs three and four, of the Environmental Management Act Establishments and Licences Decree shall apply mutatis mutandis to the data referred to in the first sentence.
2. A person proposing to operate an establishment shall, before the establishment or a part thereof commences operations, send the competent authority, as a supplement to the parts of the safety report referred to in Article 5.15 of the Environmental Management Act Establishments and Licences Decree and the data referred to in paragraph one, the data which a safety report should contain and which have not yet been provided by virtue of the said Article and under paragraph one.
3. The operator of an establishment shall, before any modification is made to the establishment or its operations or to the installation or its operations which could have significant repercussions on major-accident hazards, send to the competent authority those parts of the safety report necessary for an assessment to be made of the hazards associated with the modification. To this end he shall send the competent authority, where applicable, as a supplement to the parts of the safety report referred to in Article 5.17 of the Environmental Management Act Establishments and Licences Decree and of the data referred to in paragraph one, or as a supplement to the data provided with the notification by virtue of Article 8.19 of the Environmental Management Act, the data which a safety report should contain and which have not yet been provided under the said Articles and under paragraph one.
4. Articles 16 to 18 shall apply mutatis mutandis to the data referred to in paragraph one.
5. Articles 15 to 18 shall apply mutatis mutandis to the additional data referred to in paragraph two and paragraph three, second sentence.

Article 14

1. The operator of an establishment shall review the safety report at least every five years and shall send an updated safety report without delay to the competent authority.
2. Notwithstanding paragraph one, the operator of an establishment shall send the competent authority a safety report at any other time on his own initiative or at the request of the competent authority where justified by new facts or to take account of new technical knowledge about safety matters and

developments in knowledge concerning the assessment of hazards. The competent authority shall make such a request after consulting the officials referred to in Article 6, paragraph two, at b and c, and the administrative authorities referred to at d to f.

3. Where parts of the safety report have remained unchanged since the previous safety report, it shall suffice for reference to be made to the safety report which contains these parts in full.
4. Our Ministers may draw up additional rules in relation to the data which must be submitted in a case as referred to in paragraph three.

Article 15

1. On receipt of a safety report the competent authority shall immediately mark it with the date of receipt.
2. It shall send an acknowledgement of receipt to the person submitting the report in which the said date is indicated.
3. The competent authority shall within no more than two weeks send the safety report or the parts thereof that have been modified or, if Article 16, paragraph four, has been invoked, the additional information and any request made pursuant to Article 14, paragraph two, to:
 - a. the supervisor designated by Our Minister of Social Affairs and Employment;
 - b. the municipal executive of the municipality in which the establishment is wholly or partly situated, unless the municipal executive is the competent authority, and the mayor of the said municipality;
 - c. the executive board of the regional fire service within whose jurisdiction the establishment is wholly or partly situated.
4. The competent authority shall give the administrative authority competent to grant the licence pursuant to the Pollution of Surface Waters Act the opportunity to give an opinion on those parts of the safety report which relate to the hazards for surface waters.

Article 16

1. The administrative authorities referred to in Article 15, paragraph three, and the supervisor designated by Our Minister of Social Affairs and Employment shall evaluate the safety report and shall, through the competent authority, inform the operator of the establishment in writing, within six months of receipt of the safety report, of their findings drawn from the safety report.
2. The period referred to in paragraph one may be extended once by no more than three months. The operator of the establishment shall be advised, through the competent authority, of this extension.
3. The assessment referred to in paragraph one shall be made after the safety report has been examined for compliance with Article 10, paragraph one, with Annex III and with the rules made by virtue of Article 10, paragraph two.
4. If one of the administrative authorities referred to in paragraph one or the supervisor referred to therein adjudges that the safety report is incomplete, that administrative authority or supervisor shall, within eight weeks of receipt of the safety report, request, through the competent authority, that additional information be provided within a period of no more than six weeks to be specified in the request. The period of six months referred to in paragraph one shall be suspended from the day on which the request referred to in the first sentence is made until the day on which the additional information has been provided or the period set has expired without being used. The competent authority shall inform the administrative authorities referred to in paragraph one and the supervisor referred to therein of the request.
5. The person to whom a request as referred to in paragraph four is addressed shall be obliged to respond to it within the period specified in that request.

6. With regard to the findings referred to in paragraph one, and the request referred to in paragraph four, the competent authority shall, on the basis of its coordinating role, monitor and promote the simplicity, mutual cohesion and timeliness of those findings or that request and shall take the necessary initiatives in that regard.

Article 17

The documents referred to in Articles 13, 14 and 16, paragraph four, shall be submitted in septuplicate. More copies shall be provided if the competent authority so requests.

Article 18

1. No more than two weeks after the competent authority has made known its findings as referred to in Article 16, paragraph one, the competent authority shall announce these findings and the safety report simultaneously by:
 - a. depositing copies for inspection;
 - b. announcement in one or more dailies, newspapers or free local papers.
2. The announcement shall be made partly to meet the obligation which rests on the municipal executive pursuant to Article 10c, paragraph one, of the Disasters and Major Accidents Act, and to meet the obligation which rests on the supervisor designated by Our Minister of Social Affairs and Employment pursuant to Article 7 of the Working Conditions Act.
3. For a period of four weeks from the day on which the safety report is deposited for public inspection the documents can be inspected at a time and place stated in the announcement referred to in paragraph one.
4. At the same time as the announcement referred to in paragraph one is made, the competent authority shall send a copy of the safety report to:
 - a. the municipal executive of the municipality in which the establishment is wholly or partly situated, unless the municipal executive is the competent authority, and the mayor of the said municipality;
 - b. the municipal executive of the municipalities with land lying within the 10⁻⁸ individual risk contour referred to in Annex III, at 2 (c), and the mayors of those municipalities;
 - c. the Queen's Commissioner in the province in which a municipality referred to at a and b is situated;
 - d. the executive board of the regional fire service within whose jurisdiction a municipality referred to at a or b is situated;
 - e. the National Institute of Public Health and Environmental Protection ("RIVM"), and;
 - f. the administrative authority competent to grant the licence pursuant to the Pollution of Surface Waters Act.
5. Our Minister of Housing, Spatial Planning and the Environment shall, if the 10⁻⁸ individual risk contour referred to in Annex III, at 2 (c), extends over the territory of another state, send a copy to that state. In such a case he shall also send a copy to Our Minister of the Interior and Kingdom Relations.
6. In a case referred to in paragraph five, first sentence, Our Minister of Housing, Spatial Planning and the Environment shall, if another text has been supplied by virtue of Article 19.3 of the Environmental Management Act, send a copy of this text to the state concerned.

Article 19

Personal data are designated as data to which Article 19.3, paragraph one, last sentence, of the Environmental Management Act applies.

Article 20

1. In the case of an establishment to which this Decree applies, the competent authority shall periodically consider whether the restrictions subject to which the licence was granted by virtue of Article 8.1 of the Environmental Management Act and the regulations to which it was made subject need to be modified on the basis of the measures listed in the safety report and on the basis of the hazard data referred to in Annex III, at 2 (b) and (c).
2. If the executive board of the regional fire service within whose jurisdiction the establishment is situated has issued advice with a view to applying paragraph one, the competent authority shall include that advice when updating the licence referred to in paragraph one.

Article 21

1. The operator of an establishment shall maintain an up-to-date list of the dangerous substances present in the establishment and shall ensure that anyone can consult this list. If by virtue of Article 19.3 of the Environmental Management Act a second text of the safety report is submitted in which substances are omitted from the description of the substances pursuant to Annex III, paragraph one, item j, it shall not be necessary to state those substances on the list referred to in the first sentence.
2. Our Ministers may draw up additional rules in relation to paragraph one.

Article 22

1. The operator of an establishment shall draw up an internal emergency plan for measures to be taken inside the establishment in the event of a major accident, intended to contain and control major accidents and their consequences for the employees. The internal emergency plan shall contain at least the data and descriptions referred to in Annex IV.
2. The operator of an establishment shall ensure that the internal emergency plan is reviewed, tested, and where necessary revised at least once every three years. The review shall take into account changes occurring in the establishment, new knowledge and insights concerning the response to major accidents.
3. In the absence of a Works Council or staff representation body, the internal emergency plan and any modification of the said plan shall be drawn up in consultation with the interested employees. The employees of other employers also working in the establishment on the basis of a long-term contract shall also be consulted on the internal emergency plan and any modification thereof.
4. The employer shall ensure that the employees, the company emergency response staff referred to in article 15, paragraph one, of the Act, and the external emergency services referred to in Article 3, paragraph one, item e, of the Act, the experts referred to in Article 13 of the Working Conditions Act, the experts or health and safety services referred to in Articles 14 and 14a of the Working Conditions Act and the employees of other employers also working in the establishment can inspect the internal emergency plan if they so desire.
5. The internal emergency plan shall be adopted:
 - a. for establishments created after the entry into force of this Decree: prior to commencing operation;
 - b. for establishments which before the entry into force of this Decree were not obliged to draw up a report on external safety by virtue of the Environmental Management Act or a report on safety at work by virtue of the Working Conditions Act: within three years of the date of entry into force of this Decree;
 - c. for other establishments: within two years of the date of entry into force of this Decree;

Division 4. Other provisions, transitional arrangements and concluding provisions

Article 23

1. An establishment or a part thereof shall not be put into or kept in operation if the measures taken by the operator of the establishment to prevent major accidents or limit their consequences in relation to the protection of the safety and health of the employees working in the undertaking, establishment or part thereof are clearly inadequate.
2. An administrative order can be enforced in respect of compliance with paragraph one.

Article 24

1. The competent authority shall establish, on the basis of the data referred to in Articles 6, paragraph one, 10, paragraph one, and 26, paragraph one, in agreement with the supervisor designated by Our Minister of Social Affairs and Employment and the municipal executive of the municipality in which the establishment is wholly or mainly situated, an inspection programme sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature.
2. During an inspection a check shall in any case be made as to whether the establishment is being run in accordance with the obligations which follow from Articles 5, 6, 10 and 26, in order to determine whether:
 - a. the operator of the establishment can demonstrate that he has taken appropriate measures to prevent major accidents;
 - b. the operator of the establishment can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on-site and off-site;
 - c. that the data and information provided accurately reflect the situation in the establishment.
3. Following each inspection as referred to in paragraph two the administrative authority or designated supervisor who has carried out the inspection shall draw up a report or, if the inspection was carried out by more than one administrative authority, together with the designated supervisor or not, they shall draw up a joint report. A copy of the report shall be sent to the operator of the establishment. Where necessary the report shall be discussed with the operator of the establishment within a reasonable period after the inspection.
4. The competent authority shall first establish an inspection programme as referred to in paragraph one within one year of the date of entry into force of this Decree.
5. An inspection as referred to in paragraph two in respect of an establishment to which paragraph 3 applies shall be performed at least once a year.
6. Paragraph five shall not apply if the competent authority has adopted the inspection programme referred to in paragraph one on the basis of a systematic evaluation of the hazards of major accidents.
7. In drawing up the joint report referred to in paragraph three, the competent authority shall on the basis of its coordinating role monitor and promote the simplicity and mutual cohesion of the joint report and the timely submission of that report to the operator of the establishment and shall take the necessary initiatives to bring this about.

Article 25

1. Acting, or failing to act, in contravention of the provisions of Articles 13, paragraph one, 14, paragraphs one and two, 16, paragraph five, and 21, paragraph one, by virtue of Article 10a, paragraph three, of the Disasters and Major Accidents Act, shall be an offence as described in Article 1a, at 1°, of the Economic Offences Act.
2. Acting, or failing to act, in contravention of the provisions of Articles 3, paragraph two, 5, paragraphs

one to four, 6, paragraph one, 7, paragraph three, 9, 11, 13, paragraphs two and three, 14, paragraphs one and two, 16, paragraph five, 17, 21, paragraph one, 22, paragraphs one to four, 23, 26, paragraph one, 27, paragraphs one and three, 28, paragraphs one, two and four, by virtue of Article 6, paragraph one, second sentence, of the Working Conditions Act, and the provisions under Article 29, shall be an offence as referred to in Article 1, at 3°, of the Economic Offences Act.

Article 26

1. Within one year after the date of entry into force of this Decree the operator of an establishment as referred to in Article 4 shall send the competent authority a notification. This notification shall contain the following data:
 - a. the address of the establishment;
 - b. the name or trade name of the operator of the establishment and his address;
 - c. the name and position of the person in charge of the establishment if such person is not the operator of the establishment;
 - d. the nature of the dangerous substances present in the establishment;
 - e. for each substance listed in Annex I, Part 1, and for each category of substances and preparations specified in Annex I, Part 2:
 - 1°. the maximum quantity for which the licence was granted or, if the licence does not stipulate this, the quantity corresponding to the maximum licensed capacity of the establishment;
 - 2°. the quantity present in the establishment during normal operations;
 - 3°. the physical form of the dangerous substance or substances concerned;
 - f. with a view to the determination of domino effects: for dangerous substances in the categories explosive, flammable, highly flammable and extremely flammable referred to in Annex I, Part 2:
 - 1°. the identity of the largest containment vessel;
 - 2°. the maximum inventory of the dangerous substance concerned which can be present there;
 - 3°. the identity of the dangerous substance concerned and of the category to which it belongs;
 - 4°. the location of the containment vessel in the establishment;
 - 5°. the pressure and temperature of the substances and preparations concerned in the containment vessel;
 - g. the activities undertaken in the establishment;
 - h. the circumstances obtaining in the immediate environment of the establishment liable to cause a major accident or to aggravate the consequences thereof.
2. If the data referred to in paragraph one have been supplied to the competent authority by virtue of another statutory regulation at a time not more than five years prior to the time referred to in paragraph one, and there have been no changes in the matters to which these data relate, a written communication to the competent authority which refers to these data shall suffice.
3. Article 6, paragraph two, shall apply mutatis mutandis to a notification as referred to in paragraph one or a communication as referred to in paragraph two. If reference is made to data provided previously in accordance with paragraph two, the competent authority shall also arrange for these data to be sent.
4. The data referred to in paragraph one, at f, do not have to be provided if it is demonstrated to the

satisfaction of the competent authority that there is no need to fear an increase in the risks referred to in Article 7, paragraph one.

5. Our Ministers may draw up additional rules in relation to paragraph one.

Article 27

1. The operator as at the date of entry into force of this Decree of an establishment as referred to in Article 4 shall first draw up the document referred to in Article 5, paragraph two, within one year of that date.
2. Paragraph one shall also apply if the document is included in the safety report.
3. The operator as at the date of entry into force of this Decree of an establishment as referred to in Article 8 shall first draw up the list of substances referred to in Article 21 within three months of that date.

Article 28

1. The operator as at the date of entry into force of this Decree of an establishment as referred to in Article 8, to which Division 3 of the Major Accidents (Risks) Decree or Article 5 of the Working Conditions Act did not apply on the day preceding the date of entry into force of this Decree shall send a safety report to the competent authority by no later than 3 February 2002.
2. The operator as at the date of entry into force of this Decree of an establishment as referred to in Article 8, to which Division 3 of the Major Accidents (Risks) Decree or Article 5 of the Working Conditions Act applied on the day preceding the date of entry into force of this Decree, shall send a safety report to the competent authority by no later than 3 February 2001.
3. If paragraph two applies to the operator of an establishment and the latter has at any time in the five years directly preceding the day of submission of the safety report arranged for:
 - a. a report on safety at work as referred to in Article 5 of the Working Conditions Act as it stood on the day before the date of entry into force of this Decree to be drawn up or amended, and for this report to be sent to the supervisor designated for this purpose, or
 - b. a report on external safety as referred to in Article 4 of the Decree referred to in paragraph two to be submitted,

Article 14, paragraphs three and four, shall apply *mutatis mutandis* in so far as the data and descriptions included in the report on safety at work or the report on external safety comply with the provisions regarding the content of the safety report determined by and pursuant to this Decree.

4. If when the safety report is sent to the competent authority paragraph three is invoked and reference is made to a report on safety at work as referred to in Article 5 of the Working Conditions Act or to a report on external safety as referred to in Article 4 of the Decree referred to in paragraph two, the data contained in these reports to which reference is made for purposes of compliance with the requirement referred to in Article 14, paragraph one, shall be evaluated and an updated safety report shall be sent to the competent authority within five years after the data to which reference was made were sent to the supervisor designated for this purpose or within five years after these data were sent to the competent authority, as the case may be.

Article 29

Rules shall be laid down by order of Our Minister of Social Affairs and Employment regarding the data to be provided following a major accident by the operator of an establishment to the designated supervisor and regarding the supervision exercised by that supervisor.

Article 30

[Amends the Environmental Management Act Establishments and Licences Decree.]

Article 31

The Major Accidents (Risks) Decree shall be withdrawn.

Article 32

[Amends the Environmental Reporting Decree.]

Article 33

[Amends the In-house Fire-Fighting Services Decree.]

Article 34

[Amends the Working Conditions Decree.]

Article 35

This Decree becomes effective on a date to be determined by Royal Decree which dates can be different for various Articles or parts thereof.

Article 36

This Decree may be cited as: Major Accidents (Risks) Decree 1999.

Require and order that this Decree and its explanatory memorandum be placed in the Bulletin of Acts and Decrees.

The Hague, 27 May 1999

Beatrix

The Minister of Housing, Spatial Planning and the Environment;
J. P. Pronk

The State Secretary of the Interior and Kingdom Relations,
G. M. de Vries

The State Secretary of Social Affairs and Employment,
J. F. Hoogervorst

Published on the seventeenth of June 1999

The Minister of Justice,
A. H. Korthals

Annex I

Application of this Decree

1. Mixtures and preparations shall be treated in the same way as pure substances provided they remain within the concentration limits set according to their properties under the relevant Directive given in Part 2. Note 4, or their latest adaptation to technical progress, unless a percentage composition or other description is specifically given.
2. The qualifying quantities set out below relate to each establishment.
3. The quantities to be considered for the application of the relevant Articles are the maximum quantities

which may be present under the terms of the licence. 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 on the site.

4. The rules given in Part 3 governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate to Parts 1 and 2.

5. A gas is understood to mean a substance having an absolute vapour pressure of at least 101.3 kPa at a temperature of 20°C.

6. A liquid is understood to mean a substance not defined as a gas and which is not in a solid state at a temperature of 20°C and a standard pressure of 101.3 kPa.

Part 1. Named substances

Column 1	Column 2	Column 3
Dangerous substance	Qualifying quantity in tonnes for the application of Articles 4, 5, 6 and 26	Qualifying quantity in tonnes for the application of Articles 8, 9, 11, 13, 14, 21 and 22
1. Acetylene	5	50
2a. Ammonium nitrate ¹	5000	10000
2b. Ammonium nitrate ²	1250	5000
2c. Ammonium nitrate ³	350	2500
2d. Ammonium nitrate ⁴	10	50
3a. Potassium nitrate ⁵	5000	10000
3b. Potassium nitrate ⁶	1250	5000
4. Arsenic trihydride (arsine)	0,2	1
5. Petroleum products: a. benzenes and naphthas; b. petroleum (including kerosenes and aviation fuels), and c. diesel oil (including diesel, domestic heating oil and diesel oil mixed streams)	2500	25000
6. Bromine	20	100
7. Carbonyl dichloride (phosgene)	0,3	0,75
8. Chlorine	10	25
9. Arsenic pentoxide, arsenic(V) acid and/or its salts	1	2
10. Arsenic trioxide, arsenious (III) acid and/or its salts		0,1
11. Ethyleneimine	10	20
12. Ethylene oxide	5	50
13. Fluorine	10	20
14. Formaldehyde (concentration ≥ 90%)	5	50
15. Phosphorus trihydride (phosphine)	0,2	1
16. Lead alkyls	5	50
17. Methanol	500	5000
18. 4,4-Methylenebis (2-chloraniline) and/or its salts, in powder form		0,01
19. Methylisocyanate		0,15
20. Nickel compounds in inhalable powder form (nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide)		1

21. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent ⁷		0,001
22. Propylene oxide	5	50
23. Toluene diisocyanate	10	100
24. Hydrogen	5	50
25. Liquefied extremely flammable gases (including LPG) and natural gas	50	200
26. Hydrogen chloride (liquefied gas)	25	250
27. Oxygen	200	2000
28. Sulphur dichloride	1	1
29. Sulphur trioxide	15	75
30. The following carcinogens in concentrations of more than 5 percent by weight: 4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or its salts, Bis(chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethyl carbomoyl chloride, 1,2-Dibromo-3chloropropane, 1,2-Dimethyl hydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2-Naphtylamine and/or its salts, 4-Nitrodiphenyl and 1,3 Propanesultone	0,5	2

Part 2. Categories of substances, mixtures and preparations not specifically named in Part 1.

Column 1	Column 2	Column 3
Categories of dangerous substances and preparations: ⁸	Qualifying quantity in tonnes for the application of Articles 4, 5, 6 and 26	Qualifying quantity in tonnes for the application of Articles 8, 9, 11, 13, 14, 21 and 22
1. very toxic	5	20
2. toxic	50	200
3. oxidising	50	200
4. Explosive ⁹ , where the substance, preparation or article falls within ADR subclass 1.4	50	200
5. Explosive ⁹ , where the substance, preparation or article falls within one or more of ADR subclasses 1.1, 1.2, 1.3, 1.5 and 1.6 or risk phrase R2 or R3	10	50
6. Flammable ¹⁰	5000	50000
7a. Highly flammable ^{11.1} and ^{11.2}	50	200
7b. Highly flammable ^{11.3}	5000	50000
8. Extremely flammable ¹²	10	50
9. Dangerous for the environment in combination with risk phrase:		
a. R50: Very toxic to aquatic organisms;	100	200
b. R50/53: Very toxic to aquatic organisms: may cause long term adverse effects in the aquatic environment, and	100	200
c. R51/53: Toxic to aquatic organisms: may cause long term adverse effects in the aquatic environment, and	200	500
10. Substances and preparations not covered above in combination with risk phrases:		
a. R14: (reacts violently with water) (including R14/15)	100	500
b. R29: (in contact with water, liberates toxic gas)	50	200

NOTES

1. Ammonium nitrate (5,000/10,000): fertilisers capable of self-sustaining decomposition.

This applies to ammonium nitrate-based compound/composite fertilisers (compound or composite fertilisers containing ammonium nitrate with phosphate and/or potash) in which the nitrogen content as a result of ammonium nitrate is:

- between 15.75*% and 24.5**% by weight or less and either with not more than 0.4% total combustible or organic materials or which satisfy the provisions of Annex II to Council Directive 80/876/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilisers of high nitrogen content (OJ EC L 250), and
- 15.75***% or less by weight and with unrestricted combustible materials,

and which are capable of self-sustaining decomposition according to the UN Trough Test specified in United Nations Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria, Part III, paragraph 38.2.

* 15.75% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate.

** 24.5% nitrogen content by weight as a result of ammonium nitrate corresponds to 70% ammonium nitrate.

*** 15.75% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate.

2. Ammonium nitrate (1,250/5,000): fertiliser grade.

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers in which the nitrogen content as a result of ammonium nitrate is:

- more than 24.5% by weight, except for mixtures of ammonium nitrate 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; and
- more than 28% by weight**** for mixtures of ammonium nitrate with dolomite, limestone or calcium carbonate with a purity of at least 90%,

and which satisfy the provisions of Annex II to Council Directive 80/876/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilisers of high nitrogen content (OJ EC L 250).

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

3. Ammonium nitrate (350/2,500): technical grade.

This applies to:

- ammonium nitrate and preparations 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;
- is more than 28% by weight, and which contain not more than 0.2% combustible substances; and
- aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

4. Ammonium nitrate (10/50): "off-specs" material and fertilisers not satisfying the detonation resistance test.

This applies to:

- material rejected during the manufacturing process and to ammonium nitrate and preparations of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in footnotes 2 and 3, 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 footnotes 2 and 3; and

- fertilisers as described in footnotes 1, indent 1, and 2, which do not satisfy the provisions of Annex II to Council Directive 80/876/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilisers of high nitrogen content (OJ EC L 250).

5. Potassium nitrate (5,000/10,000): composite potassium nitrate-based fertilisers composed of potassium nitrate in prilled/granular form.

6. Potassium nitrate (1,250/5,000): composite potassium nitrate-based fertilisers composed of potassium nitrate in crystalline form.

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

International Toxic Equivalent Factors (ITEF) for the congeners of concern (NATO/CCMS)

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeDD	0.5	2,3,4,7,8-PeCDF	0.5
		1,2,3,7,8-PeCDF	0.05
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	0.001	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,6,8,9-HpCDF	0.01
		OCDF	0.001

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

8. Substances and preparations are classified in accordance with the following Directives and their current adaptation to technical progress:

- Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ EC L 196);
- Council Directive of the European Parliament and the Council 1999/45/EC of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ EC L 200);

In the case of substances and preparations which are not classified as dangerous according to either of the above directives, for example waste, but which are or may be present in an establishment and which may, under the conditions found at the establishment, have equivalent properties which could potentially create a major-accident hazard, the procedures for provisional classification shall be followed in accordance with the relevant Article of the appropriate Directive.

In the case of substances and preparations with properties giving rise to more than one classification, for

the purposes of this Directive the lowest qualifying quantities shall apply. However, for the application of the aggregation rule in Part 3 of this Annex, the qualifying quantity used shall always be the one corresponding to the classification concerned.

9. Explosive substances and preparations shall mean:

- a. substances or preparations which create the risk of an explosion by shock, friction, fire or other sources of ignition (risk phrase R2);
- b. substances or preparations which create extreme risks of explosion by shock, friction, fire or other sources of ignition (risk phrase R3), and
- c. substances, preparations or articles covered by Class 1 of the ADR.

Included in c are pyrotechnics, which for the purposes of the above Directive are defined as substances (or mixtures of substances) designated to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions. Where a substance or preparation is classified by both ADR and risk phrase R2 or R3, the ADR classification shall take precedence over assignment of risk phrases.

Substances and articles of Class 1 are classified in any of the divisions 1.1 to 1.6 in accordance with the ADR classification scheme. The divisions concerned are:

Division 1.1: Substances and articles which have a mass explosion hazard (a mass explosion is an explosion which affects almost the entire load virtually instantaneously);

Division 1.2: Substances and articles which have a projection hazard but not a mass explosion hazard;

Division 1.3: Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard:

- a) combustion of which gives rise to considerable radiant heat; or
- b) which burn one after another, producing minor blast or projection effects or both;

Division 1.4: Substances and articles which present only a slight risk in the event of ignition or initiation during carriage. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire shall not cause virtually instantaneous explosion of virtually the entire contents of the package;

Division 1.5: Very insensitive substances having a mass explosion hazard which are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of carriage. As a minimum requirement they shall not explode in the external fire test, and

Division 1.6: Extremely insensitive articles which do not have a mass explosion hazard. The articles contain only extremely insensitive detonating substances and demonstrate a negligible probability of accidental initiation or propagation. The risk is limited to the explosion of a single article. .

Included in this definition are also explosive or pyrotechnic substances or preparations contained in articles. In the case of articles containing explosive or pyrotechnic substances or preparations, if the quantity of the substance or preparation contained is known, that quantity shall be considered for the purposes of this Directive. If the quantity is not known, then, for the purposes of this Directive, the whole article shall be treated as explosive.

10. Flammable substances and preparations shall mean: flammable liquids:
substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C (risk phrase R 10), supporting combustion.

11. Highly flammable substances and preparations shall mean:
highly flammable liquids:

- 1°. substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any input of energy (risk phrase R 17);
- 2°. substances and preparations which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards;
- 3°. substances and preparations having a flash point lower than 21°C and which are not extremely flammable (risk phrase R 11, second indent).

12. Extremely flammable substances and preparations shall mean:
extremely flammable gases and liquids:

- 1°. liquid substances and preparations which have a flash point lower than 0°C and a boiling point (or, in the case of a boiling range, an initial boiling point) which at normal pressure is less than or equal to 35°C (risk phrase R 12, first indent);
- 2°. gaseous substances and preparations which are flammable in contact with air at ambient temperature and at normal pressure (risk phrase R 12, second indent), whether or not kept in the gaseous or liquid state under pressure, and
- 3°. flammable liquid substances and preparations maintained at a temperature above their boiling point.

Part 3

Formula as referred to in Articles 4, paragraph one, item b and 8, paragraph one, item b.
This Decree shall apply if the sum of $q_1/Q_{H1} + q_2/Q_{H2} + q_3/Q_{H3} + q_4/Q_{H4} + q_5/Q_{H5} + \dots$ is greater than or equal to 1.

Where:

q_x = the quantity of dangerous substances x or category of dangerous substances falling within Parts 1 or 2, and

Q_{Hx} = the qualifying quantity given for that substance or category in column 3 of Part 1 or Part 2.

With the exception of Articles 8 to 22, this Decree shall apply if the sum of $q_1/Q_{L1} + q_2/Q_{L2} + q_3/Q_{L3} + q_4/Q_{L4} + q_5/Q_{L5} + \dots$ is greater than or equal to 1.

Where:

q_x = the quantity of dangerous substances x or category of dangerous substances falling within Parts 1 or 2, and

Q_{Lx} = the qualifying quantity given for that substance or category in column 2 of Part 1 or Part 2.

This formula is used to assess the risks related to toxicity, flammability and ecotoxicity. The rule is therefore applied successively for the aggregation of the:

1. substances and preparations named in Part 1 which are classified as toxic or highly toxic, together with substances and preparations which belong to categories 1 or 2 as referred to in Part 2;
2. substances and preparations named in Part 1 which are classified as oxidising, explosive, flammable, highly flammable or extremely flammable, together with substances and preparations which belong to categories 3, 4, 5, 6, 7a, 7b or 8 as referred to in Part 2;
3. substances and preparations with risk phrases R50, R50/53 or R51/53 named in Part 1 which are classified as dangerous for the environment, together with substances and preparations which

belong to categories 9a, 9b or 9c as referred to in Part 2.

This Decree shall apply if the aggregation result is greater than or equal to 1 in at least one of the three cases.

Annex II.

The safety management system referred to in Article 5, paragraph three, covers:

- a. the parts 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;
- b. organisation and employees: the roles and responsibilities of employees involved in the management of major hazards at all levels in the organisation, the identification of training needs of such employees and the provision of the training so identified, and the involvement of employees and any contractors' and subcontractors' employees working in the establishment;
- c. identification and evaluation of major-accident hazards: adoption and implementation of procedures for systematically identifying undesired events that could constitute a major-accident hazard arising from normal and abnormal operation and the assessment of their likelihood and severity;
- d. operational control: adoption and implementation of procedures and instructions for safe operation, including maintenance of installations and temporary stoppages;
- e. management of change: adoption and implementation of procedures for planning modifications to the establishment or parts thereof or the design of a new procedure;
- f. planning for emergencies: adoption and implementation of procedures to identify emergencies by systematic analysis and to implement, practise and test emergency plans and the appropriate training of the employees concerned; The training applies to the employees of the establishment, including the employees of contractors and subcontractors working in the establishment;
- g. monitoring performance: adoption and implementation of procedures for the ongoing assessment of compliance with the objectives set by the operator's major-accident prevention policy and safety management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures should 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;
- h. audit and review: adoption and implementation of procedures for periodic systematic assessment of the major-accident prevention policy and the effectiveness and suitability of the safety management system; for the documented management review of the results of the implemented policy and safety management system and its updating.

Annex III.

1. The safety report referred to in Article 10, paragraph one, shall at least contain:

- a. information on the safety management system and on the organisation of the establishment with a view to major accident prevention as referred to in Article 5, paragraph three;
- b. a description of the establishment and its environment, including the geographical location, meteorological, geological and hydrographical conditions and, if necessary to evaluate the risks, its history;

- c. an indication of the maximum number of persons working in the establishment and the maximum number of persons on-site and off-site exposed to a major-accident hazard, as well as an indication of the distribution of the number of persons throughout the establishment;
- d. a description of the installations and other activities of the establishment which could present a major-accident hazard;
- e. a description of the zones which may be affected by a major accident, where relevant to:
 - 1°. on-site safety;
 - 2°. off-site safety;
 - 3°. preparations for disaster relief;
- f. a description of the main activities and products of the parts of the establishment which are important from the point of view of safety;
- g. a description of the major accidents within the establishment which could create a hazard outside the establishment and a summary of measures taken to limit the risk of these accidents happening and their consequences;
- h. for each installation, a description as referred to in g, to the extent that it relates to potential on-site major-accident hazards;
- i. a description of the processes that take place in the establishment and their progress;
- j. a description of the substances found in the establishment and the properties and behaviours of these substances under the circumstances applicable to the establishment and under foreseeable accidental conditions, as well as the quantities in which these substances may occur in the establishment;
- k. for each installation, a detailed description of the possible major-accident scenarios and their probability and the conditions under which they occur including a summary of the events which may play a major role in triggering each of these scenarios;
- l. a detailed description of the possible major-accident scenarios on the premises of the establishment that are decisive for the content of the internal emergency plan referred to in Article 22, and for the extent and equipment of the in-house fire-fighting service as referred to in Article 1 of the In-House Fire-Fighting Services Decree;
- m. a description of the organisation of the in-house fire-fighting service deemed necessary, including the extent of the personnel and equipment;
- n. an assessment of the extent and severity of the consequences of identified major accidents, including maps, pictures and, if useful, equivalent descriptions on or in which the areas most likely to be affected by such accidents caused by the establishment are identified;
- o. a risk analysis as referred to in 2, as well as a description of the environmental risks;
- p. a description of the technical parameters and equipment used for the safety of the installations;
- q. a description of the measures of protection and intervention to limit the consequences of a major accident in the establishment, including at least a description of:
 - 1°. the equipment installed on the installation to limit the consequences of major accidents;
 - 2°. the organisation of alert and intervention;
 - 3°. the mobilisable resources, internal or external;

- 4°. the consequences of the descriptions referred to in this paragraph for the internal emergency plan referred to in Article 22;
 - r. any other information that may be necessary with a view to preparing for disaster relief;
 - s. the relevant organisations involved in producing the safety report.
2. The risk analysis referred to in 1, at o, shall contain:
- a. an estimate of the likelihood that the major accidents referred to in 1, at g, may occur and the estimated magnitude of the effects of these accidents outside the establishment;
 - b. a graph showing the relationship between the logarithm of the magnitude of the consequences of the major accidents referred to in 1, at g, expressed in numbers of fatalities outside the establishment, and the logarithm of the likelihood of these accidents occurring; the horizontal axis of the graph showing the logarithm of the number of fatalities, stating the numbers 0 to 4; the vertical axis showing the logarithm of the cumulative likelihood per annum of the occurrence of the incidents with at least that magnitude, stating the numbers -9 to 0;
 - c. the standard topographical map or maps relating to the environment of the establishment, with a scale of 1 : 10,000, with a line connecting the locations outside the establishment where the individual risk contour is 10^{-4} , 10^{-5} , 10^{-6} , 10^{-7} and 10^{-8} respectively.

Annex IV.

The internal emergency plan referred to in Article 22, paragraph one, shall at least contain the following information and descriptions:

- a. the name and position of persons authorised to set emergency procedures in motion and the person in charge of and coordinating the on-site mitigatory action;
- b. the name and 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 condition or event and to limit its consequences, including a description of the safety equipment and the resources available;
- d. the 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. the 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. the arrangements for training employees in the duties they will be expected to perform, and where necessary coordinating this with off-site emergency services;
- g. the arrangements for providing assistance with off-site mitigatory action.